AGENDA

CITY OF HOUSTON ▪ CITY COUNCIL
DECEMBER 8 & 9, 2015

MAYOR
ANNISE D. PARKER

CONTROLLER
RONALD C. GREEN

DISTRICT COUNCIL MEMBERS

Brenda Stardig
District A

Jerry Davis
District B

Ellen R. Cohen
District C

Dwight A. Boykins
District D

Dave Martin
District E

Richard Nguyen
District F

Oliver Pennington
District G

Edward Gonzalez
District H

Robert Gallegos
District I

Mike Laster
District J

Larry V. Green
District K

AT-LARGE COUNCIL MEMBERS

Stephen C. Costello
Position 1

David W. Robinson
Position 2

Michael Kubosh
Position 3

C.O. "Brad" Bradford
Position 4

Jack Christie D.C.
Position 5

Marta Crinejo Director - City Council Agenda

Anna Russell City Secretary

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To reserve time to appear before Council call 832-393-1100 or come to the Office of the City Secretary, City Hall Annex, Public Level at least 30 minutes prior to the scheduled public session shown on the agenda.
NOTE: If a translator is required, please advise when reserving time to speak

AGENDA - COUNCIL MEETING Tuesday, December 8, 2015 - 1:30 PM
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL

PRESENTATIONS

2:00 P.M. – INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Gallegos

ROLL CALL AND ADOPT MINUTES OF PREVIOUS MINUTES

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 this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office.

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

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WEDNESDAY - DECEMBER 9, 2015 - 9:00 A. M.

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

HEARINGS

1. **9:00 A.M.** - **PUBLIC HEARING** relative to providing Resolutions of No Objection to provide Multi-Family Properties the 4% Housing Tax Credit applications of the following for two affordable housing communities:
   GARDEN CITY APARTMENTS
   9601 W. Montgomery Rd. DISTRICT B - DAVIS
   KISSITO CENTER FOR HEALTHY LIVING
   6901 Bellfort DISTRICT I - GALLEGOS

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not

limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 75

MISCELLANEOUS - NUMBERS 2 through 5

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON BARC FOUNDATION BOARD OF DIRECTORS**:

Position Sixteen - **JULIE DEGAR DOW**, for a term to expire 12/31/2018
Position Seventeen - **JANICE A. RUDD**, for a term to expire 12/31/2017

3. REQUEST from Mayor for confirmation of the appointment of **KIMBERLY DIXON-DUDLEY** to Position Three of the **BOARD OF PUBLIC TRUSTS**, for a term to expire March 22, 2017

4. RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** for Fiscal Year 2016 - January 1, 2016 - December 31, 2016

5. RECOMMENDATION from Director Department of Public Works & Engineering for payment to **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for Water System Fees for Calendar Year 2016 - $2,009,199.75 - Enterprise Fund

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of $476,456.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.** for Soil Remediation and Replacement at Tony Marron Park Expansion - **DISTRICT H - GONZALEZ**

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $476,057.32 and acceptance of work on contract with **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation, (4277-69) - 2.53% under the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 15

8. **WATERBLASTING, LLC** for Stripe Hog Replacement Parts and Repair Services for the Houston Airport System - 3 Years with two one-year options - $345,096.92 - Enterprise Fund

9. **AMEND MOTION #2012-662**, **8/29/2012**, **TO INCREASE** spending authority from $631,616.70 to $884,263.38 for Fire Ground Communication Equipment for the Houston Fire Department, awarded to **SCOTT TECHNOLOGIES, INC**

dba SCOTT SAFETY - General Fund

10. **MCNEILUS TRUCK & MANUFACTURING** for McNeilus Refuse Body Replacement Parts and Repair Services for the Fleet Management Department - 3 Years with two one-year options $620,400.00 - Fleet Management Fund
11. **CAP FITTERS UPFITTERS** for Emergency and Safety Vehicle Equipment Parts and Repair Services for the Fleet Management Department - 3 Years with two one-year options $14,500,000.00 - Equipment Acquisition Consolidated and Fleet Management Funds
12. **NORTHWEST ASSISTANCE MINISTRIES** for payment of Emergency Aging and Nutrition and Transportation Services for the Houston Health Department - $315,509.40 - Grant Fund
13. **BRH-GARVER CONSTRUCTION, L.P.** for Emergency Sanitary Sewer Line Repairs for the Department of Public Works & Engineering - $1,018,507.00 - Enterprise Fund
14. **AMEND MOTION #2010-592**, **PREVIOUSLY AMENDED BY MOTION #2014-1052**, **12/10/2014**, **TO EXTEND** the expiration date from December 31, 2015 to December 31, 2016, and **TO INCREASE** spending authority from $7,629,497.25 to $8,689,472.25 for Apparel Uniforms for Various Departments, awarded to **SERVICEWEAR APPAREL, INC** - $1,081,575.00 General, Enterprise and Other Funds
15. **AMEND MOTION #2014-451**, **5/28/2014**, **TO INCREASE** spending authority from $7,648,808.75 to $9,021,308.75 for Industrial Supplies and Equipment, Janitorial Supplies and Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **W. W. GRAINGER** $1,372,500.00 - General, Enterprise and Other Funds

RESOLUTIONS - NUMBERS 16 through 18

16. RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Lee Road at HCFCD Ditch) - **DISTRICTS B - DAVIS and D - BOYKINS**
17. RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Botany at HCFCD Ditch) - **DISTRICTS A - STARDIG and D - BOYKINS**
18. RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Grapevine Street at HCFCD Ditch) administered by the Texas Department of Transportation - **DISTRICTS B - DAVIS and K - GREEN**

ORDINANCES - NUMBERS 19 through 75

19. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to the BARC Foundation; approving the amended bylaws of the BARC Foundation

20. ORDINANCE **AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to Civil Service and other employment related provisions

21. ORDINANCE **AMENDING SECTION 16-3 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to term limits for Municipal Court Judges

22. ORDINANCE **AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to nationally competitively bid events

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide water line easement and a portion of a 20-foot-wide sanitary sewer easement; vacating and abandoning said parcels to Willowbrook Mall (TX), LLC, the abutting owner, in consideration of owner's payment of $3,000.00 to the City and the conveyance to the City of a 20-foot-wide water line easement, a 100-square-foot fire hydrant easement and a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G.W. Childress Survey, A-217, Harris County, Texas, and other good and valuable consideration - **DISTRICT A - STARDIG**

24. ORDINANCE appropriating $2,500,000.00 from TIRZ Affordable Housing Fund; approving and authorizing Performance-Based Loan of the appropriated funds from the City of Houston to **MONTROSE COUNSELING CENTER, INC** to assist with construction of a 112 unit Multifamily Housing Community, to be located in the vicinity of 2222 Cleburne Street, in Houston, Texas, that will provide affordable housing to low income seniors - **DISTRICT D - BOYKINS**

25. ORDINANCE approving and authorizing Election Services Agreement between the City of Houston and **HARRIS COUNTY** relating to the Joint Run-Off Election to be held on December 12, 2015; providing a maximum contract amount - $2,035,301.13 - General Fund

26. ORDINANCE amending Exhibit "A" of the City of Houston Ordinance No. 2015-753 to add one Senior Communications Captain position until such time as one of the incumbents leaves the position of Senior Communications Captain, in connection with settlement of a lawsuit styled Isaac J. O'Neal, III and James J. Dugar v. City of Houston, Texas, Civil Action No. 4:14-CV-00236, substituting the amended Exhibit as part of the current Houston Fire Department Classified Personnel Ordinance; providing a repealer; providing for severability - $5,883.85 - General Fund

27. ORDINANCE approving and authorizing submission of an application for grant to the Texas Parks and Wildlife Department for an Urban Outdoor Recreation Grant for improvements at Emancipation Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept and expend such grant funds, if awarded, and to apply for, accept and expend all subsequent awards, if any, pertaining to the program - **DISTRICT D - BOYKINS**

28. ORDINANCE approving and authorizing first amendments to contracts between the City of Houston and 1) **THE UNIVERSITY of TEXAS HEALTH SCIENCE CENTER at HOUSTON**, 2) **MEMORIAL HERMANN HEALTH**

SYSTEM, and 3) **HARRIS COUNTY HOSPITAL DISTRICT, d/b/a HARRIS HEALTH SYSTEM**, respectively, for routine HIV Screening Services; amending Ordinance No. 2014-676 to increase the maximum contract amounts of the above agreements - $495,194.00 - Grant Fund

29. ORDINANCE terminating Lease Agreement No. 74745 between the City of Houston and the **UNITED STATES of AMERICA**, acting by and through the General Services Administration on behalf of the Transportation Security Administration and concurrently approving and authorizing new Lease Agreement between the City of Houston and the **UNITED STATES of AMERICA**, acting by and through the General Services Administration on behalf of Transportation Security Administration for certain premises at William P. Hobby Airport - **DISTRICT I - GALLEGOS**

30. ORDINANCE approving, authorizing, and awarding an agreement between the City of Houston and **GENESIS NETWORKS ENTERPRISES, LLC** for Contingent Workforce Vendor Management System for the Human Resources Department; providing a maximum contract amount $60,000.00 - Central Service Revolving Fund

31. ORDINANCE amending Ordinance No. 2013-1005 authorizing **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390** to issue bonds for certain road facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a Public Improvement Agreement (MUD 390 City Park Proximity Agreement) - **DISTRICT D - BOYKINS**

32. ORDINANCE designating the **HALLIBURTON ENERGY SERVICES, INC REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT B - DAVIS**

33. ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas, and **HALLIBURTON ENERGY SERVICES, INC** for property located within the Halliburton Energy Services, Inc. Reinvestment Zone - **DISTRICT B - DAVIS**

This item should only be considered after passage of Item 32 above

34. ORDINANCE designating a contiguous geographic area within the City of Houston located in the Montrose Area as **REINVESTMENT ZONE NUMBER TWENTY-SEVEN, CITY OF HOUSTON, TEXAS (MONTROSE ZONE)**, for Tax Increment Financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a Board of Directors for such Zone; containing findings and other provisions relating to the foregoing subject; providing a severability clause - **DISTRICT C - COHEN**

35. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Post Oak Boulevard Project; authorizing the acquisition, by gift, dedication, purchase, or eminent domain proceedings, of the fee simple title or street easements in and to thirteen parcels of land required for the project and situated in the William White 1/3 League Survey, Abstract No. 836, Harris County, Texas, said parcels of land being located along the east and west lines of Post Oak Boulevard in Houston, Harris County, Texas; authorizing payment of the costs of such acquisitions, including

the purchase prices for the property interests and costs associated with relocation assistance, appraisals, title policies/services, recordation of instruments, and eminent domain proceedings; ratifying a Public Improvement Development Agreement among the City of Houston, Texas, Uptown Development Authority, and Reinvestment Zone Number Sixteen, City of Houston, Texas - **DISTRICT G - PENNINGTON**

36. ORDINANCE appropriating $7,616,687.00 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Six, City of Houston, Texas (Eastside Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for Affordable Housing and payments to **HOUSTON INDEPENDENT SCHOOL DISTRICT** as provided herein

37. ORDINANCE approving and authorizing Development, Operating, and Concession Agreement between the City of Houston, Texas and **HOUSTON ARBORETUM & NATURE CENTER** for the Houston Parks and Recreation Department for Development and Operation of the Houston Arboretum & Nature Center - **DISTRICT C - COHEN**

38. ORDINANCE approving and authorizing Development, Construction, Operations, Maintenance and Concession Agreement between the City of Houston, Texas, **UPTOWN DEVELOPMENT AUTHORITY**, and **MEMORIAL PARK CONSERVANCY, INC** for the Houston Parks and Recreation Department for the development, operation and maintenance of Memorial Park - **DISTRICT C - COHEN**

39. ORDINANCE approving and authorizing Master License Agreement for the use of the City's right-of-way for the installation of small cell antennas or Outdoor Distributed Antenna Systems for Wireless Networks; approving and authorizing such Master License Agreement between the City of Houston and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS**; authorizing the Mayor to execute all such subsequent Master License Agreements with other companies who consent to the same

40. ORDINANCE approving and authorizing Master License Agreement for the use of the City's right-of-way for the installation of small cell antennas or Outdoor Distributed Antenna Systems for Wireless Networks between the City of Houston and **CROWN CASTLE NG CENTRAL LLC**

41. ORDINANCE approving and authorizing third amendment to agreement for Maintenance and Operational Support Services of the Consolidated Dispatching System at the Houston Emergency Center between the City of Houston and **NORTHROP GRUMMAN SYSTEMS CORPORATION** (**Formerly Northrop Grumman Information Technology Inc**.)

42. ORDINANCE amending Ordinance No. 2008-0892 (Passed on October 8,

2008) to increase the maximum contract amount for contract between the City of Houston and the **FIERRO GROUP, LTD. CO. dba FENCEMASTER of HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments - $1,275,797.00 - General and Enterprise Funds

43. ORDINANCE amending Ordinance No. 2013-0883 (Passed on October 2, 2013) to increase the maximum contract amount for contract between the City of Houston and **EAN HOLDINGS, LLC** for Vehicle Leasing Services Citywide - $2,190,000.00 - Enterprise and Building Inspection Funds

44. ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **LION TOTALCARE, INC** for Cleaning, Decontamination and Repair Services for Fire Protective Ensembles for Various Departments - 1 Year

45. ORDINANCE amending Ordinance No. 2015-0250 to increase the maximum contract amount for contract between the City of Houston and **STRYKER SALES CORPORATION** for Maintenance and Repair Services on Stryker Stretcher Cots for the Houston Fire Department

46. ORDINANCE approving and authorizing fifth amendment to contract (Approved by Ordinance No. 2000-0840) between the City of Houston and **GLOBAL TEL*LINK SYSTEMS** for the Houston Police Department to modify the annual payment rates and commission payment

47. ORDINANCE appropriating $623,350.00 out of Equipment Acquisition Consolidated Fund and approving, authorizing, and awarding contract between the City of Houston and **AURIGO SOFTWARE TECHNOLOGIES, INC** for Design and Construction Project Management Software System for the General Services Department; providing a maximum contract amount – 3 Years with two one-year options - $1,002,100.00

48. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **540 Arlington Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

49. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1131 Ashland Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

50. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2204 Decatur Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability; and declaring an emergency.

51. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **121 East 10th Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

52. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **525 Frasier Street** in Houston, Texas; containing findings and other

provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

53. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **702 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

54. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1304 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

55. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2131 Troon Road** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT G - PENNINGTON**

56. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2184 Troon Road** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**

57. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1131 Tulane Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

58. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1409 Tulane Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

59. ORDINANCE establishing the Glenbrook Valley Subdivision, Sections 1, 2, 5 and 8, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - GALLEGOS**

60. ORDINANCE establishing the Glenshire Subdivision, Sections 1, 3, 5 and 7, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **- DISTRICT K - GREEN**

61. ORDINANCE establishing the Glenshire Subdivision, Sections 2 and 6, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

62. ORDINANCE establishing the Glenshire Subdivision, Sections 2, 4, 6 and 8, within the City of Houston as a special minimum lot size area pursuant to

Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

63. ORDINANCE establishing the Glenshire Subdivision, Sections 7 and 9, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

64. ORDINANCE establishing the north and south sides of the 4500-4600 block of Providence Street, between Amboy Street and Schweikhardt Street, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **- DISTRICT D - BOYKINS**

65. ORDINANCE appropriating $2,342,937.43 out of Parks Consolidated Construction Fund, and $250,000.00 out of Parks & Recreation Dedication Fund; awarding construction contract to **JERDON ENTERPRISE L.P.** for Gragg Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, the Parks and Recreation Dedication Fund, the Parks Special Revenue Fund, the Parks Special Fund and the General Fund - **DISTRICT I - GALLEGOS**

66. ORDINANCE appropriating $1,023,000.00 out of Parks Consolidated Construction Fund, and $234,200.00 out of Parks & Recreation Dedication Fund; awarding construction contract to **GADBERRY CONSTRUCTION COMPANY, INC** for Metropolitan Multi-Service Center; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, and the Parks and Recreation Dedication Fund - **DISTRICT C - COHEN**

67. ORDINANCE consenting to the addition of 26.83 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 159**, for inclusion in its district

68. ORDINANCE appropriating $5,000,000.00 out of Street & Traffic Control and Storm Drainage DDSRF; approving and authorizing purchase of land acquisitions and other interests in real property and payment of the costs of such purchases and/or condemnations, with associated costs for Appraisal Fees, Title Policies and Services, expenses associated with removing improvements from the right-of-way, relocation expenses, recording fees and other services, in connection with negotiations to settle purchases, court costs and expert witness fees for and in connection with construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

69. ORDINANCE appropriating $2,000,000.00 out of Water & Sewer System Consolidated Construction Fund and $1,020,000.00 out of Street & Traffic Control & Storm Drainage DDSRF for Fiscal Year 2016 funding for the Developer Participation Contracts (Approved by Ordinance No. 2008-0307, as amended)

70. ORDINANCE allocating $257,178.00 out of 2015 Flood Disaster CUS Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC** for technical support of the extreme rain event at the Southwest Wastewater Treatment Plant - **DISTRICT C - COHEN**

71. ORDINANCE appropriating $20,787,611.00 out of Street & Traffic Control and Storm Drainage DDSRF and $5,566,081.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **OSCAR RENDA CONTRACTING, INC** for Memorial Drive Paving and Drainage Improvements from North Kirkwood Road to North Eldridge Parkway; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF and the Water & Sewer System Consolidated Construction Fund - $12,647,308.00 - Grant Fund - **DISTRICT G - PENNINGTON**

72. ORDINANCE appropriating $295,736.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and the **UPPER KIRBY REDEVELOPMENT AUTHORITY** for the Design and Construction of Water and Sewer Lines on Bissonnet Street from Buffalo Speedway to Kirby Drive - **DISTRICT C - COHEN**

73. ORDINANCE appropriating $4,135,892.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC dba IPR SOUTH CENTRAL, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (WW4258-67)

74. ORDINANCE granting to **NORTHSTAR DEMOLITION AND REMEDIATION, LP, A Texas Limited Partnership**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

75. 1. ORDINANCE No. 2015-1146, passed second reading December 2, 2015 ORDINANCE granting to **GOWER CONSTRUCTION CO., INC, A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 76 and 77

NON-CONSENT - MISCELLANEOUS

76. RECEIVE nominations for Positions 11 and 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for terms that will end March 1, 2017

77. **SET A PUBLIC HEARING DATE** regarding the designation of the **FAIRWAY ENERGY PARTNERS, LLC REINVESTMENT ZONE** for tax abatement purposes - **DISTRICT K - GREEN**
HEARING DATE - TUESDAY - 9:00 A.M. - DECEMBER 22, 2015

MATTERS HELD - NUMBERS 78 through 82

78. ORDINANCE **UPDATING AND AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parks and Recreation and making conforming amendments to other Chapters of the Code of Ordinances
TAGGED BY COUNCIL MEMBER LASTER
This was Item 22 on the Agenda of December 2, 2015

79. ORDINANCE approving and authorizing Amended and Restated Interlocal Agreement between the City of Houston and **HOUSTON CIVIC EVENTS, INC**, a Local Government Corporation; adopting by reference certain findings in the agreement; authorizing certain disbursements
TAGGED BY COUNCIL MEMBERS LASTER, KUBOSH and STARDIG
This was Item 23 on Agenda of December 2, 2015

80. ORDINANCE appropriating $520,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract; approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **BLACK & VEATCH CORPORATION** for Update to Biosolids Management Plan (Approved by Ordinance No. 2012-0455, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
TAGGED BY COUNCIL MEMBER GREEN
This was Item 61 on Agenda of December 2, 2015

81. ORDINANCE appropriating $3,288,000.00 from the Water & Sewer System Consolidated Construction Fund (Fund 8500); authorizing the transfer of $526,080.00 from Fund 8500 into the Public Works and Engineering Northeast Water Purification Plant Expansion (NEWPP) Construction Fund (Fund 8506) and approving expenditures of funds therefrom for services associated with the Northeast Water Purification Plant Expansion Project (the "Project"); de-appropriating $2,761,920.00 from the sum previously appropriated from Fund 8500 and appropriating same amount for the Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) for the Project; authorizing the funds expenditures from Fund 8505 for payment of services associated with the Project; providing funding for CIP Cost Recovery relating to the Project; providing funding for the stipends relating to the Project; approving and authorizing a Design-Build Agreement between the City and

HOUSTON WATERWORKS TEAM, a joint venture between **CH2M HILL ENGINEERS, INC** and **CDM CONSTRUCTORS, INC** for the Northeast Water Purification Plant Expansion Project; providing a maximum contract amount - **DISTRICT E - MARTIN**
TAGGED BY COUNCIL MEMBERS STARDIG and CHRISTIE
This was Item 65 on Agenda of December 2, 2015

82. ORDINANCE approving and authorizing submission of an application for grant assistance from the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for the FY16/17 Environmental Surveillance Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department or his designee to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
TAGGED BY COUNCIL MEMBER DAVIS
This was Item 89 on Agenda of December 2, 2015

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Christie 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 POSITIONED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE (HOUSTON CITY CODE 2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date:

SP120815

Agenda Item#:

ATTACHMENTS:

Description	Type
SP120815	Signed Cover sheet

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR – TUESDAY
December 8, 2015 – 2:00 PM

NON-AGENDA

2MIN 2MIN 2MIN

MR. MARIO VILLARREAL – 252 Lenox Ave. – 77011 – 956-372-7615 – Fire hazard in neighborhood

3MIN 3MIN 3MIN

MR. DONALD BURNS – 13021 Donegal – 77047 – 713-882-0307 – Why City of Houston sued Safety Skid

MS. THERESA DEROUSSELLE – 7522 Elbert – 77028 – 713-634-8377 – Appeal

MR. WILLIE WORTHY – 815 Sweet Flowers Dr. – 77073 – 281-408-3558 – Trespassing by cops – Sheriff wont' help

MR. WILLIAM BEAL – 4718 Boicewood St. – 77016 – 713-672-7571 – Dracula has risen from the grave 1968 Christopher Lee

MR. VAN ARNOLD – 11503 Craighead – 77025 – 713-478-6456 TXDOT Property

MR. JOHN JOHNSON – 7102 Wendemere St. – 77088 – 832-453-1900 – Problems with street repair at Little York and Wendemere St.

MS. VERNELLE TAYLOR – 3207 Hinton Blvd. – 77002 – 713-861-9062 – Housing Issues, Ike Rebuild Program

PREVIOUS

1MIN 1MIN 1MIN

MR. AL LLOYD – 3312 Ozark – 77021 – 713-305-2259 – City Ordinances

U.S. PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 832-746-1027 – P/France T/Killings-W/E-Gonzalez W/A-Garcia-W/P-Brown W/U-Isis-ISAL W/Cartels-W/KKK-W/Obama

MR. JOSEPH OMO OMUARI – 3939 North Frwy, #210 – 77022 – 832-815-7006 – The rise of communism, racketeering/ fall truth, justice and democracy

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
District B, District I
Item Creation Date: 11/18/2015

HCD15-85 4% Housing Tax Credit Applications

Agenda Item#: 1.

Summary:

9:00 A.M. - **PUBLIC HEARING** relative to providing Resolutions of No Objection to provide Multi-Family Properties the 4% Housing Tax Credit applications of the following for two affordable housing communities:

GARDEN CITY APARTMENTS
9601 W. Montgomery Rd. DISTRICT B - DAVIS
KISSITO CENTER FOR HEALTHY LIVING
6901 Bellfort DISTRICT I - GALLEGOS

Background:

The Texas Department of Housing and Community Affairs (TDHCA) administers the state's housing tax credit program, which provides federal tax credits to spur the development of affordable housing.

Per Texas Government Code Section 2306-67071 and the TDHCA's 2015 Qualified Allocation Plan, the local governing body of the jurisdiction where a project is to be located must "hold a hearing…to solicit public input concerning the Application or Development" before a developer can submit an application for non-competitive 4% tax credits.

The developers for the two properties listed below have requested a Resolution of No Objection to their applications for 4% tax credits.

- The Kissito Center for Healthy Living received a similar resolution in June 2014, however the developer subsequently cancelled the project on the original site due to neighborhood resistance. A new site is under contract, and the developer is meeting with neighborhood groups to obtain their support; early indications are positive. HCDD is currently underwriting the Kissito project. Upon successful completion of the underwriting process, HCDD intends to provide gap financing in support of this development.
- The developer of the Garden City Apartments has not requested funding from HCDD; however due to the afore-mentioned statute, the developer is required to obtain a Resolution from the City in order to qualify for tax credits. This is a $29 million project, including $9 million of pure hard costs, to provide extensive exterior and interior renovations including upgraded kitchens and bathrooms, plus a complete remodel of the existing community building.

Following is information on the two applications:

Property Name	Tax Credit Applicant	Project	No. of Units	Location	Council District
Garden City Apartments	Steele Texas LIHTC LLC	Sec. 8 rehab	253	9601 W. Montgomery Road	B
Kissito Center for Healthy Living	Riverside Houston VOA Kissito LLC	Seniors	112	6901 Bellfort Ave.	I

HCDD requests a motion to hold the public hearing on December 9, 2015.

This item was reviewed by the Housing and Community Affairs Committee on November 17, 2015.

Contact Information:

Roxanne Lawson
832.394.6282

ATTACHMENTS:

Description	Type
HCD15-85 RCA	Signed Cover sheet
HCD15-85 Map	Backup Material
HCD15-85 Financial Information	Financial Information

HCD15-85

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION** 15 – Motion - 2 props

SUBJECT: A motion establishing a date for a Public Hearing to provide Resolutions of No Objection for the 4% housing tax credit applications of two multifamily properties	**Category #**	**Page** 1 of 1	**Agenda Item #**
FROM: Neal Rackleff, Director Housing and Community Development Department	**Origination Date** 11/18/2015	**Agenda Date**	
DIRECTOR'S SIGNATURE:	**Council District affected:** B, I		
For additional information contact: Roxanne Lawson **Phone:** 832-394-6282	**Date and identification of prior authorizing Council action:** N/A		

RECOMMENDATION: Approval of a motion establishing a date for a Public Hearing to provide Resolutions of No Objection for the 4% housing tax credit applications of two multifamily properties

Amount of Funding: None	**Finance Budget:**

SOURCE OF FUNDING [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund

No funding required

SPECIFIC EXPLANATION:

The Texas Department of Housing and Community Affairs (TDHCA) administers the state's housing tax credit program, which provides federal tax credits to spur the development of affordable housing.

Per Texas Government Code Section 2306-67071 and the TDHCA's 2015 Qualified Allocation Plan, the local governing body of the jurisdiction where a project is to be located must "hold a hearing...to solicit public input concerning the Application or Development" before a developer can submit an application for non-competitive 4% tax credits.

The developers for the two properties listed below have requested a Resolution of No Objection to their applications for 4% tax credits.

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Kissito Center for Healthy Living	Riverside Houston VOA Kissito LLC	Seniors	112	6901 Bellfort Ave.	I

HCDD requests a motion to hold the public hearing on December 9, 2015.

This item was reviewed by the Housing and Community Affairs Committee on November 17, 2015.

NR:JN:SS

Cc: CSC, FIN, MYR, LGL

REQUIRED AUTHORIZATION

Finance Department:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 12/4/2015

ADMIN REPORT

Agenda Item#:

Summary:

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRE FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbra report for the General Fund, all special revenue funds and all enterprise funds, and a report on the statu bond funds

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 11/30/2015

MYR ~ 2015 Houston BARC Foundation Appts. ltr. 11-30-15

Agenda Item#: 2.

Summary:

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON BARC FOUNDATION BOARD OF DIRECTORS**:

Position Sixteen - **JULIE DEGAR DOW**, for a term to expire 12/31/2018
Position Seventeen - **JANICE A. RUDD**, for a term to expire 12/31/2017

Background:

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to section 6-27 of the Code of Ordinances, Houston, Texas and the Articles of Incorporation and Bylaws of the Houston BARC Foundation, I am nominating for appointment the following individuals to the Houston BARC Foundation Board of Directors, subject to Council confirmation:

Julie DeGar Dow, appointment to Position Sixteen, for a term to expire December 31, 2018; and
Janice A. Rudd, appointment to Position Seventeen, for a term to expire December 31, 2017.

The résumés of the nominees are attached for your review.

Sincerely,

ATTACHMENTS:

Description	Type
MYR ~ 2015 Houston BARC Foundation Appts. ltr. 11-30-15	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 11/30/2015

MYR ~ 2015 Board of Public Trusts ReAppts. ltr. 11-30-15

Agenda Item#: 3.

Summary:

REQUEST from Mayor for confirmation of the appointment of **KIMBERLY DIXON-DUDLEY** to Position Three of the **BOARD OF PUBLIC TRUSTS**, for a term to expire March 22, 2017

Background:

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Section 36-21 of the City of Houston Code of Ordinances, I am appointing the following individual to the Board of Public Trusts, subject to City Council confirmation:

Kimberly Dixon-Dudley, appointment to Position Three, for a term to expire March 22, 2017.

The résumé of the appointee is attached for your review.

Sincerely,

ATTACHMENTS:

Description	Type
MYR ~ 2015 Board of Public Trusts ReAppts. ltr. 11-30-15	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/30/2015

MYR-Greater HC 9-1-1 Emergency Network, Year 2016

Agenda Item#: 4.

Summary:

RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** for Fiscal Year 2016 - January 1, 2016 - December 31, 2016

Background:

The Houston Emergency Center is requesting City Council's approval of the Greater Harris county 9-1-1 Emergency Network's annual budget of $64,384.00 for budget year 2016 (January 2, 2016 - December 31, 2016). This is an increase of approximately $4.4 million from their 2015 budget.

The Greater Harris County 9-1-1 Emergency Network is the governmental agency that administers the 9-1-1 system providing coordination and other collateral support for participating jurisdictions within Harris and Fort Bend Counties. Through the 9-1-1 systems, emergency calls from citizens are referred to the appropriate emerency response agency such as police, fir an ambulnce services, as well as other agencies including Crisis Hotline, Poison Control and emergency management operations.

Due to its intergovenmental functions and pusuant to State Law, the Greater Harris County 9-1-1 Emergency Network annual budget must be approved by the Greater Harris County Emergency Network Board of Managers, Harris County Commissioners' Court, and the City of Houston City Council.

A copy of the budget was delivered to each Council Member during the month of November 2015. additionally, a copy of the budget is available for review in the City Secretary's office and copies are available from the Houston Emerency Center. In summary, Greater Harris county 9-1-1 Emergency will reimburse the City of Houston approximately $14.5 million for 173.5 positions associated with HEC 9-1-1 call taking.

Contact Information:

David Cutler, HEC Director
Phone: 832-393-2767

ATTACHMENTS:

Description	Type
MYR-Greater HC 9-1-1 Emergency Network,	

Year 2016 RCA

Signed Cover sheet

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

SUBJECT: Greater Harris County 9-1-1 Emergency Network, Year 2016	**Category #**	**Page** 1 of 1	**Agenda Item #**

FROM (Department or other point of origin): Dennis Storemski, Director Mayor's Office of Public Safety and Homeland Security	**Origination Date** 11/30/2015	**Agenda Date**
DIRECTOR'S SIGNATURE: Dennis J. Storemski	**Council District affected:** ALL	
For additional information contact: David Cutler, HEC Director **Phone:** 832-393-2767	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: (Summary)
Approval of the Greater Harris County 9-1-1 Emergency Network Budget for Fiscal Year 2016 – January 1, 2016 through December 31, 2016

Amount and Source of Funding: Not Applicable	**F & A Budget:**

SPECIFIC EXPLANATION:
The Houston Emergency Center is requesting City Council's approval of the Greater Harris County 9-1-1 Emergency Network's annual budget of $64,384,000 for budget year 2016 (January 1, 2016 – December 31, 2016). This is an increase of approximately $4.4 million from their 2015 budget.

The Greater Harris County 9-1-1 Emergency Network is the governmental agency that administers the 9-1-1 system, providing coordination and other collateral support for participating jurisdictions within Harris and Fort Bend Counties. Through the 9-1-1 system, emergency calls from citizens are referred to the appropriate emergency response agency such as police, fire and ambulance services, as well as other agencies including Crisis Hotline, Poison Control and emergency management operations.

Due to its intergovernmental functions and pursuant to State Law, the Greater Harris County 9-1-1 Emergency Network annual budget must be approved by the Greater Harris County 9-1-1 Emergency Network Board of Managers, Harris County Commissioners' Court, and the City of Houston City Council.

A copy of the budget was delivered to each Council Member during the month of November 2015. Additionally, a copy of the budget is available for review in the City Secretary's office and copies are available from the Houston Emergency Center. In summary, Greater Harris County 9-1-1 will reimburse the City of Houston approximately $14.5 million for 173.5 positions associated with HEC 9-1-1 call taking.

REQUIRED AUTHORIZATION

F & A Director:	**Other Authorization:**	**Other Authorization:**

F&A 011.A REV. 12/94

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/19/2015

20YWF77 Water System Fees/Calendar Year 2016/Texas Commission on Environmental Quality

Agenda Item#: 5.

Summary:

RECOMMENDATION from Director Department of Public Works & Engineering for payment to **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for Water System Fees for Calendar Year 2016 - $2,009,199.75 - Enterprise Fund

Background:

SUBJECT: Payment approval for the sum of $2,009,199.75 to the Texas Commission on Environmental Quality for water system fees for calendar year 2016.

RECOMMENDATION: (Summary) That City Council approve payment of $2,009,199.75 to the Texas Commission on Environmental Quality for the 2016 Water System Fees.

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering Drinking Water Operations Branch requests Council to approve payment of the Annual Water System Fees for the period of January 1, 2016 to December 31, 2016. These fees are paid every year to the Texas Commission on Environmental Quality (TCEQ) for regulatory activities required for this agency under the Federal Safe Drinking Water Act. These activities include coordination of chemical sample collection, system inspections, plan reviews, and other technical assistance.

The TCEQ fee schedule for service to drinking water systems set forth in 30 TAC 290.51 is based on the number of service connections. The City of Houston operated 7 separate drinking water systems in 2015. The fees for 2016 are based on data collected during the last inspection in 2015. For more information, see the attached sheet.

In 2015, the Drinking Water Operations Branch paid $1,980,884.25 for Water System Fees.

Prior Council Action:

Motion 2014-1044, dated 12/10/2014

Amount of Funding:

$2,009,199.75

Contact Information:

Yvonne W. Forrest

Senior Assistant Director
Phone: 832-395-2847

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
PCA Motion 2014-1044	Backup Material
SAP	Financial Information

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

SUBJECT: Payment approval for the sum of $2,009,199.75 to the Texas Commission on Environmental Quality for water system fees for calendar year 2016	**Apr**	**Page 1 of 1**	**Agenda Item #**
FROM (Department or other point of origin) Department of Public Works and Engineering:	**Origination Date**	**Agenda Date**	
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** All		
For additional information contact: Yvonne W. Forrest Senior Assistant Director Phone: **832-395-2847**	**Date and identification of prior authorizing Council action:** 12-10-14 – Motion No. 2014-1044		

RECOMMENDATION: (Summary)
That City Council approve payment of $2,009,199.75 to the Texas Commission on Environmental Quality for the 2016 Water System Fees.

Amount of Funding: $2,009,199.75	**Finance Department:**

SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [X] Enterprise Fund
[ ] Other (Specify) Water & Sewer System Operating Fund No. 8300

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering Drinking Water Operations Branch requests Council to approve payment of the Annual Water System Fees for the period of January 1, 2016 to December 31, 2016. These fees are paid every year to the Texas Commission on Environmental Quality (TCEQ) for regulatory activities required for this agency under the Federal Safe Drinking Water Act. These activities include coordination of chemical sample collection, system inspections, plan reviews, and other technical assistance.

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In 2015, the Drinking Water Operations Branch paid $1,980,884.25 for Water System Fees.

YWF:dt

REQUIRED AUTHORIZATION **20YWF77**

Finance Department:	**Other Authorization:**	**Other Authorization:**
		Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District H
Item Creation Date: 12/1/2015

25GM316-A/W Soil Remediation & Replacement @ Tony Marron

Agenda Item#: 6.

Summary:

RECOMMENDATION from Director General Services Department for approval of final contract amount of $476,456.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.** for Soil Remediation and Replacement at Tony Marron Park Expansion - **DISTRICT H - GONZALEZ**

Background:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of $476,456.00, accept the work and authorize final payment to Inland Environments, Ltd. for soil remediation, removal and replacement at Tony Marron Park for the Houston Parks and Recreation Department.

PROJECT LOCATION: 723 North Drennan Street Houston, Texas (Key Map 494-P)

PROJECT DESCRIPTION: The project excavated, removed and disposed of contaminated soil from designated areas, backfilled with select fill material to pre-existing grade, and removed all trees, stumps, brush, hedges and other loose or projected material from the designated areas. The work also included transportation, storage and disposal of other waste material generated during site activities in accordance with all applicable federal, state and local regulations.

CONTRACT COMPLETION AND COST: The contractor completed the project within 90 days: the original contract time of 60 days plus 30 days approved by Change Orders. The final cost of the project, including Change Orders is the original contract amount of $476,456.00.

PREVIOUS CHANGE ORDERS: Change Order No. 1 added non-compensable days to the contract for analytical test results and rain delays. Change Order No. 2 provided credits to the City for material and work which was not required to complete the project. Change Order No. 3 addressed unforeseen conditions discovered during excavation, which involved the removal of an additional 1402 cubic yards of Class 1 non-hazardous soil.

Prior Council Action:

Ordinance No: 2015-393 Dated: 04/29/2015

Amount of Funding:

Amount and Source of Funding: No Additional Funding Required

Previous Funding: $476,456.00 Parks Consolidated Construction Fund (4502)

Contact Information:

Jacquelyn L. Nisby
Phone: 832-393-8023

ATTACHMENTS:

Description	Type
Tony Marron Expansion - RCA	Signed Cover sheet
Tony Marron Expansion - Maps	Signed Cover sheet
Tony Marron Expansion - OBO Doc	Signed Cover sheet
Tony Marron Expansion - Prior Action	Signed Cover sheet
Tony Marron Expansion - Delinquent Tax	Signed Cover sheet
Tony Marron Expansion - Cert. of Completion	Signed Cover sheet
Tony Marron Expansion - Contractor Evaluation	Signed Cover sheet
Tony Marron Expansion - Change Orders	Signed Cover sheet
Tony Marron Expansion - Consent of Surety	Signed Cover sheet

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

SUBJECT: Accept Work Inland Environments, Ltd. Soil Remediation and Replacement at Tony Marron Park Expansion WBS No. F-000509-0081-4	**Page** 1 of 1	**Agenda Item**

FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Scott Minnix 11/18/15	**Council District affected:** H	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:** Ordinance No: 2015-393 Dated: 04/29/2015	

RECOMMENDATION: The General Services Department recommends approval of final contract amount of $476,456.00 and acceptance of work on contract with Inland Environments, Ltd. for soil remediation and replacement at Tony Marron Park Expansion.

Amount and Source of Funding: No Additional Funding Required **Previous Funding:** $476,456.00 Parks Consolidated Construction Fund (4502)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of $476,456.00, accept the work and authorize final payment to Inland Environments, Ltd. for soil remediation, removal and replacement at Tony Marron Park for the Houston Parks and Recreation Department.

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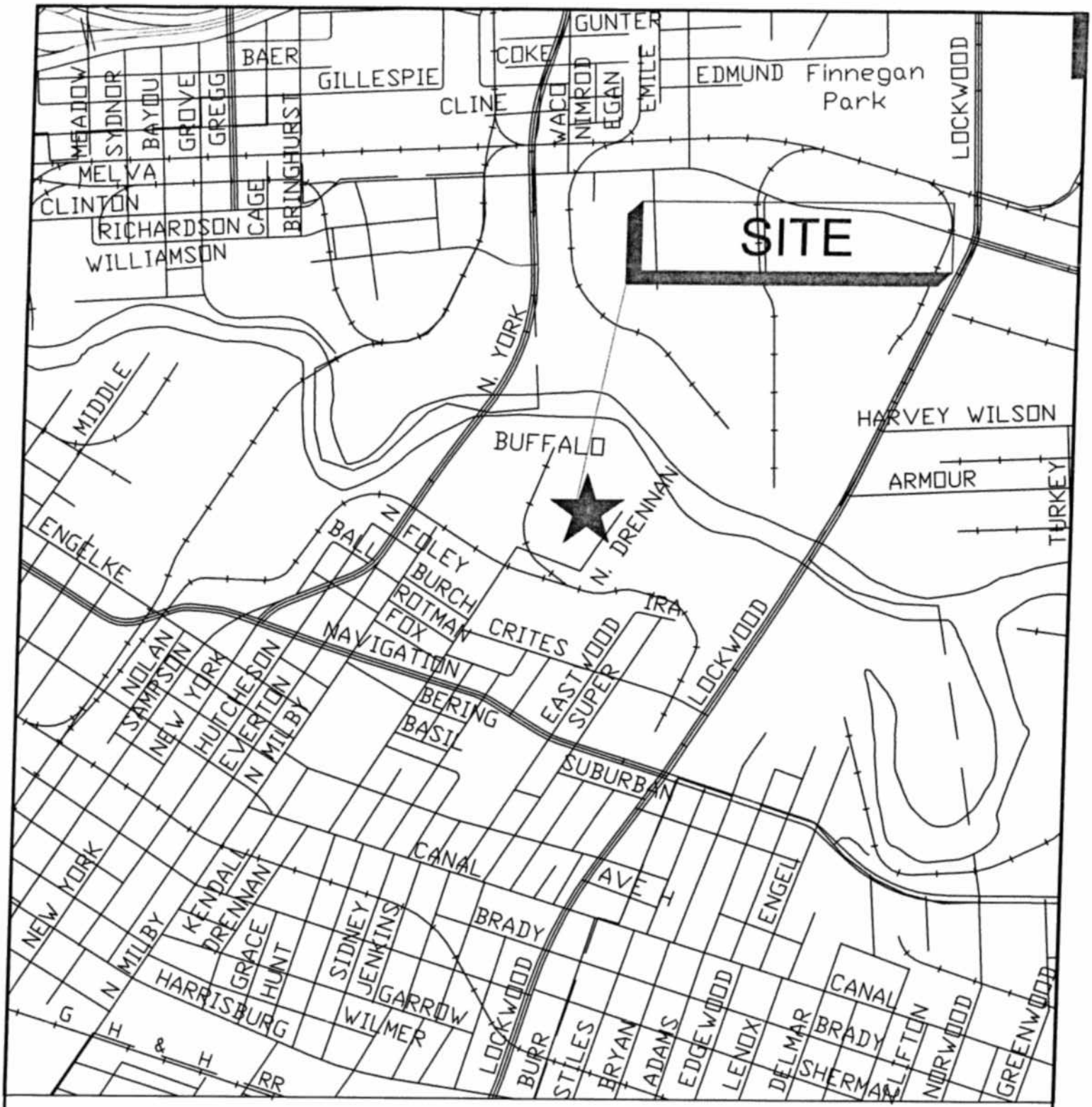
CONTRACT COMPLETION AND COST: The contractor completed the project within 90 days: the original contract time of 60 days plus 30 days approved by Change Orders. The final cost of the project, including Change Orders is the original contract amount of $476,456.00.

PREVIOUS CHANGE ORDERS: Change Order No. 1 added non-compensable days to the contract for analytical test results and rain delays. Change Order No. 2 provided credits to the City for material and work which was not required to complete the project. Change Order No. 3 addressed unforeseen conditions discovered during excavation, which involved the removal of an additional 1402 cubic yards of Class 1 non-hazardous soil.

SM:HB:JLN:GM:gm
c: Marta Crinejo, Jacquelyn L. Nisby, Carlecia Wright, Calvin Curtis, Gabriel Mussio, Lisa Johnson, File

REQUIRED AUTHORIZATION CUIC ID # 25GM316

General Services Department:		**Houston Parks and Recreation Department:**
Humberto Bautista, P.E. Assistant Director		Joe Turner Director



Soil Remediation, Removal and Replacement at:

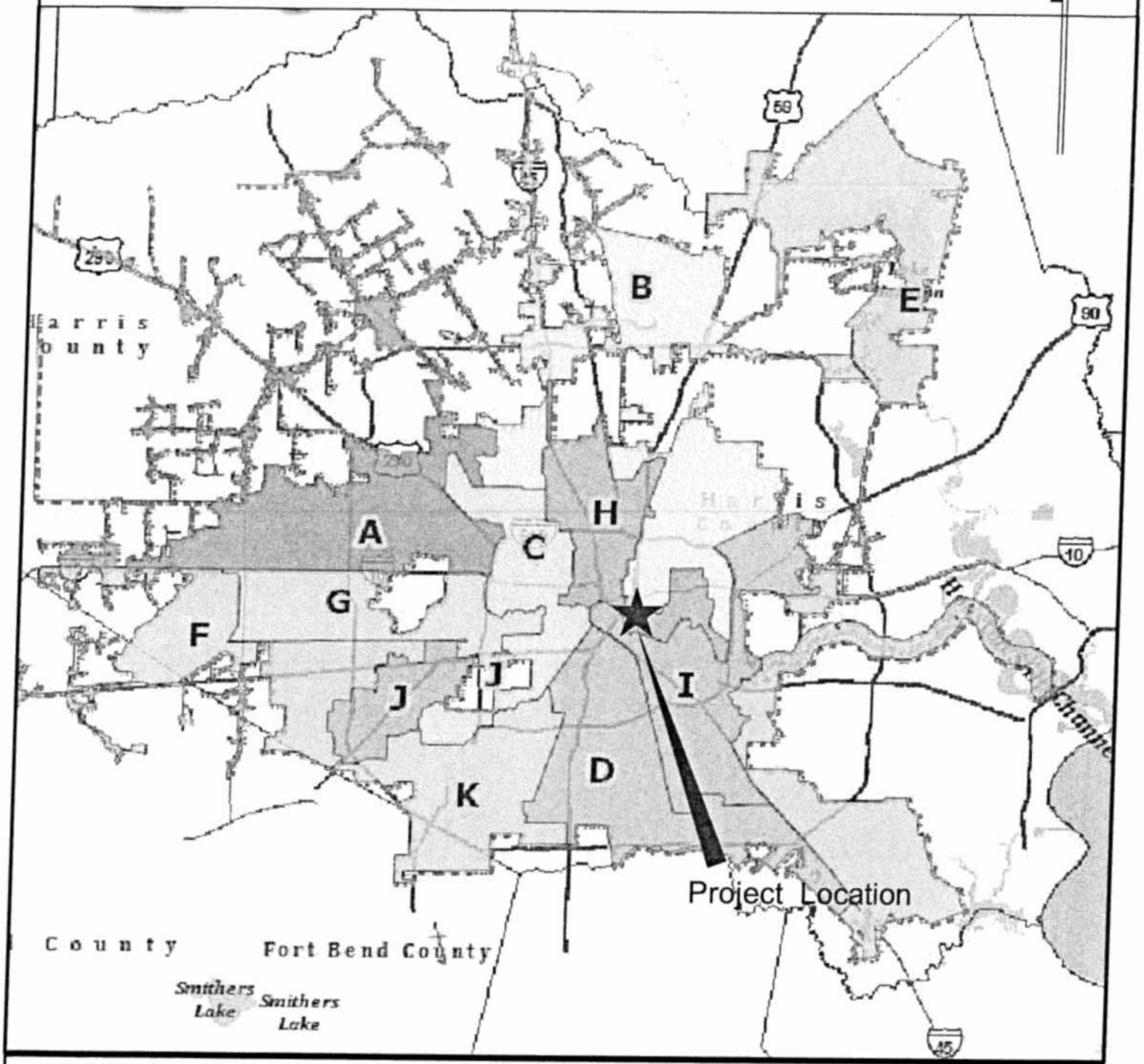
Tony Marron Park Property

723 North Drennan St

Houston, TX 77003

COUNCIL DISTRICT "H" **WBS#** F- 000509-0081-4 KEY MAP NO. 494P

CITY OF HOUSTON
HARRIS COUNTY, TEXAS



Soil Remediation, Removal and Replacement at:

Tony Marron Park Property

723 North Drennan St

Houston, TX 77003

COUNCIL DISTRICT "H" **WBS#** F- 000509-0081-4 KEY MAP NO. 494P

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District A, District B, District C, District D, District E, District F, District G, District H, District I, District J, District K
Item Creation Date: 11/19/2015

20JAI602 A/W Envirowaste Services Group, Inc.

Agenda Item#: 7.

Summary:

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $476,057.32 and acceptance of work on contract with **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation, (4277-69) - 2.53% under the original contract amount

Background:

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation, Envirowaste Services Group, Inc., WBS# R-000266-0179-4.

RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of $476,057.32, which is 2.53% under the original contract amount, accept the work, and authorize final payment.

PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Envirowaste Services Group, Inc. with an original contract amount of $488,415.74. The Notice to Proceed date was 05/21/2012 and the project had 365 calendar days for completion.

LOCATION: This work order project was located at various locations within Council Districts A, B, C, D, E, F, G, H, I, J and K.

CONTRACT COMPLETION AND COST: The contractor, Envirowaste Services Group, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is $476,057.32, a decrease of $12,358.42 or 2.53% under the original contract amount. Less sewer cleaning was needed than anticipated.

MWDBE PARTICIPATION: No City M/WBE participation goal was established for this project as the contract amount did not exceed the threshold of $1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances.

Prior Council Action:
Ordinance 2012-0216, dated 03/07/2012

Amount of Funding:
No additional funding required.

Original appropriation of $517,837.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.

Contact Information:
Jason Iken, P.E.
Senior Assistant Director
Phone: (832) 395-4989

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Backup Material
PCA Ordinance 2012-0216	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
Map	Backup Material
Old to New Council District Changes Table	Backup Material
OBO	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 10/23/2015

S25529 - Stripe Hog Replacement Parts and Repair Services - MOTION

Agenda Item#: 8.

Summary:

WATERBLASTING, LLC for Stripe Hog Replacement Parts and Repair Services for the Houston Airport System - 3 Years with two one-year options - $345,096.92 - Enterprise Fund

Background:

Sole Bid Received for S40-S25529 - Approve an award to Waterblasting, LLC in an amount not to exceed $345,096.92 for Stripe Hog replacement parts and repair services for the Houston Airport System.

Specific Explanation:

The Director of the Houston Airport System and the City Purchasing Agent recommend that City Council approve an award to **Waterblasting, LLC** on its sole bid in an amount not to exceed **$345,096.92** for Stripe Hog replacement parts and repair services for the Houston Airport System. It is further requested that authorization be given to make purchases, as needed, for a **36 month period with two one-year options**. This award consists of line items for Stripe Hog replacement parts; which includes but are not limited to, thrushaft assemblies, spray bars, roots blowers, plungers, valves, brushes, switches, hose, filters, nozzles, sleeves, bearing kits, seals, strobe lights, bearings, clamps, spacers, and o-rings to be used by the Department to repair and maintain its two Stripe Hog service units. This award also includes a $15,750.00 labor component for repair services that cannot be performed by City airport maintenance personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Two prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Waterblasting, LLC is the sole distributor and service provider for Stripe Hog replacement parts in the greater Houston area and the surrounding counties.

Hire Houston First:

The proposed award requires compliance with the City's Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Waterblasting, LLC does not meet the requirements for HHF designation; no HHF firms were within three percent.

Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Houston Airport System	$66,967.39	$279,129.53	$345,096.92

Amount of Funding:
$345,096.92 - HAS Revenue Fund (8001)

Contact Information:

Justina Mann	HAS	(281) 230-8008
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description	Type
RCA#S25529-Waterblasting, LLC	Signed Cover sheet
OBO Doc.	Backup Material
Fair Campaign Waterblasting	Backup Material
Form B	Backup Material
Delinquent Tax Waterblasting	Backup Material
Bid Tab	Backup Material
S25529 - Stripe Hog Replacement Parts and Repair Services - MOTION - HAS Approval	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 10/23/2015

S25529 - Stripe Hog Replacement Parts and Repair Services

Agenda Item#:

Background:
Sole Bid Received for S40-S25529 - Approve an award to Waterblasting, LLC in an amount not to exceed $345,096.92 for Stripe Hog replacement parts and repair services for the Houston Airport System.

Specific Explanation:
The Director of the Houston Airport System and the City Purchasing Agent recommend that City Council approve an award to **Waterblasting, LLC** on its sole bid in an amount not to exceed **$345,096.92** for Stripe Hog replacement parts and repair services for the Houston Airport System. It is further requested that authorization be given to make purchases, as needed, for a **36 month period with two one-year options**. This award consists of line items for Stripe Hog replacement parts; which includes but are not limited to, thrushaft assemblies, spray bars, roots blowers, plungers, valves, brushes, switches, hose, filters, nozzles, sleeves, bearing kits, seals, strobe lights, bearings, clamps, spacers, and o-rings to be used by the Department to repair and maintain its two Stripe Hog service units. This award also includes a $15,750.00 labor component for repair services that cannot be performed by City airport maintenance personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Two prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Waterblasting, LLC is the sole distributor and service provider for Stripe Hog replacement parts in the greater Houston area and the surrounding counties.

Hire Houston First:
The proposed award requires compliance with the City's Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Waterblasting, LLC does not meet the requirements for HHF designation; no HHF firms were within three percent.

Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Houston Airport System	$66,967.39	$279,129.53	$345,096.92

Amount of Funding:
$345,096.92 - HAS Revenue Fund (8001)

Contact Information:

Justina Mann	HAS	(281) 230-8008
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description	Type
OBO Doc.	Backup Material
Fair Campaign Waterblasting	Backup Material

Form B	Backup Material
Delinquent Tax Waterblasting	Backup Material
Bid Tab	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 10/28/2015

S24029-A1 Fire Ground Communication Equipment-
MOTION

Agenda Item#: 9.

Summary:

AMEND MOTION #2012-662, **8/29/2012**, **TO INCREASE** spending authority from $631,616.70 to $884,263.38 for Fire Ground Communication Equipment for the Houston Fire Department, awarded to **SCOTT TECHNOLOGIES, INC dba SCOTT SAFETY** - General Fund

Background:

S36-S24029-A1 - Amend Council Motion 2012-0662, passed August 29, 2012, to increase the spending authority from $631,616.70 to $884,263.38 for fire ground communication equipment for the Houston Fire Department (HFD).

Specific Explanation:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that the City Council amend Council Motion 2012-0662 to increase the spending authority for fire ground communication equipment awarded to **Scott Technologies, Inc. dba Scott Safety** from **$631,616.70 to $884,263.38**. The current spending authority is insufficient for the remaining awarded term and an increase is required to meet the HFD's operational needs.

The HFD has recently seen an alarming increase in the failure rate of the mil-spec connectors. Due to the increase in the failure rate, more replacements have had to be issued. These replacements resulted in the spending authority being exhausted sooner than anticipated.

This award began September 4, 2012 for a thirty-six (36) month term with two (2), one (1) year options. Expenditures as of November 23, 2015 totaled $631,395.70. All other terms and conditions shall remain as originally approved by City Council.

The award consists of fire ground communication equipment which includes speaker booms, voice amplifiers that are integrated into the face piece, brackets, external push-to-talk units, and mil-spec connectors that attach to the portable radios. The fire ground communication equipment enables fire crew members to communicate effectively between firefighters in extremely hostile environments.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids were not solicited because the Department requires these items to preserve or protect the public health or safety of the municipality's residents.

Attachment: M/WBE zero percent goal-document approved by the Office of Business Opportunity

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

Department	FY16	Out Years	Total
Fire	$99,688.37	$152,958.31	$252,646.68

Prior Council Action:

Council Motion No. 2012 0662, Passed August 29, 2012

Amount of Funding:

$252,646.68 General Fund (1000)

Contact Information:

Cynthia Vargas	HFD	(832) 394-6926
Desiree Heath	FIN/SPD	(832) 393-8742
Kenny Chin	FIN/SPD	(832) 393-8797

ATTACHMENTS:

Description	Type
HFD signed RCA S24029-A1 Fire Ground Communication Equip-motion	Signed Cover sheet
Motion 2012 0662	Backup Material
MWBE 0% Goal	Backup Material
S24092 Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 10/28/2015

S24029-A1 Fire Ground Communication Equipment- MOTION

Agenda Item#:

Background:

S36-S24029-A1 - Amend Council Motion 2012-0662, passed August 29, 2012, to increase the spending authority from $631,616.70 to $884,263.38 for fire ground communication equipment for the Houston Fire Department (HFD).

Specific Explanation:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that the City Council amend Council Motion 2012-0662 to increase the spending authority for fire ground communication equipment awarded to **Scott Technologies, Inc. dba Scott Safety** from **$631,616.70 to $884,263.38**. The current spending authority is insufficient for the remaining awarded term and an increase is required to meet the HFD's operational needs.

The HFD has recently seen an alarming increase in the failure rate of the mil-spec connectors. Due to the increase in the failure rate, more replacements have had to be issued. These replacements resulted in the spending authority being exhausted sooner than anticipated.

This award began September 4, 2012 for a thirty-six (36) month term with two (2), one (1) year options. Expenditures as of November 23, 2015 totaled $631,395.70. All other terms and conditions shall remain as originally approved by City Council.

The award consists of fire ground communication equipment which includes speaker booms, voice amplifiers that are integrated into the face piece, brackets, external push-to-talk units, and mil-spec connectors that attach to the portable radios. The fire ground communication equipment enables fire crew members to communicate effectively between firefighters in extremely hostile environments.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids were not solicited because the Department requires these items to preserve or protect the public health or safety of the municipality's residents.

Attachment: M/WBE zero percent goal-document approved by the Office of Business Opportunity

Rodney C. Wells

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

Department	FY16	Out Years	Total
Fire	$99,688.37	$152,958.31	$252,646.68

Prior Council Action:

Council Motion No. 2012 0662, Passed August 29, 2012

Amount of Funding:

$252,646.68 General Fund (1000)

Contact Information:

Cynthia Vargas	HFD	(832) 394-6926
Desiree Heath	FIN/SPD	(832) 393-8742
Kenny Chin	FIN/SPD	(832) 393-8797

ATTACHMENTS:

Description	Type
Motion 2012 0662	Backup Material

MWBE 0% Goal	Backup Material
S24092 Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date:

S25074 - McNeilus Refuse Body Replacement Parts and Repair Services

Agenda Item#: 10.

Summary:

MCNEILUS TRUCK & MANUFACTURING for McNeilus Refuse Body Replacement Parts and Repair Services for the Fleet Management Department - 3 Years with two one-year options $620,400.00 - Fleet Management Fund

Background:

Sole Bid Received for S59-S25074 - Approve an award to McNeilus Truck & Manufacturing in an amount not to exceed $620,400.00 for refuse body replacement parts and repair services for the Fleet Management Department.

Specific Explanation:

The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an award to **McNeilus Truck & Manufacturing** on its sole bid in an amount not to exceed **$620,400.00** for McNeilus refuse body replacement parts and repair services for the Fleet Management Department (FMD). It is further requested that authorization be given to make purchases, as needed, for a **thirty-six (36) month term with two (2) one (1) year options**.

This award consists of a line item and price list for various McNeilus refuse truck and body replacement parts, which include; but are not limited to cylinders, valves, filters, bumpers, door rails, door panel protectors, seat axles, retrofit kits, idler arms, switches, joystick handles and coils.

These materials will be used by the FMD to repair and maintain McNeilus refuse truck bodies citywide. This award also includes a $181,700.00 labor component for the repair of equipment that cannot be repaired by the City personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. McNeilus Truck & Manufacturing is the sole distributor and service provider for McNeilus parts for the Houston area and the surrounding counties.

M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation. **McNeilus Truck & Manufacturing** had designated the below-named company as its certified subcontractor.

Company	Type of Work	Dollar Amount
5M Rope & Supply, LLC	Provide Miscellaneous Hardware	$18,612.00

The Office of Business Opportunity will monitor this award.

Hire Houston First:
The proposed award requires compliance with the City's Hire Houston First (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, McNeilus Truck & Manufacturing does not meet the requirements for HHF designation; no HHF firms were within three percent.

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Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority:

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
FMD	$125,000.00	$495,400.00	$620,400.00

Amount of Funding:
$620,400.00 - Fleet Management (1005)

Contact Information:

Victor Ayres	FMD	(832) 393-6901
Desiree Heath	FIN/ SPD	(832) 393-8742
Kenny Chin	FIN/ SPD	(832) 393-6760

ATTACHMENTS:

Description	Type
RCA#S25074-McNeilus Truck	Signed Cover sheet
McNeilus Fair Campaign	Backup Material
McNeilus MWBE 3% Goal	Backup Material
McNeilus Fair Campaign Form B	Backup Material
McNeilus Tax	Backup Material
McNeilus Bid Tab	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date:

S25074 - McNeilus Refuse Body Replacement Parts and Repair Services

Agenda Item#:

Background:

Sole Bid Received for S59-S25074 - Approve an award to McNeilus Truck & Manufacturing in an amount not to exceed $620,400.00 for refuse body replacement parts and repair services for the Fleet Management Department.

Specific Explanation:
The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an award to **McNeilus Truck & Manufacturing** on its sole bid in an amount not to exceed **$620,400.00** for McNeilus refuse body replacement parts and repair services for the Fleet Management Department (FMD). It is further requested that authorization be given to make purchases, as needed, for a **thirty-six (36) month term with two (2) one (1) year options**. This award consists of a line item and price list for various McNeilus refuse truck and body replacement parts, which include; but are not limited to cylinders, valves, filters, bumpers, door rails, door panel protectors, seat axles, retrofit kits, idler arms, switches, joystick handles and coils. These materials will be used by the FMD to repair and maintain McNeilus refuse truck bodies citywide. This award also includes a $181,700.00 labor component for the repair of equipment that cannot be repaired by the City personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. McNeilus Truck & Manufacturing is the sole distributor and service provider for McNeilus parts for the Houston area and the surrounding counties.

M/WBE Subcontracting:
This bid was issued with a 3% goal for M/WBE participation. **McNeilus Truck & Manufacturing** had designated the below-named company as its certified subcontractor.

Company	Type of Work	Dollar Amount
5M Rope & Supply, LLC	Provide Miscellaneous Hardware	$18,612.00

The Office of Business Opportunity will monitor this award.

Hire Houston First:
The proposed award requires compliance with the City's Hire Houston First (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, McNeilus Truck & Manufacturing does not meet the requirements for HHF designation; no HHF firms were within three percent.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority:

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
FMD	$125,000.00	$495,400.00	$620,400.00

Amount of Funding:
$620,400.00 - Fleet Management (1005)

Contact Information:

Victor Ayres	FMD	(832) 393-6901
Desiree Heath	FIN/ SPD	(832) 393-8742
Kenny Chin	FIN/ SPD	(832) 393-6760

ATTACHMENTS:

Description	Type
McNeilus Fair Campaign	Backup Material
McNeilus MWBE 3% Goal	Backup Material
McNeilus Fair Campaign Form B	Backup Material
McNeilus Tax	Backup Material
McNeilus Bid Tab	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 9/23/2015

S25303 - Emergency and Safety Vehicle Equipment Parts and Repair Services

Agenda Item#: 11.

Summary:

CAP FITTERS UPFITTERS for Emergency and Safety Vehicle Equipment Parts and Repair Services for the Fleet Management Department - 3 Years with two one-year options $14,500,000.00 - Equipment Acquisition Consolidated and Fleet Management Funds

Background:

Formal Bids Received for S40-S25303 - Approve an award to Cap Fleet Upfitters in an amount not to exceed $14,500,000.00 for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department.

Specific Explanation:

The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an award to **Cap Fleet Upfitters** on its low overall bid in an amount not to exceed **$14,500,000.00** for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department. It is further requested that authorization be given to make purchases, as needed, for a **thirty-six month period with two (2) one year options to extend.** This award consists of thirty-one price lists for parts; which includes, but are not limited to, emergency lighting, speakers, bulbs, single unit sirens, linear tubes, strobe reflector assemblies, transport systems, rear plastic seats, control boxes, strobe lights, microphone cables, K-9 transport systems, push bumpers, radar units, spike systems and consoles to be used by the Department to outfit, repair and maintain vehicles which utilize such emergency equipment. This award also includes a $2,585,000.00 labor component for installation and repair services that cannot be performed by City maintenance personnel.

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

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

Company	Sample Pricing / Labor Total
1. Cap Fleet Upfitters	**$43,951.75**
2. Fleet Safety Equipment, Inc.	$46,190.31

Hire Houston First

This proposed award requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, **Cap Fleet Upfitters** is a designated HHF company, but they were the successful awardee without application of the HHF preference.

Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity.

_____ _____

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Fleet Management	$2,900,000.00	$11,600,000.00	$14,500,000.00

Amount of Funding:

$14,500,000.00 - Fleet Management Fund (1005)

Contact Information:

Vic Ayres	FMD	(832) 393-6902
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description	Type
RCA#S25303-Cap Fleet Upfitters	Signed Cover sheet
OBO Docs	Backup Material
Fair Campaign Cap Fleet	Backup Material
Signed cover sheet	Signed Cover sheet
Form B	Backup Material

Delinquent Tax Cap Fleet	Backup Material
Bid Tabulation	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 9/23/2015

S25303 - Emergency and Safety Vehicle Equipment Parts and Repair Services

Agenda Item#:

Background:
Formal Bids Received for S40-S25303 - Approve an award to Cap Fleet Upfitters in an amount not to exceed $14,500,000.00 for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department.

Specific Explanation:
The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an award to **Cap Fleet Upfitters** on its low overall bid in an amount not to exceed **$14,500,000.00** for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department. It is further requested that authorization be given to make purchases, as needed, for a **thirty-six month period with two (2) one year options to extend.** This award consists of thirty-one price lists for parts; which includes, but are not limited to, emergency lighting, speakers, bulbs, single unit sirens, linear tubes, strobe reflector assemblies, transport systems, rear plastic seats, control boxes, strobe lights, microphone cables, K-9 transport systems, push bumpers, radar units, spike systems and consoles to be used by the Department to outfit, repair and maintain vehicles which utilize such emergency equipment. This award also includes a $2,585,000.00 labor component for installation and repair services that cannot be performed by City maintenance personnel.

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1. **Cap Fleet Upfitters**	**$43,951.75**
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Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Fleet Management	$2,900,000.00	$11,600,000.00	$14,500,000.00

Amount of Funding:
$14,500,000.00 - Fleet Management Fund (1005)

Contact Information:

Vic Ayres	FMD	(832) 393-6902
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description	Type
OBO Docs	Backup Material
Fair Campaign Cap Fleet	Backup Material
Form B	Backup Material
Delinquent Tax Cap Fleet	Backup Material
Bid Tabulation	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 9/23/2015

S25303 - Emergency and Safety Vehicle Equipment Parts and Repair Services

Agenda Item#:

Background:
Formal Bids Received for S40-S25303 - Approve an award to Cap Fleet Upfitters in an amount not to exceed $14,500,000.00 for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department.

Specific Explanation:
The Director of the Fleet Management Department and the City Purchasing Agent recommend that City Council approve an award to **Cap Fleet Upfitters** on its low overall bid in an amount not to exceed **$14,500,000.00** for emergency and safety vehicle equipment parts and repair services for the Fleet Management Department. It is further requested that authorization be given to make purchases, as needed, for a **thirty-six month period with two (2) one year options to extend.** This award consists of thirty-one price lists for parts; which includes, but are not limited to, emergency lighting, speakers, bulbs, single unit sirens, linear tubes, strobe reflector assemblies, transport systems, rear plastic seats, control boxes, strobe lights, microphone cables, K-9 transport systems, push bumpers, radar units, spike systems and consoles to be used by the Department to outfit, repair and maintain vehicles which utilize such emergency equipment. This award also includes a $2,585,000.00 labor component for installation and repair services that cannot be performed by City maintenance personnel.

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Attachment: M/WBE zero-percentage goal document approved by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Fleet Management	$2,900,000.00	$11,600,000.00	$14,500,000.00

Amount of Funding:
$14,500,000.00 - Fleet Management Fund (1005)

Contact Information:

Vic Ayres	FMD	(832) 393-6902
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description	Type
OBO Docs	Backup Material
Fair Campaign Cap Fleet	Backup Material
Form B	Backup Material
Delinquent Tax Cap Fleet	Backup Material
Bid Tabulation	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/23/2015

E25415 - Aging and Nutrition and Transportation Services - MOTION

Agenda Item#: 12.

Summary:

NORTHWEST ASSISTANCE MINISTRIES for payment of Emergency Aging and Nutrition and Transportation Services for the Houston Health Department - $315,509.40 - Grant Fund

Background:

S10-E25415 - Approve a payment of an emergency purchase order issued to Northwest Assistance Ministries in the total amount not to exceed $315,509.40 for ongoing nutrition and transportation services for qualified elderly participants.

Specific Explanation:
The Director of Houston Health Department and the City Purchasing Agent recommend that City Council approve payment for the emergency purchase order to Northwest Assistance Ministries in the total amount of $315,509.40 for the provision of nutrition and transportation services to senior citizens within the northwest portion of Houston/Harris County, and that authorization be given to issue an automated (SAP) purchase order.

On May 15, 2015 the City of Houston issued a request for proposal (RFP No. T25415) for nutrition and transportation services to be provided to persons 60 years of age and older, through the Harris County Area Agency on Aging (HCAAA)--a bureau within the Houston Health Department. The RFP closed on June 18, 2015 and 10 proposals were received. Northwest Assistance Ministries was one of the proposers, and who had provided services under the purchase order. Recommendations for new contracts under this recent RFP solicitation were expected to be in place by October 1, 2015; however, due to the lengthy evaluation process and staff changes, these awards have been slightly delayed, and hence the need for this proposed emergency purchase order for these services.

This recommendation is made pursuant to Chapter, Section 252.022 (a) (2) "a procurement necessary to preserve or protect the public health or safety of the municipality's residents" of the Texas Local Government Code for exempted procurements.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Prior Council Action:

Amount of Funding:

$315,509.40 - Federal State Local Pass Through Fund (5030)

Contact Information:

Kathy Barton, HHD: 832.393.5045
Michele Austin, HHD: 832.393.5006
Darrell Johnson, SPD: 832.393.8726
Greg Hubbard, SPD: 832.393.8748

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
Form-A	Backup Material
Tax Log	Backup Material
Drug Forms	Other

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/23/2015

E25415 - Aging and Nutrition and Transportation Services - MOTION

Agenda Item#:

Background:
S10-E25415 - Approve a payment of an emergency purchase order issued to Northwest Assistance Ministries in the total amount not to exceed $315,509.40 for ongoing nutrition and transportation services for qualified elderly participants.

Specific Explanation:
The Director of Houston Health Department and the City Purchasing Agent recommend that City Council approve payment for the emergency purchase order to Northwest Assistance Ministries in the total amount of $315,509.40 for the provision of nutrition and transportation services to senior citizens within the northwest portion of Houston/Harris County, and that authorization be given to issue an automated (SAP) purchase order.

On May 15, 2015 the City of Houston issued a request for proposal (RFP No. T25415) for nutrition and transportation services to be provided to persons 60 years of age and older, through the Harris County Area Agency on Aging (HCAAA)--a bureau within the Houston Health Department. The RFP closed on June 18, 2015 and 10 proposals were received. Northwest Assistance Ministries was one of the proposers, and who had provided services under the purchase order. Recommendations for new contracts under this recent RFP solicitation were expected to be in place by October 1, 2015; however, due to the lengthy evaluation process and staff changes, these awards have been slightly delayed, and hence the need for this proposed emergency purchase order for these services.

This recommendation is made pursuant to Chapter, Section 252.022 (a) (2) "a procurement necessary to preserve or protect the public health or safety of the municipality's residents" of the Texas Local Government Code for exempted procurements.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Amount of Funding:
$315,509.40 - Federal State Local Pass Through Fund (5030)

Contact Information:
Kathy Barton, HHD: 832.393.5045
Michele Austin, HHD: 832.393.5006
Darrell Johnson, SPD: 832.393.8726
Greg Hubbard, SPD: 832.393.8748

ATTACHMENTS:

Description	Type
Form-A	Backup Material
Tax Log	Backup Material
Drug Forms	Other

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District B
Item Creation Date:

E25629 Emergency Sanitary Sewer Line Repairs - MOTION

Agenda Item#: 13.

Summary:

BRH-GARVER CONSTRUCTION, L.P. for Emergency Sanitary Sewer Line Repairs for the Department of Public Works & Engineering - $1,018,507.00 - Enterprise Fund

Background:

S12-E25629 - Approve payment to BRH-Garver Construction, L.P. in the amount not to exceed $1,018,507.00 for emergency sanitary sewer line repairs for the Department of Public Works & Engineering.

Specific Explanation:

The Director of the Department of Public Works & Engineering and the City Purchasing Agent recommend that City Council approve payment to **BRH-Garver Construction, L.P.** in an amount not to exceed **$1,018,507.00** for emergency sanitary sewer line repairs for the Department of Public Works & Engineering and that authorization be given to issue an automated (SAP) purchase order to BRH-Garver Construction, L.P.

On June 18, 2015, the Department's Northbelt Wastewater Treatment Plant (NWWTP) staff notice sand infiltrating in the NWWTP's lift station. During a preconstruction meeting for the Liner Removal for a 72-inch sanitary sewer (WBS#R-0020130045-4 contract), the staff requested BRH-Garver Construction, L.P. to investigate the source of the sand. BRH-Garver Construction, L.P.'s investigation revealed a cave-in above the 72-inch sewer, upstream (West) of Manhole No. NT001014. After further investigation it was confirmed that the 72-inch pipe had collapsed at this location. Repairs were needed immediately to stop the infiltration of sand and debris into the NWWTP's influent, restore flow and prevent further damage to the sanitary sewer line, lift station and pumping equipment. Emergency response was also needed to prevent raw sewage from posing an environmental threat as well as a health and safety hazard to the general public, as promulgated by Federal and State regulations. The Strategic Procurement Division issued an emergency purchase order on July 31, 2015 to BRH-Garver Construction, L.P to address this emergency.

The scope of work required the contractor to provide all labor, materials, equipment, permits, insurance, supervision and transportation necessary to immediately mobilize, provide traffic control and setup and maintain a bypass around the broken sewer line. The repair work, included, but was not limited to, plugging upstream of the repair location, dewatering the repair site, structural repair of the sanitary sewer line to prevent active infiltration. Subsequent to the aforementioned, the contractor will properly remove, transport and dispose of the accumulated sewage and debris in

compliance with the State of Texas environmental regulations.

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

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

Spending Authority: $1,018,507.00 - Water and Sewer System Operating Fund (8300)

Contact Information:

David Guernsey	PWE	832-395-3640
Dave Evans	FIN/SPD	832-393-8701
Martin King	FIN/SPD	832-393-8705
Yesenia Chuca	FIN/SPD	832-393-8727

ATTACHMENTS:

Description	Type
RCA#E25629 BRH-Garver	Signed Cover sheet
Tax report	Backup Material
FORM A	Backup Material
Form B	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
District B
Item Creation Date:

E25629.1 - Emergency Sanitary Sewer Line Repairs - MOTION

Agenda Item#: 15.

Background:

S12-E25629 - Approve payment to BRH-Garver Construction, L.P. in the amount not to exceed $1,018,507.00 for emergency sanitary sewer line repairs for the Department of Public Works & Engineering.

Specific Explanation:

The Director of the Department of Public Works & Engineering and the City Purchasing Agent recommend that City Council approve payment to **BRH-Garver Construction, L.P.** in an amount not to exceed **$1,018,507.00** for emergency sanitary sewer line repairs for the Department of Public Works & Engineering and that authorization be given to issue an automated (SAP) purchase order to BRH-Garver Construction, L.P.

On June 18, 2015, the Department's Northbelt Wastewater Treatment Plant (NWWTP) staff notice sand infiltrating in the NWWTP's lift station. During a preconstruction meeting for the Liner Removal for a 72-inch sanitary sewer (WBS#R-0020130045-4 contract), the staff requested BRH-Garver Construction, L.P. to investigate the source of the sand. BRH-Garver Construction, L.P.'s investigation revealed a cave-in above the 72-inch sewer, upstream (West) of Manhole No. NT001014. After further investigation it was confirmed that the 72-inch pipe had collapsed at this location. Repairs were needed immediately to stop the infiltration of sand and debris into the NWWTP's influent, restore flow and prevent further damage to the sanitary sewer line, lift station and pumping equipment. Emergency response was also needed to prevent raw sewage from posing an environmental threat as well as a health and safety hazard to the general public, as promulgated by Federal and State regulations. The Strategic Procurement Division issued an emergency purchase order on July 31, 2015 to BRH-Garver Construction, L.P to address this emergency.

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

Calvin D. Wells

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

_____

Department Approval Authority Signature

Amount of Funding:

Spending Authority: $1,018,507.00 - Water and Sewer System Operating Fund (8300)

Contact Information:

David Guernsey	PWE	832-395-3640
Dave Evans	FIN/SPD	832-393-8701
Martin King	FIN/SPD	832-393-8705
Yesenia Chuca	FIN/SPD	832-393-8727

ATTACHMENTS:

Description	Type
RCA#E25629.1 BRH-Garver Construction, L.P.	Signed Cover sheet
Tax report	Backup Material

FORM A	Backup Material
Form B	Backup Material
funding doc	Other

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/12/2015

S23514-A2 Apparel Uniforms-MOTION

Agenda Item#: 14.

Summary:

AMEND MOTION #2010-592, **PREVIOUSLY AMENDED BY MOTION #2014-1052**, **12/10/2014**, **TO EXTEND** the expiration date from December 31, 2015 to December 31, 2016, and **TO INCREASE** spending authority from $7,629,497.25 to $8,689,472.25 for Apparel Uniforms for Various Departments, awarded to **SERVICEWEAR APPAREL, INC** - $1,081,575.00 General, Enterprise and Other Funds

Background:

S32-S23514-A2 - Amend Council Motion 2010-0592, as previously amended by Council Motion 2014-1052, passed December 10, 2014, to extend the expiration date for apparel uniforms for various departments from December 31, 2015 to December 31, 2016 and to increase the spending authority from $7,629,497.25 to $8,689,472.25.

Specific Explanation:

The City Purchasing Agent recommends that City Council amend Council Motion 2010-0592, as previously amended by Council Motion 2014-1052, to extend the expiration date for apparel uniforms for various departments, awarded to **ServiceWear Apparel, Inc.** from **December 31, 2015 to December 31, 2016** and to increase the spending authority from **$7,629,497.25 to $8,689,472.25.** Expenditures as of November 24, 2015 totaled $3,132,745.96. The additional spending authority is needed to meet the Departments' operational needs through the contract extended term.

This award was approved by Council Motion 2010-0592 on August 11, 2010 for a 41-month period through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities in an amount not to exceed $5,823,918.25 and was subsequently amended by Council Motion 2014-1052, passed December 10, 2014, to extend the expiration date for a 12-month period and to increase the spending authority from $5,823,918.25 to $7,629,497.25. The initial contract was requested by seven user departments; however, after award six additional departments were added to the contract to take advantage of the significant cost savings. The contract through U.S. Communities has been extended for an additional 12-months and this amendment is being processed to coincide with the extended term.

The MICPA with U. S. Communities' Lead Public Agency contractor provides long and short sleeve cotton twill shirts, work pants, jeans, jackets, coveralls, and other apparel for the Houston Airport System, Department of Neighborhoods and Human Resources, Administration & Regulatory Affairs, Public Works & Engineering, Parks & Recreation, Fire, Police, Solid Waste Management,

Houston Health, Fleet Management, Emergency Managment and General Services Departments' personnel. The utilization of the MICPA allows the City to leverage existing U.S. governmental contracts with over 55,000 participating agencies with an estimated purchasing power of $1.5 billion annually. Moreover, the City will receive the most favorable nation rate. As a result, the City shall capitalize on significant cost savings.

The City is eligible to participate in the U.S. Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

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

Attachment: MWBE zero-percentage goal document approved by the Office of Business Opportunity.

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Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

DEPARTMENT	FY16	FY17	TOTAL
Public Works & Engineering	$247,392.00	$247,392.00	$ 494,784.00
Parks & Recreation	$ 89,820.50	$ 89,820.50	$ 179,641.00
Administration & Regulatory Affairs	$ 11,300.00	$ 11,300.00	$ 22,600.00
Fire	$ 2,125.00	$ 2,125.00	$ 4,250.00
Police	$ 32,000.00	$ 32,000.00	$ 64,000.00
Solid Waste Management	$ 45,855.00	$ 45,855.00	$ 91,710.00
Houston Health	$ 21,650.00	$ 21,650.00	$ 43,300.00
General Services	$ 45,895.00	$ 45,895.00	$ 91,790.00
Fleet Management	$ 8,750.00	$ 8,750.00	$ 17,500.00
Houston Airport System	$ 36,000.00	$ 36,000.00	$ 72,000.00

Total	$540,787.50	$540,787.50	$1,081,575.00

Prior Council Action:

Council Motion No.: 2010-0592, Passed by Council on August 11, 2010
Council Motion No.: 2014-1052, Passed by Council on December 10, 2014

Amount of Funding:

$ 291,900.00 - PWE W&S System Operating Fund (8300)
$ 105,884.00 - Dedicated Drainage & Street Renewal Fund (2310)
$ 97,000.00 - Stormwater Fund (2302)
$ 327,201.00 - General Fund (1000)
$ 10,000.00 - Essential Public Health Services Fund (2010)
$ 13,000.00 - Special Waste Transportation & Inspection Fund (2423)
$ 6,500.00 - Federal State Local-Pass Through Fund (5030)
$ 14,300.00 - Park Special Revenue Fund (2100)
$ 52,500.00 - Parks Golf Special Fund (2104)
$ 53,790.00 - Maintenance Renewal & Replacement Fund (2105)
$ 72,000.00 - HAS-Revenue Fund (8001)
$ 17,500.00 - Fleet Management Fund (1005)
$ 20,000.00 - BARC Special Revenue Fund (2427)

_____

$1,081,575.00 -TOTAL

Contact Information:

David Guernsey, PWE 832-395-3640
Desiree Heath, SPD 832-393-8742
Carlethya Guillory, SPD 832-393-8713

ATTACHMENTS:

Description	Type
RCA#S23514-ServiceWear Apparel, Inc	Signed Cover sheet
MWBE Document	Backup Material
Prior Council Action	Backup Material
Affidavit of Ownership or Control	Backup Material
Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/12/2015

S23514-A2 Apparel Uniforms-MOTION

Agenda Item#:

Background:
S32-S23514-A2 - Amend Council Motion 2010-0592, as previously amended by Council Motion 2014-1052, passed December 10, 2014, to extend the expiration date for apparel uniforms for various departments from December 31, 2015 to December 31, 2016 and to increase the spending authority from $7,629,497.25 to $8,689,472.25.

Specific Explanation:
The City Purchasing Agent recommends that City Council amend Council Motion 2010-0592, as previously amended by Council Motion 2014-1052, to extend the expiration date for apparel uniforms for various departments, awarded to **ServiceWear Apparel, Inc.** from **December 31, 2015 to December 31, 2016** and to increase the spending authority from **$7,629,497.25 to $8,689,472.25.** Expenditures as of November 24, 2015 totaled $3,132,745.96. The additional spending authority is needed to meet the Departments' operational needs through the contract extended term.

This award was approved by Council Motion 2010-0592 on August 11, 2010 for a 41-month period through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities in an amount not to exceed $5,823,918.25 and was subsequently amended by Council Motion 2014-1052, passed December 10, 2014, to extend the expiration date for a 12-month period and to increase the spending authority from $5,823,918.25 to $7,629,497.25. The initial contract was requested by seven user departments; however, after award six additional departments were added to the contract to take advantage of the significant cost savings. The contract through U.S. Communities has been extended for an additional 12-months and this amendment is being processed to coincide with the extended term.

The MICPA with U. S. Communities' Lead Public Agency contractor provides long and short sleeve cotton twill shirts, work pants, jeans, jackets, coveralls, and other apparel for the Houston Airport System, Department of Neighborhoods and Human Resources, Administration & Regulatory Affairs, Public Works & Engineering, Parks & Recreation, Fire, Police, Solid Waste Management, Houston Health, Fleet Management, Emergency Managment and General Services Departments' personnel. The utilization of the MICPA allows the City to leverage existing U.S. governmental contracts with over 55,000 participating agencies with an estimated purchasing power of $1.5 billion annually. Moreover, the City will receive the most favorable nation rate. As a result, the City shall capitalize on significant cost savings.

The City is eligible to participate in the U.S. Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

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

Attachment: MWBE zero-percentage goal document approved by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

DEPARTMENT	FY16	FY17	TOTAL
Public Works & Engineering	$247,392.00	$247,392.00	$ 494,784.00
Parks & Recreation	$ 89,820.50	$ 89,820.50	$ 179,641.00
Administration & Regulatory Affairs	$ 11,300.00	$ 11,300.00	$ 22,600.00
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Police	$ 32,000.00	$ 32,000.00	$ 64,000.00
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General Services	$ 45,895.00	$ 45,895.00	$ 91,790.00
Fleet Management	$ 8,750.00	$ 8,750.00	$ 17,500.00
Houston Airport System	$ 36,000.00	$ 36,000.00	$ 72,000.00
Total	$540,787.50	$540,787.50	$1,081,575.00

Prior Council Action:

Council Motion No.: 2010-0592, Passed by Council on August 11, 2010
Council Motion No.: 2014-1052, Passed by Council on December 10, 2014

Amount of Funding:

$ 291,900.00 - PWE W&S System Operating Fund (8300)
$ 105,884.00 - Dedicated Drainage & Street Renewal Fund (2310)
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$ 6,500.00 - Federal State Local-Pass Through Fund (5030)
$ 14,300.00 - Park Special Revenue Fund (2100)
$ 52,500.00 - Parks Golf Special Fund (2104)
$ 53,790.00 - Maintenance Renewal & Replacement Fund (2105)
$ 72,000.00 - HAS-Revenue Fund (8001)
$ 17,500.00 - Fleet Management Fund (1005)
$ 20,000.00 - BARC Special Revenue Fund (2427)

$1,081,575.00 -TOTAL

Contact Information:

David Guernsey, PWE 832-395-3640
Desiree Heath, SPD 832-393-8742
Carlethya Guillory, SPD 832-393-8713

ATTACHMENTS:

Description	Type
MWBE Document	Backup Material
Prior Council Action	Backup Material
Affidavit of Ownership or Control	Backup Material
Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 10/19/2015

S24836-A1 - Industrial Supplies and Equipment, Janitorial Supplies and Equipment - MOTION

Agenda Item#: 15.

Summary:

AMEND MOTION #2014-451, **5/28/2014**, **TO INCREASE** spending authority from $7,648,808.75 to $9,021,308.75 for Industrial Supplies and Equipment, Janitorial Supplies and Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **W. W. GRAINGER** $1,372,500.00 - General, Enterprise and Other Funds

Background:

S24836-A1 - Amend Council Motion 2014-0451, passed May 28, 2014, to increase the spending authority from $7,648,808.75 to $9,021,308.75 for industrial supplies and equipment, janitorial supplies and equipment from the State of Texas Building and Procurement Commission's Contract for various departments.

Specific Explanation:

The City Purchasing Agent recommends that City Council amend Council Motion 2014-0451, to increase the spending authority from **$7,648,808.75 to $9,021,308.75** for industrial supplies and equipment, janitorial supplies and equipment from the State of Texas Building Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program contract from the State contract supplier **W. W. Grainger** for various departments.

Council Motion 2014-0451, passed May 28, 2014, provided authorization to utilize the State of Texas Building Commission's Contract for a 34-month term in an amount not to exceed $7,648,808.75. Since implementation of the Marketplace application, there has been increased awareness of awards/contracts available for departments to utilize. This knowledge has resulted in increased purchases by the City departments and has eliminated Maverick purchasing. Additionally, the number of departments initially utilizing this contract has increased from 13 to 22. The additional spending authority is required for the Departments added to the contract and will enable all Departments to continue to make purchases through the remainder of the contract term.

Expenditures as of November 23, 2015 totaled $4,997,071.95. All other terms and conditions shall remain as previously approved by City Council.

This award consists of miscellaneous industrial supplies and equipment, janitorial supplies, and products such as motors, lighting, electrical equipment, pumps, material handling equipment,

fasteners, heating equipment, blowers, ventilators and other industrial-type items used by City personnel in their day to day work activities.

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

Attachment: MWBE zero-percent goal document approval by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approving Authority Signature

Estimated Spending Authority:

Department	FY16	Out Years	Total
Houston Airport System	$500,000.00	$400,000.00	$ 900,000.00
Health	$ 92,800.00	$107,200.00	$ 200,000.00
General Services	$ 50,000.00	$100,000.00	$ 150,000.00
Parks & Recreation	$ 12,200.00	$ 60,300.00	$ 72,500.00
Administration & Regulatory Affairs	$ 10,000.00	$ 40,000.00	$ 50,000.00
Grand Total	$665,000.00	$707,500.00	$1,372,500.00

Prior Council Action:
CM 2014-0451; Passed: May 28, 2014

Amount of Funding:
$ 900,000.00 - HAS Revenue Fund (8001)
$ 452,000.00 - General Fund (1000)
$ 17,500.00 - Park Golf Special Revenue Fund (2104)
$ 3,000.00 - Special Revenue Fund (2100)
$1,372,500.00- TOTAL

Contact Information:
Justina J. Mann 281-230-8086
Desiree Heath 832-393-8742
Tywana Rhone 832-393-8754

ATTACHMENTS:

Description	Type
RCA#S24836-A1 W.W. Grainger	Signed Cover sheet

S24836-S- MWBE ZERO	Backup Material
S24836 CM2014-0451	Backup Material
Delinquent Tax Report	Backup Material
S24836-A1 - Industrial Supplies and Equipment, Janitorial Supplies and Equipment - MOTION - HAS Approval	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 10/19/2015

S24836-A1 - Industrial Supplies and Equipment, Janitorial Supplies and Equipment - MOTION

Agenda Item#:

Background:

S24836-A1 - Amend Council Motion 2014-0451, passed May 28, 2014, to increase the spending authority from $7,648,808.75 to $9,021,308.75 for industrial supplies and equipment, janitorial supplies and equipment from the State of Texas Building and Procurement Commission's Contract for various departments.

Specific Explanation:

The City Purchasing Agent recommends that City Council amend Council Motion 2014-0451, to increase the spending authority from **$7,648,808.75 to $9,021,308.75** for industrial supplies and equipment, janitorial supplies and equipment from the State of Texas Building Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program contract from the State contract supplier **W. W. Grainger** for various departments.

Council Motion 2014-0451, passed May 28, 2014, provided authorization to utilize the State of Texas Building Commission's Contract for a 34-month term in an amount not to exceed $7,648,808.75. Since implementation of the Marketplace application, there has been increased awareness of awards/contracts available for departments to utilize. This knowledge has resulted in increased purchases by the City departments and has eliminated Maverick purchasing. Additionally, the number of departments initially utilizing this contract has increased from 13 to 22. The additional spending authority is required for the Departments added to the contract and will enable all Departments to continue to make purchases through the remainder of the contract term.

Expenditures as of November 23, 2015 totaled $4,997,071.95. All other terms and conditions shall remain as previously approved by City Council.

This award consists of miscellaneous industrial supplies and equipment, janitorial supplies, and products such as motors, lighting, electrical equipment, pumps, material handling equipment, fasteners, heating equipment, blowers, ventilators and other industrial-type items used by City personnel in their day to day work activities.

Hire Houston First:

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

Attachment: MWBE zero-percent goal document approval by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approving Authority Signature

Estimated Spending Authority:

Department	FY16	Out Years	Total
Houston Airport System	$500,000.00	$400,000.00	$ 900,000.00
Health	$ 92,800.00	$107,200.00	$ 200,000.00
General Services	$ 50,000.00	$100,000.00	$ 150,000.00
Parks & Recreation	$ 12,200.00	$ 60,300.00	$ 72,500.00
Administration & Regulatory Affairs	$ 10,000.00	$ 40,000.00	$ 50,000.00
Grand Total	$665,000.00	$707,500.00	$1,372,500.00

Prior Council Action:
CM 2014-0451; Passed: May 28, 2014

Amount of Funding:
$ 900,000.00 - HAS Revenue Fund (8001)
$ 452,000.00 - General Fund (1000)
$ 17,500.00 - Park Golf Special Revenue Fund (2104)
$ 3,000.00 - Special Revenue Fund (2100)
$1,372,500.00- TOTAL

Contact Information:
Justina J. Mann 281-230-8086
Desiree Heath 832-393-8742
Tywana Rhone 832-393-8754

ATTACHMENTS:

Description	Type
S24836-S- MWBE ZERO	Backup Material
S24836 CM2014-0451	Backup Material
Delinquent Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
District B, District D
Item Creation Date: 10/28/2015

20TAA156 Waiver Federal Off-System Bridge Program TxDOT

Agenda Item#: 16.

Summary:
RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Lee Road at HCFCD Ditch) -

Background:
SUBJECT: Waiver Federal Off-System Bridge Program TxDOT.

RECOMMENDATION: (Summary) Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements fo

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace c and streets not located in the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the program bridges within the City's roadway system.

PREVIOUS HISTORY AND SCOPE: Under this Program, the usual fund participation ratios for projects are 80 percent federal, 10 percent state and 10 percent l under specified conditions, the 10 percent local government match requirement may be waived if the local government performs an equivalent dollar amount of str Projects). The Texas Transportation Commission approved Minute Order No. 114264, dated May 28, 2015 for the reconstruction of the bridge listed below under Project.

Bridge	Key Map No.	NBI Structure No.	Control Section Job No.	Council District
Lee Road at HCFCD Ditch	374R	12102B38857153	0912-72-352	B

Council District
B

Based on field investigations, Public Works and Engineering has identified the following bridge as an appropriate candidate for replacement under this program.

Location	Key Map No.	Council District
5000 block of Selinsky	573H	D

The City proposes to replace an existing deficient wood bridge with a concrete culvert bridge. The new bridge will cost a total of approximately $40,000.00. The l $35,937.00.

This resolution requests TxDOT's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge Program by utilizing funds e Improvement Plan.

ACTION RECOMMENDED: It is recommended that City Council approve a resolution supporting the Waiver of Local Match Participation Requirements for the Fe

Amount of Funding:
Not Applicable

Contact Information:
Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director
Phone: (832) 395-2326

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Texas Transportation Commission Minute Order	Backup Material
Maps	Backup Material
Resolution	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District A, District D
Item Creation Date: 11/16/2015

20TAA157 Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation. WBS No. N-240004-0001-7

Agenda Item#: 17.

Summary:

RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Botany at HCFCD Ditch) - **DISTRICTS A - STARDIG and D - BOYKINS**

Background:

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation. WBS No. N-240004-0001-7

RECOMMENDATION: (Summary) Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located in the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the program in return for the City agreeing to perform structural improvement work on other deficient bridges within the City's roadway system.

PREVIOUS HISTORY AND SCOPE: Under this Program, the usual fund participation ratios for projects are 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match Projects). The City of Houston has included in the Fiscal Year 2015-2019 Capital Improvement Plan $6,630,000.00 for the Bridge Rehabilitation/Replacement Program. The Texas Transportation Commission approved Minute Order No. 114264, dated May 28, 2015 for the reconstruction of the bridge listed below under the Federal Off-System Bridge Program, hereinafter, referred to as "Participation Waived" Project.

Bridge	Key Map No.	NBI Structure No.	Control Section Job No.	Council District

Botany street at HCFCD Ditch	573L	12102B08961039	0912-72-353	D

Based on field investigations, The Department of Public Works and Engineering has identified the following bridge as an appropriate candidate for replacement under this program.

Location	Key Map No.	Council District
9600 block of Longbranch Lane	450X	A

The City proposes to replace an existing deficient wood bridge with a concrete culvert bridge. The new bridge will cost a total of approximately $216,000.00. The local match participation required for the reconstruction of the Participation-Waived bridge is $42,955.00.

This resolution requests TxDOT's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge Program by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

ACTION RECOMMENDED: It is recommended that City Council approve a resolution supporting the Waiver of Local Match Participation Requirements for the Federal Off-System Bridge Program.

Amount of Funding:

Not Applicable

Contact Information:

Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director
Phone: (832) 395-2326

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
TTC Minute Order	Backup Material
Maps	Backup Material
Resolution	Ordinance/Resolution/Motion

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

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation. WBS No. N-240004-0001-7	**Page** 1 of 2	**Agenda Item** #

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Department of Public Works and Engineering		

DIRECTOR'S SIGNATURE:	**Council District affected:** A,D
Dale A. Rudick Dale A. Rudick, P.E., Director	3ee

For additional information contact:	**Date and identification of prior authorizing Council action:**
Ravi Kaleyatodi 11/5/15 Ravi Kaleyatodi, P.E., CPM Senior Assistant Director **Phone:** (832) 395-2326	

RECOMMENDATION: (Summary) Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.

Amount and Source of Funding: N/A

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located in the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the program in return for the City agreeing to perform structural improvement work on other deficient bridges within the City's roadway system.

PREVIOUS HISTORY AND SCOPE: Under this Program, the usual fund participation ratios for projects are 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match Projects). The City of Houston has included in the Fiscal Year 2015-2019 Capital Improvement Plan $6,630,000.00 for the Bridge Rehabilitation/Replacement Program. The Texas Transportation Commission approved Minute Order No. 114264, dated May 28, 2015 for the reconstruction of the bridge listed below under the Federal Off-System Bridge Program, hereinafter, referred to as "Participation Waived" Project.

Bridge	Key Map No.	NBI Structure No.	Control Section Job No.	Council District
Botany Street at HCFCD Ditch	573L	12102B08961039	0912-72-353	D

LTS #14875 **CUIC ID # 20TAA157**

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

Based on field investigations, The Department of Public Works and Engineering has identified the following bridge as an appropriate candidate for replacement under this program.

Location	Key Map No.	Council District
9600 block of Longbranch Lane	450X	A

The City proposes to replace an existing deficient wood bridge with a concrete culvert bridge. The new bridge will cost a total of approximately $216,000.00. The local match participation required for the reconstruction of the Participation-Waived bridge is $42,955.00.

This resolution requests TxDOT's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge Program by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

ACTION RECOMMENDED: It is recommended that City Council approve a resolution supporting the Waiver of Local Match Participation Requirements for the Federal Off-System Bridge Program.

DAR:DRM:RK:TAA:PKC:DDH

h:\constr\a-sb-div\interagency\txdot projects\0912-72-353 botany st at hcfcd ditch\20taa157.doc

ec: TxDOT – Botany Street at HCFCD Ditch

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District B, District K
Item Creation Date: 11/30/2015

20TAA159 Waiver of Local Match Participation/Federal Off-System Bridge Program/TXDot

Agenda Item#: 18.

Summary:

RESOLUTION supporting the request of a Waiver of the Local Match Requirements in the Federal Off-System Bridge Program (For Grapevine Street at HCFCD Ditch) administered by the Texas Department of Transportation - **DISTRICTS B - DAVIS and K - GREEN**

Background:

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation. WBS No. N-240005-0001-7.

RECOMMENDATION: (Summary) Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.

Bridge	Key Map No.	NBI Structure No.	Control Section Job No.	Council District
Grapevine Street at HCFCD Ditch	572N	12102B28193532	0912-72-354	K

Based on field investigations, The Department of Public Works and Engineering has identified the following bridge as an appropriate candidate for replacement under this program.

Location	Key Map No.	Council District
6200 block of Tautenhahn	415S	B

The City proposes to replace an existing deficient wood bridge with a concrete culvert bridge. The new bridge will cost a total of approximately $40,000.00. The local match participation required for the reconstruction of the Participation-Waived bridge is $28,919.00.

This resolution requests TxDOT's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge Program by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

ACTION RECOMMENDED: It is recommended that City Council approve a resolution supporting

the Waiver of Local Match Participation Requirements for the Federal Off-System Bridge Program.

Amount of Funding:

Not Applicable

Contact Information:

Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director
Phone: (832) 395-2326

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Maps	Backup Material
TTC Minute Order	Backup Material
Resolution	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

ARA-Houston BARC Foundation Bylaws Update

Agenda Item#: 19.

Summary:

ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to the BARC Foundation; approving the amended bylaws of the BARC Foundation

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance to approve the Houston BARC Foundation's updated bylaws and requisite amendments to Chapter 6 of the City's Code Ordinances as well as confirming additional members to the Foundation's Board Directors.

The Houston BARC Foundation (Foundation) was created in 2010 as a nonprofit organization for the purpose of soliciting funds for the benefit of BARC, the ARA division responsible for the City's animal shelter, animal adoptions and enforcement of animal regulations.

To date, the Foundation has collected more than $800,000 in donations in support of BARC to support the completion of the remaining phases of BARC's new adoption center. As it is estimated that an additional $20 million is needed to complete the construction and build-out of the center, the Foundation is seeking private contributions to ensure that expansion of BARC's adoption center can continue with minimal impact on taxpayers.

Per the updated bylaws, the Foundation's Board of Directors shall consist of 25 members, to be nominated by the Mayor and confirmed by City Council, each serving two year terms. Additional board members will provide the Foundation greater opportunity to raise funding and awareness for BARC and Houston's homeless animal population throughout the community.

Additionally, the City will now maintain fidelity bonds in the amount of $10,000 per board member (at a cost of under $200 per member), consistent with the City's practice for other city nonprofit corporations (Houston Library Foundation and Houston Parks Board) charged with managing and investing significant dollar amounts.

The nominee's resumes are attached. Additional nominees and amendments to the Foundation's bylaws will be brought before City Council for confirmation as necessary.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Contact Information:

Lara Cottingham Phone: 832-393-8503
Candice Gambrell Phone: Phone: (832)395-9021

ATTACHMENTS:

Description	Type
12.1.2015 HBF Bylaws Update RCA.pdf	Signed Cover sheet
ARA-Houston BARC Foundation Bylaws Update Redline	Backup Material
Ordinance	Ordinance/Resolution/Motion
11.20.2015 Houston BARC Foundation appt ltr.PDF	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

ARA-Houston BARC Foundation Bylaws Update

Agenda Item#: 28.

Summary:
AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE BARC FOUNDATION; APPROVING THE AMENDED BYLAWS OF THE BARC FOUNDATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance to approve the Houston BARC Foundation's updated bylaws and requisite amendments to Chapter 6 of the City's Code Ordinances as well as confirming additional members to the Foundation's Board Directors.

The Houston BARC Foundation (Foundation) was created in 2010 as a nonprofit organization for the purpose of soliciting funds for the benefit of BARC, the ARA division responsible for the City's animal shelter, animal adoptions and enforcement of animal regulations.

To date, the Foundation has collected more than $800,000 in donations in support of BARC to support the completion of the remaining phases of BARC's new adoption center. As it is estimated that an additional $20 million in private contributions is needed to complete construction and build-out of the center, the Foundation is vital to the completion of BARC's adoption center and future operations.

Per the updated bylaws, the Foundation's Board of Directors shall consist of 25 members, to be nominated by the Mayor and confirmed by City Council, each serving two year terms. Additional board members will provide the Foundation greater opportunity to raise funding and awareness for BARC and Houston's homeless animal population throughout the community.

Additionally, the City will now maintain fidelity bonds in the amount of $10,000 per board member (at a cost of under $200 per member), consistent with the City's practice for other city nonprofit corporations (Houston Library Foundation and Houston Parks Board) charged with managing and investing significant dollar amounts.

The nominee's resumes are attached. Additional nominees and amendments to the Foundation's bylaws will be brought before City Council for confirmation as necessary.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham	Phone: (832) 393-8503
Candice Gambrell	Phone: (832) 395-9021

Chapter 6.

Animals and Fowl

Article I.

In General

*****

Division 8. BARC Foundation

Sec. 6-26. Name and Purpose.

(a) The name of this organization shall be the BARC Foundation, herein after called the "foundation."

(b) The foundation shall, among other things:

(1) Receive and maintain real or personal property, or both, and use and apply the income therefrom and the principal thereof exclusively for charitable, scientific and educational purposes related to the care and humane treatment of animals;

(2) Solicit funds, gifts, and bequests for medical and kennel supplies and equipment for use at BARC animal shelters;

(3) Promote awareness to Houston area residents on responsible pet ownership, spay/ neuter practices, pet adoption and the humane treatment of all animals; and

(4) Review and make advisory recommendations to the mayor and city council on responsible pet ownership, spay/ neuter practices, pet adoption and the humane treatment of all animals.

Sec. 6-27. Composition; appointment and terms of members; filling of vacancies; fidelity bond.

(a) The board of directors of the foundation shall, in addition to the ex officio members hereinafter provided for, consist of ~~15~~ not more than 25 members to be nominated by the mayor and confirmed by the city council. Each member shall be appointed to a specific position, Position 1 through ~~15~~ 25. ~~Twelve~~Twenty of the members of the board of directors of the foundation shall be residents of the city. The remaining ~~three~~ five members need not be residents of the city, provided they reside in one of the counties that make up the Houston-The Woodlands-Sugar Land, TX Metropolitan Statistical Area as defined by the Office of Management and Budget in the Executive Office of the President of the United States.

(b) The term for members of the board shall be two years. Odd-numbered positions shall have terms that expire December 31 of odd-numbered years. Even-numbered positions shall have terms that expire December 31 of even-numbered years.

(c) The mayor, or his designee, and the director, shall be at all times ex officio nonvoting members of the board.

(d) The board, by adoption of a resolution, may designate persons to serve as additional ex officio nonvoting members of the board or as nonvoting advisory directors of the board.

(e) In the event of the death or resignation of any member of the board prior to the expiration of such member's term of service, the mayor shall nominate and the city council shall confirm a successor who shall serve out the remaining unexpired term and enter upon the duties of a member at the next regular meeting of the foundation.

(f) Any member of the board serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and confirmed.

(g) Any member of the board may be removed by the mayor for any of the following causes:

(1) Four consecutive absences from the regular meetings of the foundation;

(2) Failure to abstain in votes or activities of the foundation where direct or indirect conflicts of interest are, or may be, involved; or

(3) Failure to meet any minimum requirements established by the foundation and imposed upon all members of the board.

(h) The city shall maintain a blanket fidelity bond in the amount of $10,000.00 for each member of the board. This requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees so as to authorize inclusion of the board members.

Sec. 6-28. Compensation of members; conflicts of interest.

(a) Members of the board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the foundation, or the firm, company or corporation with whom the member is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the board.

(b) Each member of the board is a covered person for the purpose of article X of chapter 2 of this Code.

(c) Members of the board shall abstain from voting upon matters in which they have a conflict of interest, and members of the board shall not participate in any activity of the foundation in which they have a conflict of interest. The provisions of this subsection shall be cumulative of any applicable foundation bylaws, resolutions adopted by the board or other documentation ratified by the board pertaining to compensation, conflicts of interest or any other documentation addressing the conduct of members of the board.

Sec. 6-29. Organization and meetings.

(a) The foundation shall organize by electing from their membership a president, a vice president, a secretary and a treasurer, each of which officers shall hold office for one year, or until their successor shall have been elected and qualified. The foundation may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this article.

(b) The foundation may employ any necessary staff, including an executive director, at salaries set by the foundation. Any staff of the foundation shall not be considered employees of the city for any purposes and shall not be entitled to any of the privileges or benefits of the city's employees.

(c) Regular foundation meetings shall be held at least four times a year, at least one time each quarter. In addition, annual and special meetings may be held in accordance with such rules as the foundation may provide.

(d) A majority of the members of the board shall constitute a quorum for the transaction of business; however, in the event of a vacancy on the board, a majority of the remaining members of the board shall constitute a quorum for the transaction of business.

(e) All meetings of the foundation shall be held in accordance with the Texas Open Meetings Act.

Sec. 6-30. Additional powers.

(a) The foundation may cooperate with any trust created for a purpose similar to that of the foundation as set out in section 6-26 of this Code. In addition, the foundation may contract for financial management and investment services and may pay the reasonable fees therefor from solicited funds, gifts, bequests, and income therefrom; provided, the foundation shall exclude therefrom any solicited funds, gifts, or bequests when payment of a financial management and investment service fee would be contrary to the provisions of the grant.

(b) Whenever funds are given to the foundation for a specific purpose, the board may exercise its sole discretion on how that purpose is accomplished; provided, however, if the purchase of any services is involved, such purchases shall be executed

in accordance with any applicable local or state laws, rules or regulations, including but not limited to, the City of Houston Procurement Code.

Sec. 6-30.1. Financial records and annual financial report.

(a) The financial books and records of the board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed by the city, or by board members themselves. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the foundation shall be open to inspection and audit.

(b) The foundation shall file, at least annually, audited financial statements with the mayor, city council, the city controller, and the director of the department of finance.

(c) All foundation financial and accounting procedures shall be approved by the director of the department of finance and comply with the city's policies, processes, and procedures for city nonprofit and local government corporations.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

HR - ORDINANCE AMENDING CHAPTER 14

Agenda Item#: 20.

Summary:

ORDINANCE **AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to Civil Service and other employment related provisions

Background:

The Human Resources Department recommends revising Chapter 14 as proposed. Chapter 14 governs the City of Houston's Civil Service system. Prior to submission to Council, the proposed revisions were provided for consideration by the labor unions representing municipal, police, and fire employees, as well as the Civil Service Commission for municipal employees. The proposal was also submitted to the municipal Labor Management Cooperation Council, as required by the meet and confer agreement with the Houston Organization of Public Employees. If approved, amendments will become effective on December 15, 2015.

The proposed revisions are made primarily for the purpose of clarifying existing language, effecting compliance with other law, and/or to reflect the City's actual practices. While not every change is identified below, the following represent the types of changes generally reflected in the proposal:

Definitions have been reviewed and revised to eliminate redundant terms, replace outdated terms with modern language, and to define terms commonly used within the Chapter.

Additional changes reflect the actual designation of certain duties in the modern hiring and payroll process. Many duties currently delegated to the Civil Service Commission, but which traditionally have been a Human Resources function, have been formally delegated to the Human Resources Director.

Similarly, changes have been made to formally reflect long-standing City practices. For instance, where the code treats an employee's extended absence without notice as a resignation (14-155), in actuality these are typically processed as job abandonment. Also, during periods of disaster council has historically authorized compensatory time for exempt employees through pay grade 29, although the code only provides authority through pay grade 26 (14-168(f)(2)). Finally, the City's practices regarding military leave have already departed from the code in order to treat employees more generously in compliance with the federally mandated Uniformed Service Employment and Reemployment Rights Act (14-251 and 14-253).

Departures from existing code language are also reflected in sections affecting classification challenges (14.55.1), temporary employees (14-113), employees seeking public elective office (14-156), holidays while on leave without pay (14-172(b)), authorization for outside employment (14-173), and categories of weapons prohibited to be in possession by city employees (14-184).

Contact Information:

Omar Reid, Human Resources Director 832-393-6056
Alisa Franklin-Brocks, HR Staff Analyst 832-393-6174
Natalie DeLuca, Sr. Assistant City Attorney 832-393-6272

ATTACHMENTS:

Description	Type
RCA - ORDINANCE AMENDING CHAPTER 14	Signed Cover sheet
RED LINE CHAPTER 14	Backup Material
CHAPTER 14 ORDINANCE	Ordinance/Resolution/Motion

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

SUBJECT: AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO CIVIL SERVICE AND OTHER EMPLOYMENT RELATED PROVISIONS	Category #	Page 1 of 2	Agenda Item #
FROM (Department or other point of origin): Human Resources Department	**Origination Date** 12/01/15	**Agenda Date**	
DIRECTOR'S SIGNATURE: Omar C Reid Omar Reid, Human Resources Director (832) 393-6056	**Council District affected:** All		
For additional information contact: Alisa Franklin-Brocks, HR Staff Analyst, (832) 393-6174 Natalie DeLuca, Sr. Assistant City Attorney, (832) 393-6272	**Date and identification of prior authorizing Council action:**		

RECOMMENDATION: (Summary) Approve the proposed revisions to Chapter 14 relating to Civil Service Provisions.

Amount and Source of Funding:

SPECIFIC EXPLANATION:

The Human Resources Department recommends revising Chapter 14 as proposed. Chapter 14 governs the City of Houston's Civil Service system. Prior to submission to Council, the proposed revisions were provided for consideration by the labor unions representing municipal, police, and fire employees, as well as the Civil Service Commission for municipal employees. The proposal was also submitted to the municipal Labor Management Cooperation Council, as required by the meet and confer agreement with the Houston Organization of Public Employees. If approved, amendments will become effective on December 15, 2015.

The proposed revisions are made primarily for the purpose of clarifying existing language, effecting compliance with other law, and/or to reflect the City's actual practices. While not every change is identified below, the following represent the types of changes generally reflected in the proposal:

Definitions have been reviewed and revised to eliminate redundant terms, replace outdated terms with modern language, and to define terms commonly used within the Chapter.

Additional changes reflect the actual designation of certain duties in the modern hiring and payroll process. Many duties currently delegated to the Civil Service Commission, but which traditionally have been a Human Resources function, have been formally delegated to the Human Resources Director.

Similarly, changes have been made to formally reflect long-standing City practices. For instance, where the code treats an employee's extended absence without notice as a resignation (14-155), in actuality these are typically processed as job abandonment. Also, during periods of disaster council has historically authorized compensatory time for exempt employees through pay grade 29, although the code only provides authority through pay grade 26 (14-168(f)(2)). Finally, the City's practices regarding military leave have already departed from the code in order to treat employees more generously in compliance with the federally mandated Uniformed Service Employment and Reemployment Rights Act (14-251 and 14-253).

Departures from existing code language are also reflected in sections affecting classification challenges (14.55.1), temporary employees (14-113), employees seeking public elective office (14-156), holidays while on leave without pay (14-172(b)), authorization for outside employment (14-173), and categories of weapons prohibited to be in possession by city employees (14-184).

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:

REDLINE

Chapter 14
CIVIL SERVICE

ARTICLE I. IN GENERAL

Sec. 14-1. Commission members; appointments, terms, vacancies; organization; officers.

(a) There are hereby re-established three civil service commission positions. Such positions shall be separately designated as "Position One," "Position Two," and "Position Three."

(1) The mayor, when making an appointment to the civil service commission, and the city council, when confirming such appointment, shall specify the position for which such appointment or confirmation is made.

(2) The initial term of each position as hereby re-established shall commence on June 15, 1983. The initial term of Position One shall expire on June 14, 1986; the initial term of Position Two shall expire on June 14, 1985; and the initial term of Position Three shall expire on June 14, 1984.

(3) Following the aforesaid initial terms, the term of office for each position on the civil service commission shall be three years, to commence on June 15 and to expire on June 14.

(4) Any appointment to a vacancy on the commission caused by death, resignation or otherwise, or caused by the failure of an appointee to qualify within ten days after appointment, shall be for the unexpired term of the deceased or retiring member or of the appointee failing to qualify.

(b) No sooner than June 15, and no later than June 30 of each year, the members of the commission shall meet to organize for the transaction of business. At such organizational meeting, the members shall take the constitutional oath of office and shall elect one member as chairman, and one member as vice-chairman.

(1) It shall be the duty of the chairman to preside at all meetings of the commission; it shall be the duty of the vice-chairman to preside at such meetings in the absence of the chairman.

(2) The chairman and vice-chairman each shall be elected for a period of one year or until a successor is elected.

(3) The numerical positions established in subsection (a) of this section are for identification purposes only, and shall bear no relation whatsoever to the chairmanship or vice-chairmanship of the commission.

(c) The mayor, subject to confirmation by city council, may appoint an alternate for each designated position on the civil service commission. Each alternate shall serve only when the regular member of the civil service commission in his position is absent and unable to attend meetings and perform commission duties for any reason. Alternates must have the same qualifications as regular members of the civil service commission and shall have all the powers and duties of a regular member but only when acting in the regular member's absence. An alternate shall be empowered to act as a regular member whenever the regular member notifies the secretary of the commission that the regular member is unable to attend a meeting of the commission or when the secretary of the commission is unable to secure the attendance of the regular member. The period of time during which an alternate may serve on the civil service commission shall expire at the end of the term of office of the regular member for which he serves as an alternate. An alternate shall not serve in any proceeding under Chapter 143 of the Local Government Code.

Sec. 14-1.1. Human resources department—Established.

The human resources department, formerly known as the department of personnel and originally established as and formerly known as the department of civil service, is hereby continued. To the extent that this Code or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former department of personnel or department of civil service or upon the employees or director thereof, then such references shall be construed to mean the human resources department or the employees or director thereof, respectively.

Sec. 14-2. Same—Director.

(a) The office of human resources director, formerly known as the director of the department of personnel and originally established as and formerly known as the director of civil service, is hereby continued. The director shall be appointed by the mayor, with the approval of the city council, shall be over 21 years of age, and shall receive such salary as the city council may allow. Before entering upon the discharge of the duties of his office, the director shall take the constitutional oath of office~~, and, if the mayor and council deem it advisable, he may be required to give bond in such sum and with such sureties and such conditions as the mayor may direct.~~

(b) It shall be the responsibility of the director to keep the minutes of the meetings and proceedings and all the books, records, etc., of the civil service commission. Such director shall be the secretary and the chief examiner for such commission, and as such shall perform the duties provided in the rules and regulations of such commission. He shall perform all such other duties as are now or may be hereafter imposed upon him by the civil service commission or the mayor and council.

(c) It shall be the responsibility of the director to supervise and administer the city's employee benefit programs, including but not limited to the city's pension programs (excluding those duties required by state law to be performed~~ by state law~~ by

the city treasurer), health benefits, long term disability, life insurance, sick leave, ~~and~~ vacation leave, and deferred compensation, and to serve as the administrator of the city's "125 Plan."

Sec. 14-3. Duty of commission to prepare and submit rules and regulations.

It shall be the duty of the civil service commission to prepare, adopt and submit, as needed, to the city council for its approval such rules and regulations for the proper conduct of its business in carrying out the purpose of the Charter, and thereafter such amendments, alterations and changes of such rules and regulations as it may find necessary and expedient.

Sec. 14-4. Classification of offices and positions.

It shall be the duty of the civil service commission to classify all of the offices of, and places or positions of employment in the service of the city with reference to the examinations provided for in the Charter, in this chapter and in the rules and regulations of the civil service commission, except those exempt from civil service under the Charter. The offices, places and positions so classified shall constitute the classified civil service of the city, and no appointment, employment, promotion, reappointment or reinstatement to any position, office or place shall be made except in accordance with the Charter, this chapter and the rules and regulations of the civil service commission.

Sec. 14-5. Examination and minimum age of applicants; exclusion of applicants likely to impair service.

(a) It shall be the duty of the civil service commission to provide that all applicants for offices, places or positions in such classified civil service shall be subject to examination, either written, or oral ~~or unassembled~~, which shall be ~~public,~~open, competitive and free to ~~the~~ those authorized to work ~~citizens of~~ in the United States of America~~, with specified limitations as to residence, age, health, habits and moral character;~~ provided, however, that the minimum age of applicants for original employment in such classified civil service shall be 18 years ~~and provided, further, that any applicant whose presence in the public service would likely create friction among the employees thereof and thereby impair such service shall be excluded therefrom.~~ Such examinations shall be practical in their nature and character and shall relate to those matters which will fairly test the relative capacity of the person examined to discharge the duties of the office, position or place to which he seeks to be appointed. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall have direct charge and control of all examinations of whatsoever character.

(b) No applicant shall be entitled to take any examination hereinabove provided for unless the applicant shall have filed with the human resources director his application prior to the date of examination.

Sec. 14-6. Appointments, promotions, etc., to be made in accordance with Charter, chapter and rules and regulations of commission.

Appointments, employments, promotions, reappointments and reinstatements in the classified civil service of the city shall be made only in accordance with the provisions of the Charter, this chapter and the rules and regulations of the civil service commission, and no officer or employee of the city having the power of appointment, employment, promotion, reappointment or reinstatement of persons to offices, places or positions in such classified civil service shall appoint, employ, promote, reappoint or reinstate any person to or in any office, employment, position or place in such service except in accordance with the Charter, this chapter and the rules and regulations of the civil service commission.

Sec. 14-7. Procedure when vacancy exists; suspension of employees.

When any office, employment, place or position in the classified service is vacant, which is desired to be filled, following the conclusion of an open, competitive and free examination, the director shall certify to the commission a list of eligibles for appointment to the office, employment, place or position in the classified service ~~the mayor or the director of the department shall notify the civil service commission that a certification is requested, and the human resources director shall certify to the department director concerned the names of the three persons standing highest on the eligible list or register for the class and grade to which such office, employment, place or position belongs,~~ and the department director concerned ~~shall~~ shall select an individual from a list of eligibles for appointment to the office, employment, place or position in the classified service.~~one of the three persons certified.~~ Such appointment ~~or employment from eligible lists derived from the original entrance examinations~~ shall be on probation as provided by the Charter and rules and regulations of the commission, and such appointees shall not be removed or dismissed except as provided therein; provided, that nothing herein shall prevent the director of any department or office from temporarily suspending officers or employees for disciplinary purposes~~,~~ for reasonable periods~~,~~ not exceeding 15 work days. It shall be the duty of the mayor to indefinitely suspend employees upon the recommendation of the respective department director. The commission shall be notified of any such suspension immediately and may, at its discretion or upon request of the mayor, investigate same and determine whether just cause therefor exists.

Sec. 14-8. Transfers from one department to another.

The civil service commission shall have the power to so amend its rules that any employee in the classified service in the city may be transferred by such commission from one department to another~~,~~ for the good of the service, provided such transfer is satisfactory to the director of the department to which the employee is transferred~~,~~ and to the director of the department from which he is transferred.

Sec. 14-9. Duty of city officers and employees to assist commission.

It shall be the duty of all officers and employees of the city to aid and assist the civil service commission, and the members and officers and employees thereof, in all proper ways in carrying out the Charter provisions, this chapter and the rules and regulations of the commission, and it shall be an offense for any such officer or employee to willfully fail or refuse so to aid and assist, or to willfully hinder, obstruct or delay the civil service commission, or the members, officers or employees thereof, in any manner in carrying out such Charter provisions, this chapter and such rules and regulations.

Sec. 14-10. Suspension of provisions requiring competition.

When an office, employment, place or position in the classified service, in which peculiar and exceptional qualifications of a scientific, professional or educational character are required, is vacant, upon satisfactory evidence that, for special reasons, competition in such special case is impracticable, and that the position, etc., can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the commission may suspend all provisions requiring competition in such case, but no such suspension shall be general in its application to such place.

Sec. 14-11. Offenses in regard to examinations.

No person or officer or employee shall willfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive or obstruct any person in respect to his right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, or aid in so doing, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, being appointed, employed, promoted, reappointed or reinstated.

Sec. 14-12. Hearings and investigations by commission.

The civil service commission may hold hearings concerning all matters touching the enforcement and effect of the Charter provisions for civil service, this chapter and the rules and regulations of such commission concerning the action of any officer or employee of the city in respect to the execution of such Charter provision, this chapter or the rules and regulations of the commission; and in all cases of investigation under the preceding provision, or of an appeal of an officer or employee in the classified service from the action of any officer, department director ~~of department~~ or employee of the city removing, discharging or ~~finally~~ suspending him from his office or employment, the commission, for the purpose of holding such hearing, investigation or inquiry, shall have the power to take testimony, administer oaths and affirmations, subpoena and require the attendance of witnesses and the production of books and papers pertinent

thereto, and to examine such witnesses, books and papers, and it shall be the duty of all persons to obey such subpoenas, produce such books, records and papers, and to submit to examination and give their testimony, in all cases where such testimony, evidence, etc., could be required in a court of competent jurisdiction.

Sec. 14-13. Compiling, checking, certifying and correcting payrolls.

(a) It shall be the duty of every department director to complete ~~compile~~ all payrolls as promptly as possible, and to deliver same to the administration and regulatory affairs department ~~to the office of the civil service commission~~ in good order, properly signed and ready for the city controller. ~~It shall also be the duty of each department to furnish one employee to deliver such payrolls, which employee shall assist the civil service commission in the checking of that department's payroll at the time same is delivered.~~ It shall be the duty of each supervising authority to review and approve time cards, electronically, of direct reports prior to the pay period close.

(b) It shall be the duty of ~~the civil service commission to check all payrolls to determine the legality of employment. Each item shall conform to the civil service records.~~ the director to maintain the active payroll status of all employees.

(c) Payrolls checked under this section shall comply with personnel actions certified by the director. ~~be certified in writing by the human resources director and, when checked by another employee of the commission, shall bear the initials of the employee checking the same.~~

(d) After payrolls have been checked and certified by the administration and regulatory affairs department ~~commission~~, they shall be delivered immediately to the city controller.

~~(e) When items on any payroll are found to be incorrect and are red-lined, the same shall be corrected by the department responsible before the payroll is certified by the commission. No payroll shall be honored by the city controller which has not been first checked and found correct by the commission.~~

(~~f~~e) It shall be the duty of the ~~civil service commission~~ administration and regulatory affairs department director to notify the department director ~~of any city department~~ if any irregularity, mistake or error is found in the names or in the amount of compensation on any payroll~~,~~ and to refuse to certify to the correctness of such payroll until the mistake or error is rectified. All ~~directors of departments~~ department directors, when notified of such irregularity or error, ~~by telephone or otherwise,~~ shall at once ~~rectify same~~ correct the error~~, in order to facilitate the work of certifying to the correctness of any such payrolls~~.

Sec. 14-14. Salaries and wages not to be approved or paid for improper employment.

(a) The city controller shall not approve the payment of, or be in any manner concerned in paying, any salary or wages to any person for services as an officer or employee of the city unless such person is occupying an office or place of employment according to the provisions of the Charter and ordinances of the city and is entitled to payment therefor.

(b) No ~~paymaster, treasurer, director of administration and regulatory affairs, or other~~ officer or agent of the city shall willfully pay, or be in any manner concerned in paying, any person any salary or wages for services as an officer or employee of the city, unless such person is occupying an office or place of employment according to the provisions of the Charter and ordinances of the city and is entitled to payment therefor.

Sec. 14-15. Responsibility for irregularities or mistakes in payrolls.

It is the object of this article to hold responsible the directors of departments furnishing the payrolls for all irregularities, mistakes and incorrectness ~~appearing in the amount of compensation set opposite each name on each payroll~~.

Sec. 14-16. Violation of Charter, this chapter or rules and regulations.

(a) Whenever any person~~,~~ or any officer or employee of the city has any positive duty imposed upon him, or any person or any officer or employee of the city is prohibited from the doing of any act by the Charter provisions for civil service, by this chapter or by the rules and regulations of the civil service commission, now or hereafter adopted and approved by the city council~~,~~ and filed in the office of the city secretary, a willful failure, refusal or neglect to perform such duty, or the willful doing of any act prohibited, shall constitute an offense, and the officer or employee or person convicted thereof shall be punished as provided by section 1-6 of this Code.

(b) If any person~~,~~ or any officer or employee of the city shall be convicted under subsection (a) above, any office, place or position which he may hold with the city shall, by force of such conviction, be rendered vacant, and such person, officer or employee shall be incapable of holding any appointive office, or any office, place or position in the classified service of the city.

Sec. 14-17. Soliciting compensation or offering compensation to hasten an employee's retirement or resignation.

(a) A city employee commits an offense if the city employee pays or offers to pay anything of value to another city employee with the intent to hasten the retirement or resignation of the other city employee in order to gain a promotion in rank, classification or salary or an opportunity therefor.

(b) A city employee commits an offense if the city employee solicits or accepts anything of value from another city employee upon the representation that such payment will hasten the retirement or resignation of the city employee making the solicitation or accepting the payment in order to gain a promotion in rank, classification or salary for the city employee solicited or making the payment or an opportunity therefor.

(c) The term ~~"~~*city employee*~~"~~ as used in this section includes any person employed by the city at the time of the offense whether holding a position that is classified under the Municipal Civil Service System created pursuant to Article Va of the City Charter, a position that is classified under the Firemen's and Policemen's Civil Service System created pursuant to~~ Article 1269m, Tex. Rev. Civ. Stat.~~ Chapter 143 of the Texas Local Government Code or a position that is not classified.

(d) Any person who violates this section shall, upon conviction, be punished by a fine of exactly $500.00.

Sec. 14-18. Creation of § 401(a) plan authorized.

(a) This section applies to any employee of the city, other than a police officer or fire fighter classified under Chapter 143 of the Texas Local Government Code, who upon termination of city employment is entitled to a combined gross benefit amount exceeding $5,000.00 under section 14-170 ~~and/~~or article III of this chapter for accumulated but unused vacation leave and sick leave benefits. This section shall not be applicable if the termination results from the death of an active city employee.

(b) City council hereby authorizes the establishment of a retirement savings plan under 26 U.S.C. § 401(a) and other applicable provisions of federal income tax laws and regulations. The plan shall be as established and amended from time to time by ordinance of the city, and it shall be administered by a third party administrator retained from time to time by contract with the city, as authorized by ordinance.

(c) Notwithstanding any provision of section 14-170 or article III of this chapter to the contrary, any terminating employee to whom this section applies shall forfeit his right to ordinary cash compensation for a portion of the combined gross termination benefit amount otherwise payable under section 14-170 and/or article III of this chapter that is equal to the lesser of: (1) the combined gross termination benefit amount, or (2) the amount of any applicable contribution limit for the plan as established by federal income tax laws and regulations. The amount so forfeited shall be allocated to an account in the name of the employee within the plan established under subsection (b) of this section.

Secs. 14-19—14-26. Reserved.

DIVISION 1. RULE 1. DEFINITIONS

Sec. 14-27. ~~Enumeration~~ Definitions and rules of construction.

The following words, terms and phrases, when ~~they appear~~ used in article I of this chapter and these rules and regulations shall have the~~se~~ meanings assigned to them in this section, unless otherwise clearly indicated in the text:

Accumulated (in reference to time or leave). Days and fractions thereof which are credited to an employee's vacation or sick allowance and gained through length of service with the city.

~~*Active duty.* The actual performance of work or duties prescribed by ordinance, or the actual performance of work or duties assigned by the supervisor or department director.~~

Allocate (*allocation*). Official determination of the class and pay level in which a position in the classified service is deemed to exist.

Appeal. A request in writing by an employee of the city addressed to and filed with the civil service commission, in the manner and within the time provided by the Charter and these rules, seeking an investigation, review or hearing of facts therein represented to constitute a deprivation or impairment of rights vested in such employee as a member of the classified service.

Appointee. An employee of the city who is not an elected official nor one working on a contract basis.

Appointing authority. The mayor.

Appointment. The designation of ~~a person~~ an individual by the appointing authority to become appointed to ~~an employee in~~ a position.

Article Va. Article Va of the City Charter ~~of the city~~, which creates civil service.

Budgetary reasons. Generally assigned in connection with releases, suspensions, or terminations~~,~~ that occur when available funds for a department, division or section, or project are depleted, withdrawn by the proper authorities, or when ~~expected~~ necessary revenues fail to materialize.

Certification. A written statement which advises of confirmation of conditions, individuals or positions by the constituted authority or authorities.

Charter. City Charter ~~of the city~~.

Chief examiner. ~~The director of the department of civil service~~The human resources department director.

Civil service or civil service employee. All city employees, other than probationary employees, embraced within the classifications recognized by the commission and not otherwise ~~exempted~~ excepted from civil service by the Charter.

Civil service staff. The employees in the offices of the commission.

Class. A group of positions which, having common characteristics or similar educational and general qualification requirements or encompassing positions sufficiently alike as to character of duties and responsibilities, warrant for the group essentially the same treatment for all civil service purposes; as, "the engineering class," "the skilled labor class," etc.

Classification. The title of an individual position in the classified service; also the title of an individual employee in the service.

Classification plan. Orderly arrangement of positions into separate and distinct classes so that each class will contain those positions which involve similar duties, responsibilities, and qualification requirements.

Classified (position—service). All positions and their titles which have been created by council and are under civil service.

Commission. The civil service commission of the city.

Compensation plan. Schedule of salaries or salary ranges established by ordinance for the several classes of positions in the service of the city; the provisions whereby all positions of a given classification will be paid either the same salary or within the same salary range.

Council. The city council ~~of the city~~.

Demotion (demote). A change in (or change to) the employment status of an ~~civil service~~ employee to a position of ~~less responsibility or~~ lower classification or lower pay grade ~~salary range~~.

Department. Each department, division of a department, office, or division of an office of the city that is listed on Exhibit A at the end of Division 11, without regard to whether it constitutes a department of the city government.

Department director. Each person appointed as a department director by the mayor and confirmed by the council to assume the administrative duties of the various departments of the city. For the purposes of administering this article only, each person appointed by the mayor as the director or head of the division

for each division of the mayor's office shall be considered a "department director." For purposes of mayor and councilmember offices, the mayor shall be considered the department director.

~~Demotion. A change in the employment status of a civil service employee to a position of less responsibility or lower classification or salary range.~~

Director. The human resources department director.

Discharge. Act of removing an employee from the roster of the city ~~dispensing with, terminating the services of, or dismissing an employee~~.

~~*Disciplinary (action measure).* A penalty imposed upon a civil service employee by the legally constituted authority.~~

Eligible (eligibility). One whose name is placed upon an employment, reemployment, reappointment or promotional list for a given class or classification after fulfilling the requirements therefor; attainment by an applicant, after passing the prescribed tests and fulfilling the qualifications, of the right to be certified as a prospective incumbent of a position.

~~*Employment list (same as an eligibility list).* Names arranged in order of merit, of persons who have passed suitable tests and possess the necessary qualifications and who are entitled to be certified for original appointment under the provisions of article Va and these rules.~~

Examination. A standard means by which an individual's or group's knowledge, skill, and/or ability in a particular area is evaluated, but which is not an employee performance rating. Examinations must be open, competitive, and free in accordance with the charter.

Full-time (employees, employment, position). ~~Those~~ Refers (or relates) to employees who are scheduled to work 80 hours per pay period ~~full days or full shifts regularly week after week~~ throughout the year.

~~*He (she).* Use of the masculine noun or pronoun shall be held to include the feminine; use of the singular shall be held to include the plural and conversely~~.

Hearing. A commission session ~~of the commission~~, following notice to the interested party or parties, held for the purpose of receiving evidence and thereafter reaching a decision with respect to matters or controversies appropriately submitted to it for determination.

List of applicants. Those persons who have completed and submitted an application for employment, grouped according to merit, qualifications or pass/fail grade.

List of eligibles. A final list of applicants who have passed suitable examinations and/or possess the necessary qualification and who are eligible to be certified for an original appointment or reappointment under the provisions of Article Va and these rules.

Noncivil service employees. ~~Those~~ An employee not under civil service as ~~elsewhere~~ defined by the charter.

Number. Use of the singular shall be held to include the plural, and use of the plural shall be held to include the singular.

Original appointment. Authorization for an eligible to begin work at a stated time and with a specific title and salary; such eligible shall not have previously worked for the city.

Part-time (employees, employment, position). ~~Employees~~ Refers (or relates) to employees of the city who ~~normally~~ are scheduled to work less than 80 hours per pay period.~~an eight hour day or a 40-hour week.~~

Pay grade. A designated level in a compensation plan with an assigned salary range to be used for any classifications determined to have that relative value.

Performance rating. The prescribed methods for determining the varying degrees of efficiency, production, capacity and the general contribution of a civil service employee.

~~*Regular Permanent (position, employee, employment).* A position requiring full-time regular employment which has reasonable expectancy of continuing indefinitely; an employee occupying such a position and who has fulfilled the required probationary period of one year in a civil service position; appointment to such a position of an eligible who has reasonable expectancy of continuance permanence even though his probationary period may not have ended, this as distinguished from temporary employment, emergency employment, etc., where in the latter cases a limited term of employment was contemplated when either the position was created or the appointment was made.~~

Probationary employee. An employee who has not completed his first year of employment~~,~~ after original appointment or reappointment~~,~~ in a civil service position~~, or who has not completed the necessary six months if in a position to which he has been promoted~~.

~~*Probationary period.* Length of time during which an employee is on trial and is expected to prove his complete fitness for his position.~~

Promotion. A change in the employment status of an ~~civil service~~ employee to a position of ~~more responsibility or~~ higher classification or ~~salary~~ pay grade.

Promotional examination. Examination of employees as a selection procedure for awarding promotions on the basis of merit. ~~All tests of fitness, separately or taken together, and restricted to classified employees, for determining the eligibility of applicants for promotion.~~

Promotional probationary employee. An employee who has completed his probationary period after original appointment or reappointment in a civil service position, but has not completed the necessary six months in a position to which he has been promoted.

Reappointment. Authorization for a former employee to resume city employment, usually the position he last held but also any ~~similar~~ position, which appointment of itself (without the approval of the commission then given) does not restore seniority formerly held by such appointee.

Reassignment of duties. Result of changing by a supervisor, section head, division head or department director of an employee's duties or responsibilities, ~~either~~ whether gradually or suddenly, whereby the~~se~~ duties or responsibilities then vary substantially from those in the job description and/or most recent employee performance plan ~~statement of duties~~ last given for that position.

Reclassification. Change in title of a position; also change in title of an employee either through promotion, demotion or transfer.

~~*Reemployment.* (See reappointment).~~

Reemployment list. Names of persons, arranged in the order prescribed by these rules, who formerly occupied classified positions in the classified service and are entitled to certification to the appointing authority for reappointment after a layoff.

Regular ~~Permanent (position, employee, employment).~~ ~~A~~ In reference to a position, one requiring full-time ~~regular~~ employment which has reasonable expectancy of continuing indefinitely; in reference to an employee, one who occupies ~~occupying~~ such a position and ~~who~~ has fulfilled the required probationary period of one year in a civil service position; and in reference to employment, appointment to such a position of an eligible who has reasonable expectancy of continuance ~~permanence~~ even though his probationary period may not have ended, ~~this~~ as distinguished from temporary employment, emergency employment, etc., where in the latter cases a limited term of employment was contemplated when either the position was created or the appointment was made.

Reinstatement. The commission's return of an employee to regular employment of the city with or without back pay and/or seniority.

Salary range. The amounts from minimum to maximum ~~and minimum amounts~~ for a pay grade ~~fixed by the council~~ within which ~~an employee's~~ a specific salary may be determined.

~~*Service ratings.* The prescribed methods for determining the varying degrees of efficiency, production, capacity and the general worth of a civil service employee.~~

Supervising authority. An employee who is charged with the responsibility of overseeing the work of one or more other employees, usually a department director but may also be a division head, section head~~, foreman~~ or other designated employee.

Suspension. Period of time during which an employee, through disciplinary action ~~of a superior~~, is forbidden to work and is denied salary ~~during such period~~.

Termination. The cessation of employment with the city.

~~*Test of fitness.* Means or measures, which may include separately or collectively written or oral examinations and medical examinations as performed by designated examining physicians.~~

Title. The designation given to a position; also the designation of an incumbent of a position in the classified service.

Sec. 14-28. Task system employees.

(a) Upon the request of the department director of the department in which they are employed, ~~permanent~~ regular, full-time employees of the city may be designated by order of the commission as "task system employees." Requests to the commission for such designations shall be made by the department director who shall demonstrate to the commission each of the following:

(1) The identity of classifications or positions of employment requested to be designated for task system employees.

(2) That the work performed within those positions or classifications is not temporary in nature, that the work is of a kind which varies in a predictable manner by season or otherwise so that more work is required to be performed in some workweeks than in other workweeks, and that the annually adjusted regular workweek of the employees therein requires the actual performance of an average of 40 hours of work per week.

(3) That the department director has developed a means of equitably assigning the employees involved so that each will be required to perform a specifically assigned task or tasks as his weeks' work, which task or tasks will, on an annually adjusted basis, require the actual performance of an average of 40 hours of work per week.

(4) That it is impracticable to assign the employees involved to a regular and uniform 40-hour workweek.

(b) The task system employee designation may be removed by the commission at any time upon its own motion or upon request of the department director and a finding that the conditions justifying its establishment as defined in subsection (a), above, no longer exist.

(c) Task system employees shall be considered to be full-time employees, and those task system employees who are not otherwise exempt from civil service classification under section 2 of article Va~~, section 2 of the Charter~~ shall be entitled to civil service classification.

(d) The tasks to be performed as a regular workweek by each task system employee shall be as assigned from time to time by the department director. Such tasks shall be allocated so that they will require the actual performance of an average 40 hours of work per week on an annually adjusted basis. The department director shall maintain, by use of time clocks, a record of the hours actually worked by each task system employee by name and classification and shall furnish an annual report thereof for each calendar year to the commission by the thirty-first day of January of the next year so that the commission may properly review its designation pursuant to subsection (b) above. Any task system employee who is aggrieved by his or her task assignments shall be entitled to the recourse provided by the grievance procedure established in section 14-50 of this Code.

(e) Notwithstanding the requirements of subsections (a) and (d), above, the~~ civil service~~ commission may, by order, find that an average of a lesser number of hours of productive effort is equivalent to an average of 40 hours per week on an annually adjusted basis for any classifications or positions of employees authorized for task system assignment, if their department director demonstrates to the commission each of the following:

(1) That the employees are required by virtue of the nature of their work to perform strenuous and continuing physical labor without an opportunity for the rest periods which are usually afforded to employees in other classifications;

(2) That no practicable means exist to restructure the employees' work assignments to provide such rest periods; and

(3) That the work tasks assigned to the employees will require a productive effort which is equivalent to not less than 40 hours of work as performed by other city employees who are assigned to labor under the normal working conditions associated with city employment.

Employees who are authorized to perform a reduced workweek pursuant to this section shall, nevertheless, not be subject to overtime benefits in any workweek unless and until all of the requirements of section 14-168 of ~~the City~~ this Code, specifically including the requirements of subsection (e) thereof have been met. The designation of any position or classification of task system employees as equivalent workweek employees shall not impair their right to civil service classification under subsection (c) above. Consistent with the nature of the work to be performed, the commission shall establish minimum time in attendance work hour requirements, which shall in no event be less than 32 hours per week, for payroll reporting purposes as to each position or classification of task system employment which is authorized to perform an equivalent workweek under this subsection.

Secs. 14-29—14-32. Reserved.

Sec. 14-33. Appointment of commission.

There shall be a civil service commission duly installed and authorized to operate under the provisions of section 1~~,~~ of ~~a~~Article Va ~~of the City Charter~~.

Sec. 14-34. Purposes of rules.

These rules ~~are adopted to conform with provisions of article Article Va of the City Charter and~~ shall be known as the civil service rules for employees of the city (other than fire fighters and police officers ~~firemen and policemen~~)~~,~~ and are adopted to conform with provisions of Article Va for the purpose of establishing procedures for handling those matters which are the responsibility of the civil service commission in such a way as to ~~insure~~ ensure:

(1) That all appointments and promotions to, and separations from, positions in the classified service shall be made on the sole basis of merit and fitness, which, so far as is practicable, shall be ascertained by means of competitive examinations. ~~which may be either written, oral or unassembled.~~

(2) That a plan of classification and fair compensation for positions therein shall be adopted which will conform with the principle of like pay for like work.

(3) That employment in the service of the city shall be made attractive as a career.

(4) That each civil service employee shall be encouraged to render his best service in compliance with all of the provisions of his employment.

(5) That a modern, comprehensive ~~efficiency~~ performance rating system shall be provided whereby economy and effectiveness in personal services may be promoted to the mutual benefit of the employees and the taxpayers.

Sec. 14-35. Application of rules.

These rules shall apply to all positions in the classified service, except those as otherwise provided for in section 2 of ~~article~~ Article Va.

Sec. 14-36. Adoption and publication of rules.

Civil service rules, when adopted by the commission and approved by the council, shall be effective but shall also be published publically through the use of any media most likely to reach citizens of the city, employees and applicants, including electronic media. ~~in some newspaper in the city (section 4, article Va). Insertion of such notice in a single issue of a Houston newspaper of general circulation shall be treated as being in compliance with this requirement.~~

Sec. 14-37. General powers and duties of the commission.

(a) In accordance with the provisions of sections 2 and 4 of ~~article~~ Article Va, the commission shall have the power to amend, repeal or supplement these rules at any time and adopt new rules which shall become effective upon approval thereof~~,~~ by the ~~city~~ council.

(b) The commission shall, in cooperation with the mayor and ~~city~~ council, develop job descriptions and qualifications~~,~~ and recommend to the council a compensation plan of properly related scales of pay for all classes of positions.

(c) The commission shall, in cooperation with the mayor and ~~city~~ council, develop regulations covering vacations, sick leaves, leaves without pay, injury leaves, and other leaves, which will take effect when approved by the council.

(d) The commission shall develop a system of ~~efficiency~~ performance ratings and administer same for employees in the classified service.

(e) The commission shall develop and enforce a code of rules and regulations which, being based upon merit, efficiency, production, character and conduct, will provide for:

(1~~.~~) ~~a~~Appointments and employment in all positions of the classified service; ~~for~~

(2~~.~~) ~~r~~Reduction in forces; ~~for~~

(3.) tThe order in which employees shall be laid off and reinstated;, and for

(4.) aAppeals from dismissals, demotions and suspensions.

(f) The commission shall direct the administration and enforcement of the civil service rules and regulations and ordinances which affect the civil service commission. Should the civil service commission have reason to believe any officer, board, commissioner or person concerned with appointment, layoff, demotion, suspension, indefinite suspension, discharge or promotion, has abused such power by executing or recommending any action in violation of the civil service rules and regulations or ordinances or Charter provisions covering civil service, it shall be the duty of the commission to make an investigation and, if violation of the provision or spirit and intent of the law or rules and regulations is found, the commission shall make a report thereof to the mayor and city council and recommend appropriate action.

(g) The commission shall order reinstatement without loss of pay for any employee who has been discharged, demoted, indefinitely suspended, reduced in rank or compensation, suspended or transferred for religious, racial or political reasons.

(h) The commission shall order reinstatement without loss of pay for any employee in the classified service who has been discharged, demoted, indefinitely suspended, reduced in rank or compensation in any instance where, following a hearing, the commission finds as a fact that such discharge, demotion, indefinite suspension, reduction in rank or compensation was not affected in a manner consistent with these rules and regulations.

Sec. 14-38. Duties of director.

The duties of the director shall be:

(1) To recommend for action by the civil service commission rules and regulations for the proper administration and development of the merit system for employees of all departments.

(2) To recommend for action by the civil service commission rules and regulations for the establishment of a classification plan for all positions affected herein, based upon similarity of duties and responsibility.

(3) To recommend for action by the civil service commission rules and regulations for the establishment of a compensation plan for all positions affected herein, in conjunction with the directors of the departments.

(4) To recommend for action by the civil service commission rules and regulations for the establishment of open, competitive and free examinations.

(5) To recommend for action by the ~~civil service~~ commission reasonable provisions for preference for service of persons who:

a. ~~h~~Have been members of the armed forces of the United States covered by the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended;~~,~~ and

b. ~~w~~Who are able to produce evidence of an honorable discharge.

(6) To recommend for action by the ~~civil service~~ commission such other rules and regulations, including but not limited to matters pertaining to attendance of witnesses, filling of vacancies, promotions, demotions, probationary periods, layoffs, discharges, reductions and suspensions, and appeals from actions taken therewith; to make recommendations tending to establish and maintain harmony between the commission and the various city departments; to improve selection methods; to reduce excessive turnover of personnel in the departments; to forestall excessive increases in personnel; to make available to the various departments the best personnel practices; to develop an adequate and comprehensive system of personnel records; and, generally, to perform at the direction of the commission any other work necessary or proper for making effective the provisions of ~~article~~Article Va ~~of the Charter~~ and the rules and regulations and the ordinances pertaining thereto.

(7) To hold examinations, pass upon qualifications of applicants, establish lists of eligible~~s lists~~ as needed, and to certify ~~names~~ lists of eligibles to department directors for filling vacancies in the city's service.

(8) To serve as executive head of the civil service staff, to direct and supervise all of its administrative and technical activities, and with the approval of the commission, and under the budgetary procedure of the city, to direct and control the expenditures from appropriations for the ~~civil service~~ commission.

(9) To serve as secretary of the commission, to keep the minutes and records thereof, and in all other proper ways to facilitate the actions and proceedings of the commission.

(10) To examine and qualify for appointment all employees of the commission except the director and the members of the commission, and to plan, direct and supervise their work.

(11) To establish and maintain a ~~roster~~ record of all city employees, showing as to each the classification, position held, the salary or wages, the address, and any other necessary data, and ~~record~~ all changes ~~thereof~~ thereto.

(12) With the approval of the commission, to allocate each position in the classified service to its appropriate class and pay level in the classification plan and reallocate positions as conditions warrant.

(13) To recommend to the commission for its adoption amendments to ~~of classes in~~ the classification plan.

(14) To make such investigations as he may deem desirable with respect to the enforcement and effect of the civil service provisions of the Charter, the ordinances, and the rules over which the commission has jurisdiction, and to make such other investigations as the commission or the mayor may request, and to make special reports thereon.

(15) To aid the mayor and department directors in handling matters over which the commission has jurisdiction.

Secs. 14-39—14-43~~44~~. Reserved.

DIVISION 3. RULE 3. OFFICERS, MEETINGS, ETC., OF COMMISSION

~~**Sec. 14-44. Reserved.**~~

Sec. 14-45. Meetings generally.

All meetings of the commission shall be held in ~~the city hall~~ an appropriate public meeting place, shall be open to the public, and shall be held on the days and hours that the commission from time to time may designate. Special meetings may be held on the call of the chairman or the director.

Sec. 14-46. Rules of order, evidence or procedure.

The commission shall not be bound by any rules of order, evidence, or procedures in its meetings, hearings, or investigations, except such rules as it may establish.

Sec. 14-47. Quorum.

Two members of the commission shall constitute a quorum for the transaction of business. A meeting shall be adjourned in the absence of a quorum.

Sec. 14-48. Power to take action.

Neither the commission nor any member shall have power to take action except by authority of majority vote in the meeting assembled.

Sec. 14-49. Duty of director to attend meetings; minutes of meetings.

The director~~,~~ or ~~in case of his absence or disability, the one acting for him,~~ his designee shall attend all meetings of the commission; shall act as its secretary and have recorded its official actions in the minutes; and shall have recorded a commissioner's dissent with his reasons therefor when such there be. The director or chairperson may ~~shall~~ cause the minutes to be transcribed and ~~shall~~ presented ~~them~~ for approval or ~~amendment~~ amendment.~~at the next meeting.~~ The official copy of the minutes and any amendments thereto~~, or a true copy thereof,~~ shall be ~~certified by the chairman or vice-chairman, and attested by the director, and be~~ kept in the office of the ~~civil service~~ commission.

Sec. 14-50. Grievable issues.

Any civil service protected employee who feels aggrieved due to:

(1~~.~~) Nonselection for a promotion to a referred position; and/or

(2~~.~~) Hazardous working conditions not intrinsic to the job; and/or

(3~~.~~) Employee performance ~~evaluations~~ ratings with an overall rating of less than acceptable or effective or the equivalent; and/or

(4~~.~~) Failure to receive a performance ~~evaluation~~ rating if delayed more than six months; and/or

(5~~.~~) Failure to be paid overtime or compensatory time, if eligible, appropriate, and worked; and/or

(6~~.~~) Written reprimand~~;~~

may file a grievance and pursue it through as many of the grievance steps provided by this chapter as desired ~~and provided by this chapter~~.

Sec. 14-51. Grievances generally.

At each step in ~~these~~ the grievance proceedings, the following shall apply:

(1) At all times, the department will give the grievant at least four calendar days notice of any step meeting unless a shorter period is mutually agreed upon. At each step in the process the participants shall appear in person and fully, candidly and openly discuss the grievance in an effort to mutually resolve the disputed issues.

(2) The grievant must submit the grievance on the appropriate forms provided by the director with the grievant's original signature. The grievance form may not be signed by a representative, or faxed, e-mailed, or otherwise

transmitted by electronic means to the grievance coordinator or the commission.

(3) The grievant and department management are required to mutually disclose non-privileged information, names of witnesses/persons with relevant knowledge, and provide documents to be used in the step meetings. Failure by either party to disclose known witnesses/persons with relevant knowledge, documents or information may be grounds for exclusion/inclusion of such evidence, where appropriate. Failure by the department to disclose known witnesses/persons with relevant knowledge, documents or information shall subject the person responsible to discipline.

(4) With the approval of a grievance examiner, a grievance may be discontinued at any step in the process for the grievant's unexcused failure to disclose witnesses/persons with relevant knowledge, documents or information, or failure to cooperate or respond. Such decisions may be reviewed by the commission.

(5) The dates required herein for scheduling meetings/hearings may not be extended except where an investigation for criminal misconduct is pending, where the failure to meet a date is the result of an authorized leave of absence or excused illness of the grievant, or the parties mutually and voluntarily agree in writing to extend the deadlines. Any extension granted must be reasonable and not unduly or unnecessarily delay the grievance process.

(6) Upon mutual agreement, grievances by more than one grievant arising out of the same or similar fact situations may be consolidated and heard concurrently at the discretion of the department.

(7) Grievances by the same grievant may be consolidated and heard concurrently at the discretion of the grievance examiner at step III.

(8) The grievant and the department shall be allowed to have a representative present at any meeting or hearing authorized herein, though each shall be conducted so that the grievant may represent himself if he so chooses. No representative need be a licensed attorney. Any representative must be in compliance with section 14-183(a)(10) of this Code.

(9) No electronic or other technological mode of recording may be used at step I or II proceedings by any participant.

(10) Grievance forms and related documents shall not be filed in a grievant's personnel file. Every reasonable effort shall be made to keep grievances

and the documents related thereto from disclosure to persons without a need to know, except as required by state, federal or local law.

(11) Neither step I or II meetings nor step III hearings shall be open to the public.

(12) In each step of the grievance process, the grievant shall be allowed a reasonable time off from his regular duties to file his grievance and to attend step I or II meetings or a step III hearing thereon, and such time off shall not be charged against the grievant. Such allowed time does not include time for preparation, meetings with witnesses or representatives, drafting responses or gathering evidence, etc. At its discretion, the department may provide an alternative work schedule or overtime as needed to accommodate the grievant's attendance at step meetings or hearings.

(13) Subpoenas may be issued only for step III hearings and will be limited to a maximum of five fact witnesses per grievance. Upon presentation of the subpoena, city employees will be allowed reasonable time for travel and participation at step III hearings and~~, if city employees,~~ will be compensated (regular or overtime hours, as appropriate) by the department.

(14) If a grievant resigns his position with the city or is indefinitely suspended while a grievance is pending at any step proceeding, the grievance shall become moot and all further processing shall be discontinued.

Sec. 14-52. Grievance filing period.

Grievances shall be in writing and received by the designated departmental grievance coordinator within 30 calendar days (including weekends and official city holidays) after the occurrence of the action or inaction or the date on which the grievant knew or should have known through the exercise of reasonable diligence of the action or inaction for which the civil service protected employee feels himself aggrieved. This time period shall be mandatory and jurisdictional.

Sec. 14-53. Compliance oversight.

The director shall recommend to the commission for approval a procedure~~s~~ for the handling of grievances. It shall be the responsibility of the director to monitor, coordinate and facilitate the processes of this grievance procedure. The director may designate one or more persons who shall assist the designated departmental grievance coordinators to resolve any questionable or challenged grievances, schedule and coordinate step III hearings, give timely and proper notice to all parties of step III hearings, and shall take such other and further action as shall be required to assure that

this grievance procedure operates timely, correctly and effectively in compliance with these rules.

Sec. 14-54. Grievability challenges.

If there is any doubt as to whether an issue is grievable under section 14-50 above, a written request may be directed to the director to have the grievance referred to a grievance examiner for a determination of grievability. Either the grievant's department, the director or the grievant may challenge grievability at any point in the grievance process and submit written arguments on the issue of grievability.

(1) At the request of either the grievant or the department, the grievance examiner's determination of grievability may be referred to the commission for review without hearing or testimony. Written arguments may be submitted to the commission; however, no other issues or new evidence on the issue of grievability may be submitted to the commission by either party at any time.

(2) When a request for a determination of grievability is filed with the director or the commission, all subsequent time frames in the grievance step process shall be suspended during the period of referral and review by the grievance examiner and/or the commission.

Sec. 14-55. Grievance process.

The grievance process shall consist of four steps.

(1) Step I:

a. The step I grievance form may be obtained from the departmental grievance coordinator. The completed form must be received by the grievance coordinator on or before the deadline. The date the grievance is filed shall be documented on the grievance form by the grievance coordinator. Thereafter, the grievance coordinator must arrange a meeting between the grievant and the immediate supervisor or another supervisor in the chain of command who might better resolve the grievance at this step, and/or other appropriate party~~(~~ies~~)~~ to be concluded no later than 30 calendar days after the date on which the grievance was received. If the meeting is not concluded within 30 calendar days, the grievance shall proceed automatically to step II.

~~(~~i~~)~~[1] No later than 24 hours before the meeting, the parties shall mutually exchange all documents reasonably related and relevant to the grieved issue.

~~(ii)~~[2] If the grievance may not be resolved by the immediate supervisor because of a lack of authority to resolve the issue, steps I and II may be combined.

~~(iii)~~[3] If the grievant's immediate supervisor is the department director, steps I and II are automatically combined and considered concurrently. In such case, the department director shall meet with the grievant and shall not appoint a designee.

~~(iv)~~[4] When a performance rating of less than effective ~~EPE evaluation~~ is grieved, at the option of the grievant, steps I and II may be combined and the grievance may proceed directly to a step II meeting. If steps I and II are combined, all time frames shall ~~remain~~ be the same as at step II.

b. Regardless of the outcome of the step I meeting, the immediate supervisor or appropriate party shall respond in writing not later than ten calendar days after the date on which the meeting was concluded. The response must include the supervisor's evaluation of the grievance and proposed resolution~~(s)~~, if any. Any proposed resolution must be within the authority of the supervisor or approved by the department director.

~~(i)~~[1] The supervisor or appropriate party shall submit the completed written response to the grievance coordinator. The grievance coordinator shall forward the supervisor's response to the grievant with a copy to the director. The response shall be either personally delivered by the grievance coordinator to the grievant or be served by certified mail, return receipt requested, to the last address of record provided by the grievant on the step I grievance form.

~~(ii)~~[2] If no written response is submitted by the supervisor or appropriate parties within the ten calendar days following the conclusion of the step I meeting, the grievance coordinator shall have an additional ten calendar days to automatically schedule a step II meeting. Notice shall be given to the grievant, the department director/designee and the supervisor. A supervisor or appropriate party who fails to comply with the requirements of this section or to do so timely~~,~~ may be disciplined.

~~(iii)~~[3] An untimely filed response may be accepted at the discretion of the grievant, but will not avoid the automatic referral to

step II unless the grievant requests that the grievance be withdrawn.

c. Proposed resolution~~(s)~~ for each grievance by a supervisor or appropriate party must be accepted by the grievant entirely or not at all. If the proposed resolution is rejected, the grievant may file a step II grievance form with the department grievance coordinator. If the grievant fails to timely file a step II grievance form, the grievance process is terminated. If the grievant accepts the proposed resolution~~(s)~~, the department must implement the proffered resolution~~(s)~~.

(2) Step II:

a. To continue the grievance, the grievant must reject all of the proposed step I resolution~~(s)~~, specifying reasons for the rejection on the step II grievance form. The completed step II grievance form must be received by the department grievance coordinator no later than the tenth calendar day after the date on which the grievant was served with the supervisor's response. If certified mail is used to give the step I response to the grievant, the step II grievance form still must be received no later than the tenth calendar day after the date the step I response ~~is~~ was mailed.

b. The grievance coordinator shall arrange a step II meeting between the grievant, the immediate supervisor and/or the appropriate party~~(ies)~~ at step I and the department director or a designee of at least an assistant director level or the equivalent selected by the department director.

~~(i)~~[1] Where steps I and II are combined, and the grievant's immediate supervisor is not the department director, the department director or a designee of at least assistant director or the equivalent shall hear the grievance. If the grievant's immediate supervisor is the department director, the combined step I and II meeting shall be with the department director and may not be held with a designee from any level.

~~(ii)~~[2] The step II meeting must be concluded no later than 45 calendar days after the date on which the step II grievance form was received by the department's grievance coordinator. If the meeting is not concluded within 45 calendar days, the grievant has ten calendar days to request that a grievance examiner order the grievance to proceed to step III without a step II meeting. Such a request must be

filed with the civil service coordinator at the human resources department in accordance with procedures recommended by the director and approved by the commission.

~~(iii)~~[3] No later than 24 hours before the scheduled step II meeting, both parties must mutually exchange through the grievance coordinator~~,~~ any additional non-privileged documents not previously disclosed or discovered through the exercise of reasonable diligence or provided at step I which are related to the grievant and reasonably related to his grievance or the grieved issue. Documents or information indirectly related to the grievant or his issue or related to other employees may be disclosed at the discretion of the department and the grievant respectively.

c. Within ten calendar days after the date the step II meeting concludes, the department director or the designee who conducted the step II meeting shall provide a written response to the grievance issues together with proposed resolution~~(s)~~ to the grievance coordinator who shall be responsible for service of the response on the grievant in person or by certified mail, return receipt requested, to the last address of record provided by the grievant on the step II grievance form.

~~(i)~~[1] Any proposed resolutions must be within the authority of the department director or designee.

~~(ii)~~[2] If no written response is submitted by the department director or the designee within the ten calendar days following the conclusion of the step II meeting, the grievance coordinator shall have an additional ten calendar days to refer the grievance to the civil service coordinator of the human resources department to automatically set the grievance for a step III hearing. Notice shall be given to the grievant, the department director or the designee and the supervisor that the matter was automatically referred to step III.

~~(iii)~~[3] An untimely filed response may be accepted at the discretion of the grievant, but will not avoid the automatic referral to step III unless the grievant requests that the grievance be withdrawn.

d. Proposed step II resolution~~(s)~~ must be accepted by the grievant entirely or not at all. If the grievant accepts the proposed resolution~~(s)~~, the department must implement the resolution~~(s)~~.

(3) Alternative mediated Step II proceeding for written reprimands or a performance ~~evaluations~~ rating of less than effective: At the time of filing of a step II proceeding only for a grievance of a written reprimand or an employee performance ~~evaluation (EPE) rating of that is~~ less than effective, the grievant may elect to proceed to a step II meeting with a department director or designee or to proceed to request a mediated step II in accordance with the procedures set forth below.

a. The director shall be authorized to establish a mediation program and to develop procedures for its implementation. Prior to implementation, the commission shall approve rules and procedures for step II mediations, which shall be in writing and made available to all parties. A mediation program for this purpose shall have certified mediators who shall not be city employees. A mediation program established under this section shall have the following features:

~~(i)~~[1] At step II, instead of a meeting with the department director or a designee, the parties may mutually agree to mediate ~~either~~ the grievable issue (written reprimand or less than effective ~~EPE~~ performance rating). A mediated step II must be accomplished within the same time frames as a nonmediated step II proceeding.

~~(ii)~~[2] If a settlement is reached and reduced to writing and signed by all parties at the mediated step II, no further appeal is allowed.

~~(iii)~~[3] If a settlement is not reached through mediation, a grievant who wishes to continue the grievance shall file a step III request for grievance hearing with the director on or before the tenth calendar day following the conclusion of the mediated step II meeting.

b. No mediator may be called to testify at the commission or at a step III hearing.

(4) Step III: The director or his designee shall coordinate all proceedings at steps III and IV.

Grievance examiner

a. The completed step III request for grievance hearing form obtained from the human resources department must be received by the director on or before the tenth calendar day following service of the written step II department response or the conclusion of the mediation, as applicable. If the grievant fails timely to file a step III request, the grievance process is terminated. The request for grievance hearing must specify the reasons for the rejection. The director or his designee shall notify the department grievance coordinator when a step III request is filed and serve notice of the scheduled hearing date and time on the grievant and the department director/designee at least ten calendar days before the hearing.

b. The grievance examiner shall conclude an evidentiary hearing within 60 calendar days after the date of receipt by the director of the step III request for grievance hearing. If the grievant fails to appear at the hearing, the grievance examiner shall dismiss the grievance.

c. Step III grievance hearings shall be limited to the issues articulated at step I and shall be conducted as informal administrative proceedings. The presumption in favor of the departmental action mandated by the Charter is rebuttable. The burden shall be on the grievant to support the grievance by a preponderance of the evidence.

d. At each hearing, the grievance examiner shall:

(i)[1] Review the current status of the grievance;

(ii)[2] Determine whether jurisdiction is proper;

(iii)[3] Determine the issues to be addressed and the extent to which evidence will be allowed;

(iv)[4] Determine who will be allowed to testify and what documentary and other evidence will be admitted; and

(v)[5] Hear the evidence and ensure that the proceedings follow due process and these rules.

d. Written rules of evidence, order and procedure shall be adopted by the commission with copies provided to the parties at the time of filing. All rules adopted by the commission for step III hearings shall be enforced by grievance examiners. A record shall be made of the hearing. The hearing shall be transcribed.

e. The parties to a hearing before the grievance examiner shall be the grievant, his representative, ~~and~~ the department, by and through a departmental representative designated by the department director, and the department's attorney. Other persons who may attend include fact witnesses, appropriate supervisory personnel, and any other persons necessary for a fair determination of the grievance.

f. The director, on behalf of the commission, ~~Grievance examiners~~ may issue subpoenas to require the attendance of witnesses and/or the production of books, documents, records or other tangible evidence relevant to any factual dispute. At the time of hearing, the grievance examiner will determine which witnesses will be allowed to testify. Alternative forms of allowable testimony (video, telephonic, deposition, affidavit, etc.) may be accepted in addition to or in lieu of live testimony if, in the opinion of the grievance examiner, such alternative testimony is credible, relevant, authentic, and reliable.

g. All witnesses shall be examined under oath in relation to any matters relevant to the grievance issues. No general references or character evidence or testimony shall be allowed in any form, including character affidavits, declarations or statements. Persons to be called as witnesses may be excluded from the hearing room during the taking of testimony upon the request of either party.

h. Grievance examiners may impose a reasonable time limit on the time allowed the parties to present evidence or examine witnesses, limit the number of witnesses to be heard in accordance with commission rules, and ~~may~~ restrict presentation of the issues or the proceedings.

i. After the close of evidence and the arguments of the parties, if any, ~~are allowed,~~ the grievance examiner may rule immediately into the record or take the matter under advisement. In either case, the grievance examiner shall file a written determination within 15 calendar days after the date the hearing concludes. The determination shall consist of findings of fact and conclusions of law based upon the grievance issues, evidence, legal principles and arguments presented, and recommendations for resolution of the grievance. The authority and powers of the grievance examiner are limited to those of the commission as reflected by the commission's rules, the Charter and ordinances. A grievance examiner may not exceed ~~his/~~her jurisdiction or authority or recommend relief that is not otherwise authorized by this chapter or these rules.

j. The grievance examiner's determination shall be served on the grievant on or before the fifth calendar day following receipt by the director with a copy to the commission and the department director.

k. If the grievance examiner's determination is improper due to lack of jurisdiction, authority, due process or sufficiency of the evidence to sustain the examiner's findings or recommendations, either party may file a step IV request for review on a form provided by the director. If both the grievant and the department director fail to timely file a request for review, the grievance examiner's determination is deemed affirmed by the commission and the grievance process terminated.

(5) Step IV:

a. The completed step IV request for review form must be received by the commission on or before the tenth calendar day following service of the grievance examiner's determination.

b. The step IV request for review form provided by the director must include all of the reasons for the request, all agreed facts and issues through step III and may include a statement in support of the issues and/or a proposed resolution together with all supporting documentation and justification for the request. A copy shall be served upon the opposing party. No reply statement is allowed by the filing party.

c. The opposing party may file a response in support of the determination and/or a proposed resolution together with any agreed issues and/or facts and all supporting documentation and justification to be served upon the commission and all opposing parties at least seven calendar days before the scheduled commission review. The burden of proof remains on the grievant.

d. If both parties file a step IV request for review, each may prepare and file a response to the opposing party's request and statement.

e. Review by the commission shall be limited to the evidence before the grievance examiner<u>, including the transcript from the Step III hearing</u>. No new evidence may be submitted or introduced for the first time at step IV.

f. The commission may affirm, reverse, or modify the grievance examiner's determination and issue an order which shall be served upon the parties with a copy to the grievance coordinator and the

grievance examiner. The commission's order is final for all administrative purposes.

Sec. 14-55.1. Grievance coordinators.

(a) Each department director or designee shall appoint from among the employees in that department one or more grievance coordinator~~(s)~~ who shall perform without additional compensation the ministerial, administrative and clerical duties required to coordinate this grievance procedure within the department. The title "grievance coordinator" is a functional designation of ~~the~~ each person~~(s)~~ selected by the department to be the focal point for the initiation, facilitation and completion of the mechanics and logistics of the grievance process~~,~~ and confers no official status, position, authority, or power upon the person~~(s)~~ so appointed. The department director or designee may assign additional duties to ~~the~~ grievance coordinator(s) relating to any employee concerns review programs adopted by the department.

(b) The grievance coordinator~~(s)~~ shall:

(1) Be responsible for implementing the requirements of this procedure and ensuring timely and correct compliance with these rules within the department.

(2) Provide all civil service protected employees with appropriate forms for filing grievances, upon request, along with written instructions or guidelines, but shall not assist or fill out the forms for the grievant.

(3) Before accepting the grievance, receive and review the grievance form to ensure that it is:

a. Grievable as set forth hereinabove;~~,~~

b. Complete in sufficient detail to inform the department of the factual basis;~~,~~

c. Timely filed;~~,~~ and

d. Executed by a civil service protected employee.

(4) Refer any questionable grievances in compliance with these rules.

(5) Arrange and coordinate all meetings and proceedings required herein, notify all participants of scheduled meetings/proceedings, and may only facilitate scheduling of, but not conduct, meetings.

(6) Coordinate the exchange between the parties of documents, forms, and other materials associated with each grievance.

(7) Provide responses or information regarding policies and procedures when requested.

(8) Receive the results of the step proceedings from the departmental representatives and forward them to the appropriate participants.

(9) Keep a permanent record of all grievances filed and maintain all grievance matters and related documents in segregated, confidential files. Subject to federal, state and local law, all information contained in such files may be disclosed on a need to know basis only. Any employee who otherwise discloses such confidential information without the grievant's authorization, may be subject to disciplinary action.

(c) Grievance coordinator~~(s)~~ shall not:

(1) Encourage or discourage grievances, nor represent or advocate for or against the grievant or the department at any time, at meetings or otherwise.

(2) Participate in the decision making.

(d) ~~Copies of all~~ Original grievance forms and related documents filed with the grievance coordinator at each step of these proceedings shall be forwarded to the director.

Sec. 14-55.2. Grievance examiners.

The commission shall appoint qualified persons, independent of all city departments and experienced in employment related issues, to preside over and conduct step III grievance hearings. Each appointment shall be for a term of one year. Reappointment to successive one year terms shall be at the discretion of the commission. The grievance examiner shall be responsible only to the commission.

(1) A grievance examiner shall not be a city employee nor shall such examiner be considered an employee by such service to the commission.

(2) An examiner may be removed from an appointment by a majority vote of the commission. Removal may be by resignation or for cause including, but not limited to, a violation of an ordinance or criminal law~~s~~ whether misdemeanor~~s~~ or ~~felonies~~ felony including moral turpitude, continued failure to be available to hear grievances, negligence, or failure to perform the duties of an examiner timely, to follow the rules of the commission, or to provide due process.

(3) For participation in the hearing and providing a written determination, each examiner shall be paid a fee set by the commission. A separate budget account shall be set up for this purpose by the director.

(4) The director shall provide each grievance examiner with a suitable location to hold hearings and sufficient clerical support to perform his duties.

(5) Anyone who has a complaint against a grievance examiner~~,~~ may file such complaint in writing with the director. Any such complaints will be set on the next agenda of the commission for review, whereupon the commission will determine the appropriate action to be taken (e.g. investigation, notice, opportunity to respond, etc.) with regard to such complaint~~(s)~~.

Sec. 14-55.3. Retaliation prohibited.

It shall be a violation of the civil service rules and regulations for any supervisor to take any retaliatory action against any grievant for utilizing or participating in any of the grievance procedures established by this section. It shall also be a violation for a grievant to retaliate against a supervisor or another employee for participating in a grievance. If retaliation is alleged to have occurred, ~~it~~ that allegation shall be incorporated into the next succeeding step proceeding through step III.

Sec. 14-55.4. Notice of these procedures.

The director shall provide a suitable notice explaining this grievance procedure and the grievant's rights thereunder and furnish an adequate number of copies to each city department. The department director shall cause to be posted in a prominent place at least one copy of such notice in each division within the department.

Sec. 14-55.5. Assistance by legal and human resources departments.

When requested to do so by the commission, the director, or the department director of the grievant who has filed a grievance under this procedure, the legal and/or the human resources departments shall assist in the representation or resolution of a grievance.

Sec. 14-55.6. Record keeping requirements.

The director shall be the official custodian of all records involving grievances after each grievance has been resolved. A repository of closed grievances shall be maintained ~~in~~ by the civil service coordinator of the human resources department.

Sec. 14-55.7. Nongrievable issues.

Unless specifically authorized in section 14-50 above, other issues that concern employees shall be handled as set forth below:

(1) *Employee concerns review programs.* All departments shall establish and implement programs with written procedures to address employee concerns which do not allege discrimination or are not expressly made

grievable herein. The director shall establish guidelines for such programs which shall be approved by the ~~civil service~~ commission prior to the development of any departmental program. Regardless of the form or manner, programs such as peer review, employee representative councils, mediation or any other alternative dispute resolution mechanism, or any combination of programs may be implemented to address such issues.

a. Each department's employee concerns review programs must be accessible to all of its employees regardless of civil service protection (e.g. probationary,~~ part time~~ part-time, appointed, executive, etc.).

b. Departments may reasonably limit concerns which can be addressed through this process. All programs and procedures and any amendments or subsequent changes must be approved by the commission prior to implementation.

c. There is no appeal to or review by the commission of decisions made by departments in any employee concerns review program.

(2) *Nonreferral complaints.* The director shall establish procedures for addressing complaints regarding nonreferral of applicants to posted vacant positions.

(3) *Classification challenge.* Any civil service protected employee who feels that he is performing duties outside the course and scope of his classification as defined by the position job description and/or the performance plan~~ EPE plan,~~ may request a review of his actual duties performed to ensure conformity and consistency in that classification and the classification system.

a. The request must be made in writing and filed with the employee's department grievance coordinator who shall be responsible for immediately providing a copy of the request to the department director or his designee.

b. The department director or his designee shall review~~s~~ the request and no later than ten calendar days after the request was provided by the grievance coordinator shall ~~to~~ determine whether the request has merit and ~~may~~ should be resolved internally without formal review by the director. The department director or designee may elect to:

~~(i)~~[1] Make no change in the employee's duties; or

~~(ii)~~[2] Eliminate any duties alleged to be outside the job description of the employee's classification and/or ~~EPE Plan~~ the employee's performance plan; or ~~of the employee's classification;~~

~~(iii)~~[3] Assign and/or substitute other duties that conform with the current job description of the employee's classification and/or reflect duties on the employee's performance plan; or ~~to the employee within the current job description and EPE plan; or~~

~~(iv)~~[4] Join the employee's request for a job audit and determination. ~~Request an analysis and recommendation from the director.~~ The department director shall immediately forward a request to ~~notify~~ the director ~~of the request~~ for review.

c. If the department director or designee fails to take any action within ten calendar days after the employee's initial request, the grievance coordinator shall forward the employee's request to the director requesting a formal job audit.

d. The director shall process the request as expeditiously as possible and issue a determination as to the propriety of the duties the employee is being asked to perform and whether they are within the existing classification. The final determination of the director shall be forwarded to the department grievance coordinator, the employee and the department director or designee.

e~~c~~. ~~If the department requests an analysis, u~~Upon receiving the director's determination, the department director shall have ~~has~~ ten calendar days to elect to change ~~the employee's duties~~ those duties that are non-conforming with the employee's job description and performance plan and set forth in writing the proposed actions, if any, to be taken with respect to the employee's duties and/or classification.~~, keep the same duties, or eliminate any additional duties not previously assigned to the employee alleged to be outside the employee's job description and EPE plan.~~ The department director or designee shall respond in writing to the director within ten calendar days of receipt of the director's determination, setting forth the proposed action(s), if any, to be made with respect to the employee's duties and/or classification. The director will send a copy of the determination and the department director's response and proposed action to the requesting employee.

~~(i)~~[1] If the department director's proposed action implements the director's ~~recommendation(s)~~ determination, ~~the employee must accept the department's proposed action(s) within ten calendar days of notice of the department's response provided by the director. If the employee fails to accept timely,~~ the offer is presumed ~~rejected~~ accepted and the request may not be pursued further. There is no appeal to or review by the commission.

~~(ii)~~[2] If the department's proposed action~~(s)~~ is inconsistent with the director's determination, the employee may request a review by the commission.

~~d~~f. When an employee is authorized to request a review by the commission above, the employee must request a review by the commission in writing on a form provided by the director within ten calendar days ~~of~~ after the employee's receipt of the department's response provided by the director. The request must be filed with the director, who shall log the request, monitor its progress and place the request on the agenda of the commission at the next possible regularly scheduled meeting. At least ten calendar days' notice of the date of the commission review shall be served on all parties.

~~(i)~~[1] The parties may submit written arguments and relevant documents in support of their respective positions. The director shall supply a copy of his determination to the commission at least five calendar days before the matter is scheduled for commission review. Unless the commission specifically requests, there will be no oral presentation, testimony or arguments to the commission.

~~(ii)~~[2] The commission shall review the director's determination, the department's response and proposed action, and the written arguments and documents of the parties and shall issue its order at the earliest practical time after the scheduled meeting of the commission affirming, rejecting, or modifying the determination of the director and/or proposed action of the department director with regard to the employee's duties and/or classification. The order of the commission shall be final and shall be implemented immediately. There shall be no further appeal or review.

(4) *Discrimination complaints.* Any complaint which alleges discrimination in whole or in part, based on race, color, religion, sex, national origin, age 40 years and over, ~~Vietnam Era~~ veteran status, disability, genetic information,

sexual orientation, gender identity, Family Medical Leave Act status, workers' compensation status, or retaliation for filing a charge/claim of discrimination (discrimination factors) or for whistleblowing is not grievable through the grievance process. All such claims will be referred by the grievance coordinator to the office of the inspector general for investigation and/or to the director for a determination of severability, if necessary. All or any portion of the complaint which is not based upon a discrimination factor and which may be segregated and severed, may proceed through the grievance process if it is otherwise grievable herein even if the grievant has concurrently or subsequently filed a complaint on the nongrievable (discrimination based) aspects of the complaint with the office of inspector general and/or the Equal Employment Opportunity Commission (EEOC), or the ~~Texas Commission on Human Rights (TCHR)~~ Texas Workforce Commission (TWC).

a. If at any point in the grievance process, a grievant alleges discrimination in either the grievance forms, at step proceedings, or in documentary materials, all such discrimination based issues, documents or testimony will be excluded from consideration.

b. If the grievable issues cannot be separated from the discrimination based issues which are not grievable, further processing of the grievance will be suspended, and the grievance will be referred to the office of inspector general for an investigation of the discrimination complaint. If an allegation of discrimination is sustained, the office of inspector general will inform the department who will attempt to resolve the issues in accordance with the applicable law. If any nondiscrimination issues remain to be resolved after the office of inspector general issues its findings, any previously intertwined grievable issues will be referred back to the department (if referred at steps I or II) or to the director (if referred at step III) for completion of grievance processing of the remaining unresolved grievable (nondiscrimination) issues.

c. A civil service protected employee who files a grievance must affirm in writing on a form provided by the director, that the grievance is not based upon a discrimination factor in whole or in part. If the grievant indicates a discrimination factor on the form, the grievant will be referred to the office of inspector general and the grievance handled as indicated above.

d. Notices regarding the filing of federal and state law complaints of discrimination shall be posted in prominent places in compliance with state and federal laws. A charge of discrimination filed with the EEOC or the ~~TCHR~~ TWC will not affect a valid grievance based on the same facts, even if concurrently or subsequently filed with the

processing of the grievance, so long as the grievance is processed in accordance with the rules set forth above and limited to the nondiscrimination based facts. EEOC and/or ~~TCHR~~ TWC determinations will not ~~effect~~ affect any grievance.

(5) *City appeals to state court.* In cases of exceptional importance, legal precedence, or challenge~~s~~ to jurisdiction or legal authority, the city/department may seek a declaratory judgment from a state district court of Harris County construing the commission's order~~(s)~~. The appeal must be filed within thirty days ~~of~~ after the date of the commission's order and ~~is~~ be based upon substantial evidence. The commission need not be joined as a necessary party.

DIVISION 4. RULE 4. CLASSIFICATION PLAN

Sec. 14-56. Generally.

The commission shall, in cooperation with the mayor and ~~city~~ council, have a classification plan which shall provide for the use of standard titles for all classes of positions in the classified service~~,~~ and a written ~~definition~~ job description for each classification which will describe duties and responsibilities and set forth minimum requirements necessary for the successful performance of the task involved in each classification.

Sec. 14-57. Adding or revising classifications.

The commission may, at any meeting, add new classifications or revise existing classifications whenever it is deemed advisable, always subject to the approval of the mayor and ~~city~~ council. There shall be no new classification proposed for council approval until the proposal, with full details of the duties involved, has been submitted to the commission for its recommendation.

Sec. 14-58. Interpretation of specifications.

The specifications of the various positions in the classification plan are hereby declared to have the following force and effect:

(1) The use of a particular expression or illustration as to duties, qualifications, or other attributes, shall not be held to exclude others not mentioned, provided such others are similar in kind or quality; nor to limit the power of the supervising authority to alter the detailed tasks involved in the duties of a position. But when a substantial change of duties is made, except for limited, temporary periods, such change shall be reported to the commission with a view to a possible reclassification of the position.

(2) In determining where a given position is to be allocated, the specifications shall be considered as a whole. Consideration shall be given to the ~~general duties~~ job purpose, the specific responsibilities, duties, tasks, ~~responsibilities,~~ and qualification requirements, and to the relation of the position to other classifications as all together affording a picture of the kind of employment the classification is intended to embrace.

(3) The commission shall prescribe minimum and maximum age requirements of applicants for appointment to particular positions. The minimum age for employment in the classified service of the city shall be 18 years. ~~And for~~

(4) For all classes, qualifications such as ~~citizenship~~ legal authority to work, honesty, ~~sobriety,~~ and industry~~, and good physical condition,~~ shall be deemed to be required even though they may not be specifically mentioned in the definitions of the positions.

(4~~5~~) The statement of necessary special qualifications in the specifications of a position, comprising an enumeration of license, registration, or other legal qualifications required for the performance of the duties of the position, shall constitute a basis and source of authority for acceptance or rejection of applications for examination for the position and also for the evaluation of the qualifications of an applicant. When such qualifications exist in state laws or city ordinances, they shall be required even though they are not specifically stated in the specifications.

Sec. 14-59. Allocation of positions to classes.

The commission shall allocate each position in the classified service to its appropriate class under the classification plan by placing in each class those positions substantially similar in nature, degree of difficulty, responsibility, and character of work which require generally the same kind and amount of training and experience for proper performance and which merit approximately equal pay. In making such allocations, provisions shall be made for the uniform application of the classification plan to positions in the various departments of the city.

Sec. 14-60. Status of incumbents of positions when allocated.

Should a position in the original allocation process be allocated or reallocated to a different class in order to correct an error in its original allocation, the employee in such position shall be entitled to continue therein, provided he legally occupies that position by regular appointment thereto.

Sec. 14-61. Allocation of new positions and reallocation.

(a) Whenever a new position is created by the mayor and ~~city~~ council, the commission shall allocate the position to its proper class in the classification plan, or if

no suitable class exists, one shall be established as provided in these rules~~,~~ and the position allocated thereto.

(b) Whenever the duties of a position are so changed as to justify its allocation to a different class, the commission shall make that reallocation and shall decide whether the change represents a promotion or a demotion for the incumbent of the position. Should it be a promotion, the incumbent must qualify therefor, provided he has not previously done so.

Sec. 14-62. Protesting allocations.

If an employee believes that his position has been improperly allocated, he may protest by presenting his reasons therefor upon such forms or documents as the director may prescribe. The claim shall be investigated ~~by the director, then referred to the commission for its decision which shall be final~~ consistent with the rules under a classification challenge under section 14-55.7(3) of this Code.

Sec. 14-63. Use of position titles.

The commission-approved title of each position shall be its official title for all purposes having to do with the position as such and shall be used to the exclusion of all other titles on all payrolls, budget estimates, official records and reports and personnel forms.

Sec. 14-64. Effect of classification on payments of salaries.

No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

Sec. 14-65. Right to make investigations.

The commission shall have the right to initiate and conduct investigations of positions in the classified service at any time and to propose changes in the classifications of positions when the facts warrant such action. The commission, through the director, may secure from the employee or his supervisor a new statement of the duties and responsibilities of the position under consideration. Should a change to the classification be proposed, the ~~The~~ employee and/or the ~~supervising authority~~ department director shall have an opportunity to be heard by the commission before the revised classification shall become effective.

Secs. 14-66—14-70. Reserved.

DIVISION 5. RULE 5. COMPENSATION PLAN

Sec. 14-71. Preparation, approval and revision.

The commission, in cooperation with the mayor and ~~city~~ council, shall prepare or cause to be prepared a compensation plan for the classified service and from time to time propose such revision as may be deemed advisable so as to provide for uniform scales of pay for all classes of positions. No such plan shall become effective until it has been approved by the mayor and ~~city~~ council.

Sec. 14-72. Adjustment of wages when plan made effective.

When the compensation plan is made effective under these rules by ordinance, the employees within a certain classification who are receiving a salary or wage lower than the minimum for that classification shall have their salary or wage increased to an amount equal to the minimum for that classification. The salaries or wages which are in excess of the maximum for that classification shall be considered individually by the commission, ~~and they~~ which in turn shall make recommendations to the mayor and ~~city~~ council for their action.

Sec. 14-73. Longevity pay.

(a) Effective January 1, 1975, in addition to his base salary, each full-time ~~permanent~~ regular employee shall be paid longevity pay in the sum of $2.00 per bi-weekly pay period for each one year period of actual service with the city. The maximum longevity to which any employee shall be entitled under this section shall not exceed $50.00 per bi-weekly pay period.

(b) Longevity pay for employees of the city shall be computed on a bi-weekly basis being effective on the first day of the first pay period following the employee's anniversary date of employment with the city. In computing actual service, time spent on authorized absence on military leave for service with the armed forces of the United States shall be included, but any other period of time in which an employee is out of the service of the city, or absent on leave without pay in excess of 90 days ~~in any 36-month period~~, shall not be counted, provided, however, that in the case of extended leave without pay only the period in excess of 90 days shall not be counted.

Sec. 14-74. Shift pay differential for certain city employees.

(a) For the purposes of this section, the following phrases shall have the meanings hereby ascribed to them:

~~(1)~~ *Day shift.* Any regularly scheduled work shift which begins between the hours of 5:00 a.m. and 12:00 noon.

~~(2)~~ *Second shift.* Any regularly scheduled work shift which begins between the hours of 12:00 noon and 6:00 p.m.

~~(3)~~ *Third shift.* Any regularly scheduled work shift which begins between the hours of 6:00 p.m. and 5:00 a.m.

(b) All ~~permanent,~~ full-time regular employees of the city, other than fire fighters and police officers ~~firemen and policemen~~, who are assigned to the second shift shall be paid, in addition to their base pay, shift differential in the amount of $0.25 per hour.

(c) All ~~permanent,~~ full-time regular employees of the city, other than fire fighters and police officers ~~firemen and policemen~~, who are assigned to the third shift shall be paid, in addition to their base pay, shift differential in the amount of $0.35 per hour.

Secs. 14-75—14-78. Reserved.

DIVISION 6. RULE 6. EXAMINATION

Sec. 14-79. Requirements for ~~tests~~ examinations.

The director shall, whenever vacancies exist within the ~~classified~~ civil service or even in advance of such vacancies, prepare, view and rate necessary ~~tests~~ examinations, or direct this work, which ~~tests~~ examinations shall determine the ~~fitness~~ suitability of applicants for ~~classified~~ civil service positions. No person shall be appointed to a position in the ~~classified~~ civil service, except as otherwise provided for by law, until he shall have signed a completed application on the forms prescribed by the commission, ~~has~~ qualified by passing the required examination, and ~~has~~ been certified for appointment in accordance with these rules.

Sec. 14-80. Notice required; exceptions.

~~The commission shall give public~~ Public notice of competitive group examinations shall be given at least ~~ten~~ seven calendar days prior to such examinations by posting notices in the office of the commission~~,~~ or upon any public bulletin boards available in the city hall~~, and~~ or elsewhere as the director may decide. Such examinations may be further publicized through the use of any other media most likely to reach qualified applicants for the position in question. This requirement may be waived by the commission in cases of special examinations for positions for which there is substantial difficulty in obtaining qualified applicants.

Sec. 14-81. Contents of notice.

Each official notice of an examination ~~or test~~ shall state the title, duties and pay of the position for which the ~~test~~ examination is to be held, the qualifications required, the time and place for making application, the time and place of examination ~~or test~~, and any other information which is deemed to be pertinent and useful.

Sec. 14-82. Open application period.

Should the commission find that there is a shortage of qualified candidates for positions or classes of positions which urgently need to be filled, it may announce that no time limit has been established for receiving applications, and applications may be filed during such period of time as may be necessary to establish a satisfactory employment list. When a satisfactory employment list has been established, public notice shall then be given that no further applications will be accepted.

Sec. 14-83. Types of examinations.

(a) All examinations shall be ~~impartial, fair, and practical~~ open, competitive, and free in character and designed to measure fairly the applicant's ~~qualifications for and fitness to discharge~~ suitability to perform the duties of the position which he seeks to fill.

(b) An examination may be written~~,~~ or oral ~~or unassembled~~ and may include physical tests, demonstrations of skill, evaluation of training and experience of applicants as recorded in their applications, or any combination thereof.

Sec. 14-84. ~~Admission to examinations~~ Applications and examination admission.

(a) All applications shall be made on forms prescribed by the director who may require such information as he deems pertinent, but no questions in the application, or in any other portion of the examination, shall be so framed as to elicit information concerning the political, fraternal or religious opinion or affiliation of the applicant.

(b) Any person may apply for any examination unless the public notice of same shall disqualify such person based upon a bona fide occupational qualification.

(c) The commission or director may reject the application of any person for admission to an examination ~~or test of fitness~~, or refuse to ~~test~~ examine any applicant, who is found to lack any of the qualifications prescribed in the public notice, or who is physically or mentally ~~unfit~~ unqualified to perform ~~effectively~~ the duties of the class, ~~or who is addicted to the habitual use of alcoholic beverages to excess or to the use of drugs, or who has been adjudged guilty of a crime involving moral turpitude or infamous or disgraceful conduct,~~ or who has been dismissed from the public service for delinquency or misconduct, or who has made false statements of any material fact, or has practiced or attempted to practice deception or fraud in his application or in his examination ~~or test~~. In every such case, the commission may reject the application and likewise may cancel the eligibility of the applicant if he has already been admitted to an examination and has attained a place on ~~an eligible list~~ a list of eligibles, and take action for his removal from the service in case he has already received appointment when such finding is made.

(d) The director may exclude from any further participation in any examination any applicant who does not make a passing grade on any part of an examination where

the examination is in more than one part ~~and consists of tests of skill, physical tests, and medical examinations~~. Failure in any portion of ~~this type of test~~ the examination ~~will~~ shall be sufficient grounds for exclusion in any other part of the examination, or, if all portions of the examination have been completed, the director may declare such applicant as failing in the entire examination.

(e) When applications are received from qualified applicants who are living in another city and it is not practical for such applicants to present themselves in the city for the examination, the director may make arrangements with ~~the civil service office in that city or, in lieu thereof, with the high school principal or~~ any other person in that city who is acceptable to the commission to administer the examination.

Sec. 14-85. Conduct of examinations ~~and tests~~.

(a) The examinations ~~and tests~~ shall be conducted by the director, or by persons designated by him, ~~at the time and place stated in the notices or advertisements of examinations or tests and~~ according to the procedure established by the director. Safeguards shall be devised which, insofar as possible and practicable, shall~~, except in oral examinations,~~ conceal the identity of candidates from examiners or other persons engaged in scoring, marking, or otherwise rating the candidates.

(b) The director shall arrange for suitable persons in the service of the city, with the consent of the supervising authorities under whom such persons work, to assist in examinations. When there is an insufficient number of such persons available, the director may arrange to employ temporarily such other persons as might be needed and shall provide for their pay.

(c) It shall be the duty of all city employees having such authority to allow the reasonable use of public buildings and other facilities as conditions might require for holding such examinations and tests.

Sec. 14-86. Passing grade.

The commission shall have the power to place the passing grade at any figure or percentage deemed equitable in each test but, unless a definite figure is set, the passing grade shall be 70, based upon a total weight of 100 for the entire examination ~~or test~~.

Sec. 14-87. Eligibility for examinations ~~and tests~~.

(a) ~~Tests of fitness~~ Examinations for ~~original entrance~~ appointment shall be open to persons who meet the requirements for admission to the ~~tests~~ examinations as established in the public notices therefor or as specified in these rules. Such requirements may relate only to qualifications, characteristics, skills and abilities related to the actual performance of the duties of the job for which the examination is being held.

(b) No additional applicant shall be admitted to the examination room after any candidate has permanently absented himself from the place of examination.

Sec. 14-88. Reexaminations; correcting; amending, etc., records.

The commission shall have the power, whenever in its judgment the interests of the public service require it, to order a reexamination of applicants for any position, and shall have the power to correct, amend, or revoke any schedule, list or other papers or records when it appears that an error or injustice has been done; and when any person whose name appears on the ~~eligible list~~ list of eligibles has, for any reason, become incapacitated for appointment in the public service, the commission may strike such name from said ~~register~~ list of eligibles. The reason for such action shall be recorded in full in the minutes of the commission.

Sec. 14-89. Original papers.

All original papers, applications, examination papers and questions, certificates, and all other papers pertaining to the application and examination are the property of the ~~commission~~ human resources department and must be filed ~~in the office of the commission~~with the human resources department and shall be kept ~~not less than one year~~for a minimum of three years or longer if circumstances require.~~; exceptions are the examination papers of those failing to pass which may be destroyed after 60 days.~~

Sec. 14-90. Notice of results.

Each person competing in an examination ~~or test~~ shall be given a written notice of ~~his final earned rating and, if he has passed, of his relative standing on the list~~ the examination results. Those who fail to attain a place on the list of eligibles shall be notified of that fact.

Sec. 14-91. Review of results.

Each person competing in ~~a test or~~ an examination may, within five business days after the ~~date of mailing of~~ notice of the results, and only after such person has requested in writing to the director, be permitted to inspect his rating and examination ~~or test~~ papers at the ~~office of the civil service commission~~ appropriate human resources department location, during business hours, and may secure any necessary explanations of the methods by which the ratings were determined. However, no examinee will be permitted to review the questions used in a written examination but may be allowed to review his answer sheet only.

Sec. 14-92. Appeals.

An examinee may file his appeal with the director for correction of his rating at any time during the five days immediately following notice of the ~~determination of~~ examination results; such appeals must be made in writing and must set forth the grounds for such appeal. The commission shall review such appeal within a reasonable

time and shall notify the examinee of its decision, and the decision of the commission shall be final.

Sec. 14-93. Correction of results.

If, after examination of the appeal filed by a candidate, the director finds that any manifest error existed in the rating, scoring, or computing of the results, he shall, upon approval by the commission, make the required correction and place the name of that person in its true position on the list as the correction warrants. Such correction, however, shall not invalidate any appointment previously made from such list.

Secs. 14-94—14-98. Reserved.

DIVISION 7. RULE 7. ~~ELIGIBLE LISTS~~LIST OF ELIGIBLES

Sec. 14-99. Preparation; contents.

(a) The director may prepare a~~n eligible list~~ list of eligibles, when needed, from the results of each ~~original appointment~~ examination. The list shall contain the names of only those persons who have met the minimum requirements for eligibility. Names shall be listed in a descending scale order starting with the one receiving the highest rating.

(b) When two or more candidates have equal final weighted ratings, their names shall be arranged on the list~~ in the order of their performance in the written test; but when this arrangement fails to resolve the tie, the order on the list shall be determined~~ by the order in which the application was~~ accepted~~ submitted.

(c) When a list of eligibles is being prepared in the course of an open application or examination period, as provided for by~~ rule~~ Rule 6, section 14-84 of this Code, names of eligibles shall be added to the list as rapidly as the necessary examinations are completed and rated, and in the order to which their final earned ratings entitle them. However, names certified prior to receipt of later eligibles shall not instantly be affected even though later eligibles may have higher earned final ratings, the prior certified names being affected only when these certified are returned to the eligible list at which time the names of eligibles who earned higher, though later, ratings shall be placed above them on the list to await another certification.

Sec. 14-100. Duration of lists of eligibles.

All~~ eligibility~~ lists of eligibles shall remain in existence for one year unless sooner exhausted, and at the end of one year they shall expire and new examinations shall be given as the need requires.

Sec. 14-101. Promotional lists.

After each promotional examination, the commission, through the director, shall prepare and keep available a promotional~~ employment list~~ list of eligible~~ of persons~~

~~successfully passing the examination, arranged in descending scale order of final weighted ratings~~. When two or more persons have equal final weighted ratings, their names shall be placed in the following manner: The one with the higher ~~service~~ performance rating shall be placed above the other; but if there should still be a tie, the one of greater seniority shall be placed above the other one.

Sec. 14-102. Reemployment lists and reappointment.

(a) The name of any ~~Any~~ employee who has held a ~~permanent~~ regular position in the ~~classified~~ civil service and has been laid off for reasons not to his discredit or whose position has been abolished under reduction of forces shall ~~have his name~~ be placed upon the reemployment list according to the date laid off, and shall remain thereon for a period of one year.

(b) Any person who voluntarily resigns from a position in the ~~classified~~ civil service and who leaves the service shall forfeit any rights which he might have had under civil service and may be ~~reemployed~~ reappointed in the ~~classified~~ civil service only in the manner prescribed by the rule governing original appointment. Nothing herein contained shall affect adversely the rights of any employee who enters the uniformed military forces as provided under rules governing military leaves.

Sec. 14-103. Removal of names.

Names of eligibles may be removed from ~~an employment list~~ a list of eligible for any of the following reasons:

(1) Failure to report for an interview~~ within three days (weekends and holidays excepted) after notification by the commission.~~

(2) Declining an appointment~~ without reasons satisfactory to the commission.~~

(3) Inability ~~of the postal authorities~~ to be located ~~him~~.

~~(4) Having been appointed previously to fill a permanent position.~~

(~~5~~4) Continued unavailability after expiration of a stated limited period of time during which, at the eligible's request, the director has not certified him.

(~~6~~5) Failure to ~~promptly~~ report to work after appointment.

(~~7~~6) Death of eligible.

(~~8~~7) ~~Loss of citizenship~~ Loss of legal authority to work.

(~~9~~8) ~~When, at any time after the creation of an eligible list, the~~ The commission has reason to believe that ~~one whose name appears on the list~~ the individual is unqualified for appointment because of:

~~i.~~[1] Incapacity~~;~~ ~~developed subsequent to his examination, or~~

~~ii.~~[2] ~~because of errors disclosed~~ Errors discovered in computing his examination score~~;~~ ~~, or because of~~

~~iii.~~[3] ~~false~~ False statements made in his application~~;~~ ~~,~~ or

~~iv.~~[4] ~~for other~~ Other similar reasons.

Sec. 14-104. Offenses relative to examinations, applications, etc.

No person shall willfully~~wilfully~~, by himself or in cooperation with any others, defeat, deceive, or obstruct any person in respect to his rights to any ~~test~~ examination ~~of fitness~~ or appointment to any position under the provisions of ~~article~~ Article Va and any rules or ordinances adopted thereunder; nor shall anyone willfully~~wilfully~~ and falsely mark, grade, estimate or report upon, the ~~tests of fitness~~ examination, the standing of any person ~~tested~~ examined or certified, or the ~~service~~ performance ratings of any employee; nor shall anyone aid in so doing; nor shall anyone willfully~~wilfully~~ make any false representation concerning any person ~~tested~~ examined, or willfully~~wilfully~~ furnish to any person any special or secret information for the purpose of either improving or injuring that person~~s~~'s prospects or chances in connection with any examination ~~or test~~ or appointment; nor shall anyone impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any examination ~~or test~~ or appointment or application or request to be examined. Violation of this rule by a city employee shall be grounds ~~for prompt and permanent dismissal~~ immediate indefinite suspension of the offending employee or employees as provided for by ~~rule~~ Rule 15. Violation of this rule by an applicant shall cancel all present ~~and future~~ rights of that applicant or candidate for consideration as an appointee to the city's service. Violation of this rule by a noncivil service employee shall be grounds for the immediate discharge or termination of the noncivil service employee. In all cases, violation of this rule may result in removal of the offending employee or candidate from all lists of eligibles.

Secs. 14-105—14-109. Reserved.

DIVISION 8. RULE 8. CERTIFICATION AND APPOINTMENT; TRANSFERS

Sec. 14-110. Requests for certification.

Whenever it is desired to fill a vacant classified position, written notification and such information as might be necessary for an ~~intelligent~~ informed certification shall be submitted to the commission on a form prescribed by the director. Insofar as is practicable, each vacancy shall be anticipated sufficiently in advance by the department in order to permit the director to determine who may be available for appointment and, if necessary, to prepare a class specification and to establish a list of eligibles.

Sec. 14-111. Certification of eligibles.

(a) Upon receipt of written request for certification, the director shall certify to the department director ~~under the direction of the mayor from the eligible list~~the list of eligibles, ~~or the list most nearly appropriate, the names, addresses, and examination grades of,~~ and any other ~~desirable~~ applicable data.

(b) If any of the number so certified shall not be ~~then not~~ available for appointment, the director shall certify the succeeding name or names from such ~~eligible list~~list of eligibles until a sufficient number of eligibles ~~to conform with the above formula is~~are certified.

~~(c) No name shall be certified more than three times to the same department director for the same or similar position except upon written request of that department.~~

(~~d~~) ~~The department director may specify sex only where such restriction is based upon a bona fide occupational qualification.~~

~~(e) An eligible who has declined an appointment on the grounds of insufficient salary shall not thereafter be certified for a position at the same or any less salary except upon written request of the eligible.~~

(~~f~~c) Vacancies in the classified service shall be filled by promotion, except when the commission deems that the interests of the city may be served better thereby, such vacancies may be filled by the demotion, transfer, reemployment or original employment when applicable.

(~~g~~d) The eligibles to be certified, subject to the limitations of the preceding section, shall be the highest ranking ones willing to accept employment chosen in this order:

(1) Former regular employees on a reemployment list whose services terminated only because of budgetary or force-reduction reasons.

(2) Regular employees on the appropriate promotion list, if any.

(3) Those approved for reappointment;~~on a reemployment list~~, if any.

(4) Those on an original employment list.

All names on one of such lists shall be exhausted before names from another list may be certified, but names certified may be those taken from two or more lists, if necessary, to provide the necessary number ~~to conform with the formula~~ prescribed in subsection (a) of this section.

(~~h~~e) If the appropriate lists do not contain a sufficient number of eligibles ~~to conform with the formula~~ prescribed in subsection (a) of this section, the maximum

number of available eligible persons willing to accept appointment shall then be certified. Under such circumstances, ~~the mayor shall not be required to make an appointment from such lists and~~ the director shall then prepare an examination in order to create a new ~~eligible~~ list of eligibles from which certification shall be made.

~~(i) The department director shall forward to the director, with due notice of appointments, copies of all correspondence to and from those persons interviewed.~~

(~~i~~f) When, upon request for certification, there are no eligibles on an appropriate list, certification may be made at the discretion of the director, and the director may appoint any qualified person available to fill the position.

Sec. 14-112. Report and effective date of appointments.

An appointment shall be reported immediately to the human resources department on the form prescribed by the commission. The director, after certification of conformity with the rules, shall forward one copy of the form to the department concerned, the payroll section, and the civil service personnel files. An appointment shall become effective as of the date on which the appointee enters upon duty.

Sec. 14-113. Temporary and emergency appointments.

(a) Whenever a department requires temporary assistance because of a special project, a temporary increase in the work load, or absence of a regular employee, appointments may be made from an appropriate ~~eligible list~~ list of eligibles for the duration of such unusual work. Each such employee shall have the prefix ~~TEMPORARY~~ temporary ~~as part of his title~~ in the official records.

(b) The acceptance or rejection by an eligible of temporary appointment shall not affect his standing on the ~~eligible list~~ list of eligibles, but the temporary service ~~may~~ shall not be counted as a part of his ~~probationary period only~~ probation in case of immediately subsequent, ~~permanent~~ regular employment in the same position in the same department.

(c) No temporary appointment shall be made for a period of more than ~~three~~ six months, but may be extended by the commission for a longer period. No temporary employment shall become ~~permanent~~ regular unless the employee, at the time of original, temporary placement, came from ~~an eligible list~~a list of eligibles for that position. In case it is desired to convert a temporary appointment into a ~~permanent~~ regular one, such appointee shall fulfill the requirements covering candidates for original entrance into the service and must be certified by the commission before he may become a regular appointee.

(d) In the event of an emergency which may result in loss of public property or in serious inconvenience to the public, the mayor may direct the ~~commission~~ director to select and appoint a person or persons without regard to the rules governing other appointments, but in no case shall such emergency placements be employed for longer

than the duration of the emergency and each such employee shall have the prefix ~~EMERGENCY~~ emergency ~~as part of his title.~~in the official records.

(e) Successive or consecutive emergency appointments shall be made only with express approval by the commission with a view of limiting a person to a total of 90 working days of such employment.

(f) Emergency appointments shall be reported promptly to the commission with reasons therefor; the commission ~~reserving~~ reserves the right to inquire into the nature of the emergency.

Sec. 14-114. Approval of appointments.

(a) Approval by the commission of regular appointments made in conformity with civil service rules and from ~~lists of certifications~~lists of eligibles shall not be required~~, as certification of eligibles shall be deemed as having fulfilled civil service requirements.~~

(b) Approval by the commission of temporary appointments shall be required before the ~~civil service commission~~administration and regulatory department director may certify to the legality of the payrolls upon which such names appear. ~~Such approval should be had before employment of temporary employees begins.~~

(c) Approval by the commission before employment begins shall not be required in the case of an emergency placement, but each such appointment shall be reported to the ~~civil service~~ commission immediately.

(d) When there is a vacancy in a scientific, managerial, professional, or educational class and there is a shortage of applicants in that class, the commission may approve the appointment of an applicant recommended by the mayor upon satisfactory evidence that the applicant meets the requirements for the class and is qualified otherwise; however, the commission may require the applicant to pass ~~either~~ an ~~assembled or an unassembled~~ examination~~, or both, to qualify.~~

Sec. 14-115. Transfers.

(a) A department director, with the approval of the mayor, may request the ~~civil service~~ commission to ~~transfer or~~ reclassify within his department any classified employee under his jurisdiction ~~from one position to another position in the same class~~ with the same maximum salary. ~~Transfer or r~~Reclassification shall not be allowed until prior approval by the ~~civil service~~ commission.

(b) Transfer of a classified employee from a position under the jurisdiction of one department director to a position under the jurisdiction of another department director may be made only upon approval of the ~~civil service~~ commission and both department directors concerned.

(c) Any transfer of an employee from a position in a lower class to a position in a class carrying a higher maximum salary shall be deemed a promotion; while any transfer from a position in a higher class to a position in a class carrying a lower maximum salary shall be deemed a demotion and neither may be accomplished except in the manner provided in these rules for making a promotion and for making a demotion.

(d) A city employee in a noncivil service position shall not be ~~neither~~ transferred, appointed, nor promoted to a civil service position without first having been qualified by the ~~civil service~~ commission.

(e) When the best interests of the city may be served thereby, the commission may approve transfers, to vacancies, of employees who are about to be displaced for reasons not reflecting upon the efficiency, character, conduct or capacity of those employees.

Sec. 14-116. Procedure.

The director shall institute procedures and designate forms for carrying on all of the activities involved in such transactions coming under the jurisdiction of the commission.

Secs. 14-117—14-121. Reserved.

DIVISION 9. RULE 9. PROBATION

Sec. 14-122. Duration.

(a) Each ~~original~~ appointment ~~or reappointment~~ to a position in the ~~classified service~~civil service shall be for a probationary period of 12 consecutive months. Each employee so appointed shall complete the 12 months probationary period, which is to be regarded as a working ~~test~~ evaluation period, before being considered a ~~classified~~ civil service employee.

(b) Each promotion in the ~~classified~~ civil service shall ~~be for~~require an additional probationary period of six months, which is also to be regarded as a working ~~test~~ evaluation period.

Sec. 14-123. Service ~~ratings~~ during probation.

During a probationary period the department director shall observe ~~carefully~~ the performance and conduct of the employee and, if ~~the conduct of the employee is~~such is not satisfactory, then the circumstances ~~pertaining to the unsatisfactory performance~~ shall be ~~reported~~ filed in writing with the ~~to the civil service~~ commission.

Sec. 14-124. Effect of nonpaid absences or transfers during probation.

(a) If an employee is absent without pay for any reason from his work for a period of over 30 calendar days, during the probationary period, the time he is absent shall not count as a part of the period of probation and the employee will be required to serve that additional time as part of his probationary period.

(b) If an employee is transferred during the period of probation from a position in one department to a position in another department, the employee so transferred shall be required to start a new probationary period at the time of his transfer.

Sec. 14-125. Removals during probation.

(a) In case the department director deems a probationary employee unable or unwilling to render satisfactory service, or for other sufficient cause, the director of the department~~, with the approval of the civil service commission,~~ may remove such employee upon written notice to the commission. When any employee is removed for any cause during probationary period, he shall not be entitled to a review or hearing before the~~ civil service~~ commission.

(b) If a civil service employee is removed during probation, from a position to which he has been promoted, he shall be restored to his former classification in the department in which the employee is presently assigned, unless the employee consents to other placement.

Sec. 14-126. Credit for prior service.

The provisions of this section shall be available in any instance in which a position which was not theretofore subject to civil service ~~classification~~ protections is revised or redesignated by action of the ~~city~~ council or the commission so that it becomes a ~~classified~~ civil service position and the incumbent thereof qualifies for and continues to hold such position without a break in service after its revision or redesignation. Under such circumstances, the commission may, upon recommendation of the department director and the director and a finding that the duties and responsibilities of the position have not substantially changed, grant credit to the incumbent for all or a portion of his prior service time or none towards the appointment probation period established pursuant to section 14-122 of this Code.

Secs. 14-127—14-130. Reserved.

DIVISION 10. RULE 10. PROMOTIONS

Sec. 14-131. General requirements.

Vacancies in the classified service shall be filled only at the discretion of the department director and, insofar as is practicable, by the promotion of employees within the department in the classified service. Only the~~The commission~~ director shall, in each

case, ~~determine~~ certify the qualifications of the employees recommended ~~by~~ to the department director~~. and the civil service commission shall determine which employee is entitled to the promotion.~~ Promotions shall involve a definite change in duties or an increase in responsibilities and an increase in pay grade and shall not be made merely for the purpose of effecting an increase in compensation.

Sec. 14-132. Promotional examinations generally.

Promotional examinations shall be ~~open only~~limited to only employees in the classified service who, at the time of the examination, are serving in other ~~civil service~~classified positions and have served for such a period as may be prescribed by the ~~commission.~~director. A promotional examination may include employees with specific classifications in all departments or only in the department for which the ~~eligible list~~list of eligibles is being established, as determined by the ~~commission~~ director in each instance. Certification shall be made in the same manner as that prescribed for original appointment. Promotional examinations may, at the direction of the director, consist of one or more of the following parts: Written, oral, ~~mental~~psychological, and practical performance tests, a special rating by each candidate's department director and, in some cases, a medical examination as an additional requirement.

Sec. 14-133. Notice of promotional examinations.

Whenever ~~the commission orders a written~~a promotional examination is to be held, notice of such examination shall be posted~~. in the department or departments in which eligibles are employed.~~ It shall be the duty of the ~~department~~ director ~~concerned~~ to determine where such notices shall be posted and the duty of the department director to see that each such notice is properly posted~~. at least one week prior to the examination date.~~

Sec. 14-134. Temporary promotions.

An interim or temporary promotion to a higher position, made necessary by reasons of sickness, disability, vacancy, or other absence of another employee, may be authorized by the commission upon the written request of the department director concerned who shall set forth full information regarding such request. All such temporary promotions, where practical, shall be filled from a promotional list if there is one in effect for the particular class, and shall continue only during such period of sickness, disability or other absence. Any such temporary promotion may or may not include a temporary increase in compensation at the discretion of the department director.

Secs. 14-135—14-139. Reserved.

DIVISION 11. RULE 11. LAYOFFS

Sec. 14-140. Notice.

When it is necessary to reduce the number of employees within any department due to reorganization of the department, reduction in funding, reduction in services provided, or for any other reason, each employee whose position is to be eliminated shall be so notified, and at the stated time his salary and work shall cease. This shall constitute a layoff. The department director shall notify the employee in writing at least 45 calendar days in advance of the layoff. A copy of the layoff notice shall be forwarded promptly to the director. A suspension, dismissal, discharge or discontinuance of temporary, part-time or seasonal employment shall not necessarily constitute a layoff and vice versa.

Sec. 14-141. Who shall be laid off.

When it becomes necessary to lay off one employee or more in the same classification in a department, the one or ones to be laid off shall be determined by the department director on the basis of this section. While there is no guarantee of reemployment for any laid-off employee, the names of all those laid off, who have received performance ratings reflecting acceptable performance or higher, shall be placed on a reemployment list for a period of one year. No employee in a ~~permanent~~ regular position shall be laid-off while any probationary, temporary, part-time, seasonal, or emergency employee is performing comparable duties in the same department unless the department director determines that the continued use of such employees is necessary due to unpredictable work loads, seasonal or temporary work requirements, or related factors that make the use of ~~permanent~~ regular full-time employees for the work impracticable or inefficient or would impair the quality of service of the department. Employees will be laid off by a combination of merit rating and seniority as provided in this ordinance.

Sec. 14-141.1. Rules of construction and definitions.

In the construction of this division, the following rules shall be observed and the following definitions shall apply, unless the context clearly indicates otherwise:

Classification means the actual employment category to which each employee is assigned at the city.

Combined merit rating means the total point score of overall appraisal ratings received during the past three years' annual ~~Employee Performance Evaluations (EPEs).~~performance ratings. Combined merit rating will be based on the overall ~~appraisal~~ performance ratings from the subject employee's annual ~~employee performance review(s)~~performance ratings given upon forms promulgated by the director and approved by the commission, during the

calendar year in which the implementation date occurs and for each of the two calendar years preceding the year in which the implementation date occurs. For each of those three years' performance reviews, the employee shall receive points on a basis that corresponds to the employee's overall ~~appraisal~~ performance rating numerical score~~. on the EPE.~~ If the numerical scoring systems differ between types of ~~EPE~~ performance review forms, those ratings shall be adjusted to obtain corresponding scoring systems according to standards set by the director.

If an employee received more than one performance ~~review~~ rating during any such calendar year, then the results of each ~~review~~ performance rating for that year shall be averaged on the basis of the number of performance ~~reviews~~ ratings that the employee received during that calendar year. For any year in which an employee did not receive a performance ~~review~~ rating for any reason including, but not limited to, not being employed by the city, then for that year the average of the scores the employee received in the remaining year(s) in the combined merit rating period shall be used. If an employee in a classification tier that is targeted for layoff has not received any performance reviews during employment with the city, then the department shall perform an unscheduled performance review before the implementation date, and the score on that review shall be multiplied by three to give that employee's combined merit rating. If ~~an EPE~~a performance rating is on appeal through ~~the city's~~a grievance process, the appropriate hearing officer will be notified and requested to render a decision before the implementation date. If the appeal is still pending on the implementation date then the average of the scores the employee received in the remaining year(s) in the combined merit rating period shall be used instead of the score on the performance ~~review~~ rating which is pending on appeal. Combined merit ratings shall be computed for all employees within the department and classification in which a layoff is to be implemented.

Department means each department, division of a department, office, or division of an office of the city that is listed on the Exhibit A at the end of this division, regardless of whether it actually constitutes a department of the city government, or not.

Implementation date means the date established in writing by the mayor for the implementation of a layoff within a department. All computations regarding the layoff shall be based upon the implementation date, and the delay of the actual implementation of the layoff for any reason shall not affect the use of the established implementation date for such computations, unless the mayor elects to establish a new implementation date.

Layoff tier. Each employee within a department and classification in which a layoff is to be implemented will be assigned to a layoff tier as determined by the employee's combined merit rating. Employees within a layoff tier will be laid off on the basis of their seniority with the employees having the least amount of

seniority being laid off first. The most senior person within a layoff tier will be retained, barring any exemptions.

Managerial tier means a separate tier which consists of employees who occupy positions within classifications assigned to a pay grade greater than or equal to pay grade 23, as designated in the Officials and Administrators EEOC (Equal Employment Opportunity Commission) job category A, and which are designated as a mid-level manager or above on the class description. Managerial tier shall not include employees excepted from eligibility to civil service classification under ~~Article~~Article Va, Section 2~~ of the City Charter~~. When a classification in the managerial tier is targeted for layoff within a department, all employees holding positions within that classification in the department shall constitute one tier for the purposes of computing the combined merit rating.

Total continuous employment shall be computed from the date of an employee's initially reporting to work with the city as an employee in a ~~permanent~~ regular position. Total continuous service in the current job classification shall be computed from the date of an employee's certification to the current job classification. If the employee has had a break in employment, then the total continuous employment or the total continuous service in the current job classification shall be computed from the date of the employee's return reporting to work with the city as an employee in a ~~permanent~~ regular position. A break in employment shall consist of any instance in which the person ceased to be a ~~permanent~~ regular employee of the city under these civil service rules, except for a military leave authorized under state or federal law or a prior layoff and reemployment under Civil Service Rule 11.

Sec. 14-141.2. Layoff procedure including sequence of layoffs.

(a) With the exception of employees in classifications in the managerial tier, employees within the same classification in a department where the layoff is to be implemented shall be laid off on a lowest numbered layoff tier-first out basis. In the event that there are two or more employees within a given classification and layoff tier and the number of persons to be laid off is such that one or more of the employees within that classification and layoff tier need be laid off and one or more need not be laid off, then the person or persons with the least seniority, based on total continuous employment, shall be laid off first.

(b) For each job classification affected by the layoff, probationary, temporary, part-time, seasonal and emergency employees shall be laid off first and, exclusive of exemptions, comprise Layoff Tier Number One of the layoff scheme. Layoff Tier Number Two shall, exclusive of exemptions, be comprised of all employees having a combined merit rating falling below standard (i.e. below 9). Layoff Tier Number 3 shall, exclusive of exemptions, be comprised of all employees having a combined merit rating greater than or equal to 9 and less than or equal to 11.07. Layoff Tier Number 4 shall be comprised of all employees with a combined merit rating greater than 11.07.

(c) The employee or employees to be laid off will be determined by their layoff tier and seniority, based on total continuous employment, on a lowest tier number-first out basis. Within a layoff tier, the employee or employees having the least seniority (exemptions excluded) will be the first laid off. After all employees within a layoff tier (exemptions excluded) have been laid off, the employees in the next numbered layoff tier will be laid off in order of seniority, and layoffs will continue through layoff tiers sequentially until the layoff has been completed.

(d) If a tie exists between two or more employees after use of the procedure outlined in (c) of this section, then among those employees with the tie score, the following steps will be utilized in the following numbered sequence until the tie is broken, with use of a succeeding step only in the event a tie still exists among two or more employees:

(1) Employees will be laid off on the basis of the commencement of their total continuous service in the current job classification on a last in-first out basis, with the last commenced to be the first laid off.

(2) Employees will be laid off on the basis of their most recent job performance review score on a lowest score-first out basis, with the employee receiving the lowest score to be the first laid off.

(3) Employees will be laid off on the basis of the commencement of their total continuous employment on a last in-first out basis, with the last commenced to be the first laid off.

(4) Employees will be laid off on the basis of the date an employee filed an application for current continuous employment with the human resources department on a last in-first out basis, with the last applicant to be the first laid off.

(5) Employees will be laid off on the basis of total city service, which shall include all periods of permanent employment with the city, on at least total service-first out basis, with employee(s) with the least amount of total city service to be the first laid off.

(6) Employees will be laid off on the basis of their names selected on a random basis by the human resources director, or his or her designee, on a first selected-first out basis, with the first name(s) selected to be laid off first.

Sec. 14-141.3. Exemptions and directors' discretion.

The department director may exempt one or more employees from the operation of the layoff, if the department director makes a specific written finding that:

(1) The exempted employee(s) have specifically enumerated educational qualifications or specialized technical training, professional licenses or qualities relevant to their work functions that are not possessed by the employee or employees who would otherwise replace them; or

(2) The retraining of the employee or employees who would otherwise replace the exempted employee(s) would cause a deterioration of service delivery or service quality by the department or the exempted employee has specifically enumerated skills, the loss of which would adversely impact the department's service delivery or quality.

~~Not less than ten city working~~At least ten calendar days prior to the date that the laid off employees are formally notified in writing of their layoff under this rule, the department director implementing such layoff shall provide the city attorney with written exemptions, if any, for review and approval.

Except as to employees who are exempted in accordance with this subsection, the layoff shall be accomplished in the manner otherwise provided in this rule.

Sec. 14-141.4. Grant-funded positions.

In any instance in which a department has some positions that are funded in whole or in part by virtue of funding received from one or more state or federal grant contracts and other positions that are funded in whole by virtue of funds derived from other general sources of city revenue and a layoff is required due to a reduction or elimination of the funding, then the layoff shall be accomplished in accordance with this rule, but in such a manner as to affect only those employees whose positions are funded in whole or in part through the source of funding that has been reduced or eliminated. It shall be the duty of the department director to ensure that each employee hired, transferred, promoted, demoted or otherwise assigned into a position that is funded in whole or in part by any state or federal contract or grant in aid notified prior to such assignment that the position will not be wholly funded by general city revenues and that the employee's continued employment will be subject to the city's continued receipt of funds for the position under the applicable state or federal contract funding the position.

A position shall be considered to be funded by a state or federal grant contract for purposes of the administration of this subsection regardless of whether the grant contract provides for the receipt of the funds in advance of their expenditure by the city, or provides for the expenditure of city funds from other city sources with their subsequent reimbursement pursuant to the terms of the grant contract, or provides for any combination of advance funding and reimbursement funding.

Sec. 14-142. Reemployment list; ~~reemployment;~~ reappointment; restoration of sick leave and vacation accruals.

The names of persons officially filling ~~permanent~~ regular civil service positions at the time such positions are abolished and who have ~~EPE scores~~performance rating scores of acceptable or higher shall be placed on a reemployment list and shall remain on this list for a period of one year. When vacancies occur in positions with the same classification or any other classification which is determined by the director to require equivalent job skills within the same or any other department, except as provided below the last one or ones laid off shall be the first ~~reemployed~~reappointed, and no other names shall be certified for those classifications until the one or ones laid off have been given a reasonable opportunity to accept reemployment with the city. Nothing herein shall be construed as a guarantee of reemployment.

(1) ~~In~~ For any instance in which there exists a reemployment list for a classification, and if an employee has been or will be voluntarily or involuntarily demoted to that classification within the department or if a qualified employee with a disability must be transferred to a vacant position in that classification as an accommodation of last resort, the department director may request and the commission may approve the certification of the ~~demoted~~ employee to a position within that classification and thereby reject ~~employees~~ placement of those on the reemployment list.

(2) In any instance in which the reemployment list for a given classification contains employees who before the layoff did not work within the department in which they would be reemployed, the department director may request and the commission may approve the certification of only those employees on that reemployment list who worked in that department at the time they were laid off, and thereby reject all employees on the reemployment list who were not employed in that department at the time they were laid off. If vacancies that the department seeks to fill still exist after certification of all those employees who worked in the department at the time they were laid off, then for those remaining vacancies the last employees laid-off in that classification within any other department shall be the first reemployed.

(3) In any instance in which the duties assigned to a classification within a department will require the performance of different work functions, which vary as to tasks performed, equipment operated, or in any other manner that affects the transferability of persons between the functions, and any one or more employees on the reemployment list were, before the layoff, either:

a. Selected for employment or promotion to the same or similar work functions on the basis of different formal education qualifications, professional licenses, or specialized technical training, or

b. Given specialized training, whether of a formal or on-the-job nature, while employed by the city that substantially meets the needs of the work functions to be performed in the department where reemployment of employees based strictly on their numerical position on the reemployment list would, in the opinion of the department director, require the retraining, licensing, or additional education of any one or more employees on the reemployment list to effectively staff those activities of the department that will be performed, then the department director may request that the commission reject one or more employees on the reemployment list. The commission may reject the employee(s) based on the director's opinion:

[1] The employee(s) who will be rejected does not have educational or training skills or licenses relevant to the work functions required for the department that are possessed by the employee(s) who the department requests be employed, or

[2] The retraining, licensing or additional education of the employee(s) who will be rejected would cause a deterioration of service delivery or service quality by the department.

(4) Restoration of sick leave accruals. An employee laid off under the Rule 11 provisions and placed on a reemployment list who returns to ~~full time~~regular employment with the city within one year of the layoff effective date~~on April 12, 2011, or any subsequent layoff~~, shall be immediately reinstated to the Compensable sick leave or Modified sick leave plan which the employee participated in at the time of layoff. Upon reemployment, the employee shall have restored all unused sick leave hours accrued by the employee as of the time of layoff under the Compensable sick leave plan, not to exceed 1,040 hours. Any unused sick leave hours accrued by the employee under the Compensable sick leave plan as of the time of layoff in excess of 1,040 hours and for which the employee has been compensated, shall not be restored. Upon reemployment, any sick leave hours that had been accrued by the employee under the Modified sick leave plan and for which the employee was compensated subsequent to the layoff, shall not be restored to the employee.

(5) Restoration of vacation accruals. An employee laid off under the Rule 11 provisions and placed on a reemployment list who returns to ~~full time~~regular employment with the city within one year of the layoff effective date~~on April 12, 2011, or any subsequent layoff~~, shall be reinstated to the vacation accrual program the employee participated in at the time of the layoff as provided under section 14-170 of this Code. All vacation hours the employee had accrued in excess of the vacation cap applicable to the employee at the time of layoff, shall also be restored to the employee. Any vacation hours accrued by an employee at the time of layoff, for which the employee was compensated subsequent to the layoff, shall not be restored to the employee.

Sec. 14-143. Transfer or demotion in lieu of layoff.

An employee who is determined to be in line for layoff may be transferred, before the effective date of such layoff, to a position in the same classification in a different department or to a position in any other classification for which the employee is qualified in the same department, in lieu of being laid off, such transfer to be governed by conditions or procedures prescribed in these civil service rules and the availability of suitable positions that the department directors desire to fill. If a ~~permanent~~ regular employee is in line for layoff from a position to which he was promoted within the preceding 12 months, he may be demoted to his previous classification, provided that there is a vacant position available in such classification that the department director desires to fill and further provided that the employee is willing to accept a pay reduction to the rate applicable for the classification to which the employee will be demoted.

Sec. 14-144. Filing of plan; appeal.

(a) ~~Not less than five city working~~At least seven calendar days prior to the date that the laid off employees are formally notified in writing of their layoff under this rule, the department director implementing such layoff shall file a written plan reflecting such layoff with the human resources director as secretary to the commission for review of compliance with non-discrimination obligations. Such plan shall set forth:

(1) Reason for the layoff and the source of funding which was reduced, if applicable;

(2) An organizational plan or diagram for the department affected by the layoff as it appeared prior to the layoff;

(3) The names and the current home addresses and telephone numbers and classifications of the employees who are to be laid off;

(4) For each classification and final layoff tier in the department in which employees are to be laid off along with the computation of each

employees' (whether laid off or not) combined merit rating score and layoff tier pursuant to section 14-141 of this Code; and

(5) A copy of any exemption designations made pursuant to section 14-141 of this Code.

(b) Each layoff process accomplished under this rule that causes the layoff of any permanent employee shall be subject to review by the commission upon the request of any laid off permanent employee filed in writing with the director within ten calendar days after the date that the employee is given written notice of the layoff. If the tenth day falls on a Saturday, Sunday, or holiday, the time for filing the request for review shall be extended to the next working day. In this paragraph "permanent employee" shall mean a full-time regular employee who is serving in a classified civil service position who has completed the one-year probationary period applicable to new and rehired civil service employees but shall not be construed to mean any employee ~~accepted~~ excepted from civil service classification pursuant to Article Va, Section 2 ~~of the City Charter~~.. Such request shall specify the reason that the laid off employee believes that the layoff process was not properly accomplished in accordance with this rule. Any request which lacks such specificity may be rejected by the commission. The appeal shall not raise prior acts of the department or delve into past incidents. It shall focus solely on the process of the layoff and whether it was done correctly and in accordance with this rule. The chairman, in consultation with the other members and the director, shall determine the type of review to be conducted, establish a date and determine the names of those persons who would be affected by the appeal if meritorious. The director shall cause a written notice of the review proceeding to be mailed to each person who may be designated by the commission, at the address furnished in the layoff plan, by certified U.S. mail, return receipt requested. Any of the persons so designated may intervene in the review by filing a written statement of position on the matter with the director by the day prior to its setting. To the extent practicable, only one review shall be conducted for each layoff process. The commission shall limit its inquiry to the issue of whether the layoff process was accomplished as to all employees involved, whether laid off not, in accordance with this rule, and it shall not at any time substitute its judgment or opinion for that of the department director as to any decision made within the legitimate discretion of the department director. The commission shall enter a written decision as soon as practicable after the conclusion of the review which shall be done by written documentation only (no testimony or oral argument) but not later than the twentieth day next following the date that the review is concluded. The commission may uphold the layoff as presented, uphold it in part and change it in part or take any other action necessary in order to conform the layoff to this rule. In accordance with its determination the commission may order the reinstatement of any laid off employee with back pay and the layoff of any other employee in lieu thereof. The filing of an appeal hereunder shall not defer the implementation of the layoff. However, the mayor may defer the implementation of the layoff process, in whole or in part, upon written recommendation of the director and the commission chairman that it be deferred due to an apparent

violation of this rule. Layoffs reviewed and sustained by the commission shall be final and shall not be subject to any other administrative recourse, review, or appeal process.

(c) To the extent an employee association has been duly recognized by the city as the sole and exclusive bargaining agent for municipal employees under Chapter 146 of the Local Government Code, the city and bargaining agent shall, through meet and confer, arrive at an alternate expedited process by which an exemption afforded under that section 14-141.3 of this Code may be challenged by the employee association on the grounds that it does not meet the criteria under that section, and whereby a laid off employee with at least eight years of service may challenge a combined merit rating of 9 received by the employee on the grounds that such rating does not accurately represent the employee's performance for the covered period.

Sec. 14-145. Review by human resources department for nondiscrimination obligations.

The mayor shall cause any plan for the implementation of a layoff to be reviewed by the human resources department to ensure that no employee is denied any benefit of employment or granted any preference on the basis of race, color, creed, sex, religion, national origin, age, gender, handicap or political of fraternal affiliation in the implementation of the layoff. If the commission finds that a denial of benefits or preference was undertaken for any of the foregoing reasons, then it shall order the reinstatement of the wronged employee(s) with back pay and the layoff of other employee(s) in lieu thereof. In order to facilitate such review the department director shall file a document reflecting the racial and sexual makeup of the department, including the employees to be laid off, with the documents provided to the ~~civil service~~ commission.

EXHIBIT A
CITY DEPARTMENTS

Administration and Regulatory Affairs

City Controller

City Council

City Secretary

Convention and Entertainment Facilities

Finance

Fire

Fleet Management

General Services

Housing and Community Development

Houston Airport System

Houston Health Department

Houston Information Technology Services

Houston Public Library System

Human Resources

Legal

Mayor's Office—Administration

Mayor's Office—Houston Emergency Center

Municipal Courts

Neighborhoods

Office of Business Opportunity

Parks and Recreation

Planning and Development

Police

Public Works and Engineering

Solid Waste Management

Secs. 14-146—14-149. Reserved.

DIVISION 12. RULE 12. RESIGNATIONS

Sec. 14-150. Written resignation to be requested with copy forwarded to director.

An employee in good standing who decides to leave ~~the service~~ city employment for any reason shall be asked by his supervisor or department director for a formal resignation in writing and a copy of same shall be forwarded to the director.

Sec. 14-151. Investigation; treatment of forced resignation as removal.

The commission is authorized to make such investigation of ~~the~~ any resignation as it may think advisable. If it develops that a separation reported as a resignation did not result from the voluntary act of the employee, the commission shall notify the mayor and may treat the separation as a removal and the provisions of these rules relating to removals shall then apply.

Sec. 14-152. Forfeiture of rights; reemployment.

Any employee in the classified service who voluntarily resigns his position shall forfeit all rights which he might have had under civil service. He can be reemployed ~~in the classified service~~with the city only in the manner prescribed by the rules governing original appointment, except that the commission may decide, after considering the recommendation of the department director, that his name may be returned to the original ~~eligible list~~list of eligibles, if still in existence, or to a new ~~eligible list~~list of eligibles for that classification. However, such eligibility for reemployment shall not take precedence over the rights of those who were laid off for budgetary or force-reduction reasons and are on a reemployment register.

Sec. 14-153. Withdrawal of resignation.

An employee, upon his written request before the effective date thereof and with the written approval of the department director, may be allowed to withdraw his resignation.

Sec. 14-154. Reinstatement of retired employees.

No employee in the classified service who ~~has been~~is retired on pension for service retirement shall be eligible for ~~reinstatement to active duty~~reappointment to regular employment that includes eligibility for the same pension. Employees retired for disability shall file with the commission a letter requesting reinstatement, together with a physician's statement stating that the pension employee is now physically fit to resume his duties in the position from which he was retired. The commission shall transmit the letter and physician's certificate to the municipal employees pension board for its consideration. The pension board, after due investigation and satisfactory physical examination of the pensioned employee, shall notify the ~~civil service~~ commission that the pensioned employee is physically qualified to have his name placed on an eligibility register for his former position or a lower position in the department from which he was pensioned.

Sec. 14-155. Absence from work without notice considered ~~as resignation~~job abandonment.

Any employee who is absent for three consecutive working days, without having notified his immediate superior, shall be considered to have ~~resigned~~ abandoned his position from the employment of the city. The department director or designee shall take

reasonable affirmative steps to ascertain the whereabouts of the employee before effectuating this rule.

Sec. 14-156. Candidacy for and holding of elective office.

(a) Any employee in the classified or unclassified service of the city, except appointed or elected officers, who is a candidate for any public elective office, whether the same be federal, state, county or city, either paid or nonpaid, shall immediately, in writing make such candidacy known to the director. It shall be the duty of the director to determine if the candidacy poses a conflict of interest with the employee's city employment. If any such conflict is found, the director shall provide the employee's department director with a full report of his findings together with any recommendation that he may have. If the department director concurs that there is a conflict of interest, he shall forthwith report such findings to the mayor together with any recommendation he may have. ~~regarding disciplinary action.~~ The mayor shall finally determine whether a conflict of interest with the employee's city job exists. ~~and whether disciplinary action is appropriate. Disciplinary action shall then be handled consistent with the City Charter and these rules.~~

(b) In the event that the director determines that the employee's candidacy results in no conflict of interest, and the employee is elected to the office sought, the same procedures as outlined above where candidacy presents a conflict shall be followed to determine if the holding of the office presents a conflict of interest and if ~~disciplinary~~ termination from employment~~action~~ is appropriate.

(c) Failure to make such candidacy known shall be a violation of this rule. Disciplinary action shall then be handled consistent with the City Charter and these rules.

Secs. 14-157—14-161. Reserved.

DIVISION 13. RULE 13. ~~SERVICE~~ PERFORMANCE RATINGS

Sec. 14-162. System.

The commission will assume that all employees are performing their assigned duties in a satisfactory manner unless and until the department director notifies the commission to the contrary.

Secs. 14-163—14-167. Reserved.

DIVISION 14. RULE 14. LEAVES OF ABSENCE AND OUTSIDE EMPLOYMENT

Sec. 14-168. Attendance; workweek; overtime compensation, etc.

(a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:

~~(1)~~ *Compensatory time or compensatory time off.* Hours during which eligible employees are not working but which are counted as hours worked during the applicable workweek for purposes of overtime compensation and for which the employee is compensated at the employee's regular rate of pay.

~~(2)~~ *Eligible employee.* All employees of the City of Houston other than exempt and noncovered employees as defined in this subsection and those employees classified pursuant to ~~subject to article 1269m, Texas Revised Civil Statutes,~~ Chapter 143 of the Texas Local Government Code~~and classified as fire protection or law enforcement personnel~~.

~~(3)~~ *Exempt employees.* All ~~executive, professional, administrative and seasonal recreation~~ employees of the City of Houston who are exempted from the overtime compensation requirements of the Fair Labor Standards Act of 1938, as amended and the pertinent regulations and opinions interpreting that act and who have been designated as such by the human resources director and the ~~civil service~~ commission.

~~(4)~~ *Non-covered employees.* All employees of the City of Houston who:

~~a.~~(1) Are excluded from coverage under the Fair Labor Standards Act of 1938, as amended, and the regulations and administrative opinions interpreting that act; and

~~b.~~(2) Are designated as such by the human resources director and the ~~civil service~~ commission. In reaching the determinations required by this subsection or subsection (a)(3) above, the director and the ~~civil service~~ commission shall be guided by the various criteria which are applied to determine whether overtime must be paid under the wage and hour provisions of the Fair Labor Standards Act of 1938, as amended.

~~(5)~~ *Overtime.* Time actually worked in excess of 40 hours in a workweek.

~~(6)~~ *Regular rate of pay.* Regular rate of pay shall include:

(1)~~a.~~ Base pay;

(2)~~b.~~ Longevity pay; and

(3)~~c.~~ Shift differential pay.

(4) Assignment Pay

The term "regular rate of pay" shall not include compensation excluded under Section 7(e) of the Fair Labor Standards Act of 1938, as amended or the

interpretative regulations and administrative or judicial opinions construing that section.

~~(7)~~ *Workweek.* The workweek shall consist of 40 hours of actual work within the consecutive 168 hour period beginning with the day shift on Saturday.

~~(8)~~ *Time actually worked* or *actual work.* The time the employee is actually on duty or on a council declared holiday, on authorized sick leave, vacation leave, compensatory time off, death in the family leave or any other authorized leave. However for clarification, if the holiday falls on an eligible employee's day off, and the employee does not work on the holiday, the employee will receive holiday compensation, but those hours will not count towards the overtime calculation for that week.

(b) All departments of the city shall maintain accurate~~,~~ and complete ~~and permanent~~ records of all employee attendance and time actually worked during each work week. Each department director or designee shall certify the correctness of submitted time and attendance records in a manner prescribed by the director. ~~make such reports of attendance and time actually worked as may be prescribed by the civil service commission. Department directors or designees shall certify the correctness of the reports. The reports shall be forwarded to the human resources department on a weekly basis.~~

(c) All eligible employees of the City of Houston shall be compensated for working overtime beyond their regularly scheduled workweek by the payment of either monetary compensation at the rate of 1½ times their regular rate of pay or compensatory time at the rate of 1½ hours for each overtime hour worked. The following shall apply to the payment of overtime compensation:

(1) The department director or designee of the department in which the employee works shall verify that the overtime is needed to complete a required city service or operation.

(2) The department director or designee may determine whether overtime shall be paid in cash or compensatory time. Where overtime is paid in cash it shall be paid in the pay period in which it is earned or as soon thereafter as is possible, taking into consideration both the workweek and the payroll system used.

(3) Where the employee is granted compensatory time the following shall apply:

a. The number of hours of compensatory time that may be accumulated shall not exceed 240.

b. Accrued compensatory time must be used within 120 calendar days from the date accrued, provided that it does not unduly disrupt departmental operations.

c. Eligible employees shall be paid for accrued compensatory time not taken within 120 days from the date of accrual. Such payment shall be in cash at the greater of:

[1]. The employee's average regular rate of pay over the employee's last three years of employment by the city preceding the date of payment; or

[2]. The employee's regular rate of pay for the pay period immediately preceding the date of payment.

Such payment shall be made in the first full pay period following expiration of the 120-day period.

d. Each department shall maintain detailed records of the accumulation and use of compensatory time ~~on~~ in a form prescribed by ~~the human resources~~ director.

e. Accumulated compensatory time shall be used in accordance with the first-in-first-out (FIFO) accounting principle.

f. Any compensatory time accrued prior to April 15, 1986 and not used shall be carried on the records of the department until such time as it is used by the employee. The employee shall not be entitled to monetary compensation for any compensatory time accrued prior to April 15, 1986.

(d) A department director or designee may, subject to the operational requirements and needs of the department, require an eligible employee to work on a ~~city~~ council declared holiday.

(1) Definitions. In this subsection only, the following definitions will apply:

Actual hours worked. The time an employee is working on duty performing assigned work required and authorized by the department director for the holiday starting with the actual time the work begins on the holiday and ending with the actual time the employee completes the required work or stops for the day on the holiday.

Eligible employee. For purposes of holiday compensation, holiday premium pay, and short notice premium pay, all permanent, full-time employees of the City of Houston other than those employees who are: (i) subject to Chapter 143 of the Texas Local Government Code, (ii)

classified as fire protection or law enforcement personnel or (iii) subject to other civil service systems and/or other meet and confer or collective bargaining agreements under Chapter 143 or 174 of the Texas Local Government Code.

Holiday. A date that the ~~city~~ council has declared as a holiday on which city offices will be closed.

Holiday compensation. The payment an eligible employee is to receive for the observance of a holiday, to be paid at one times the regular rate of pay, for the appropriate number of hours as indicated below.

Holiday hours. The hours accrued in lieu of payment for holiday premium pay.

Holiday premium pay. The payment or accrual an eligible employee is to receive in addition to base pay and any other additional pay not provided by this subsection, for the appropriate number of actual hours worked on the holiday as indicated below. It is to be paid at one times the regular rate of pay times the appropriate number of actual hours worked on the holiday as indicated below, or accrued at one times the appropriate number of actual hours worked on the holiday as indicated below.

Regular or scheduled hours. The time an employee is usually and regularly scheduled to work on a day on which a holiday falls. The term excludes scheduled overtime hours.

Short notice call to duty. The director or designee determines that extraordinary circumstances or a true emergency exists that requires an employee to report to work or return to work on a holiday. Extraordinary circumstances or a true emergency occurs when the employee is provided less than 24 hours notice in advance of the starting time of the shift or hours to be worked on the holiday. It does not apply to those, scheduled or not, who know 24 hours or more in advance that they are required to work on the holiday.

Short notice premium pay. The payment or accrual an eligible employee is to receive in addition to base pay and any other additional pay not provided by this subsection, for the appropriate number of actual hours worked on the holiday as a result of Short Notice Call to Duty, regardless of the employee's regular work schedule. It will be paid at one and one-half times the regular rate of pay times the appropriate number of actual hours worked on the holiday as indicated below, or accrued at one and one-half times the appropriate number of actual hours worked on the holiday as indicated below.

(2) If an eligible employee's regular or scheduled hours to work fall on a holiday, but the employee is not required to and does not work on the holiday, the employee will be paid only holiday compensation at one times the regular rate of pay for the number of hours the employee is regularly scheduled to work on that day. Hours may not be accrued in lieu of payment.

(3) Where an employee's regularly scheduled day off falls on a holiday, the employee may be given a day off in lieu of the holiday or the employee may receive straight-time payment equal in value to the employee's regularly scheduled workday at the employee's regular rate of pay. The department director shall determine whether the employee shall be paid for the holiday or be given a day off at a later date. For purposes of computing overtime, cash payment granted will not be considered payment for hours worked. If a day off in lieu of the holiday is granted, it must be granted and taken within 180 calendar days of the holiday or be paid.

(4) If an eligible employee's regular or scheduled hours to work fall on a holiday and the employee is required to work on the holiday, but the employee does not work on the holiday because the employee has an excused absence or authorized leave for the date of the holiday, the employee will be paid only holiday compensation at one times the regular rate of pay for the number of hours the employee is regularly scheduled to work on that day; and no leave balance will be debited for that day. Hours may not be accrued in lieu of payment.

(5) If an eligible employee's regular or scheduled hours to work fall on a holiday, and the employee is required to work on the holiday, but does not work, resulting in an unexcused absence, the employee will be paid only holiday compensation at one times the regular rate of pay for the number of hours the employee is regularly scheduled to work on that day. In addition, disciplinary action may be taken, the same as if the employee did not work on any scheduled non-holiday work day.

(6) The department director or designee has discretion to determine whether holiday premium pay or short notice premium pay will be paid or hours accrued under the circumstances set out in items (7) and (8) below. The number of hours will be the same whether they are paid or accrued.

(7) If an eligible employee is required by the department director or designee to work, and does work, on a holiday (regardless of whether regularly scheduled, or called to report to work more than 24 hours in advance of the starting of the shift), the employee will be paid or will accrue hours for the hours actually worked on the holiday for which the employee had 24 hours or more notice ("full notice hours") as follows:

a. Except as provided in (b) below, if the employee works on a holiday, the employee will be paid at one times the regular rate of pay for all actual full notice hours worked on the holiday, and additionally will receive holiday premium pay for the number of actual full notice hours worked on the holiday (For illustration purposes only: Total = 1 × regular rate of pay × number of actual full notice hours worked on the holiday, plus either 1 × regular rate of pay × number of actual full notice hours worked on the holiday or accrual of 1 × number of actual full notice hours worked on the holiday).

b. If the employee works fewer than the number of hours in his regular or scheduled hours on the holiday, or if not regularly scheduled to work on the holiday, fewer than the number of hours in the most frequently occurring daily schedule in the employee's work schedule the employee will be paid at one times the regular rate of pay for all actual full notice hours worked on the holiday, and additionally will receive holiday premium pay for the number of actual full notice hours worked on the holiday, plus holiday compensation only for the remaining hours of the regular or scheduled hours not worked on the holiday or if not regularly scheduled to work on the holiday, the remaining hours of the most frequently occurring daily schedule in the employee's work schedule. (For illustration purposes only: Total = 1 × regular rate of pay × number of actual full notice hours worked on the holiday, plus either 1 × regular rate of pay × number of actual full notice hours worked on the holiday or accrual of 1 × number of actual full notice hours worked on the holiday, and also paid additionally 1 × regular rate of pay × number of remaining regular or scheduled hours not worked on the holiday, or if not regularly scheduled, the remaining hours in the most frequently occurring daily schedule in the employee's work schedule not worked on the holiday.)

(8) If an eligible employee was not previously scheduled to work on a holiday but is then required by the department director or designee to report to work or stay at work with less than 24 hours notice before the time required to report to work, the employee will be paid or will accrue hours for the hours actually worked on the holiday for which the employee had less than 24 hours notice ("short notice hours") as follows:

a. The employee will be paid at one times the regular rate of pay for all actual short notice hours worked on the holiday, and additionally will receive short notice premium pay for the number of actual short notice hours worked on the holiday. Such payment will be made without regard to the employee's usual shift or regular scheduled hours. (For illustration purposes only: Total = 1 × regular rate of pay

× number of actual short notice hours worked on the holiday, plus either 1.5 × regular rate of pay × number of actual short notice hours worked on the holiday or accrual of 1.5 × number of actual short notice hours worked on the holiday.)

b. An employee required or called in to work on short notice call to duty should work only the hours necessary to do the required work and should not be required to work an entire shift or be held over unless operationally necessary.

(9) Holiday hours accrued must be used as follows:

a. If accrued, the accrued holiday hours must be used on or before the 180th day after the date of the holiday for which they were accrued or they shall be paid in the first full pay period immediately following the expiration of the 180 days.

b. Eligible employees who accrue holiday hours must make a good faith effort to use the accrued hours before the 180 day period expires. These hours shall be used before other forms of leave except Family and Medical leave or injury on duty leave.

c. If an eligible employee has failed to submit a request for accrued holiday leave on or before the thirtieth day before the relevant period expires, the department may, upon notice to the employee, convert a request for vacation or sick leave to accrued holiday leave in order to avoid the conversion of the accrued holiday leave to pay. Departments also may direct employees with accrued holiday leave hours that are within 30 days of conversion to pay to take such leave before it expires and becomes payable.

d. All accrued holiday hours of police and firefighter trainees not used on or before the date the trainee is scheduled to become a sworn classified officer or firefighter will be paid at one times the regular rate of pay with an effective date on the final day prior to the date on which the trainee is scheduled to become a sworn classified officer or firefighter.

e. All remaining accrued holiday hours not used on or before the date an eligible employee separates from city employment are forfeited and will not be paid.

(10) Holiday compensation paid in lieu of base pay for a holiday observed is to be included in pay reported for pension purposes so as not to reduce base pay or service for pension purposes. Holiday premium pay is not to be included in pay or service reported for pension purposes.

(11) An eligible employee who is scheduled to work, but does not work and is not paid for the last scheduled workday (unless the day is an authorized furlough day) before the holiday or is scheduled to work but does not work and is not paid for the first scheduled workday (unless the day is an authorized furlough day) after the holiday will not be paid holiday compensation, holiday premium pay, short notice premium pay, or accrue holiday hours for the holiday.

(12) If a holiday falls on a day that an eligible employee is on approved work-related injury leave or on transitional duty, the holiday will be compensated under Executive Order 1-33 and other applicable policies, but not under this section.

(e) Any employee who is exempt and, as a result, not eligible for overtime pay as prescribed in this section, may, notwithstanding and other provisions of this section to the contrary, be eligible for compensatory time ~~and~~ on a straight time (hour-for-hour) basis, upon the recommendation ~~or their~~of his department director and the approval of the ~~human resources~~ director, subject to the following criteria:

(1) The employee is in a classification assigned to pay grades ~~24~~26 and below.

(2) The overtime work must be performed under unusual circumstances, which shall mean additional hours not ordinarily required to perform the employee's regularly assigned tasks including, but not limited to, unscheduled work hours on a council declared holiday or work performed over a confined period of time due to a special project assignment or a condition of emergency.

(3) An employee may not receive more than 40 hours of compensatory time hereunder in any calendar year quarter.

(4) Compensatory time granted under this subsection and its use shall be reported to the human resources director in accordance with subsection (c)(3)d., above.

(5) Any compensatory time granted must be used within 120 calendar days following the payroll period in which it was earned, and the employee's department director shall afford the employee a reasonable opportunity to use the time within that period. Compensatory time that is not used within the 120-day period is forfeited.

(6) Compensatory time granted hereunder may not be converted to any other form of leave benefit or be paid as a cash benefit under any circumstances, including the death, resignation or termination of the employee.

(7) The ~~human resources~~ director may, subject to the review and approval ~~if~~ of the mayor, issue administrative guidelines to the department directors for the granting and reporting of such compensatory time.

(f) Under certain extraordinary circumstances, the mayor may extend, amend and augment the above requirements in the following manner:

(1) The mayor will declare that an extraordinary and/or catastrophic condition exists and will order the human resources director, in consultation with the appropriate department directors, to issue an event-specific procedure to provide ~~compensation~~ compensatory time to certain exempt employees.

(2) The procedure will extend eligibility for compensatory time to exempt employees in specified pay grades required to address the extraordinary condition, but shall in no case, specify pay grades beyond pay grade ~~26~~29.

(3) Maximum hours accumulated in a calendar year quarter may be increased, but shall in no case exceed 60 hours.

(4) The time period for using the compensatory time accumulated under this special subsection may be increased, but shall in no case extend beyond 365 calendar days from the pay period in which the compensatory time was granted.

(g) Notwithstanding the provisions of subsection 14-168(e) of this section, full-time exempt employees may be eligible to be compensated in cash in the form of special assignment pay for time worked in excess of 40 hours in one week, subject to the following limiting criteria:

(1) The work performed must be at a city-operated health clinic facility that is open to the public and provides a service to the public;

(2) The work performed by the full-time, exempt employee must directly involve providing critical service to the public ~~as~~ at such a facility;

(3) The hours worked must be in addition to the normal 40 hours of the work week; and

(4) The employees must be employed by ~~be~~ the city in a licensed medical professional capacity.

Special assignment pay is subject to approval by ~~the human resources~~ director and requires conclusive justification by the director of the department requesting the special assignment pay. Authorized special assignment pay will be reviewed on an annual basis by the ~~human resources~~ director in conjunction with the requesting department. When authorized, the amount of assignment pay will be established on an individual

basis for each affected classification by the ~~human resources~~ director but may not be payable at more than 1½ times the employee's regular hourly rate of pay. Authorized assignment pay will be funded by the requesting department's personnel budget.

Sec. 14-169. Reserved.

Sec. 14-170. Vacations.

(a) ~~Permanent~~ Full-time employees, excluding temporary employees in the classified and unclassified service ~~who regularly work the prescribed work week for their department~~ shall be allowed vacation with pay in accordance with the employee's service time and the following schedule:

Years 1 through 4	80 hours
Year 5	120 hours
Years 6 and 7	128 hours
Years 8 and 9	136 hours
Years 10 and 11	144 hours
Year 12	152 hours
Year 13	160 hours
Year 14	168 hours
Year 15	176 hours
Year 16	184 hours
Year 17	192 hours
Year 18 and beyond	200 hours

Service time for purposes of the foregoing accrual rates shall be based upon the employee's total eligible length of service with the city, and for a rehired employee credit shall be afforded for prior service time. Accruals shall be allocated on a fractional basis

per pay period, with applicable service time adjustments commencing on the first pay period following the employee's service time anniversary date. Accruals during the first six months of service shall be subject to subsection (c) below.

Accruals of vacation time shall be limited as follows:

(1) Except as provided in item (2) below, accruals of vacation time shall be limited to a maximum of 360 unused hours.

(2) Persons who are actually employed by the city on October 1, 2003, and who have a commencement date for vacation benefits purposes that is prior to January 1, 2000, shall be subject to an accrual limit of 720 unused hours for so long as they remain continuously employed by the city without a gap in service.

Once the applicable maximum limit is reached, accruals shall be suspended and shall not recommence until the employee reduces the balance by use of benefits.

(b) When vacation absence is requested and approved by the ~~commission~~department director or designee, the absence during that period shall not be converted to any other type of authorized absence, such as absence with pay, without pay, or sick or injury leave, without approval of the ~~civil service~~ commission.

(c) No employee will accumulate any vacation leave until he has been in the city's service for a period of six months. If he continues in the city's service beyond said six months' period, such employee will be allowed such vacation leave as would have accrued during such six months' period of time.

(d) Vacation leave may be accumulated to a total of 360 or 720 working hours, as applicable, subject to the following:

(1) Each employee of the city shall, upon termination of employment, receive in a lump sum payment, the full amount of his salary for his unused accrued vacation leave. If the termination results from the death of the employee, then the amount shall be payable to the beneficiaries of the employee.

(2) Each employee, upon leaving the employment of the city, shall be paid accumulated vacation in the amount to be determined by taking the average of the hourly base pay of the employee, plus the longevity rate he has attained and has received or been entitled to receive during his last 60 calendar days of employment; provided, however, that the employee has received, for at least another 60 calendar day period of time, a higher base pay than that which he was paid during his last 60 calendar days of employment, then the amount of such payment shall be determined by taking the average of the hourly base pay of the employee for the 60-day calendar period for which he was paid a greater hourly base pay, plus the

longevity rate he has attained. The computation of the "hourly base rate of pay" shall be based upon the hourly equivalent for 80 hours of scheduled work (excluding overtime) per biweekly pay period, regardless of the actual work hours scheduled per day. For a rehired employee, all computations shall be based upon the employee's then current term of service.

(ef) Employees who take an extended leave of absence without pay for personal reasons, consisting of 80 or more hours of absence, shall not accumulate vacation allowances during such absences.

(fg) The provisions of this section are inapplicable to police officers and fire fighters serving in positions that are classified under Chapter 143 of the Texas Local Government Code. Vacation leave benefits for employees so classified shall be as provided by applicable provisions of Chapter 34 of this Code, the aforesaid Chapter 143, and any applicable agreements established between the city and employee bargaining groups under Chapter 143.

Sec. 14-171. Leave with pay.

(a) Attendance of permanent employees at conventions, conferences and meetings of like nature is not to be considered a leave from duty but shall be noted on the payroll and such attendance must be authorized by the mayordepartment director or designee..

(b) In the case of death in the immediate family, the department director may excuse an employee for as many as three calendar days. Immediate family shall include father, mother, sister, brother, husband, wife, child, grandparents, and other relatives if, in the opinion of the department director, such employee's presence due to his individual relationship and the circumstances of the case, would be required. Such absences and the reasons therefore must be reported in a manner prescribed by the director. to the human resources director on forms prescribed by his office.

(c) Absence of full-time employees during due to religious holidays may be charged tocovered by the employee's accrued leave, except sick and wellness leave; however, vacation time, or debited to overtime the employee may have accumulated; but such absences must be approved by the department director or designee. and reported promptly to the human resources director.

(d) Permanent eEmployees who leave to serve as members of the uniformed military forces of the United States are to be given pay for whatever time they may have accumulated as vacation time prior to their leaving but shall not accumulate leaves with pay during absences which extend for periods of longer than one month unless otherwise provided by law.

Sec. 14-172. Leave without pay; voluntary leave without pay program.

(a) Department directors may grant, upon good reason, leaves of absence without pay for as many as 14 consecutive calendar days for ~~permanent~~ full-time employees in the classified or unclassified service. All leaves in excess of 14 calendar days shall be reported promptly to the ~~civil service~~ commission on forms prescribed by the commission. C~~ivil service c~~ommission approval of leaves without pay extending for more than ~~ten working days~~14 calendar days shall be required before such leaves shall be authorized. The commission, with the exception of those leaves known as military leave, shall not approve of more than 90 consecutive calendar days of leave at any one time, but the ~~civil service~~ commission may subsequently approve extensions of a leave as long as a total of 180 calendar days of leave without pay in one 12-month period is not exceeded. Leaves without pay extending for more than 180 calendar days shall be authorized only after the request for the same is approved by the ~~city~~ council. A leave for less than 180 days and more than 14 calendar days may be cancelled by the ~~civil service~~ commission upon reasonable notice to the employee.

(b) Employees who begin a leave on Monday shall be paid for the preceding Saturday and Sunday. Employees who begin a leave on Tuesday or other weekday~~week day~~ which immediately follows a council-approved holiday, or who return from a leave on the day immediately following such a holiday, shall not be paid for that holiday. Saturdays, Sundays, off-days and holidays which come during a leave without pay shall be without pay, as also shall Saturdays, Sundays and off-days which terminate a leave.

(c) If an employee returns to work before his leave expires, the employee's department director shall notify promptly the human resources department in writing, and, furthermore, the employee's department director will notify the human resources department in writing if an employee fails to return on the working day next following the end of this leave. Failure to return within three days from a leave shall be taken as evidence of ~~a resignation without notice~~job abandonment.

(d) In time of war or emergency, an employee who serves in the uniformed military forces of the United States shall be granted a military leave without pay but shall be eligible for reinstatement to his former position and all other entitlements consistent with the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. ~~only if he is able to present to the civil service commission a certificate of honorable discharge within 90 days after his discharge, is physically and mentally qualified for reinstatement, and if his services with the military forces began at or about the time he left the city's service therefor. If and when he is reinstated, he shall receive full seniority credit for the time he was absent for military service. Physical or mental incapacity to perform his former duties shall not make him ineligible for placement in some other work provided he is qualified therefor.~~

(e) When budgetary constraints require a reduction in expenditures, the mayor is authorized to implement, as needed, a program of voluntary and/or involuntary leaves of

absence without pay (furloughs) whereby employees will not come to work and will not be paid on a regular work day. The mayor must designate and approve the parameters of such a program (the Furlough Plan) in advance. The Furlough Plan must specify: (1) whether furloughs will be voluntary, involuntary, or both, (2) the limited duration of time either or both shall be in effect, (3) whether furloughs will be citywide or department specific, (4) the date(s) either or both programs will be activated and implemented, (5) the civil service systems and respective employee groups, pay grades or classifications affected, (6) the minimum and maximum number of days or hours to be taken as furlough, and (7) the time period during which furloughs must be taken. Furloughs must affect all designated employee group members consistently (i.e. all employees in each affected group will be treated the same as all other members of that group) and (8) all Federal and State laws concerning labor standards and pay will be followed.

(f) At the direction of the mayor, the director will promulgate procedures for each type of furlough authorized consistent with sections 14-172(a) through 14-172(e) of this Code and the parameters specified in the Furlough Plan. During the course of a furlough, whether voluntary or involuntary, the mayor may alter or revise specific components of the program to respond to changes in the city's financial condition and the director will modify procedures accordingly. Any furlough taken will be appropriately noted on each affected employee's attendance records and will in no way be regarded as an unauthorized absence, a permanent reduction in pay, a reduction in force or contribute toward disciplinary action. A furlough shall not affect the employee's accrual of sick and vacation leave or eligibility for health insurance or other benefits, subject, however, to any relevant provisions in an applicable pension agreement.

Sec. 14-173. Outside employment of employees.

~~The commission will not permit any member of any department to~~No employee shall contract for, or be engaged in, any work of any kind after regular working hours for compensation or non-monetary compensation, unless specifically authorized, in writing, to do so by his department director or designee. An employee shall submit a new outside work authorization form annually and/or for each new work ~~, and under no circumstances will the~~assignment. The department director or designee shall not approve a request permitting a member of his department to hold a full-time or part-time position which would deprive another from regular employment by the city. The department director or designee will be required to maintain in his office a permanent record of all outside employment– authorization forms for which approval has been sought.~~has been authorized~~. Such records shall be maintained for a minimum period of three years.

Secs. 14-174—14-181. Reserved.

Sec. 14-182. Removal; demotion; suspension.

(a) A department director may terminate the employment of, demote, reduce in pay or temporarily suspend for any period of time any ~~non-civil~~ noncivil service

employee in his department (or division), which action shall not be subject to appeal or review by the commission.

(b) A department director may, for just cause, indefinitely suspend the employment of, demote, or reduce in pay, any civil service employee in his department (or division) which action shall be subject to appeal and review by the commission pursuant to the authority vested in it by the Charter and these rules.

(c) A department director may temporarily suspend without pay any civil service employee in his/her department (or division) for any period of time not to exceed 90 days. An employee temporarily suspended for up to 15 calendar days, shall not have a right of appeal before the commission, but civil service employees may request a ~~review and~~ hearing which may be granted at the discretion of the commission. An employee temporarily suspended for 16 to 90 calendar days shall have a right of appeal before the commission pursuant to the authority vested in it by the Charter and these rules.

(d) No indefinite suspension, demotion or reduction in pay of any civil service employee shall become effective until the employee has been given an opportunity by his/her department director to explain the conditions or actions which prompted consideration of one or more of these disciplinary actions. The department director shall give to the employee written notice of the indefinite suspension, demotion or reduction in pay, the effective date thereof, and the reasons or grounds for such action with a copy of the notice to the commission. The disciplinary action shall then become effective immediately, but the employee shall retain the right of appeal to the commission as prescribed in these rules. After hearing the appeal, the commission shall either sustain the action, ~~lessen the penalty, increase~~ modify the penalty, or reject the action of the department director and if applicable, reinstate the employee to the employment roster. The decision of the commission shall be final.

Sec. 14-183. Violation of certain standards of conduct to result in disciplinary action.

(a) Any civil service employee~~, either full- or part-time~~, may be disciplined under the provisions of subsections 14-182(a) and (b), for violating any of the standards of conduct enumerated and listed herein below. Any noncivil service employee, ~~either full- or part-time,~~ may be disciplined at the discretion of the employee's department director and the mayor for violating any of the following standards of conduct:

~~(a)~~ An employee shall not:

(1) Accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise which the employee knows or should know is being offered or given with the intent to influence said employee in the discharge of official duties.

(2) Accept or solicit any money, property, service or other thing of value from a private person or group of people in return for having exercised, performed or failed to perform official duties. Excepted from this prohibition are regularly scheduled wages and other employee benefits paid or given to an employee of a private person or company while such employee is working for the city as a loaned executive.

(3) Engage in any business or professional activity which might tend to impair independence of judgment in the discharge of official duties.

(4) Engage in any outside employment without first securing approval, in writing, from the department director.

(5) Invest or hold any investment or interest directly or indirectly in any financial, business, commercial or other transaction, which creates or might reasonably tend to create a conflict between the public trust held as an employee of the city and the employee's private interests.

(6) Disclose confidential information concerning the property, operations, policies or affairs of the city, nor use such confidential information to advance the personal interests, financial or otherwise, of said employee or others.

(7) Use one's official position or the city's facilities, equipment or supplies, nor use or attempt to use one's official position to secure special advantage, privilege or exemption for the employee or others.

(8) Negotiate for or accept future employment with any person, firm, association or corporation which has a substantial interest in any proposed ordinance or decision within such person's area of responsibility and upon which the employee may or must act or make a recommendation.

(9) Represent, directly or indirectly, any private person, group or interest before any agency of the city, except in matters of purely civic or public concern and when doing so without compensation or remuneration.

(10) Represent directly or indirectly, any private person, group or interest in any action or proceeding against the interests of the city, or in any litigation in which the city or any agency thereof is a party. However, this provision shall not prohibit representation by a group, firm or organization the employee is associated with if such employee does not participate in the action proceeding or litigation in any manner.

(11) Represent, directly or indirectly, any private person, group or interest in any action or proceeding in the municipal courts of the city which was instituted by a city officer or employee in the course of official duties.

(12) Violate any provision or set of provisions of a departmental code of ethical conduct promulgated pursuant to subsection (f) herein below for the city department of which the employee is a member.

(b) If an employee has a personal interest, direct or indirect, financial or otherwise, in any decision pending before such employee or a body or group of which the employee is a member, the employee shall not participate in the consideration of the matter. If such employee is in attendance at such meeting, he or she shall publicly disclose a conflict of interest to the body or group prior to any determination of the matter.

(c) ~~Reserved.~~

~~(d)~~ Certain classifications of employee may be required by a department director to report all gifts received from any person, business entity or organization. An employee in a classification so designated by a department director shall report all gifts, including the estimated amount of the gift and the source, on April 30 of each year, for the preceding calendar year. The department director shall file with the city secretary a list of the job classifications required to make this report. Excluded from the requirement are gifts received from relatives within the second degree of consanguinity or affinity, and food and beverages of trivial benefit.

(d~~e~~) Department directors may require certain classifications of employees to report a list of all real property held legally or beneficially by them. An employee in a classification so designated by a department director shall report all such real property held legally or beneficially by him on April 30 of each year for the preceding calendar year. The department director shall file with the city secretary a list of the job classifications required to make this report.

(e~~f~~) Department directors shall, in consonance with the foregoing standards, establish by administrative rules or regulations additional requirements for the ethical conduct of salaried municipal employees, or classifications of such employees, within their respective departments. Such administrative rules or regulations shall be approved by the mayor and placed on file with the city secretary and the applicable department director.

(f~~g~~) The term "salaried municipal employee," as used in this section, shall include civil service employees and ~~non-civil~~ noncivil service employees.

Sec. 14-184. Carrying of dangerous weapons while on duty or on city property.

(a) All employees, except those who are required to do so in the performance of their official duties, are prohibited from ~~carrying~~possessing dangerous weapons while on duty, in a city vehicle, or while on city property. This prohibition does not extend to off-duty possession by a handgun license holder in a public area as authorized by state law.~~Possession alone is "carrying" for the purpose of this rule, no transporting of the~~

~~weapon is necessary. Further, possession~~ Possession includes all enumerated weapons within the employee's actual care, custody, control, or management, except for a firearm or ammunition transported or stored in a locked, privately owned motor vehicle in accordance with state law. ~~either on his or her person or in his or her vehicle.~~ Those weapons which are specifically prohibited include:

(1) Any instrument that is specially designed, made, or adapted for the purpose ~~readily capable~~ of inflicting serious bodily injury by striking a person with the instrument, including but not limited to:

a. Blackjack.

b. Nightstick.

c. Mace.

d. Tomahawk.

e. Other instruments which are readily capable of but not specifically designed to cause serious bodily injury.

(2) Any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose ~~which is capable~~ of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

(3) Any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an exploding or burning substance, by compressed air or gases or by any device readily convertible to that use, including but not limited to:

a. Rifles.

b. Shotguns.

c. Handguns.

d. Machine gun.

e. Short-barrel firearm.

f. Hunting guns.

g. Antique guns.

h. Zip gun.

(4) Any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument, including but not limited to:

a. Any jackknife with a blade over three inches.

b. Throw-blade knife or hand instrument designed to cut or stab another by being thrown.

c. Dagger, including dirk, stiletto, poniard, etc.

d. Bowie knife.

e. Sword.

f. Spear.

g. Switchblade knife.

(5) Any conducted-energy device that is used or intended to be used as either an offensive or defensive weapon, which is capable of temporarily immobilizing a person by inflicting an electrical charge, including but not limited to:

a. Stun gun.

b. Taser.

(6) Any chemical dispensing device that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

(7) Any device that reasonably appears to be an explosive or incendiary device or by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies.

(8) Any bladed hand instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

(b) Violation of this rule will subject the employee to disciplinary action up to and including indefinite suspension.

~~Sec. 14-185. Removal because of medical impairment.~~

~~(a) This section provides the exclusive procedure for determining whether an employee who is not subject to chapter 143 of the Local Government Code is sufficiently physically or mentally fit to continue the employee's duties or assignment.~~

~~(b) As used in this section, the terms "reasonable accommodation" and "undue hardship" shall have the same meaning as those terms appearing in the Americans with Disability Act of 1990 (42 U.S.C. section 1210 et seq.) enacted by Congress on July 29, 1990 and as defined by regulations issued under it by the United States Equal Employment Opportunity Commission.~~

~~(c) Whenever an employee has a known disability, the department director shall be responsible for restructuring the employee's duties and responsibilities as a reasonable accommodation so long as the employee can perform the essential job functions of his or her position. Whenever a question exists whether the employee is sufficiently physically or mentally fit to continue the employee's essential job functions, whether or not the employee is on leave of absence, upon receiving a written order by the department director, the employee shall submit to the civil service commission a report from the employee's personal physician, psychiatrist, or psychologist, as appropriate. If the report by the employee's personal physician, psychiatrist, or psychologist establishes that the employee is unable to perform the essential job functions of the employee's position, the department director shall attempt to make a reasonable accommodation by transferring the employee to another vacant position in the department that the employee can perform. If reasonable accommodation cannot be made within the department, then the department director shall notify the human resources director, who shall institute a city-wide search for available positions. The human resources director shall make a report and recommendation to the civil service commission, and the commission shall hold a hearing to determine whether a reasonable accommodation for the employee's disability can be made either in the employee's current position or by transfer to another available position. If the commission determines that a reasonable accommodation can be made, it shall enter an order changing the duties of the employee's current position, reclassifying the employee's position, or transferring the employee to another available position. The commission shall not transfer the employee to another department if there is a vacancy in the employee's department that the employee is capable of performing with reasonable accommodation. If the commission determines that no reasonable accommodation can be made and that the employee will not be able to resume his or her essential job functions within a reasonable period of time, the commission shall enter an order removing the employee from active employment with the city; however, such order shall not prejudice the employee's ability to seek re-employment with the city in the future, should there be a change in the employee's medical condition.~~

~~(d) If the commission, the department director, or the employee questions the report, the commission may appoint a physician, psychiatrist, or psychologist, as~~

~~appropriate, to examine the employee and to submit a report to the commission, the department director, and the employee.~~

~~(e) If the report of the appointed physician, psychiatrist, or psychologist, as appropriate, disagrees with the report of the personal physician, psychiatrist, or psychologist, as appropriate, the commission may appoint an independent three-member board composed of a physician, a psychiatrist, and a psychologist or any combination, as appropriate, to examine the employee. The board shall submit to the commission a written report of its finding regarding whether employee is sufficiently physically or mentally fit to continue the person's essential job function. The commission, at its next regularly scheduled meeting after the date it receives the report of the board, shall determine whether the employee is sufficiently physically or mentally fit to continue the assignment. The commission shall hold a hearing to make the determination of fitness and reasonable accommodation as is provided in subsection (b) above and enter an order accordingly.~~

~~(f) The employee shall be responsible for paying the cost of the services of the employee's personal physician, psychiatrist, or psychologist, as appropriate. The city shall pay all other costs.~~

Secs. 14-185~~14-186, —~~14-187. Reserved.

DIVISION 16. RULE 16. APPEALS, HEARINGS AND INVESTIGATIONS

Sec. 14-188. Right of appeal; correction of improper disciplinary action.

(a) Any regular~~, permanent~~ employee in the classified service who believes he has been unjustly indefinitely suspended, retired, demoted, transferred, or reduced in any pay may file an appeal with the commission in the same manner as prescribed in section 3 of ~~article~~ Article Va ~~of the City Charter~~ pertaining to an appeal and hearing.

(b) No disciplinary action shall be taken by the commission, the mayor, a supervisor, or department director against an employee because of membership in any political, religious, or fraternal labor organizations. ~~And if~~If the commission finds a disciplinary action has been taken for these reasons, the employee shall be reinstated immediately ~~in his position~~to the employment roster and may be reimbursed for any loss of pay occasioned by such action.

Sec. 14-189. Investigations generally.

If, at any time, there is brought to the attention of the commission a condition whereby it appears that an injustice has been done an employee in the classified service with respect to his position or duties in the service of the city, the commission is vested with authority to investigate the facts, and if it finds the employee is entitled to relief, it shall make such appropriate order, after review, as will grant the relief to which the employee is entitled, and its finding thereon shall be final; provided, however, that in any instance herein mentioned the commission shall first direct, in writing, the attention

of the mayor to the purported injustice and take no action thereon for a period of ten days following delivery of such notice, and only then in the event it finds that the injustice as to such employee has not been corrected by the mayor.

Sec. 14-190. Right to counsel at hearings.

Any person appearing at a hearing as a party to the cause being heard shall be entitled to legal counsel, but this fact shall not be construed to mean that such representation is necessary.

Sec. 14-191. Power to administer oaths and require attendance of witnesses and production of records.

In the course of any hearing, investigation, or tests of fitness conducted under the provisions of these rules and regulations, the commission and any other person authorized by it as its representative for such purposes shall have the power to administer oaths, to subpoena, and to require the attendance of witnesses within the ~~county~~ legal limits and the production by them of books and papers pertinent to any matter of inquiry, and to examine such witnesses under oath, in relation to any matters properly involved in such proceedings.

Sec. 14-192. Refusal to testify.

If any officer or employee ~~in the classified service~~ shall willfully~~wilfully~~ refuse on any grounds to testify or to answer any question relative to the matter being heard by the commission, such refusal shall constitute sufficient grounds for either suspension or ~~discharge~~termination, and the commission may recommend to the mayor the suspension or discharge if, in its judgment, such disciplinary measure is advisable. Any employee indefinitely suspended for refusing to testify before the ~~civil service~~ commission shall have no right of appeal.

Sec. 14-193. Investigations on commission's own initiative.

The commission may, upon its own initiative, make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of ~~article~~Article Va and of ordinances and rules adopted in accordance therewith and to make such recommendations to the mayor, or take such other action as in its judgment is warranted in the premises.

Sec. 14-194. Hearings to conform to Charter.

All hearings shall be held in conformity with Charter provisions covering civil service hearings.

Secs. 14-195—14-199. Reserved.

DIVISION 17. RULE 17. RECORDS, REPORTS, ETC.

Sec. 14-200. Official roster.

The director shall ~~provide and~~ maintain a complete official record of employees, showing for each employee his name, address, classification, rate of pay, changes in any of these, and such other information as he may deem desirable. The form and manner in which such information shall be maintained shall be determined by the ~~commission~~director.

Sec. 14-201. Report of change in employee's status; personnel actions.

Every temporary or permanent change in the status of employees in the classified service shall be reported to the director at such time and in such form, together with such supporting or pertinent information, as the ~~commission~~ director may prescribe.

Sec. 14-202. Personnel files generally.

There will be only one official personnel file maintained on each employee of the city and that file shall be maintained in the custody of the director. Any action designated by the director ~~of any nature~~ pertaining to any employee shall be forwarded to the director for proper filing.

Sec. 14-203. Review of employee files.

(a) Any department director or his designated supervisor of the city may, upon request, review any file of any employee in his respective department, but shall not be allowed to review the official personnel file of an employee of another department, unless consideration is being given to the transfer of that employee from one department to another department. All ~~employee~~ official personnel files shall be reviewed under the supervision of an employee of the human resources department, and no files shall be allowed to be taken from the human resources department. Information from any file of any employee of the city may be released to persons not employees of the city only at the discretion and under the supervision of the director.

(b) The names of special investigators or special employees who may be temporarily employed by the city and whose usefulness would be impaired were their identity disclosed, and the confidential reports on any applicant, eligible, or employee are to be held as confidential data and are to be guarded accordingly.

Sec. 14-204. Preservation of records.

Official employee records, minutes of the commission meetings, and lists of eligibles shall be kept for a period of three years, or longer as may be required by the City's official retention policy. Employment related records of employees shall be made a part of the personnel files of individuals who become employees of the city; otherwise,

they shall be kept by the commission for a period of three years after the establishment of the list of eligibles. Roster cards or records, payroll records, minutes of the commission meetings, lists of eligibles, and records pertaining to any examination, including correspondence, applications, and examination papers of persons who scored non-passing grades shall not be removed from the possession of the commission.

Employment related records,~~Roster cards or records, payroll records,~~ minutes of the commission meetings, and eligible records shall be kept ~~permanently~~as required by the city's retention policy. All such ~~R~~records pertaining to any ~~examination, including~~ correspondence, applications, and ~~examination~~ papers with passing grades, shall be preserved for at least ~~two~~ three years after the establishment of the ~~eligible list~~list of eligibles, after which period of time they may be destroyed if deemed by the commission to be of no further value. Such papers shall be made a part of the ~~permanent~~ official files of individuals who become employees of the city in the interim. The papers and records of those who do not make a passing grade may be destroyed after ~~60 days~~three years, computing from the date the ~~eligible list~~list of eligibles is created, but in no event shall these cards, papers, or records be removed meanwhile from the possession of the ~~commission~~human resources department.

Secs. 14-205—14-209. Reserved.

DIVISION 18. RULE 18. PAYROLL PROCEDURE

Sec. 14-210. Automated payroll system.

(a) The administration and regulatory affairs department, central payroll division, has authority for maintaining the automated payroll system and for maintaining the integrity of data therein. However, no payroll transaction that is made necessary by the hiring, ~~terminating~~discharge, or change in the rate of pay for an employee, when such transaction is used to generate payroll warrants for employees of the city shall be entered into the payroll data base unless and until the transaction has been audited by the controller and delivered to the administration and regulatory affairs department, central payroll division, signifying that such audit has been conducted.

(b) The administration and regulatory affairs department, central payroll division, has authority for preparing all necessary payroll system reports, including payroll warrants. However, the city controller and the director of administration and regulatory affairs shall not issue any warrant or order in payment of any salary or compensation to any person for filing or holding a classified position unless either the payroll, warrant, or check for that work bears the certification of the ~~commission,~~director, that the persons named thereon are correctly named and titled, at the legal rate of pay, and were appointed or employed in accordance with the provisions of these rules and regulations. Subsequent to such certification and upon receipt of the payroll warrants, the city controller has exclusive authority for verifying, signing, and distributing the warrants. ~~to department directors and their designees.~~

Sec. 14-211. Notice to the controller.

The director shall be responsible for ~~sending~~ making available to the controller ~~a copy of~~ all forms, reports, and certificates affecting the status and rates and amounts of salary and compensation of all employees.

Secs. 14-212—14-216. Reserved.

DIVISION 19. RULE 19. VALIDITY OF RULES

Sec. 14-217. Effect of invalidity of part.

If any part of these rules and regulations is held by competent authority to be invalid, each and all of the other part or parts thereof not so held shall continue in full force and effect as though such invalid part had not been included herein.

~~**Sec. 14-218. "Officer" defined.**~~

~~For the purposes of division 20, the term "officer" shall mean those employees who are employed and classified as city marshals in the municipal courts department, or any successor to such department or airport police officers in the aviation department.~~

~~**Sec. 14-218.1. Indefinite suspensions of city marshals and airport police officers.**~~

~~(a) Whenever the mayor, pursuant to section 14-182, indefinitely suspends an officer who is entitled to civil service protection under Texas Revised Civil Statutes Annotated, article 1269m, the mayor shall, within 120 hours thereafter, file a written statement with the commission, giving the reasons for such suspension, and immediately shall furnish a copy thereof to the officer affected by such act, said copy to be delivered in person to such suspended officer by said department director or his representative. Said order of suspension shall inform the officer that he has ten days after receipt of a copy thereof within which to file a written appeal with the commission. The commission shall hold a hearing and render a decision in writing within 30 days after it receives said notice of appeal. Said decision shall state whether or not the suspended officer shall be permanently or temporarily dismissed from his department or be restored to his former position or status in the classified service in the department. In the event that such suspended officer is restored to the position or class of service from which he was suspended, such officer shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended for the actual time lost as a result of such suspension, it being further provided that the commission may assess a temporary suspension or other discipline in lieu of an indefinite suspension.~~

~~(b) The written statement provided above to be filed by the mayor with the commission shall not only point out the civil service rule alleged to have been violated by the suspended officer, but shall contain the alleged acts of the officer that the mayor contends are in violation of the civil service rules. It shall not be sufficient for the mayor~~

merely to refer to the provisions of the rules alleged to have been violated, and in case the mayor does not specifically point out the act or acts complained of on the part of such officer, it shall be the duty of the commission promptly to reinstate such officer. In any civil service hearing hereunder, the mayor is hereby restricted to the original written statement and charges, which shall not be amended, and no act or acts may be complained of by said mayor which did not happen or occur within six months immediately preceding the date of suspension by the mayor. No officer shall be suspended or dismissed by the commission except for violation of the civil service rules, and except upon a finding by the commission of the truth of the specific charges against such officer.

(c) In the event the commission orders that such suspended officer be restored to his position as above provided, it shall be the duty of the department director immediately to reinstate him as ordered, and in the event the department director fails to do so, the officer shall be entitled to his salary just as though he had been regularly reinstated.

(d) In the event such department director willfully refuses to obey the orders of reinstatement of the commission, and such refusal persists for a period of ten days, it shall be the duty of the mayor to discharge such department director from his employment with the city.

Sec. 14-218.2. Disciplinary suspensions of city marshals and airport police officers.

The head of either the municipal courts department or the aviation department shall have the power to suspend any officer under his jurisdiction or supervision for disciplinary purposes for reasonable periods, not to exceed 15 days; provided that in every such case, the department director shall file with the commission within 120 hours, a written statement of action, and the commission shall have the power to investigate and to determine whether just cause exists therefor. In the event the department director fails to file said statement with the commission within 120 hours, the suspension shall be void and the officer shall be entitled to his full salary. The commission shall have the power to reverse the decision of the department director and to instruct him immediately to restore such officer to his position. In the event such department director refuses to obey the order of the commission, then the provisions with reference to salaries of the officers and to the discharge of the department director as well as other provisions of section 14-218.1 pertaining to such refusal of the department director shall apply.

Sec. 14-218.3. Appeal by city marshals and airport police officers.

(a) An officer may appeal an indefinite suspension, a suspension, a promotional passover, or a recommended demotion to the commission or an independent third party hearing examiner.

~~(b) In order for an officer to appeal, it shall only be necessary for him to file, within ten days with the secretary of the commission, a written statement denying the truth of the charges as made, a statement taking exception to the legal sufficiency of such charges, or a statement alleging that the recommended action does not fit the offense or alleged offense and in addition, asking for a hearing by the commission. The officer shall also include in the statement whether he is requesting a hearing before the commission or an independent third party hearing examiner. In hearing an appeal under this section, an independent third party hearing examiner shall act in the same capacity as the commission.~~

~~Sec. 14-218.4. Appeal to district court.~~

~~In the event any officer is dissatisfied with the decision of the commission, he may, pursuant to article 1269m, Texas Revised Civil Statutes Annotated, and within ten days after the rendition of such final decision, file a petition in the district court, asking that his order of suspension or dismissal be set aside, and that he be reinstated in the department. Such cases shall be advanced on the docket of the district court and shall be given preferential setting over all other cases. An officer who elects to appeal to an independent hearing examiner waives all rights of appeal to district court except as provided by section 16c(f) to article 1269m.~~

~~Sec. 14-218.5. Causes of dismissals and suspensions.~~

~~No officer shall engage in, or be involved in, any one of the following acts or conduct and the same shall constitute cause for the removal from service or the suspension of an officer:~~

~~(1) That the officer has been convicted of a criminal offense or of a misdemeanor involving moral turpitude.~~

~~(2) That the officer has been guilty of an immoral or criminal act.~~

~~(3) That the officer has willfully, wantonly, or through culpable negligence been guilty of brutality or cruelty to an inmate or prisoner of the city institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.~~

~~(4) That the officer has violated any of the provisions of the Charter of the City of Houston or has violated any of the provisions of the civil service rules and regulations for municipal employees, or the rules or orders of the municipal courts or aviation departments.~~

~~(5) That the officer has been guilty of an act that amounts to an act of insubordination, or to disgraceful conduct, whether such act was committed while on duty or off duty.~~

~~(6) That the officer has been guilty of incompetency or inefficiency in the performance of the duties of his position.~~

~~(7) That the officer has been guilty of drinking intoxicants or the use of intoxicants while on duty, or being intoxicated while off duty.~~

~~(8) That the officer has been absent from duty without leave contrary to the rules of the commission, or has failed to report after leave of absence has expired, after such leave of absence has been disapproved or revoked and cancelled by the director of the department and the commission; provided, however, that if such absence or failure to report is excusable, the commission or the mayor may revoke such discharge.~~

~~(9) That the officer has failed to pay or make reasonable provisions for future payment of his just debts due or owing by him, causing thereby annoyance to his superior officer or scandal to the service.~~

~~(10) That the officer has been wantonly offensive in conduct or language towards the public or toward city officials or officers or employees, or shows discourtesy to the public or to fellow employees while said officer is in line of duty.~~

~~(11) That the officer has been guilty of any conduct unbecoming to an officer of the City of Houston.~~

~~(12) That the officer has willfully shown lack of good moral character.~~

~~(13) That the officer has violated any lawful and reasonable direction made and given by his superior officer, where such violation or failure to obey amounts to an act of insubordination or a breach of proper discipline, or resulted or reasonably might be expected to result in loss or injury to the City of Houston, to the public, or to the prisoners or wards of the City of Houston.~~

~~(14) That the officer has been guilty of neglect of duty.~~

~~(15) That the officer has been guilty of conduct which was prejudicial to good order of the Municipal Courts or Aviation Departments of the City of Houston.~~

~~(16) That the officer has been guilty of shirking duty or has shown cowardice while in the line of duty.~~

~~(17) That the officer has been habitually tardy in reporting for duty or absent frequently from duty during regular working hours, or has refused to perform a reasonable amount of emergency work after working hours when directed to do so by his superior officer or department director.~~

(18) That the officer has been wantonly careless or negligent in the care and handling of the property and equipment of the City of Houston.

(19) That the officer has been induced or has attempted to induce an officer or employee in the service of the city to commit an unlawful act or to act in violation of any lawful and reasonable departmental or official regulation or order; or has taken any fee, gift, or other valuable thing in the course of his work or in conjunction with it, for his personal use from any citizen, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens.

(20) That the officer has solicited, accepted, or has agreed to accept any money, service or other thing of value from any person in exchange for the officer's retirement.

(21) That the officer has directly or indirectly given, delivered or paid, or offered or promised to give, deliver or pay any money, service, or other valuable thing to any person for or on account of, or in connection with his promotion.

Sec. 14-218.6. Demotion of city marshals and airport police officers.

(a) By his initiative pursuant to the City Charter and section 14-182, or upon the recommendation of the head of the municipal courts department or aviation department, the mayor may recommend in writing to the commission that an officer be demoted to a lower rank, giving the reasons therefor, and requesting that the commission make such order of demotion.

(b) A true copy of such recommendation shall be immediately provided, in person, to the officer to be affected by such demotion. If an officer desires to exercise his right to have the recommended demotion heard by a third party hearing examiner as provided by section 14-218.3., he shall so inform the commission, in writing, within ten days after his receipt of the copy of such recommendation.

(c) Said commission shall have authority to refuse to grant said request for demotion. If, however the commission feels that probable cause exists for said demotion, it shall give such officer ten days' advance written notice to appear before the commission at a time and place specified in said written notice to the officer, and said officer shall have the right to a full and complete public hearing upon such proposed demotion. If the officer has elected to have the recommended demotion heard by a third party hearing examiner, the commission shall refer such recommendation along with the officer's request to the secretary of the commission. The secretary shall immediately institute the proceedings established for such hearings as provided in section 16c of article 1269m, Texas Revised Civil Statutes Annotated.

~~(d) No officer shall be demoted without such hearing, unless the officer has accepted, in writing, the terms of the demotion.~~

Secs. 14-218, 219. Reserved.

ARTICLE III. SICK LEAVE AND INJURY

DIVISION 1. GENERALLY

Sec. 14-220. Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates another meaning:

*Actively at work*status means that the employee is following an approved schedule, ~~actually~~ performing all the regular duties of his employment at a regularly established business location of the city or another location to which he may be required to travel to perform the regular duties of his employment. ~~Although not actively at work as defined hereinabove, an employee, for purposes of this provision,~~ An employee shall be deemed to ~~be~~ remain on active~~ly at work~~ status for compensable sick leave plan or modified sick leave plan benefits purposes on each day of leave compensated as a city benefit, such as each day of a regular paid vacation or holiday, on authorized paid sick or injury leave, on a scheduled nonworking off day (exempt employees only), on relief of duty with pay, or on an unpaid absence of 80 consecutive work hours or less. An employee on an unpaid absence in excess of 80 consecutive work hours for any reason will not be considered to be on active~~ly at work~~ status for sick leave benefits purposes under either plan while on such unpaid absence. Employees serving temporary disciplinary suspensions of 15 calendar days or less shall be considered to be on active~~ly at work~~ status, but employees serving longer term temporary disciplinary suspensions shall not be considered to be on active~~ly at work~~ status for sick leave benefits purposes under either plan.

Base pay means the employee's current ~~base biweekly~~approved salary rate of pay stated in hourly, biweekly or other appropriate rate of pay ~~for his classification~~, excluding overtime, assignment pay, higher classification pay, shift differential, allowances, incentives or any additional compensation based upon his normal working hours.

Benefit or *benefits* means compensation in the form of continuation of salary.

Benefit year means a plan year commencing on September 1 of each calendar year and ending on August 31 of the next calendar year.

Break in service means any termination of employment of any duration for any reason. The term "break in service" shall not include an authorized leave of absence (paid or unpaid) or a temporary disciplinary suspension of any duration.

Compensable sick leave means a benefit payable to an employee only when the employee has available sick leave hours and has been authorized sick leave by the department director because he cannot discharge his regular duties due to a bona fide illness, disease or off duty injury of the employee, or in order to care for a family member due to the family member's bona fide illness, disease or injury, or because the employee requires time off to consult with or receive testing or treatment from a health care provider for the diagnosis or treatment of his bona fide illness, disease or off duty injury.

Compensable sick leave plan means the program of benefits created in division 2 of this article.

Department director means the director of the department to which an employee is assigned or the department director's designee.

Director means the human resources director of the city.

Employee means any permanent or temporary full-time employee of the city in the classified or unclassified service, including firefighters and police officers who are classified under chapter 143 of the Texas Local Government Code.

Family member means the spouse, child or step-child, or parent or step-parent of the employee.

Frozen days means unused accumulated benefit days that an employee who was employed prior to September 1, 1985, had accrued as of August 31, 1985, through the city's former sick leave plan as provided under former section 14-169 of the City Code which was repealed effective September 1, 1985.

Full-time means regularly assigned to work not less than 40 hours per week.

Modified sick leave plan means the program of benefits created in division 3 of this article.

Part-time means regularly assigned to work less than 40 hours per week.

Sick leave means time off authorized at the discretion of an employee's department director for an employee's own bona fide illness, disease, or off duty injury, or because the employee requires time off to consult with or receive testing or treatment from a health care provider for the diagnosis or treatment of the bona fide illness, disease or off duty injury. Sick leave may also mean time off

authorized at the discretion of an employee's department director in order to care for a family member due to the family member's bona fide illness, disease, or injury. Sick leave may be authorized as uncompensated if the employee has no compensable sick leave plan or modified sick leave plan hours available.

Sec. 14-221. Application.

The provisions of this division shall apply to employees who are covered by either the compensable sick leave plan or the modified sick leave plan. No employee may be covered by both plans. Sick leave benefits will not be provided for persons who are employed by the city on a part-time basis or to emergency employees.

Sec. 14-222. Outside employment.

No employee shall engage in any outside employment on any day for which the employee has requested or received compensable or uncompensated sick leave, whether or not related to family medical leave, or workers' compensation benefits with or without salary continuation. Approval of outside employment pursuant to applicable civil service regulations and department policies shall not be construed as authorizing an exception to the foregoing prohibition. A violation of this section shall be grounds for appropriate disciplinary action, including indefinite suspension or termination.

Sec. 14-223. Off days, holidays.

Benefits may only be utilized and will only be charged for days and hours upon which an employee is regularly scheduled to work. Benefits will not be provided for any extra work days or work hours to which an employee may have been assigned to work on an overtime basis.

Sec. 14-224. Benefit amount.

When sick leave is utilized by an active employee, compensable sick leave plan or modified sick leave plan, benefits will be computed for payment purposes on the basis of the employee's then current base pay plus any permanent pay components, such as longevity pay, assignment pay or bilingual pay to which the employee is regularly entitled, regardless of whether charged to available sick leave time allowances or charged to frozen days (in the case of employees whose service commenced prior to September 1, 1985, who may have frozen days available).

Sec. 14-225. Coverage, transitional provisions.

(a) The modified sick leave plan is a closed enrollment plan that is available only to those employees who have been employed by the city since on or before August 31, 1985, without a break in service and who did not elect to convert to the city's former income protection plan as authorized by law in 1985. Other employees eligible for sick leave benefits, including members of the former income protection plan and persons

hired or rehired following a break in service on or after September 1, 1985, shall be members of the compensable sick leave plan.

(b) Employees who are rehired following a break in service shall be members of the compensable sick leave plan and shall be treated in all respects as new employees thereunder, unless entitled to restoration of modified sick leave plan membership or restoration of other benefits following a layoff or a military leave as provided by law or by civil service regulations.

(c) The modified sick leave plan shall remain unaffected by the creation of the compensable sick leave plan. An employee who is a member of the modified sick leave plan shall continue to accrue benefits as set forth in division 3 of this article for so long as he remains continuously employed by the city without a break in service. The value of frozen days for a modified sick leave plan member determined as of August 31, 1985, under former section 14-225(a) of the City of Houston Code of Ordinances shall apply to his payment upon termination pursuant to section 14-233 or 14-244 of this Code, as applicable; however, frozen days shall be payable as provided in section 14-224 of this Code when utilized by an active employee for authorized compensable sick leave.

Sec. 14-226. Injury in course and scope of employment, workers' compensation benefits and salary continuation.

(a) In a circumstance in which an employee is injured in the course and scope of performing his duties on behalf of the city, the employee's department director may grant the injured employee an injury leave of absence not to exceed 12 months' duration. An employee who qualifies for workers' compensation income benefits under state law shall be paid in accordance with applicable state law for supplemental income or other benefits for which the injured employee may be eligible. In addition to statutory workers' compensation benefits, an injured employee may be paid supplemental salary continuation in an amount not to exceed in the aggregate the maximum of his base salary plus any permanent pay components, such as longevity pay, assignment pay or bilingual pay, to which the employee is regularly entitled. Salary continuation may only be paid in accordance with rules and terms promulgated by the mayor as required elsewhere herein.

(b) Salary continuation benefits provided under this section shall not be charged to the available compensable sick leave plan time allowances or to the modified sick leave plan balance otherwise authorized in these provisions for compensable sick leave.

(c) If, at the end of the first 12-month period of injury leave, the employee is still not able to return to full-time employment but medical prognosis indicates that the employee will be able to resume full-time employment following an additional period of treatment and/or convalescence, the city council may, upon the request of the department director with the concurrence of the director and the mayor, grant additional

leaves of absence at full or reduced pay for a period not to exceed an additional 12 months, to be granted in increments of three months.

Sec. 14-227. Sick leave regulations.

The mayor may, upon recommendation of the director, establish regulations for the accounting of sick leave use and benefits under either plan, for the verification of bona fide illness, disease, off duty injury or medical or other treatment by a health care provider, and for discipline of employees who have excessive absences. Any such regulations shall be consistent with this article and other applicable laws and shall be written so as to ensure that benefits and their use are properly accounted for and that sick leave benefits are limited to eligible uses. The director shall submit accounting regulations to the city controller for approval prior to recommending them to the mayor. With the exception of any provisions that relate to employees who work shifts of unusual duration, the foregoing regulations shall provide, as a qualification for sick leave hereunder, that each absence for an eligible reason after 64 hours within a benefit year, regardless of the duration of the absence, whether taken cumulatively or in a single event, must be verified by an attending health care provider's statement on a form promulgated by the director. No assessment by telephone will be accepted as a verification required herein. Verification may be required prior to the use of 64 hours of sick leave in any instance of potential abuse of sick leave.

Sec. 14-228. Coordination.

All payments for sick leave benefits under this article (whether paid pursuant to the modified sick leave plan, the compensable sick leave plan or as salary continuation under section 14-226 of this Code) shall be subject to coordination with:

(1) Payments to which an employee is entitled by virtue of any policy or ~~self funded~~self-funded plan of disability insurance benefits provided in whole or in part at the expense of the city; and

(2) Payments to which an employee is entitled by virtue of any state or federally provided or mandated benefit program including, but not limited to, state workers' compensation benefits and federal social security benefits.

The coordination shall extend to payments made thereunder for the purpose of compensating an employee for lost wages or lost capacity to earn wages, but it shall not extend to payments expressly made thereunder for the reimbursement of actual medical expenses incurred by an employee. In any instance where such other payments as described in section 14-228(2) are available, then the sick leave compensation benefits under this ~~article~~Article shall be reduced by an amount equal to the other benefits that are available to the employee, so that the employee shall not receive more than an amount equal to his base salary plus any other permanent pay components.

Sec. 14-229. Removal because of medical impairment.

(a) This section provides the exclusive procedure for determining whether an employee, whether full-time or part-time, who is not subject to chapter 143 of the Local Government Code is sufficiently physically or mentally fit to continue the employee's duties or assignment.

(b) As used in this section, the terms "reasonable accommodation" and "undue hardship" shall have the same meaning as those terms appearing in the Americans with Disability Act of 1990, as amended, (42 U.S.C. section 1210 et seq.) enacted by Congress on July 29, 1990 and in regulations issued under that Act by the United States Equal Employment Opportunity Commission.

(c) The department director shall be responsible for restructuring the employee's duties and responsibilities as a reasonable accommodation so long as the employee can perform the essential job functions of his or her position. Whenever a question exists whether the employee is sufficiently physically or mentally fit to continue the employee's essential job functions, whether or not the employee is on leave of absence, upon receiving a written order by the department director, the employee shall submit to the department a report from the employee's personal physician, psychiatrist, or psychologist, as appropriate. If the report by the employee's personal physician, psychiatrist, or psychologist establishes that the employee is unable to perform the essential job functions of the employee's position, the department director shall attempt to make a reasonable accommodation. If reasonable accommodation cannot be made within the department, then the department director shall notify the director, who shall institute a city-wide search for available positions. The director shall make a report and recommendation to the civil service commission, and the commission shall hold a hearing to determine whether a reasonable accommodation for the employee's disability can be made either in the employee's current position or by transfer to another available position. If the commission determines that a reasonable accommodation can be made, it shall enter an order of accommodation and/or if applicable, reclassifying the employee's position or transferring the employee to another available position, in consultation with the department director or designee. The commission shall not transfer the employee to another department if there is a vacancy in the employee's department that the employee is qualified to perform with or without reasonable accommodation. If the commission determines that no reasonable accommodation can be made and that the employee will not be able to resume his or her essential job functions with or without a reasonable accommodation within a reasonable period of time, the commission shall enter an order removing the employee from the city’s employment roster; however, such order shall not prejudice the employee's ability to seek reappointment with the city in the future, should there be a change in the employee's medical condition.

(d) If the commission, the department director, or the employee questions the report, the commission may appoint a physician, psychiatrist, or psychologist, as

appropriate, to examine the employee and to submit a report to the commission, the department director, and the employee.

(e) If the report of the appointed physician, psychiatrist, or psychologist, as appropriate, disagrees with the report of the personal physician, psychiatrist, or psychologist, as appropriate, the commission may appoint an independent three-member board composed of a physician, a psychiatrist, and a psychologist or any combination, as appropriate, to examine the employee. The board shall submit to the commission a written report of its finding regarding whether employee is sufficiently physically or mentally fit to continue the person's essential job function. The commission, at its next regularly scheduled meeting after the date it receives the report of the board, shall determine whether the employee is sufficiently physically or mentally fit to continue the assignment. The commission shall hold a hearing to make the determination of fitness and reasonable accommodation as is provided in subsection (b) above and enter an order accordingly.

(f) The employee shall be responsible for paying the cost of the services of the employee's personal physician, psychiatrist, or psychologist, as appropriate. The city shall pay all other costs.

DIVISION 2. COMPENSABLE SICK LEAVE PLAN

Sec. 14-230. Application.

The compensation benefits provided in this division shall constitute the compensable sick leave plan and shall be available only to those employees who are entitled to coverage hereunder.

Sec. 14-231. Compensable sick leave.

(a) The compensable sick leave plan is created effective September 1, 1996. A member of the city's former income protection plan, which is replaced by the compensable sick leave plan, may be entitled to an initial sick leave time allowance hereunder as provided by section 6 of Ordinance No. 96-1088 and regulations promulgated thereunder. The initial sick leave time allowance, if any, shall be in addition to the biweekly sick leave time allowances received under subsection (b).

(b) A compensable sick leave plan member who is actively at work shall receive a biweekly sick leave time allowance of 2.5 hours per biweekly payroll period up to a maximum of 65 hours per benefit year.

(c) Sick leave may not be compensated unless sufficient unused sick leave time allowances are currently available to the employee at the time of the absence. If sick leave time allowances are not available, any authorized sick leave shall be uncompensated unless the employee elects to use other available benefits, such as vacation, to supplement any deficiency in sick leave time allowances.

(d) In his first full biweekly payroll period that commences in October, each member of the compensable sick leave plan who has used fewer sick leave time allowance hours than he received during the previous benefit year shall be given additional sick leave time allowance hours in an amount equal to the difference between the number of hours received and the number of hours used. However, no additional sick leave time allowance hours shall be given that would cause the employee's available sick leave time allowance hours to exceed 1,040 hours. Once an employee has 1,040 hours of unused sick leave time allowances, the annualized addition for unused hours shall not be provided. The annual addition authorized in this subsection for unused sick leave time allowance hours shall not apply to initial sick leave time allowances provided under subsection (a).

(e) Upon ~~termination~~ discharge of employment, all unused sick leave time allowances in excess of 1,040 hours shall be payable to the employee or to the employee's beneficiaries, as applicable, at the employee's rate of base pay, plus longevity, at the time of termination. The first 1,040 hours of unused sick leave time allowances shall have no value, except when used for compensable sick leave benefits and may not be converted to any other use or benefit, nor shall they be payable upon ~~termination~~ discharge or death of the employee under any circumstances.

Sec. 14-232. Personal leave hours.

(a) Compensable sick leave plan members are eligible to receive personal leave hours in accordance with the following schedule:

Hours of Benefits Used in Preceding Benefit Year	**Personal Leave Hours Earned**
None	24
From one minute to eight hours	16
From eight hours and one minute to 16 hours	8
More than 16 hours	None

In order to qualify, an employee must have been employed without a break in service during the preceding full benefit year.

(b) Personal leave hours granted for each benefit year will be awarded as of the first full pay period in October of each succeeding benefit year. Personal leave hours may not be accumulated past August 31 of each benefit year and may only be used during the benefit year in which they are awarded. No compensation of any sort will be

granted for personal leave hours that are not timely used during the benefit year awarded.

(c) Personal leave hours may be used in the same manner as vacation and may be taken separately or in conjunction with regular vacation or other authorized leave. Department directors may impose internal regulations, including reasonable advance notice requirements for taking personal leave hours, in order to ensure that working schedules are maintained. However, no department director shall unreasonably continually or arbitrarily deny an employee the right to use earned personal leave hours.

Sec. 14-233. Frozen days.

(a) Those compensable sick leave plan members who were employed by the city before September 1, 1985, and who have frozen days may utilize them as supplemental compensation in the event of illness or injury and exhaustion of sick leave time allowances available under the compensable sick leave plan. Frozen days may not be utilized for sick leave benefits while compensable sick leave plan time allowances remain available. Also, frozen days may not be utilized to supplement the benefits received through any long term disability policy that may be provided by the city as an adjunct benefit to the compensable sick leave plan.

(b) The value of an employee's remaining frozen days that have not been used as supplemental benefits under subsection (a), above, shall be payable to the employee upon termination of employment with the city, or to the employee's beneficiaries in the event of the death of the employee. Payment under this subsection will be limited to the value of the employee's remaining frozen days that were not used as supplemental benefits; the payment value therefor shall be as calculated as of August 31, 1985, under former section 14-225(a) of the City of Houston Code of Ordinances, regardless of whether the employee is earning a lesser or greater amount at the time of termination.

Sec. 14-234. Long-term disability.

The city may, if it so elects, provide an insurance policy or a ~~self-funded~~self-funded plan of long term disability coverage for members of the compensable sick leave plan who meet certain eligibility criteria therefor in such form and upon such terms as the city council may, from time to time, elect to offer.

Sec. 14-235. Wellness leave.

(a) During each benefit year, a compensable sick leave plan member may take up to eight hours of wellness leave to go to health care providers for examinations and physicals, annual check ups and prospective health screening/testing of any kind in order to ensure that the employee continues to stay in good health or for the purpose of encouraging early detection of potentially debilitating or life threatening illness or diseases that might otherwise be ignored.

(b) ~~Department~~ The directors may impose internal regulations, including reasonable advance notice requirements for taking any of such hours, in order to ensure that working schedules are maintained. No department director shall unreasonably refuse to allow such leave, but shall ensure that the time is taken when mutually beneficial or convenient for both the employee and the department.

(c) Wellness leave taken by compensable sick leave plan members will be payable in the same manner as sick leave, but shall not be regarded as use of sick leave time allowances, nor shall it be regarded as a use of sick leave for other purposes, such as attendance awards.

(d) Unused wellness leave hours may not be carried from one benefit year to the next; remaining unused hours will be canceled on August 31 of each benefit year. No compensation of any sort will be paid or granted for wellness leave that is not timely used.

Secs. 14-236—14-239. Reserved.

DIVISION 3. MODIFIED SICK LEAVE PLAN

Sec. 14-240. Application.

The benefits provided in this division 3 shall constitute the modified sick leave plan and shall be available only to those employees who are covered by the modified sick leave plan. The meaning of the word "employee" as used in this division shall be so restricted.

Sec. 14-241. Benefit days—Accrual.

(a) Employees shall receive benefit sick days at the rate of 1¼ eight-hour working days for each full month of employment so that they shall be eligible to receive 15 eight-hour benefit days per benefit year.

(b) Benefit days may be accumulated without limitation.

Sec. 14-242. Same—Days charged.

When an employee utilizes an accumulated benefit day for sick or injury leave purposes, it will be charged to his or her accumulated benefit days on a first-in-first-out accounting basis so that days used during any benefit year will be charged:

(1) First to frozen days, if any;

(2) Then to unused days accumulated, if any, from the earliest benefit year and then to unused days accumulated, if any, from each succeeding benefit year until all days earned through the expiration of the last preceding benefit year have been exhausted; and

(3) Finally to unused days accumulated, if any, during the then-current benefit year.

No further benefits will be paid when all unused accumulated benefit days have been exhausted.

Sec. 14-243. Same—Annual valuation.

After the conclusion of each benefit year, the director shall determine the number of benefit days accrued during the benefit year that were not utilized during the benefit year, if any, by each employee and the per day value thereof. Such per day value shall be based upon the employee's average daily rate of base pay plus longevity during the benefit year, and it shall be computed by adding an amount equal to the employee's daily rate of base pay plus longevity as applicable for each biweekly city payroll cycle that commenced during the benefit year and dividing that sum by the number of city biweekly payroll cycles that commenced during the benefit year. To the extent that the city may have two or more different biweekly payroll cycles in effect, then the computation for each employee shall be based upon the payroll cycle applicable to that employee. The per day value of the days so determined shall apply to their payment upon ~~termination~~ discharge pursuant to section 14-244 of this Code; however, they shall be payable as provided in section 14-224 of this Code when utilized by an active employee for compensable sick leave plan benefits.

Sec. 14-244. Same—~~Termination~~ Discharge benefit.

The combined value of any unused accumulated benefit days will be payable to the employee, or to the employee's beneficiaries in the event of the death of the employee, upon the ~~termination~~ discharge or death of the employee, in the following manner:

(1) Remaining frozen days, if any, will be payable at their per day value calculated as of August 31, 1985, as established under former section 14-225(a) of the City of Houston Code of Ordinances.

(2) Remaining days, if any, from each benefit year elapsed since the inception of this plan (September 1, 1985), will be paid at their per day value as established pursuant to section 14-243 of this Code.

(3) Remaining days, if any, from the benefit year in which the employee's employment with the city is ~~terminated~~ discharged will be paid at the employee's daily average rate of base pay plus longevity during the benefit year of ~~termination~~discharge, to be computed through the biweekly payroll period in which the ~~termination~~ discharge occurs in the same manner provided in section 14-243 of this Code.

Sec. 14-245. Wellness.

Members of the modified sick leave plan may utilize up to eight hours per benefit year of their accrued benefit days for wellness leave to go to health care providers for examinations and physicals, annual ~~check ups~~checkups and prospective health screening/testing of any kind in order to ensure that the employee continues to stay in good health or for the purpose of encouraging early detection of potentially debilitating or life threatening illness or diseases that might otherwise be ignored. Even though the wellness time used will be charged to their available benefit balance, it shall not be regarded as a use of sick leave for other purposes, such as attendance awards.

Secs. 14-246—14-250. Reserved.

ARTICLE IV. MILITARY LEAVES

Sec. 14-251. Definitions.

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

Armed forces means the state military forces of Texas and the reserve components of the United States armed forces and national guard.

Called to duty means ordered on proper authority to assume active duty status as a full-time member of the military forces during a time of war or a state of emergency for service relating to the war or emergency.

City salary means the employee's regular rate of base ~~pay~~ from the city inclusive of longevity ~~allowances; however, it shall not include any other allowances~~, incentives, differentials or other compensation ordinarily received by the employee for service to the city. The regular rate of pay shall not include clothing or equipment allowances.

Director means the human resources director of the city.

Employee means a member of armed forces who is a full-time employee of the city.

Military salary means base pay plus any incentive pay, duty pay or other compensation payable to the employee by the military for full-time service while called up, exclusive of allowances for travel, uniforms and other personal expenses of the employee.

Sec. 14-252. Rights cumulative.

The provisions of this ~~article~~Article shall not be construed to abridge any right of compensation or benefits arising under state or federal law or regulations, including those benefits arising under section 431.005 of the Texas Government Code.

Sec. 14-253. Military leave.

(a) An employee who is called to duty shall be entitled to be placed on military leave upon written application to the director. Each application shall be accompanied by duly authenticated copies of state or federal military orders, and any other documentation reasonably required by the director to establish the employee's right to leave status under this article. Upon receipt of an application and related documents establishing the right to leave status under this article, the director shall place the employee on military leave status.

(b) An employee on active military duty can be authorized to use up to eighty (80) hours of accrued leave per pay period.

(~~a~~c) Accrued hours include, but are not limited to, floating holiday or deferred holiday, personal leave hours, compensatory time, vacation hours, or Paid Time Off (PTO) under the Houston Police Department Paid Time Off Program. Sick leave hours and no-value PTO hours may not be used. Value of leave used will be computed using bi-weekly base pay plus longevity rates of pay, and shall include any other pay to which the employee would be entitled to if the employee was using time for a reason other than military leave including, but not limited to, all allowances, assignment pays and certification pays to which the employee was entitled prior to being placed in a military leave status.

Sec. 14-254. Compensation.

(a) A~~n~~ full-time employee who is granted military leave under this article and whose military salary is less than his city salary shall be entitled to compensation for the difference. Such compensation shall not apply to any period prior to the reporting of the employee for the military call up or following the employee's discharge from the call up. In those instances in which an employee is eligible for compensation at full pay under section 431.005 of the Texas Government Code, the compensation hereunder shall not be payable for any period during which the employee is entitled to compensation thereunder.

(b) The compensation payable under this section shall be paid from time to time in accordance with administrative regulations established by the director with the consent of the city controller. Without limitation, such regulations may require that the employee regularly submit proof that he remains on active duty status with the military and the amount of the military salary that is payable.

Sec. 14-255. Status for other purposes.

The military leave provided under this ~~article~~Article shall not be construed to make any employee of the city who is on military leave an active employee of the city during his period of service in the armed forces while called up. For all other purposes the employee shall be regarded as being on leave without pay status entitled to those rights of restoration of employment and benefits that are provided by applicable state and federal law.

Sec. 14-256. Time limitation.

The compensation to any employee under section 14-254 of this Code shall be limited to a period of 90 calendar days from the date that the employee is called up, unless the city council determines, based upon the nature of the war or emergency, the number of city employees involved and the potential costs to the city, that the benefits should be extended.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/30/2015

MCD-Ordinance Amending Section 16-3, Regarding Term Limits for Municipal Court Judges

Agenda Item#: 21.

Summary:

ORDINANCE **AMENDING SECTION 16-3 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to term limits for Municipal Court Judges

Background:

The Municipal Courts Department recommends that the terms for the full-time judges, who are appointed by the Mayor and approved by City Council, be increased to four years to assist in the retention of experienced and knowledgeable judges that benefit the efficient operation of the municipal courts.

Each full-time municipal judge shall be appointed by the Mayor and confirmed by the City Council for a term of four years, which term shall begin as of the date the appointment is confirmed by the City Council. Each substitute judge shall be appointed by the Mayor and confirmed by the City Council for a term of two years, which term shall begin as of the date the appointment is confirmed by the City Council. A municipal judge shall continue in office after his term has expired until he is reappointed or his successor has been appointed and qualified; provided, that no holdover period, regardless of duration, shall ever be deemed a reappointment of any municipal judge. If any office becomes vacant during a term, then a qualified person shall be appointed and confirmed for a new four year term beginning on the date of appointment.

Prior Council Action:

Ord. No. 00-325, § 1, 4-26-00; Ord. No. 05-340, § 2, 4-6-05; Ord. No. 09-510, § 3, 6-10-09

Amount of Funding:

N/A

Contact Information:

Nelly Santos, Deputy Director
Municipal Courts Department
713-247-8407
nelly.santos@houstontx.gov

ATTACHMENTS:

Description	Type
Ordinance and Redline	Ordinance/Resolution/Motion

City of Houston, Texas, Ordinance No. 20__-_____

AN ORDINANCE AMENDING SECTION 16-3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO TERM LIMITS FOR MUNICIPAL COURT JUDGES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Section 30.00006 of the Texas Government Code provides that the City Council shall provide by ordinance for the term of office of its municipal judges, for a definite term of two or four years; and

WHEREAS, retention of experienced and knowledgeable judges benefits the efficient operation of the municipal courts;

WHEREAS, continued efficient operation of the municipal courts and maintaining sufficient judicial resources affect the public safety;

WHEREAS, to benefit the continued efficient operation of the municipal courts and to conserve resources involved in the reappointment of full-time judges, the Municipal Courts Department recommends amending the term of its full-time judges to four years; **NOW, THEREFORE,**

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

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

Section 2. That Subsection (c) of Section 16-3 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

> "(c) Each full-time municipal judge shall be appointed by the mayor and confirmed by the city council for a term of four years, which term shall begin as of the date the appointment is confirmed by the city council. Each substitute judge shall be appointed by the mayor and confirmed by the city council for a term of two years, which term shall begin as of the date the appointment is confirmed by the city council. A municipal judge shall continue in office after his term has expired until he is reappointed or his successor has been appointed and qualified; provided, that no holdover period, regardless of duration, shall ever be deemed a reappointment of any municipal judge. If any office becomes vacant during a term, then a

qualified person shall be appointed and confirmed for a new term beginning on the date of appointment."

Section 3. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

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

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 201_.

APPROVED this ___ day of _____, 201_.

_____
Mayor of the City of Houston

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

_____
City Secretary

Prepared by Legal Dept. _____
TBC:cm 11/19/2015 Senior Assistant City Attorney
Requested by Barbara E. Hartle, Presiding Judge, Municipal Courts Department
L.D. File No. 0441500013001

Sec. 16-3. Judges.

(a) The city shall have both full-time and substitute municipal judges. A substitute municipal judge shall be classified as an "Associate Judge of Municipal Courts."

(b) Each municipal judge shall meet the qualifications for that office that are prescribed by state law. Additionally, each municipal judge shall at the time of appointment and qualification be required to be a resident of the city.

(c) Each full-time municipal judge shall be appointed by the mayor and confirmed by the city council for a term of ~~two~~ four years, which term shall begin as of the date the appointment is confirmed by the city council. Each substitute judge shall be appointed by the mayor and confirmed by the city council for a term of two years, which term shall begin as of the date the appointment is confirmed by the city council. A municipal judge shall continue in office after his term has expired until he is reappointed or his successor has been appointed and qualified; provided, that no holdover period, regardless of duration, shall ever be deemed a reappointment of any municipal judge. If any office becomes vacant during a term, then a qualified person shall be appointed and confirmed for a new ~~four-year~~ term beginning on the date of appointment.

(d) Municipal judges shall be subject to removal from office as provided by state law.

(e) Full-time municipal judges shall be entitled to compensation as provided or authorized by ordinance. Substitute municipal judges shall be compensated on a per diem basis for services rendered, as provided in section 16-5 of this Code.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

ARA-Special Events Ordinance - Safety Zones

Agenda Item#: 22.

Summary:

ORDINANCE **AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to nationally competitively bid events

Background:

The Mayor's Office of Special Events (MOSE) and the Administration & Regulatory Affairs Department, in conjunction with the Police, Fire and Public Works Departments, recommend that City Council approve an ordinance amending Chapter 25 of the City of Houston's Code of Ordinances to create a standardized process for Nationally Competitively Bid Events (NCBEs).

NCBEs—such as the Super Bowl or the NCAA Final Four—are awarded to host cities through a competitive bid process. Bidding on NCBEs requires a commitment of City services including police, fire, security, transportation, traffic management, airport, event management and public works operations by City Council.

Although the Mayor's Office of Special Events (MOSE) is already responsible under Chapter 25 for coordinating City services for all other major events in the City, Chapter 25 currently contains no systematic process for meeting Council's commitment of City services for NCBEs. As a result, the City has historically managed NCBEs by passing a series of nearly identical temporary ordinances for each event. In addition to being inefficient and duplicative, this process creates uncertainty for the event producers, who must wait for these ordinances to be approved by Council before making event plans. Relying on temporary ordinances is inconsistent with the best practices established by MOSE in Chapter 25 for managing City services for all other events in the City.

Amending Chapter 25 to include NCBEs will allow MOSE to fulfill City Council's commitment of City services in an efficient, transparent and consistent process. Once an NCBE has been awarded to the City, MOSE will follow its standard operating procedure of coordinating with other departments to fulfill the obligations of the bid as authorized by Council, including the establishment of safety zones (see attachments), the location of temporary signage and the establishment of temporary taxicab zone rates.

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Susan Christian Phone: (832) 393-0868

ATTACHMENTS:

Description	Type
12.1.2015 Special Events Ordinance - Safety Zone RCA.pdf	Signed Cover sheet
12.1.2015 Safety Zone Map.JPG	Backup Material
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

ARA-Special Events Ordinance – Safety Zones

Agenda Item#: 28.

Background:
The Mayor's Office of Special Events (MOSE) and the Administration & Regulatory Affairs Department (ARA), in conjunction with the Police, Fire and Public Works Departments, recommend that City Council approve an ordinance amending Chapter 25 of the City of Houston's Code of Ordinances to create a standardized process for Nationally Competitively Bid Events (NCBEs).

NCBEs—such as the Super Bowl or the NCAA Final Four—are awarded to host cities through a competitive bid process. Bidding on NCBEs requires a commitment of City services including police, fire, security, transportation, traffic management, airport, event management and public works operations by City Council.

Although the Mayor's Office of Special Events (MOSE) is already responsible under Chapter 25 for coordinating City services for all other major events in the City, Chapter 25 currently contains no systematic process for meeting Council's commitment of City services for NCBEs. As a result, the City has historically managed NCBEs by passing a series of nearly identical temporary ordinances for each event. In addition to being inefficient and duplicative, this process creates uncertainty for the event producers, who must wait for these ordinances to be approved by Council before making event plans. Relying on temporary ordinances is inconsistent with the best practices established by MOSE in Chapter 25 for managing City services for all other events in the City.

Amending Chapter 25 to include NCBEs will allow MOSE to fulfill City Council's commitment of City services in an efficient, transparent and consistent process. Once an NCBE has been awarded to the City, MOSE will follow its standard operating procedure of coordinating with other departments to fulfill the obligations of the bid as authorized by Council, including the establishment of safety zones (see attachments), the location of temporary signage and the establishment of temporary taxicab zone rates.

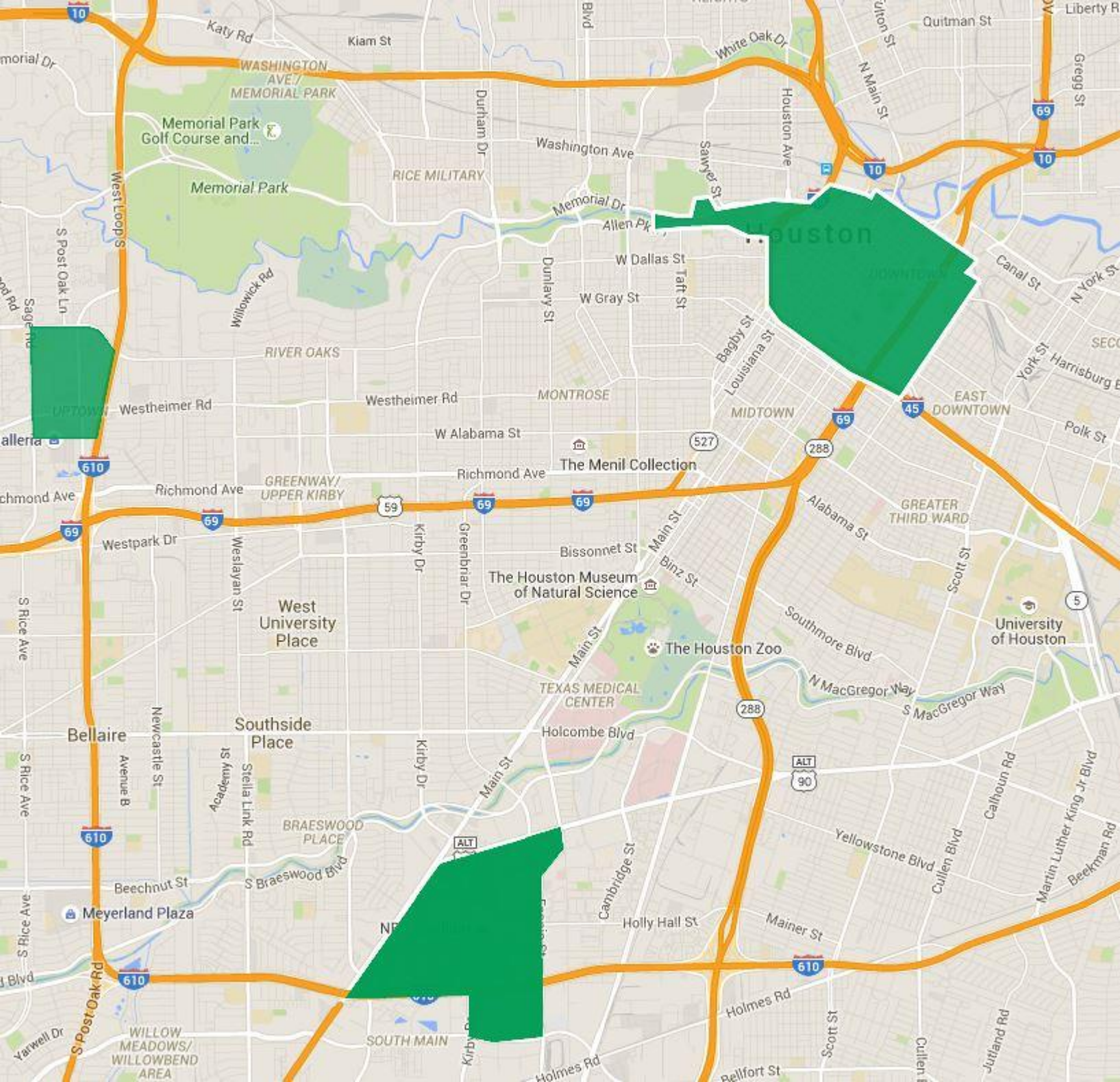
Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham	Phone: (832) 393-8503
Susan Christian	Phone: (832) 393-0868


Katy Rd
Kiam St
White Oak Dr
Quitman St
Liberty R
WASHINGTON AVE./ MEMORIAL PARK
Memorial Park Golf Course and...
Memorial Park
RICE MILITARY
Washington Ave
Memorial Dr
Allen Pk
Houston
W Dallas St
W Gray St
Canal St
N York St
RIVER OAKS
Westheimer Rd
MONTROSE
MIDTOWN
EAST DOWNTOWN
Polk St
W Alabama St
The Menil Collection
Richmond Ave
GREENWAY/ UPPER KIRBY
GREATER THIRD WARD
Alabama St
Westpark Dr
Bissonnet St
The Houston Museum of Natural Science
West University Place
The Houston Zoo
University of Houston
Southmore Blvd
TEXAS MEDICAL CENTER
N MacGregor Way
S MacGregor Way
Bellaire
Southside Place
Holcombe Blvd
BRAESWOOD PLACE
Yellowstone Blvd
Beechnut St
S Braeswood Blvd
Meyerland Plaza
Holly Hall St
Mainer St
Holmes Rd
WILLOW MEADOWS/ WILLOWBEND AREA
SOUTH MAIN
Bellfort St
West Loop S
S Post Oak Ln
Willowick Rd
Durham Dr
Dunlavy St
Taft St
Sawyer St
Houston Ave
N Main St
Gregg St
Bagby St
Louisiana St
York St
Harrisburg
Sage Rd
Westheimer Rd
Richmond Ave
Kirby Dr
Greenbriar Dr
Weslayan St
Main St
Binz St
Scott St
S Rice Ave
Newcastle St
Avenue B
Acadamy St
Stella Link Rd
Cambridge St
Calhoun Rd
Martin Luther King Jr Blvd
Beekman Rd
Cullen Blvd
S Post Oak Rd
Yarwell Dr
Holmes Rd
Jutland Rd
10
45
69
59
527
288
610
90
5
ALT

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District A
Item Creation Date: 11/13/2015

20DOB087 Abandonment/Sale/Sewer Easements - Willowbrook Mall - Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101

Agenda Item#: 23.

Summary:

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide water line easement and a portion of a 20-foot-wide sanitary sewer easement; vacating and abandoning said parcels to Willowbrook Mall (TX), LLC, the abutting owner, in consideration of owner's payment of $3,000.00 to the City and the conveyance to the City of a 20-foot-wide water line easement, a 100-square-foot fire hydrant easement and a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G.W. Childress Survey, A-217, Harris County, Texas, and other good and valuable consideration - **DISTRICT A - STARDIG**

Background:

SUBJECT: Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101.

RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for a consideration of $3,000.00 plus conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101.

SPECIFIC EXPLANATION: By Motion 2015-0206, City Council authorized the subject transaction. The property owner, Willowbrook Mall, LLC, (Andrew Massman, Vice President), plans to construct a new retail facility in the location of the proposed abandonment.

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

The City will abandon and sell to Willowbrook Mall, LLC:

Parcel SY15-092A
4,151 square feet of water line easement $58,633.00 (R)
Valued at $14.125 per square foot

Parcel SY15-092B
5,569 square feet of sanitary sewer easement $78,662.00 (R)
Valued at $14.125 per square foot

Total Abandonment and sale $137,295.00

In exchange, Willowbrook Mall, LLC, will pay:

Cash $3,000.00
Plus convey to the City

Parcel KY15-172
10,371 square feet of water line easement $146,490.00 (R)
Valued at $14.125 per square foot

Parcel KY15-173
100 square feet of fire hydrant easement $2,825.00
Valued at $28.25 per square foot

Parcel DY15-101
7,086 square feet of sanitary sewer easement $100,090.00 (R)
Valued at $14.125 per square foot

TOTAL CASH AND CONVEYANCE **$252,405.00**

Inasmuch as the value of the $3,000.00 minimum fee plus the easements being conveyed to the City is greater than the value of the easements being abandoned and sold, it is recommended City Council approve an Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for a consideration of $3,000.00 plus conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217.

Prior Council Action:
Council Motion #2015-0206, dated 03/25/2015

Amount of Funding:
Not Applicable

Contact Information:
Nancy P. Collins
Phone: (832) 395-3130

Senior Assistant Director-Real Estate

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
PCA Motion 2015-0206	Backup Material
Maps	Backup Material
Ordinance	Ordinance/Resolution/Motion
Ordinance - Exhibits	Backup Material

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

SUBJECT: Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**	**Page** 1 of 2	**Agenda Item #**
FROM (Department or other point of origin): Dale A. Rudick Department of Public Works and Engineering	**Origination Date** 12/3/15	**Agenda Date**
DIRECTOR'S SIGNATURE: Dale A. Rudick, P.E., Director	**Council District affected:** A **Key Map:** 370K	
For additional information contact: NPC Nancy P. Collins **Phone:** (832) 395-3130 Senior Assistant Director-Real Estate	**Date and identification of prior authorizing Council Action:** Council Motion 2015-0206 (3/25/15)	

RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for a consideration of $3,000.00 plus conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
By Motion 2015-0206, City Council authorized the subject transaction. The property owner, Willowbrook Mall, LLC, (Andrew Massman, Vice President), plans to construct a new retail facility in the location of the proposed abandonment.

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

The City will abandon and sell to Willowbrook Mall, LLC:

Parcel SY15-092A
4,151 square feet of water line easement $58,633.00 (R)
Valued at $14.125 per square foot

Parcel SY15-092B
5,569 square feet of sanitary sewer easement $78,662.00 (R)
Valued at $14.125 per square foot

TOTAL ABANDONMENT AND SALE **$137,295.00**

LTS #15045 CUIC #20DOB087

REQUIRED AUTHORIZATION

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

F&A 011.A Rev. 3/94
7530-0100403-00

Date:	**Subject:** Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**	**Originator's Initials** dd	**Page 2 of 2**

In exchange, Willowbrook Mall, LLC, will pay:

Cash Plus convey to the City	$3,000.00
Parcel KY15-172 10,371 square feet of water line easement Valued at $14.125 per square foot	$146,490.00 (R)
Parcel KY15-173 100 square feet of fire hydrant easement Valued at $28.25 per square foot	$2,825.00
Parcel DY15-101 7,086 square feet of sanitary sewer easement Valued at $14.125 per square foot	$100,090.00 (R)
TOTAL CASH AND CONVEYANCE	**$252,405.00**

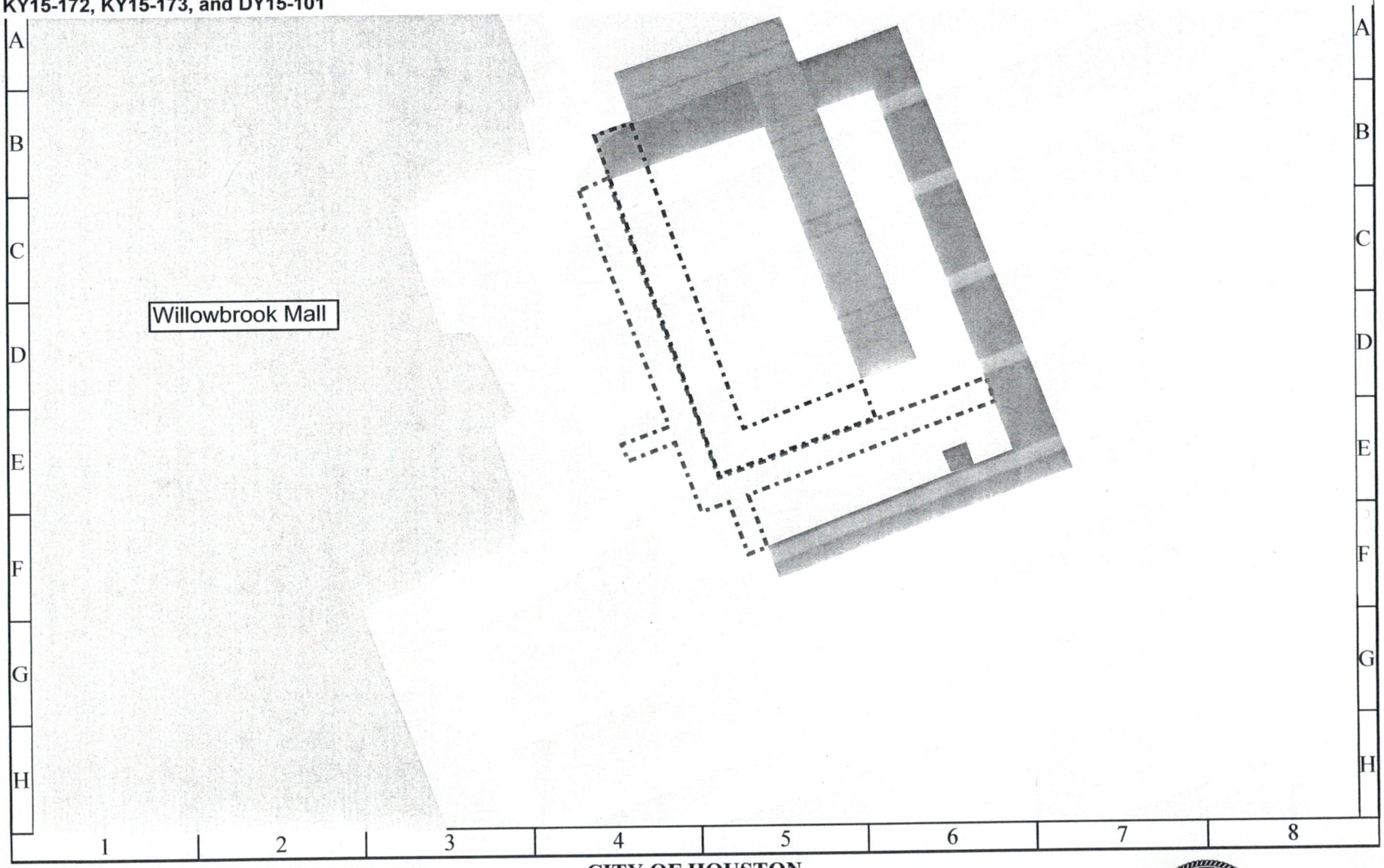
Inasmuch as the value of the $3,000.00 minimum fee plus the easements being conveyed to the City is greater than the value of the easements being abandoned and sold, it is recommended City Council approve an Ordinance authorizing the abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for a consideration of $3,000.00 plus conveyance to the City of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217.

DAR:NPC:dob

c: Marta Crinejo
Donna Edmundson
Daniel Menendez, P.E.
Patrick Walsh, P.E.
Jeffrey Weatherford, P.E., PTOE

Parcel Map

Subject: Abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and (3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**



Legend

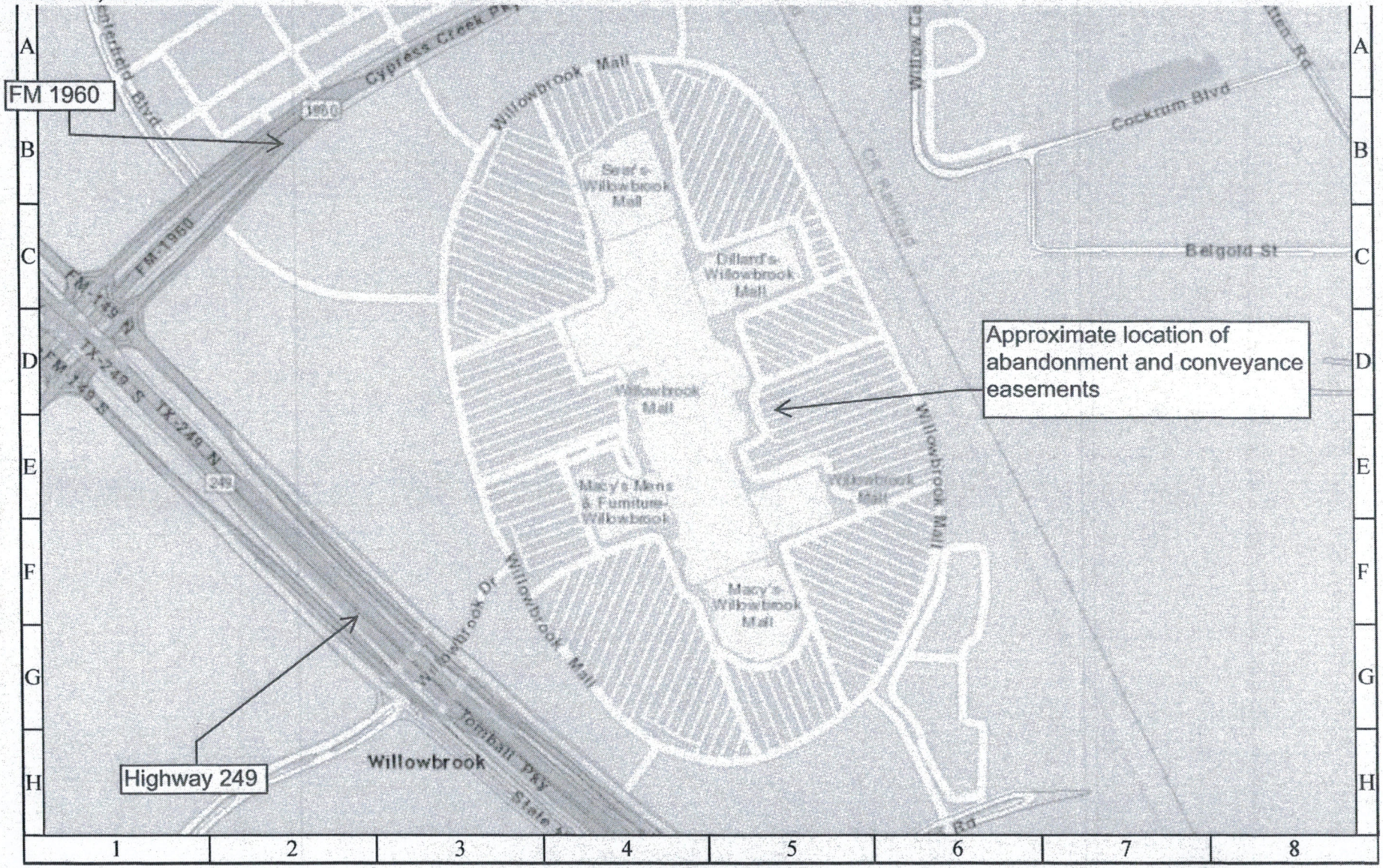
- Parcel SY15-092A
- Parcel SY15-092B
- Parcel KY15-172
- Parcel KY15-173
- Parcel DY15-101

CITY OF HOUSTON
Department of Public Works and Engineering
Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

Location Map

Subject: Abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and 3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**



CITY OF HOUSTON
Department of Public Works and Engineering
Geographic Information & Management System (GIMS)

1 inch = 203 feet

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

Council District A

Abandonment and sale of: 1) a portion of a 10-foot-wide water line easement and 2) a portion of a 20-foot-wide sanitary sewer easement, in exchange for conveyance of: 1) a 20-foot-wide water line easement, 2) a 100-square-foot fire hydrant easement, and (3) a 25-foot-wide sanitary sewer easement, all located within Block 1, Unrestricted Reserve A of Willowbrook Mall, out of the G. W. Childress Survey, A-217. **Parcels SY15-092A, SY15-092B, KY15-172, KY15-173, and DY15-101**

CITY OF HOUSTON
Department of Public Works and Engineering
Geographic Information & Management System (GIMS)

1 inch = 3516 feet

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
District D
Item Creation Date: 11/25/2015

HCD15-84 Montrose Counseling Center, Inc.

Agenda Item#: 24.

Summary:

ORDINANCE appropriating $2,500,000.00 from TIRZ Affordable Housing Fund; approving and authorizing Performance-Based Loan of the appropriated funds from the City of Houston to **MONTROSE COUNSELING CENTER, INC** to assist with construction of a 112 unit Multifamily Housing Community, to be located in the vicinity of 2222 Cleburne Street, in Houston, Texas, that will provide affordable housing to low income seniors - **DISTRICT D - BOYKINS**

Background:

The Housing and Community Development Department (HCDD) recommends Council approve a $2,500,000 performance based loan of TIRZ funds to Montrose Counseling Center, Inc. for construction of a new multifamily apartment development for seniors to be located at 2222 Cleburne.

The development will have 112 units, with a mix of one-bedroom and two-bedroom floor plans, which will be available to low-income seniors. In exchange for the requested funds, the owner will restrict 112 units specifically to tenants earning at or below 60% of Area Median Income.

The development will include a 1,600-square-foot clinic for Legacy Community Healthcare which will have the capacity for two full-time medical specialists. Services will be available to residents as well as senior citizens in the neighborhood.

Montrose Counseling Center, Inc. was created in 1978 to provide outpatient mental health care services, substance abuse treatment, and case management services in the Houston area.

2222 Cleburne Development LLC, an affiliate of Covenant Community Capital, is the developer. Stephan Fairfield, a principal with Covenant, is a well-respected developer of affordable multifamily housing.

Sources of Funds		**Uses of Funds**	
Bank Loan (BBVA)	$4,754,501	Hard Costs	$13,379,946
Tax Credit	6,375,451	Soft Costs	2,629,367
Private Contributions	5,000,000	Reserves	366,654
HCDD - TIRZ	2,500,000	Developer Fee	2,253,985
Total	$18,629,952	Total	$18,629,952

This item was reviewed by the Housing and Community Affairs Committee on November 17, 2015.

Amount of Funding:

$2,500,000.00 - TIRZ Affordable Housing Fund (2409)

Contact Information:

Roxanne Lawson
832.394.6282

ATTACHMENTS:

Description	**Type**
HCD15-84 RCA	Signed Cover sheet
HCD15-84 Form A	Backup Material
HCD15-84 Form B	Backup Material
HCD15-84 Delinquent Tax Report	Backup Material
HCD15-84 Affidavit of Ownership	Backup Material

HCD15-84 SAP	Financial Information
HCD15-84 Financial Information	Financial Information
HCD15-84 Board List	Other
Ordinance with Contract part 1 of 2	Ordinance/Resolution/Motion
Ordinance with Contract part 2 of 2	Ordinance/Resolution/Motion

HCD15-84

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION** **15 – Cleburne**

SUBJECT: An Ordinance appropriating and authorizing a $2,500,000 performance based loan of Tax Increment Reinvestment Zone (TIRZ) funds between the City of Houston and Montrose Counseling Center, Inc. for construction of a new multifamily apartment development for seniors to be located at 2222 Cleburne	**Category #**	**Page** 1 of 1	**Agenda Item #**
FROM: Neal Rackleff, Director Housing and Community Development Department	**Origination Date** 11-25-15	**Agenda Date**	
DIRECTOR'S SIGNATURE:	**Council District affected:** District D		
For additional information contact: Roxanne Lawson **Phone:** 832-394-6307	**Date and identification of prior authorizing Council action:** N/A		

RECOMMENDATION: Approval of an Ordinance appropriating and authorizing a $2,500,000 performance based loan of Tax Increment Reinvestment Zone (TIRZ) funds between the City of Houston and Montrose Counseling Center, Inc. for construction of a new multifamily apartment development for seniors to be located at 2222 Cleburne

Amount of Funding:	**Finance Budget:**
$2,500,000.00	

SOURCE OF FUNDING **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] Other**

Tax Increment Reinvestment Zone (2409)

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD) recommends Council approve a $2,500,000 performance based loan of TIRZ funds to Montrose Counseling Center, Inc. for construction of a new multifamily apartment development for seniors to be located at 2222 Cleburne.

The development will have 112 units, with a mix of one-bedroom and two-bedroom floor plans, which will be available to low-income seniors. In exchange for the requested funds, the owner will restrict 112 units specifically to tenants earning at or below 60% of Area Median Income.

The development will include a 1,600-square-foot clinic for Legacy Community Healthcare which will have the capacity for two full-time medical specialists. Services will be available to residents as well as senior citizens in the neighborhood.

Montrose Counseling Center, Inc. was created in 1978 to provide outpatient mental health care services, substance abuse treatment, and case management services in the Houston area.

2222 Cleburne Development LLC, an affiliate of Covenant Community Capital, is the developer. Stephen Fairfield, a principal with Covenant, is a well-respected developer of affordable multifamily housing.

Sources of Funds		**Uses of Funds**	
Bank Loan (BBVA)	$4,754,501	Hard Costs	$13,379,946
Tax Credit	6,375,451	Soft Costs	2,629,367
Private Contributions	5,000,000	Reserves	366,654
HCDD - TIRZ	2,500,000	Developer Fee	2,253,985
Total	$18,629,952	Total	$18,629,952

This item was reviewed by the Housing and Community Affairs Committee on November 17, 2015.

NR:JN:DK:RB

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

REQUIRED AUTHORIZATION

Finance Department:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

CS-Joint Runoff Election on December 12, 2015

Agenda Item#: 25.

Summary:

ORDINANCE approving and authorizing Election Services Agreement between the City of Houston and **HARRIS COUNTY** relating to the Joint Run-Off Election to be held on December 12, 2015; providing a maximum contract amount - $2,035,301.13 - General Fund

Background:

Subject: Ordinance Approving and Authorizing an Agreement between Harris County and the City of Houston relating to Joint Runoff Election to be held on December 12, 2015.

RECOMMENDATION: (Summary)
That City Council pass an ordinance approving and authorizing an election services agreement ("Agreement") with Harris County for the Joint Runoff Election to be held on December 12, 2015, and setting a maximum contract allocation.

SPECIFIC EXPLANATION:

The proposed ordinance approves the Agreement under which Harris County will conduct a runoff election for the City of Houston, to be held on Saturday, December 12, 2015. Under the Agreement, the City is obligated to pay its share of the actual cost of the joint runoff election, including expenses for polling locations and election personnel, estimated to be $2,034,301.13 by the Harris County Clerk's Office.

However, the sum of $2,035,301.13 allocated in the ordinance is slightly above the amount of the City's estimated share of the runoff election cost. If the final cost of the election exceeds the estimated cost, and the amount allocated by the proposed ordinance is insufficient to pay the City's cost, Council approval will be sought for any additional amount needed to meet the City's obligation under the Agreement.

Amount of Funding:

$2,035,301.13 General Fund (1000)

Contact Information:

Anna Russell 832-393-1100

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
Ordinance	Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance Approving and Authorizing an Agreement between Harris County and the City of Houston relating to Joint Runoff Election to be held on December 12, 2015.	Category #	Page 1 of 1	Agenda Item

FROM (Department or other point of origin): City Secretary	**Origination Date:** 11-30-2015	**Agenda Date**
DIRECTOR'S SIGNATURE Anna Russell	**Council District(s) affected:** All	
For additional information contact: **Anna Russell** **Phone:** **(832) 393-1100**	**Date and Identification of prior authorizing Council Action: N/A**	

RECOMMENDATION: **(Summary)**

That City Council pass an ordinance approving and authorizing an election services agreement ("Agreement") with Harris County for the Joint Runoff Election to be held on December 12, 2015, and setting a maximum contract allocation.

Amount of Funding: $2,035,301.13	**Finance Budget:**

SOURCE OF FUNDING: **[X] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund**
[ ] Other (Specify) **Fund 1000**

SPECIFIC EXPLANATION:

The proposed ordinance approves the Agreement under which Harris County will conduct a runoff election for the City of Houston, to be held on Saturday, December 12, 2015. Under the Agreement, the City is obligated to pay its share of the actual cost of the joint runoff election, including expenses for polling locations and election personnel, estimated to be $2,034,301.13 by the Harris County Clerk's Office.

However, the sum of $2,035,301.13 allocated in the ordinance is slightly above the amount of the City's estimated share of the runoff election cost. If the final cost of the election exceeds the estimated cost, and the amount allocated by the proposed ordinance is insufficient to pay the City's cost, Council approval will be sought for any additional amount needed to meet the City's obligation under the Agreement.

G\LPN\RCA_Harris County Joint Runoff Election_12-12-2015

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date:

HR-HFD Master Class Ord - O'Neal Settlement

Agenda Item#: 26.

Summary:

ORDINANCE amending Exhibit "A" of the City of Houston Ordinance No. 2015-753 to add one Senior Communications Captain position until such time as one of the incumbents leaves the position of Senior Communications Captain, in connection with settlement of a lawsuit styled Isaac J. O'Neal, III and James J. Dugar v. City of Houston, Texas, Civil Action No. 4:14-CV-00236, substituting the amended Exhibit as part of the current Houston Fire Department Classified Personnel Ordinance; providing a repealer; providing for severability - $5,883.85 - General Fund

Background:

FOR SETTLEMENT PURPOSES ONLY

SPECIFIC EXPLANATION:

The Interim Chief of the Fire Department and the Director of Human Resources recommend City Council adopt an Ordinance authorizing amendment of the Fire Classified Personnel Ordinance to add one (1) Senior Communications Captain position to accommodate a court approved settlement in the case styled *O'Neal and Dugar v. City of Houston*, C.A. No. 4:14-cv-00236, in the United States District Court for the Southern District of Texas.

The plaintiffs, Isaac O'Neal and James Dugar, filed suit against the City of Houston alleging discrimination and disparate treatment resulting from the promotional process with the Houston Fire Department's 2008 Communications Captain exam. On August 25, 2015, the federal district court entered its order on motion for partial dismissal and approval of the settlement agreement, subject to Council approval, promoting Mr. O'Neal to Senior Communications Captain contingent upon his passing the October 2015 Senior Communications Captain promotional examination. The City shall carry this additional position until such time as Mr. O'Neal leaves his remedial promotion rank, at which time the position will be eliminated. The effective date of the vacancy created by Mr. O'Neal's promotion will be the date Council approves the ordinance. Mr. Dugar's claim was previously resolved. Incremental costs are included in the current FY16 budget.

Amendment of Fire Classified Personnel Ordinance

Amendments to the current Fire Department Classified Personnel Ordinance 2015-0753 are as follows:

A. Increase the number of positions for Senior Communications Captain

Classification	Current # of Positions	Change	Proposed # of Positions	FY16 Incremental

				Cost
Senior Communications Captain	**18**	**1**	**19**	**$5,883.85**

Prior Council Action:

Ordinance No. 2015-0753; August 5, 2015

Amount of Funding:

$5,883.85 for FY16. General Fund (1000)

Contact Information:

Omar Reid, HR Director Rodney West, Interim Fire Chief
Suzanne Chauvin (Legal) (832) 393-6219
Lisa Campbell (HFD) (832) 394-6742

ATTACHMENTS:

Description	Type
HR-HFD Master Ord-O'Neal-RCA	Signed Cover sheet
HR-HFD Master Class Ord-O'Neal Settlement	Contract/Exhibit

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

SUBJECT: Amendment to the Fire Classified Personnel Ordinance	Category #	Page 1 of 2	Agenda Item #
FROM (Department or other point of origin): Houston Fire Department	**Origination Date**	**Agenda Date**	
DIRECTOR'S SIGNATURE: Omar Reid, HR Director; Rodney West, Interim Fire Chief	**Council District affected:** All		
For additional information contact: Suzanne Chauvin (Legal) (832) 393-6219; Lisa Campbell (HFD) (832) 394-6742	**Date and identification of prior authorizing Council action:** Ordinance No. 2015-0753; August 5, 2015		

RECOMMENDATION: (Summary)

The Fire Department requests that Council approve an Ordinance authorizing the amendment of the Fire Classified Personnel Ordinance to add one (1) Senior Communications Captain position.

Amount and Source of Funding:
$5,883.85 for FY16. General Fund (1000)

FOR SETTLEMENT PURPOSES ONLY

SPECIFIC EXPLANATION:

The Interim Chief of the Fire Department and the Director of Human Resources recommend City Council adopt an Ordinance authorizing amendment of the Fire Classified Personnel Ordinance to add one (1) Senior Communications Captain position to accommodate a court approved settlement in the case styled *O'Neal and Dugar v. City of Houston*, C.A. No. 4:14-cv-00236, in the United States District Court for the Southern District of Texas.

The plaintiffs, Isaac O'Neal and James Dugar, filed suit against the City of Houston alleging discrimination and disparate treatment resulting from the promotional process with the Houston Fire Department's 2008 Communications Captain exam. On August 25, 2015, the federal district court entered its order on motion for partial dismissal and approval of the settlement agreement, subject to Council approval, promoting Mr. O'Neal to Senior Communications Captain contingent upon his passing the October 2015 Senior Communications Captain promotional examination. The City shall carry this additional position until such time as Mr. O'Neal leaves his remedial promotion rank, at which time the position will be eliminated. The effective date of the vacancy created by Mr. O'Neal's promotion will be the date Council approves the ordinance. Mr. Dugar's claim was previously resolved. Incremental costs are included in the current FY16 budget.

Amendment of Fire Classified Personnel Ordinance

Amendments to the current Fire Department Classified Personnel Ordinance 2015-0753 are as follows:

A. Increase the number of positions for Senior Communications Captain

Classification	Current # of Positions	Change	Proposed # of Positions	FY16 Incremental

Date	SUBJECT: Amendment to the Fire Classified Personnel Ordinance	Originator's Initials	Page 2 of 2

REQUIRED AUTHORIZATION	Other Authorization:	Other Authorization:
Other Authorization:		

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District D
Item Creation Date: 12/3/2015

PR - TPWD Grant Application Emancipation Park

Agenda Item#: 27.

Summary:

ORDINANCE approving and authorizing submission of an application for grant to the Texas Parks and Wildlife Department for an Urban Outdoor Recreation Grant for improvements at Emancipation Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept and expend such grant funds, if awarded, and to apply for, accept and expend all subsequent awards, if any, pertaining to the program - **DISTRICT D - BOYKINS**

Background:

Texas House Bill 1 of the 84th Session of the State Legislature included a $1.5 million appropriation rider for Houston's Emancipation Park through the Texas Parks and Wildlife Department (TPWD) Urban Outdoor Recreation Grant Program. The Program requires Houston submit a completed grant application to TPWD to receive the funds. There is no match required from the City.

Emancipation Park is undergoing a complete renovation funded by the City of Houston, OST/Almeda Corridors TIRZ #7, and various grants secured by the Houston Parks and Recreation Department (HPARD). These include grants from the Houston Endowment, Kinder Foundation, the Timken Foundation and a previous TPWD grant award.
Facilities under renovation include the community center building, pool and pool house, baseball/softball field, outdoor basketball court and tennis courts. New facilities under development include parking, walking trail, entry plaza, recreation center and a playground.

The proposed new grant application is to fund a Ceremonial Gateway that will serve as a gathering space and main point of entry for Emancipation Park, and four corner monuments honoring the four founders of the park: Richard Brock, Richard Allen, Reverend Elias Dribble and Reverend Jack Yates. Grant funds will also be used to acquire land adjacent to the park for future expansion.

Council approval is recommended.

Prior Council Action:

Not applicable

Amount of Funding:

No City Funding required

$1,500,000 Grant Request Texas Parks and Wildlife Department

Contact Information:

Luci Correa 832-395-7057
luci.correa@houstontx.gov

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date:

HHS-HIV Routine Screening - First Amendments

Agenda Item#: 28.

Summary:

ORDINANCE approving and authorizing first amendments to contracts between the City of Houston and 1) **THE UNIVERSITY of TEXAS HEALTH SCIENCE CENTER at HOUSTON**, 2) **MEMORIAL HERMANN HEALTH SYSTEM**, and 3) **HARRIS COUNTY HOSPITAL DISTRICT, d/b/a HARRIS HEALTH SYSTEM**, respectively, for routine HIV Screening Services; amending Ordinance No. 2014-676 to increase the maximum contract amounts of the above agreements - $495,194.00 - Grant Fund

Background:

The Houston Health Department (HHD) requests City Council approval of an ordinance increasing the maximum contract amounts of and authorizing first amendments to 3 agreements between the City of Houston and various contractors extending the agreements through December 31, 2016. Under these contracts, Harris Health System, Memorial-Hermann Health System and the University of Texas Health Science Center at Houston will provide routine HIV screening services. The coordinated effort of these providers facilitates the process of diagnosing and treating HIV/STDs in the Houston area. In the past year these contractors conducted approximately 40,000 HIV tests at 10 Emergency Departments and 12 Health Centers across the City of Houston. Through the routine testing program, we are able to increase our capacity to test the general population and capture those who may fall through the crack because of their lack of insurance.

Prior Council Action:

2014-0676 (7/9/14)

Amount of Funding:

New Maximum Contract Amount: $3,313,067.00 Current Maximum
Contract Amount: $2,817,873.00 Additional Funding Amount: $495,194.00

Grant - Federal (5000)

Contact Information:

Kathy Barton - Telephone: 832-393-5045 ; 713-826-5801

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet

ORDINANCE

Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District I
Item Creation Date: 11/30/2015

HAS - Lease Agreement with TSA at HOU

Agenda Item#: 29.

Summary:

ORDINANCE terminating Lease Agreement No. 74745 between the City of Houston and the **UNITED STATES of AMERICA**, acting by and through the General Services Administration on behalf of the Transportation Security Administration and concurrently approving and authorizing new Lease Agreement between the City of Houston and the **UNITED STATES of AMERICA**, acting by and through the General Services Administration on behalf of Transportation Security Administration for certain premises at William P. Hobby Airport - **DISTRICT I - GALLEGOS**

Background:

RECOMMENDATION:
Ordinance approving and authorizing the execution of a Lease Agreement with United States of America on behalf of Transportation Security Administration (TSA) for certain premises at William P. Hobby Airport (HOU)

SPECIFIC EXPLANATION:
On May 23, 2012 the City entered into a Lease Agreement with the United States of America on behalf of the Transportation Security Administration (TSA) for office and break room space at William P. Hobby Airport (HOU). Following the completion of the HOU International Expansion Project, the TSA wishes to execute a new lease with expanded office and break room space.

The pertinent terms and conditions of the new Lease Agreement are as follows:

1. Leased Premises: 4,700 sq. ft. in multiple locations

Terminal, Baggage Claim Level (2,120 sq. ft.)
Terminal, Baggage Claim Level (1,677 sq. ft.)
Central Concourse, Apron Level (267 sq. ft.)
Remote Baggage Screen Building (636 sq. ft.)

2. Term: Five (5) years

3. Use: Office and Break Room space

4. Rent: $505,814 annually

Director's Signature:

_____

Mario C. Diaz
Houston Airport System

Prior Council Action:

5/23/12 (O) 2012-0471

Amount of Funding:

REVENUE: $505,814 annually

Contact Information:

Kathy Elek	281/233-1826
Ian Wadsworth	281/233-1682

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
HAS - Lease Agreement with TSA at HOU - Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
District I
Item Creation Date: 11/30/2015

HAS - Lease Agreement with TSA at HOU

Agenda Item#:

Background:
RECOMMENDATION:
Ordinance approving and authorizing the execution of a Lease Agreement with United States of America on behalf of Transportation Security Administration (TSA) for certain premises at William P. Hobby Airport (HOU)

SPECIFIC EXPLANATION:
On May 23, 2012 the City entered into a Lease Agreement with the United States of America on behalf of the Transportation Security Administration (TSA) for office and break room space at William P. Hobby Airport (HOU). Following the completion of the HOU International Expansion Project, the TSA wishes to execute a new lease with expanded office and break room space.

The pertinent terms and conditions of the new Lease Agreement are as follows:

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Central Concourse, Apron Level (267 sq. ft.)
Remote Baggage Screen Building (636 sq. ft.)

2. Term: Five (5) years

3. Use: Office and Break Room space

4. Rent: $505,814 annually

Director's Signature:

Mario C. Diaz
Houston Airport System

Prior Council Action:
5/23/12 (O) 2012-0471

Amount of Funding:
REVENUE: $505,814 annually

Contact Information:

Kathy Elek	281/233-1826
Ian Wadsworth	281/233-1682

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 10/23/2015

H25597 - Contingent Workforce Vendor Management Service - ORDINANCE

Agenda Item#: 30.

Summary:

ORDINANCE approving, authorizing, and awarding an agreement between the City of Houston and **GENESIS NETWORKS ENTERPRISES, LLC** for Contingent Workforce Vendor Management System for the Human Resources Department; providing a maximum contract amount $60,000.00 - Central Service Revolving Fund

Background:

S17-H25597 – Approve an ordinance authorizing a derivative agreement between the City of Houston and Genesis Networks Enterprise, LLC in the total amount not to exceed $650,000.00 for a contingent workforce vendor management cloud based service subscription for the Human Resources Department (HR).

Specific Explanation

The Director of the Human Resources Department (HR) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing a **one-year derivative agreement, with two one-year options** between the City of Houston and **Genesis Networks Enterprises, LLC** (Contractor) in the total amount not to exceed **$650,000.00** for a contingent workforce vendor management cloud based service subscription. Although the Contractor is a Texas Department of Information Resources (DIR) Go-Direct vendor, the City is entering into a City of Houston specific derivative agreement with Genesis Networks Enterprises, LLC for products and services stated herein.

The scope of work requires the contractor to provide HR with the Fieldglass Vendor Management Service (VMS) a cloud based solution to assist in managing the City of Houston non-employee workforce which includes temporary employees and information technology staffing resources through contracted agencies. Fieldglass became a subsidiary of SAP in 2014. The VMS will provide onsite and mobile users with access to the cloud based application service that will assist in sourcing and managing 500 – 800 active contingent workforce assignments, utilizing 10 – 25 service providers, processing 2,500 plus invoices monthly, and provide statement of work and external management service provider (MSP) options.

The Fieldglass VMS technology solution is a replacement for an obsolete system that is not maintainable over the long run and rewriting or upgrading the system is cost and talent prohibited.

Hire Houston First

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

Attachment: MWBE Zero-Percent Goal document approved by the Office of Business of Opportunity

ESTIMATED SPENDING AUTHORITY

Department	FY 16	Out-Years	Total Amount
Human Resources Department	$150,000.00	$500,000.00	$650,000.00

_____

_____

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

Maximum Contract Amount: $650,000.00 Central Service Revolving Fund (1002)

Contact Information:

Omar Reid	HR	832-393-6056
Dave Evans	SPD	832-393-8701
Martin King	SPD	832-393-8705
Murdock Smith III	SPD	832-393-8725

ATTACHMENTS:

Description	Type
RCA#H25597-Genesis Networks	Signed Cover sheet
OBO Document	Backup Material
Form A	Backup Material
Form B	Backup Material
Deliquent Tax Report	Backup Material
Affidavit of Ownership	Backup Material
RCA#H25597- HR approval	Backup Material
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 10/23/2015

H25597 - Contingent Workforce Vendor Management Service - ORDINANCE

Agenda Item#:

Background:

S17-H25597 – Approve an ordinance authorizing a derivative agreement between the City of Houston and Genesis Networks Enterprise, LLC in the total amount not to exceed $650,000.00 for a contingent workforce vendor management cloud based service subscription for the Human Resources Department (HR).

Specific Explanation

The Director of the Human Resources Department (HR) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing a **one-year derivative agreement, with two one-year options** between the City of Houston and **Genesis Networks Enterprises, LLC** (Contractor) in the total amount not to exceed **$650,000.00** for a contingent workforce vendor management cloud based service subscription. Although the Contractor is a Texas Department of Information Resources (DIR) Go-Direct vendor, the City is entering into a City of Houston specific derivative agreement with Genesis Networks Enterprises, LLC for products and services stated herein.

The scope of work requires the contractor to provide HR with the Fieldglass Vendor Management Service (VMS) a cloud based solution to assist in managing the City of Houston non-employee workforce which includes temporary employees and information technology staffing resources through contracted agencies. Fieldglass became a subsidiary of SAP in 2014. The VMS will provide onsite and mobile users with access to the cloud based application service that will assist in sourcing and managing 500 – 800 active contingent workforce assignments, utilizing 10 – 25 service providers, processing 2,500 plus invoices monthly, and provide statement of work and external management service provider (MSP) options.

The Fieldglass VMS technology solution is a replacement for an obsolete system that is not maintainable over the long run and rewriting or upgrading the system is cost and talent prohibited.

Hire Houston First

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

Attachment: MWBE Zero-Percent Goal document approved by the Office of Business of Opportunity

ESTIMATED SPENDING AUTHORITY

Department	FY 16	Out-Years	Total Amount
Human Resources Department	$150,000.00	$500,000.00	$650,000.00

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Amount of Funding:

Maximum Contract Amount: $650,000.00 Central Service Revolving Fund (1002)

Contact Information:

Omar Reid	HR	832-393-6056
Dave Evans	SPD	832-393-8701
Martin King	SPD	832-393-8705
Murdock Smith III	SPD	832-393-8725

ATTACHMENTS:

Description	Type
OBO Document	Backup Material
Form A	Backup Material
Form B	Backup Material
Deliquent Tax Report	Backup Material
Affidavit of Ownership	Backup Material

CITY OF HOUSTON
OFFICE of BUSINESS OPPORTUNITY

RECEIVED
NOV 03 2015

Goal Modification Request Form

1. Date: 10/21/2015 2. Requesting Department: Human Resources 3. Solicitation Number: N/A

4. Solicitation Name: Contingent Workforce Vendor Management 5. Estimated Dollar Amount: $650,000.00

6. Description of Solicitation (attach specifications/supporting documents):

Contingent Workforce Vendor Management System (cloud based) for the Human Resources Department used to assist in managing non-employee workforce including temporary staff.

PLEASE INDICATE WHETHER A PREVIOUS CONTRACT EXISTED FOR THIS SOLICITIATION.

A. Previous contract (if any): Yes ○ No ◉ B. Previous contract number: _____

C. Goal on last contract _____ D. Was goal met? Yes ○ No ○

E. If goal was not met, what percentage did the vendor achieve? _____%

F. Why wasn't goal achieved?

SELECT ONE TYPE OF GOAL MODIFICATION REQUEST FROM THE FOUR OPTIONS BELOW.

1. WAIVER

A. I am requesting a waiver of the MWSBE Goal: Yes ◉ No ○

B. Reason for waiver: (Check one)

- ☐ A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy
- ☐ If goods and services are specialized, technical, or unique nature as to require the City department to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants)
- ☐ MWSBE provisions impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or is not in the best interest of the City; or
- ☐ Level of MWSBE availability would produce minimal MWSBE participation.
- ☐ Other: _____

C. Detailed explanation for Waiver Reason:

This purchase is for a cloud based off-the-shelf contingent vendor management software. The vendor Genesis Networks Enterprises, LLC is a Texas Department of Information Resources (DIR) Go-Direct vendor that uses their trained full-time employees to provide the implementation of the software and the account management services. There is no divisible work associated with this procurement, therefore there are no potential MWBDE opportunities.

2. COOPERATIVE OR INTER-LOCAL AGREEMENT

A. Is this a Cooperative/Inter-Local agreement? Yes ◉ No ○

B. If yes, please specify the name of the agreement: DIR-TSO-2247

C. Did the Department explore opportunities for using certified firms? Yes ◉ No ○

D. Please explain how the department explored opportunities for using certified firms:

The SOW was sent to the certified firms Smartbirdge LLC and Precision Task Group through the DIR Deliverable Based Information Technology process. The certified firms did not submit a response

E. Please explain why the Department did not explore opportunities for using certified firms:

CITY OF HOUSTON
OFFICE of BUSINESS OPPORTUNITY

Goal Modification Request Form

3. REDUCED GOAL *(to be completed by the department prior to advertisement)*

A. I am requesting a MWSBE contract-specific goal below the following city wide goals:
Construction (34%) Professional Services (24%) Purchasing (11%)

Yes ○ No ◉ *If yes, please complete a Contract-Specific Goal Request Form and submit with this form.*

4. GOAL REVISION AFTER ADVERTISEMENT

A. I am requesting a revision of the MWSBE Goal that has already been advertised: Yes ○ No ◉

B. Original goal: _____ C. Proposed new goal: _____ D. Advertisement date: _____

E. Will the project be re-advertised? Yes ○ No ○ F. Estimated dollar amount: $_____

G. Detailed reason for request:

Concurrence:

Requesting Department Initiator — 11/3/15 Date

Department Director or Designee — 11/3/15 Date

FOR OBO OFFICE USE ONLY:			
APPROVED:			
[signature]	11/8/15	Non-Divisible	W-467
OBO Assistant Director or Designee	Date	OBO Reason	Tracking #
DENIED:			
OBO Assistant Director or Designee	Date	OBO Reason	Tracking #

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District D
Item Creation Date: 12/4/2015

MYR - MUD 390 Amendment

Agenda Item#: 31.

Summary:

ORDINANCE amending Ordinance No. 2013-1005 authorizing **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390** to issue bonds for certain road facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a Public Improvement Agreement (MUD 390 City Park Proximity Agreement) - **DISTRICT D - BOYKINS**

Background:

SUBJECT: An ordinance amending ordinance No. 2013-1005 authorizing Harris County Municipal Utility District No. 390 to issue bonds for certain roads, facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a public improvement agreement (MUD 390 City Park Proximity Agreement)

RECOMMENDATION: (Summary) An ordinance amending ordinance NO. 2013-1005 authorizing Harris County Municipal Utility District No. 390 "District" to issue bonds for certain roads, facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a public improvement agreement (MUD 390 City Park Proximity Agreement)

SPECIFIC EXPLANATION:

City Council approved Ordinance 2013-1006 on November 6, 2016 to enter into a reimbursement agreement with Harris County MUD 390 to allow for use of incremental revenue generated from a defined economic impact area to reimburse the District for the principal of $11,684,000 plus interest, and related bond issuance costs. The bonds were to fund improvements intended to construct roadway improvements and the related utilities critical to enhancing the economic vitality of the area. The planned improvements include (1) the extension of Kirby Drive, from West Orem north to the City Amateur Sports Complex, to include a bridge over Sims Bayou, (2) four lanes of East Orem Drive, from Hwy. 288 east towards the proposed collector road, (3) two lanes of East Orem Drive from the collector road towards Cullen Drive, and (4) the proposed north-south collector road. The proposed improvements are located outside of the District's boundary and therefore, the District requested and received a positive opinion from the Texas Attorney General's Office to allow the District to finance and construct those improvements through the City's 380 Program using incremental ad valorem taxes from the defined economic impact area.

The Attorney General's Office recently issued a new opinion that requires a revenue source other than ad valorem taxes to provide for the payment of the bond debt and the thereby the removal of the incremental ad valorem tax references from the agreement. The revised agreement removes ad valorem taxes as the source of repayment and refers more generally to the general fund. The revision also removes the incremental tax calculation. There are no changes to the value of the bond principal, interest, or related bond issuance costs.

The anticipated bond debt service obligation is consistent with the original agreement except for the provision allowing the incremental ad valorem revenue to be a consideration of the annual obligation.

The District intends to issue one or more series of contract revenue bonds in an estimated total aggregate principal amount not to exceed $11,684,000 to be used as the funding source for the improvements. This agreement replaces the The original agreement which projected three 20-year bond issuances, the first planned for 2016 and the third expected to be issued in 2019. The original agreement would have terminated on or around 2039, upon completion of the improvements and full reimbursement of the third debt service obligation.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Res. 84-103, 12/19/84; Ord. 2002-763, 8/21/2002, Ord. 2010-580 Ord. 2013-1006, 11/6/2013

Amount of Funding:

Not applicable

Contact Information:

Gwendolyn Tillotson Phone: 832-393-0937

ATTACHMENTS:

Description	Type
RCA MUD 390 Amendment	Signed Cover sheet
PCA 2010-580	Backup Material
PCA 2013-1006	Backup Material
Ordinance Package	Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An ordinance amending ordinance No. 2013-1005 authorizing Harris County Municipal Utility District No. 390 to issue bonds for certain roads, facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a public improvement agreement (MUD 390 City Park Proximity Agreement)	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer Mayor's Office	**Origination Date**		**Agenda Date**
SIGNATURE:	**Council Districts affected:** D		
For additional information contact: Gwendolyn Tillotson **Phone:** 832-393-0937	**Date and identification of prior authorizing Council Action:** Res. 84-103, 12/19/84; Ord. 2002-763, 8/21/2002, Ord. 2010-580Ordi 2013-1006, 11/6/2013		

RECOMMENDATION: (Summary) An ordinance amending ordinance NO. 2013-1005 authorizing Harris County Municipal Utility District No. 390 "District" to issue bonds for certain roads, facilities payable from revenues other than its ad valorem taxes subject to certain terms and conditions; authorizing and approving a public improvement agreement (MUD 390 City Park Proximity Agreement)

Amount of Funding: Not Applicable **F&A Budget:**

SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] N/A

SPECIFIC EXPLANATION:

City Council approved Ordinance 2013-1006 on November 6, 2016 to enter into a reimbursement agreement with Harris County MUD 390 to allow for use of incremental revenue generated from a defined economic impact area to reimburse the District for the principal of $11,684,000 plus interest, and related bond issuance costs. The bonds were to fund improvements intended to construct roadway improvements and the related utilities critical to enhancing the economic vitality of the area. The planned improvements include (1) the extension of Kirby Drive, from West Orem north to the City Amateur Sports Complex, to include a bridge over Sims Bayou, (2) four lanes of East Orem Drive, from Hwy. 288 east towards the proposed collector road, (3) two lanes of East Orem Drive from the collector road towards Cullen Drive, and (4) the proposed north-south collector road. The proposed improvements are located outside of the District's boundary and therefore, the District requested and received a positive opinion from the Texas Attorney General's Office to allow the District to finance and construct those improvements through the City's 380 Program using incremental ad valorem taxes from the defined economic impact area.

The Attorney General's Office recently issued a new opinion that requires a revenue source other than ad valorem taxes to provide for the payment of the bond debt and the thereby the removal of the incremental ad valorem tax references from the agreement. The revised agreement removes ad valorem taxes as the source of repayment and refers more generally to the general fund. The revision also removes the incremental tax calculation. There are no changes to the value of the bond principal, interest, or related bond issuance costs.

The anticipated bond debt service obligation is consistent with the original agreement except for the provision allowing the incremental ad valorem revenue to be a consideration of the annual obligation.

The District intends to issue one or more series of contract revenue bonds in an estimated total aggregate principal amount not to exceed $11,684,000 to be used as the funding source for the improvements. This agreement replaces the The original agreement which projected three 20-year bond issuances, the first planned for 2016 and the third expected to be issued in 2019. The original agreement would have terminated on or around 2039, upon completion of the improvements and full reimbursement of the third debt service obligation.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District B
Item Creation Date: 12/1/2015

MYR - Halliburton Reinvestment Zone

Agenda Item#: 32.

Summary:

ORDINANCE designating the **HALLIBURTON ENERGY SERVICES, INC REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT B - DAVIS**

Background:

SUBJECT: An ordinance designating the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes

RECOMMENDATION: (Summary) City Council approves an Ordinance designating the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes

SPECIFIC EXPLANATION:
Pursuant to Section 312.204 of the Texas Tax Code, a municipality may enter into a tax abatement agreement in writing with the owner of real property that is located within a reinvestment zone. Section 312.202 of the Texas Tax Code defines the criteria for designating a tax abatement reinvestment zone, one of which is that the area as a result of the designation contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the land.

A public hearing on the designation of a reinvestment zone for Halliburton Energy Services, Inc. for tax abatement purposes was held before City Council on December 2, 2015, after publication of notice in the Houston Chronicle on November 24, 2015. The Office of Economic Development requests that City Council designate an 89-acre site located at 3000 N. Sam Houston Parkway East, Houston, Texas, 77032 as the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes ("Zone"). This action will enable City Council to consider approval of a tax abatement agreement with Halliburton Energy Services, Inc. to support the investment in real and personal property involved in the expansion of its U.S. corporate headquarters, the retention of 1,800 jobs, and the creation of at least 900 new jobs for the Houston market.

Halliburton Energy Services, Inc. has invested approximately $146 million towards the development of the site since 2009 as part of a multi-phased expansion of its corporate headquarters which upon completion will represent 945,000 square feet of new development. The

tax abatement will apply only to the property value in excess of the January 1, 2014 value, which was $127,095,642. Any investment made prior to 2014 will not be subject to the abatement.

The project and the Zone meet the criteria established by the City of Houston guidelines for tax abatement adopted on March 26, 2014, by Ordinance No. 2014-245. The applicant is requesting a variance from the requirements of Section 44-123(g) of the Code relating to the timing of the commencement of construction, alteration, or installation of improvements at the Project and formal announcement of the Project.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Sr. Assistant City Attorney

Prior Council Action:

2014-245; 3/26/14

Amount of Funding:

Not applicable

Contact Information:

Gwendolyn Tillotson Phone: 832-393-0937

ATTACHMENTS:

Description	Type
RCA RZ Halliburton	Signed Cover sheet
2014-245 Ordinance Tax Abatement	Backup Material
Halliburton Reinvestment Zone Ordinance	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An ordinance designating the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer Office of the Mayor	**Origination Date**		**Agenda Date**
SIGNATURE:	**Council Districts affected:** District "B" - CM Davis		
For additional information contact: Gwendolyn Tillotson **Phone:** 832-393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 2014-245; 3/26/14		

RECOMMENDATION: (Summary) City Council approves an Ordinance designating the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes

Amount of Funding: Not Applicable	**Finance Budget:**

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

SPECIFIC EXPLANATION:

Pursuant to Section 312.204 of the Texas Tax Code, a municipality may enter into a tax abatement agreement in writing with the owner of real property that is located within a reinvestment zone. Section 312.202 of the Texas Tax Code defines the criteria for designating a tax abatement reinvestment zone, one of which is that the area as a result of the designation contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the land.

A public hearing on the designation of a reinvestment zone for Halliburton Energy Services, Inc. for tax abatement purposes was held before City Council on December 2, 2015, after publication of notice in the Houston Chronicle on November 24, 2015. The Office of Economic Development requests that City Council designate an 89-acre site located at 3000 N. Sam Houston Parkway East, Houston, Texas, 77032 as the Halliburton Energy Services, Inc. Reinvestment Zone for tax abatement purposes ("Zone"). This action will enable City Council to consider approval of a tax abatement agreement with Halliburton Energy Services, Inc. to support the investment in real and personal property involved in the expansion of its U.S. corporate headquarters, the retention of 1,800 jobs, and the creation of at least 900 new jobs for the Houston market.

Halliburton Energy Services, Inc. has invested approximately $146 million towards the development of the site since 2009 as part of a multi-phased expansion of its corporate headquarters which upon completion will represent 945,000 square feet of new development. The tax abatement will apply only to the property value in excess of the January 1, 2014 value, which was $127,095,642. Any investment made prior to 2014 will not be subject to the abatement.

The project and the Zone meet the criteria established by the City of Houston guidelines for tax abatement adopted on March 26, 2014, by Ordinance No. 2014-245. The applicant is requesting a variance from the requirements of Section 44-123(g) of the Code relating to the timing of the commencement of construction, alteration, or installation of improvements at the Project and formal announcement of the Project.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Sr. Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District B
Item Creation Date: 12/1/2015

MYR - Halliburton Tax Abatement

Agenda Item#: 33.

Summary:

ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas, and **HALLIBURTON ENERGY SERVICES, INC** for property located within the Halliburton Energy Services, Inc. Reinvestment Zone - **DISTRICT B - DAVIS**
This item should only be considered after passage of Item 32 above

Background:

SUBJECT: Ordinance approving a tax abatement agreement between the City of Houston Halliburton Energy Services, Inc.

RECOMMENDATION: (Summary) Approve an Ordinance authorizing a tax abatement agreement between the City of Houston and Halliburton Energy Services, Inc.

SPECIFIC EXPLANATION:
Halliburton Energy Services, Inc. (the "Company") is one of the world's largest providers of products and services to the oil and gas industry and is headquartered in Houston, Texas. The company began a multi-phase expansion of its U.S. corporate headquarters, the North Belt Campus, in 2009 to include the construction of three office buildings, a technology center, a life center, a shipping and receiving building, central plant and three parking garages. The expansion at completion represents 945,000 square feet of new development on approximately 89 acres of land. The property is located at 3000 N. Sam Houston Parkway East, Houston, Texas 77032.

The Company has invested approximately $145 million to develop and construct the North Belt Campus and will continue to employ at least 2,700 Permanent Employees throughout the Abatement Period. The Company submitted an application for tax abatement on April 2, 2014, with all supporting documentation for an incentive equal to the partial cost for the construction of Milner Road, one of the main feeder roads servicing the Company's facility as well as the adjacent General Electric campus. The Company is requesting a variance from the requirements of Section 44-123(g) of the City Code relating to the timing of the commencement of construction, alteration, or installation of improvements at the North Belt Campus and formal announcement of the project.

The proposed abatement will apply only to the property value in excess of the January 1, 2014 value, consistent with the year the Company filed the tax abatement application. The value on

January 1, 2014 was $127,095,642 and will not be subject to the tax abatement. The amount of City property taxes paid by the Company on the January 1, 2014 value was $802,075.

The Company's request for the tax abatement is to minimize the cost to improve Milner road from a narrow, two-lane asphalt road to a three-lane paved street with curb, gutter and related storm drainage improvements. The total cost is approximately $3.1M and the company will construct and convey the improved street to the City prior to receiving the abatement. The maximum value of the tax abatement is $1.5M. The tax abatement is 50% for a period sufficient to abate the maximum $1.5M but not to exceed 10 years. Based on a 50% abatement rate, the City tax to be abated is estimated at $136,000 - $375,000 annually as the property value increases. The maximum tax abatement is projected to be achieved in year 7.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Sr. Assistant City Attorney

Prior Council Action:

Ord. No. 2014-245 3/26/14

Amount of Funding:

Not applicable

Contact Information:

Gwendolyn Tillotson Phone: 832-393-0937

ATTACHMENTS:

Description	Type
RCA TA Halliburton	Signed Cover sheet
2014-245 Ordinance Tax Abatement	Backup Material
Halliburton Tax Abatement Agreement Ordinance	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinance approving a tax abatement agreement between the City of Houston Halliburton Energy Services, Inc.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer Office of the Mayor	**Origination Date**		**Agenda Date**
SIGNATURE:	**Council Districts affected:** District "B" - Davis		
For additional information contact: Gwendolyn Tillotson **Phone:** 832-393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 2014-245 3/26/14		

RECOMMENDATION: (Summary) Approve an Ordinance authorizing a tax abatement agreement between the City of Houston and Halliburton Energy Services, Inc.

Amount of Funding: Not Applicable	**F&A Budget:**

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

SPECIFIC EXPLANATION:

Halliburton Energy Services, Inc. (the "Company") is one of the world's largest providers of products and services to the oil and gas industry and is headquartered in Houston, Texas. The company began a multi-phase expansion of its U.S. corporate headquarters, the North Belt Campus, in 2009 to include the construction of three office buildings, a technology center, a life center, a shipping and receiving building, central plant and three parking garages. The expansion at completion represents 945,000 square feet of new development on approximately 89 acres of land. The property is located at 3000 N. Sam Houston Parkway East, Houston, Texas 77032.

The Company has invested approximately $145 million to develop and construct the North Belt Campus and will continue to employ at least 2,700 Permanent Employees throughout the Abatement Period. The Company submitted an application for tax abatement on April 2, 2014, with all supporting documentation for an incentive equal to the partial cost for the construction of Milner Road, one of the main feeder roads servicing the Company's facility as well as the adjacent General Electric campus. The Company is requesting a variance from the requirements of Section 44-123(g) of the City Code relating to the timing of the commencement of construction, alteration, or installation of improvements at the North Belt Campus and formal announcement of the project.

The proposed abatement will apply only to the property value in excess of the January 1, 2014 value, consistent with the year the Company filed the tax abatement application. The value on January 1, 2014 was $127,095,642 and will not be subject to the tax abatement. The amount of City property taxes paid by the Company on the January 1, 2014 value was $802,075.

The Company's request for the tax abatement is to minimize the cost to improve Milner road from a narrow, two-lane asphalt road to a three-lane paved street with curb, gutter and related storm drainage improvements. The total cost is approximately $3.1M and the company will construct and convey the improved street to the City prior to receiving the abatement. The maximum value of the tax abatement is $1.5M. The tax abatement is 50% for a period sufficient to abate the maximum $1.5M but not to exceed 10 years. Based on a 50% abatement rate, the City tax to be abated is estimated at $136,000 - $375,000 annually as the property value increases. The maximum tax abatement is projected to be achieved in year 7.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Sr. Assistant City Attorney

REQUIRED AUTHORIZATION

&A Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/17/2015

MYR - TIRZ 27 Montrose creation

Agenda Item#: 34.

Summary:

ORDINANCE designating a contiguous geographic area within the City of Houston located in the Montrose Area as **REINVESTMENT ZONE NUMBER TWENTY-SEVEN, CITY OF HOUSTON, TEXAS (MONTROSE ZONE)**, for Tax Increment Financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a Board of Directors for such Zone; containing findings and other provisions relating to the foregoing subject; providing a severability clause - **DISTRICT C - COHEN**

Background:

SUBJECT: An ordinance designating a contiguous area of the City of Houston as Reinvestment Zone Number Twenty-Seven (Montrose Zone) for tax increment financing purposes.

RECOMMENDATION: (Summary)
City Council adopt an ordinance designating a contiguous geographic area within the City of Houston as Reinvestment Zone Number Twenty-Seven (Montrose Zone) for tax increment financing purposes.

SPECIFIC EXPLANATION:
Pursuant to Chapter 311 of the Texas Tax Code, City Council conducted a public hearing on November 18, 2015, regarding the designation of a Reinvestment Zone Number Twenty-Seven, City of Houston, Texas (Montrose Zone) for tax increment financing purposes. The contiguous boundary can be described generally as following the corridors of Montrose Blvd between W. Dallas and US 59; W. Gray between S. Shepherd and Taft; Westheimer between S. Shepherd and Bagby; W. Alabama between S. Shepherd and Spur 527; and Richmond between S. Shepherd and Spur 527. Subsequent to the required notice and the public hearing regarding the designation of the zone, there has been a correction to the amount of acreage within the zone from approximately 347 acres to approximately 598 acres. The number of acres has been corrected in the ordinance to reflect the area within the boundaries described in the public notice. The correct amount of acreage within the boundaries of the zone is approximately 598 acres.

This ordinance will establish a thirty-year duration for the proposed zone, expiring December 31, 2045; provide for a board of directors for the zone; establish a tax increment fund for the zone; and make findings that the zone's projected improvements are of general benefit to the City, and that the zone meets the statutory criteria and requirements for a reinvestment zone.

The administration recommends that City Council approve the designation of Reinvestment Zone

Number Twenty-Seven, City of Houston, Texas (Montrose Zone).

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937

ATTACHMENTS:

Description	Type
RCA TIRZ 27 Montrose Creation	Signed Cover sheet
RCA TIRZ 27 Montrose Preliminary Project Plan BKUP	Backup Material
TIRZ 27 Montrose Zone Ordinance	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An Ordinance designating a contiguous area of the City of Houston as Reinvestment Zone Number Twenty-Seven (Montrose Zone) for tax increment financing purposes.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary)
City Council adopt an ordinance designating a contiguous geographic area within the City of Houston as Reinvestment Zone Number Twenty-Seven (Montrose Zone) for tax increment financing purposes.

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] N/A**

SPECIFIC EXPLANATION:

Pursuant to Chapter 311 of the Texas Tax Code, City Council conducted a public hearing on November 18, 2015, regarding the designation of a Reinvestment Zone Number Twenty-Seven, City of Houston, Texas (Montrose Zone) for tax increment financing purposes. The contiguous boundary can be described generally as following the corridors of Montrose Blvd between W. Dallas and US 59; W. Gray between S. Shepherd and Taft; Westheimer between S. Shepherd and Bagby; W. Alabama between S. Shepherd and Spur 527; and Richmond between S. Shepherd and Spur 527. Subsequent to the required notice and the public hearing regarding the designation of the zone, there has been a correction to the amount of acreage within the zone from approximately 347 acres to approximately 598 acres. The number of acres has been corrected in the ordinance to reflect the area within the boundaries described in the public notice. The correct amount of acreage within the boundaries of the zone is approximately 598 acres.

This ordinance will establish a thirty-year duration for the proposed zone, expiring December 31, 2045; provide for a board of directors for the zone; establish a tax increment fund for the zone; and make findings that the zone's projected improvements are of general benefit to the City, and that the zone meets the statutory criteria and requirements for a reinvestment zone.

The Administration recommends that City Council approve the designation of Reinvestment Zone Number Twenty-Seven, City of Houston, Texas (Montrose Zone).

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District G
Item Creation Date: 12/4/2015

MYR - Post Oak Blvd Project

Agenda Item#: 35.

Summary:

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Post Oak Boulevard Project; authorizing the acquisition, by gift, dedication, purchase, or eminent domain proceedings, of the fee simple title or street easements in and to thirteen parcels of land required for the project and situated in the William White 1/3 League Survey, Abstract No. 836, Harris County, Texas, said parcels of land being located along the east and west lines of Post Oak Boulevard in Houston, Harris County, Texas; authorizing payment of the costs of such acquisitions, including the purchase prices for the property interests and costs associated with relocation assistance, appraisals, title policies/services, recordation of instruments, and eminent domain proceedings; ratifying a Public Improvement Development Agreement among the City of Houston, Texas, Uptown Development Authority, and Reinvestment Zone Number Sixteen, City of Houston, Texas - **DISTRICT G - PENNINGTON**

Background:

SUBJECT: An ordinance finding and determining public convenience and necessity for the acquisition of 13 real property interests (of 34 needed for the project) by gift, dedication, purchase or eminent domain proceedings in connection with the public improvement project known as the Post Oak Boulevard project

RECOMMENDATION: (Summary)
City Council adopt an ordinance finding and determining public convenience and necessity for the acquisition of 13 real property interests (of 34 needed for the project) by gift, dedication, purchase or eminent domain proceedings in connection with the public improvement project known as the Post Oak Boulevard project

SPECIFIC EXPLANATION:
The Post Oak Boulevard project (the “Project”) is a public improvement project designed and constructed by the Uptown Development Authority (the “Authority”) for the improvement of traffic flow and pedestrian safety and access on Post Oak Boulevard in the Uptown area of the City, which will include six lanes for general traffic and a bi-directional bus service operating in dedicated bus lanes in an expanded median on Post Oak Boulevard. The Project necessitates the acquisition of

fee simple title or street easements to certain parcels of land that are necessary for the construction, use, maintenance and operation of the Project.

This action finds a public necessity for the Project; approves and authorizes the acquisition, by gift, dedication, purchase or eminent domain proceedings, of fee simple title or street easements in and to the parcels of land required for the Project; authorizes payment of the costs associated with these acquisitions, including purchase price, relocation assistance, appraisals, title policies/services, recording fees and other costs; and ratifies a public improvement development agreement among Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), the Authority and the City relating to the development and implementation of the Project (the "Agreement"). If negotiations to acquire fee simple title or street easements in and to the parcels of land required for the Project cannot be concluded as a dedication or 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 fee simple title or street easements for said purposes, authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings, and authorizes the City Attorney to retain special counsel to assist in the acquisition. All costs of acquisitions associated with the Project will be paid by the Authority pursuant to the Agreement.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Amount of Funding:

No funding required

Contact Information:

Andrew F. Icken Phone: (832) 393-1064

ATTACHMENTS:

Description	Type
RCA Post Oak Blvd Project	Signed Cover sheet
Post Oak Blvd Project 13 properties	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: An ordinance finding and determining public convenience and necessity for the acquisition of 13 real property interests (of 34 needed for the project) by gift, dedication, purchase or eminent domain proceedings in connection with the public improvement project known as the Post Oak Boulevard project	**Category #**	**Page** 1 of 1	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	**Origination Date**		**Agenda Date**
CHIEF DEVELOPMENT OFFICER'S SIGNATURE:	**Council Districts affected:** G		
For additional information contact: Andrew F. Icken **Phone:** (832) 393-1064	**Date and identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary)
City Council adopt an ordinance finding and determining public convenience and necessity for the acquisition of 13 real property interests (of 34 needed for the project) by gift, dedication, purchase or eminent domain proceedings in connection with the public improvement project known as the Post Oak Boulevard project

Amount of Funding: No Funding Required

SOURCE OF FUNDING: **[ ] General Fund** **[ ] Grant Fund** **[ ] Enterprise Fund** **[X] N/A**

SPECIFIC EXPLANATION:

The Post Oak Boulevard project (the "Project") is a public improvement project designed and constructed by the Uptown Development Authority (the "Authority") for the improvement of traffic flow and pedestrian safety and access on Post Oak Boulevard in the Uptown area of the City, which will include six lanes for general traffic and a bi-directional bus service operating in dedicated bus lanes in an expanded median on Post Oak Boulevard. The Project necessitates the acquisition of fee simple title or street easements to certain parcels of land that are necessary for the construction, use, maintenance and operation of the Project.

This action finds a public necessity for the Project; approves and authorizes the acquisition, by gift, dedication, purchase or eminent domain proceedings, of fee simple title or street easements in and to the parcels of land required for the Project; authorizes payment of the costs associated with these acquisitions, including purchase price, relocation assistance, appraisals, title policies/services, recording fees and other costs; and ratifies a public improvement development agreement among Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), the Authority and the City relating to the development and implementation of the Project (the "Agreement"). If negotiations to acquire fee simple title or street easements in and to the parcels of land required for the Project cannot be concluded as a dedication or 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 fee simple title or street easements for said purposes, authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings, and authorizes the City Attorney to retain special counsel to assist in the acquisition. All costs of acquisitions associated with the Project will be paid by the Authority pursuant to the Agreement.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/1/2015

MYR - TIRZ HISD appropriations

Agenda Item#: 36.

Summary:

ORDINANCE appropriating $7,616,687.00 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Six, City of Houston, Texas (Eastside Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for Affordable Housing and payments to **HOUSTON INDEPENDENT SCHOOL DISTRICT** as provided herein

Background:

SUBJECT: Ordinance appropriating $7,616,687 in tax increment revenue payments made by Houston Independent School District ("HISD"), and authorizing the transfer of tax increment revenues to various funds and to the redevelopment authorities on behalf of the Tax Increment Reinvestment Zones ("TIRZ") pursuant to the City's interlocal agreements with HISD.

RECOMMENDATION: (Summary)
City Council approve an ordinance appropriating $7,616,687 in tax increment revenue payments made by HISD and authorizing the transfer of tax increment revenues to various TIRZ funds pursuant to the City's Interlocal Agreements with HISD and the TIRZs.

SPECIFIC EXPLANATION:
The appropriation of $7,616,687 results from tax increment payments received in the City's Fiscal Year 2016 from Houston Independent School District for transfer to the various TIRZs that HISD participates.

As shown in the attached spreadsheet, $201,085 will be transferred to the City's Affordable Housing Fund; $6,306,492 will be paid to HISD for Educational Facilities Project Costs; and $1,109,110 will be paid to the various redevelopment authorities on behalf of the TIRZs.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1999-0913, 8/18/99; Ord. No. 1999-0914, 8/18/99

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937

ATTACHMENTS:

Description	Type
RCA HISD Appropriation	Signed Cover sheet
RCA HISD Appropriation BKUP	Backup Material
PCA 1997-0565	Backup Material
PCA 1999-0913	Backup Material
PCA 1999-0914	Backup Material
Appropriating Ordinance	Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinance appropriating $7,616,687 in tax increment revenue payments made by Houston Independent School District ("HISD"), and authorizing the transfer of tax increment revenues to various funds and to the redevelopment authorities on behalf of the Tax Increment Reinvestment Zones ("TIRZ") pursuant to the City's interlocal agreements with HISD.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	**Origination Date**		**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council Districts affected:** All		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 1997-0565, 5/21/97; Ord. No. 1999-0913, 8/18/99; Ord. No. 1999-0914, 8/18/99		

RECOMMENDATION: (Summary)
City Council approve an ordinance appropriating $7,616,687 in tax increment revenue payments made by HISD and authorizing the transfer of tax increment revenues to various TIRZ funds pursuant to the City's Interlocal Agreements with HISD and the TIRZs.

Amount of Funding: No Funding Required

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

SPECIFIC EXPLANATION:

The appropriation of $7,616,687 results from tax increment payments received in the City's Fiscal Year 2016 from Houston Independent School District for transfer to the various TIRZs that HISD participates.

As shown in the attached spreadsheet, $201,085 will be transferred to the City's Affordable Housing Fund; $6,306,492 will be paid to HISD for Educational Facilities Project Costs; and $1,109,110 will be paid to the various redevelopment authorities on behalf of the TIRZs.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 12/2/2015

MYR - Houston Arboretum & Nature Center Agmt

Agenda Item#: 37.

Summary:

ORDINANCE approving and authorizing Development, Operating, and Concession Agreement between the City of Houston, Texas and **HOUSTON ARBORETUM & NATURE CENTER** for the Houston Parks and Recreation Department for Development and Operation of the Houston Arboretum & Nature Center - **DISTRICT C - COHEN**

Background:

SUBJECT: An ordinance approving and authorizing a Development, Operating, and Concession Agreement between the City of Houston, Texas and Houston Arboretum & Nature Center.

RECOMMENDATION: Approve an Ordinance approving and authorizing Development, Operating, and Concession Agreement between the City of Houston, Texas and Houston Arboretum & Nature Center.

SPECIFIC EXPLANATION:

This agreement continues the partnership between the City of Houston and the Houston Arboretum & Nature Center (Arboretum) in operating and maintaining this portion of Memorial Park. On January 14, 1993, City Council by Ordinance 1993-0019 approved the existing Houston Arboretum Management Contract. The proposed agreement addresses the further development of the Arboretum as envisioned in a Master Plan developed by the City and Arboretum. The Master Plan includes a renovated Botanical Hall and new education center, visitors' center, staff building, maintenance facility and natural landscaping with trails, roads, and parking.

It is recommended that City Council approve an ordinance allowing the City of Houston and Arboretum to continue to provide for the benefit of the general public a wildlife and natural conservation educational institution with visitor support activities and services.

On December 3, 2015, a presentation was given to the Quality of Life Committee providing an overview of the terms of the agreement. Attached to this RCA are the key terms of the agreement.

Prior Council Action:

Ordinance No. 1993-0019 January 14, 1993

Amount of Funding:

None

Contact Information:

Andy Icken – 832-393-1064
James Koski – 832-393-0833

ATTACHMENTS:

Description	Type
RCA Houston Arboretum & Nature Center	Signed Cover sheet
Arboretum Agmt Terms	Backup Material
PCA 1993-019	Backup Material

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

SUBJECT: An ordinance approving and authorizing a Development, Operating, and Concession Agreement between the City of Houston, Texas and Houston Arboretum & Nature Center.	**Page 1 of 1**	**Agenda Item #**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer Office of the Mayor	**Origination Date:**	**Agenda Date:**
DIRECTOR'S SIGNATURE:	**Council District affected:** C	
For additional information contact: Andy Icken – 832-393-1064 James Koski – 832-393-0833	**Date and identification of prior authorizing Council Action:** Ordinance No. 1993-0019 January 14, 1993	

RECOMMENDATION: Approve an Ordinance approving and authorizing Development, Operating, and Concession Agreement between the City of Houston, Texas and Houston Arboretum & Nature Center.

Amount and Source of Funding:
None

SPECIFIC EXPLANATION:

This agreement continues the partnership between the City of Houston and the Houston Arboretum & Nature Center (Arboretum) in operating and maintaining this portion of Memorial Park. On January 14, 1993, City Council by Ordinance 1993-0019 approved the existing Houston Arboretum Management Contract. The proposed agreement addresses the further development of the Arboretum as envisioned in a Master Plan developed by the City and Arboretum. The Master Plan includes a renovated Botanical Hall and new education center, visitors' center, staff building, maintenance facility and natural landscaping with trails, roads, and parking.

It is recommended that City Council approve an ordinance allowing the City of Houston and Arboretum to continue to provide for the benefit of the general public a wildlife and natural conservation educational institution with visitor support activities and services.

On December 3, 2015, a presentation was given to the Quality of Life Committee providing an overview of the terms of the agreement. Attached to this RCA are the key terms of the agreement.

REQUIRED AUTHORIZATION

Finance Budget:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 12/2/2015

MYR - Memorial Park Conservancy Agmt

Agenda Item#: 38.

Summary:

ORDINANCE approving and authorizing Development, Construction, Operations, Maintenance and Concession Agreement between the City of Houston, Texas, **UPTOWN DEVELOPMENT AUTHORITY**, and **MEMORIAL PARK CONSERVANCY, INC** for the Houston Parks and Recreation Department for the development, operation and maintenance of Memorial Park - **DISTRICT C - COHEN**

Background:

SUBJECT: An ordinance approving and authorizing a Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.

RECOMMENDATION: Approve an Ordinance approving and authorizing Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.

SPECIFIC EXPLANATION:

On April 1, 2015, the City Council by Ordinance 2015-0215 unanimously approved a Memorial Park Master Plan which envisions the restoration, enhancement, and redevelopment of Memorial Park in a manner appropriate to meet the demands of the more than four million current annual visitors.

It is recommended that City Council approve an ordinance allowing the City of Houston, Memorial Park Conservancy (MPC) and Uptown Development Authority (UDA) to operate, maintain, and develop Memorial Park in a manner consistent with and to implement the Master Plan. Note that the Houston Arboretum and Nature Center and the Memorial Park Golf Course are excluded from the scope of the agreement.

The City, by working in partnership with MPC and UDA through this agreement, contemplates a more expeditious and complete implementation of the Master Plan. A combination of private and governmental funding sources will create a more robust restoration and maintenance level for Memorial Park, as well as upgraded public infrastructure and recreational facilities.

MPC will fundraise for maintenance, operations, and capital improvements for Memorial Park. MPC will assume general greenspace maintenance and some operational responsibilities upon approval

of the agreement. As funds are raised and new recreational facilities are constructed, MPC will take on the additional maintenance and operational roles associated with those projects. The City will continue to provide funding for Memorial Park at fiscal year 2016 budgeted levels.

UDA developed an amended project plan, which was approved by the City Council by Ordinance No. 2013-470 on May 15, 2013, which includes funding for infrastructure enhancements and improvements for Memorial Park in accordance with the Master Plan. In addition, UDA will provide funding to help restore the ecological integrity of Memorial Park over the next 10 years.

On December 3, 2015, a presentation was given to the Quality of Life Committee providing an overview of the terms of the agreement. Attached to this RCA are the key terms of the agreement.

Prior Council Action:

Ord. No. 2015-0215, April 1, 2015

Amount of Funding:

$200,000 General Fund (FY2016)

Contact Information:

Andy Icken – 832-393-1064
James Koski – 832-393-0833

ATTACHMENTS:

Description	Type
RCA Memorial Park Conservancy	Signed Cover sheet
Memorial Park Dev Agmt	Backup Material
PCA 2015-215	Backup Material
MYR - Memorial Park Conservancy Agreement	Contract/Exhibit
MYR - Memorial Park Conservancy ORDINANCE	Ordinance/Resolution/Motion

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

SUBJECT: An ordinance approving and authorizing a Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.	**Page 1 of 1**	**Agenda Item #**

FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Office Office of the Mayor	**Origination Date:**	**Agenda Date:**
DIRECTOR'S SIGNATURE:	**Council District affected:** C	
For additional information contact: Andy Icken – 832-393-1064 James Koski – 832-393-0833	**Date and identification of prior authorizing Council Action:** Ordinance No. 2015-0215 April 1, 2015	

RECOMMENDATION: Approve an Ordinance approving and authorizing Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.

Amount and Source of Funding:
$600,000 General Fund (FY2016)

SPECIFIC EXPLANATION:
On April 1, 2015, the City Council by Ordinance 2015-0215 unanimously approved a Memorial Park Master Plan which envisions the restoration, enhancement, and redevelopment of Memorial Park in a manner appropriate to meet the demands of the more than four million current annual visitors.

It is recommended that City Council approve an ordinance allowing the City of Houston, Memorial Park Conservancy (MPC) and Uptown Development Authority (UDA) to operate, maintain, and develop Memorial Park in a manner consistent with and to implement the Master Plan. Note that the Houston Arboretum and Nature Center and the Memorial Park Golf Course are excluded from the scope of the agreement.

The City, by working in partnership with MPC and UDA through this agreement, contemplates a more expeditious and complete implementation of the Master Plan. A combination of private and governmental funding sources will create a more robust restoration and maintenance level for Memorial Park, as well as upgraded public infrastructure and recreational facilities.

MPC will fundraise for maintenance, operations, and capital improvements for Memorial Park. MPC will assume general greenspace maintenance and some operational responsibilities upon approval of the agreement. As funds are raised and new recreational facilities are constructed, MPC will take on the additional maintenance and operational roles associated with those projects. The City will continue to provide funding for Memorial Park at fiscal year 2016 budgeted levels.

UDA developed an amended project plan, which was approved by the City Council by Ordinance No. 2013-470 on May 15, 2013, which includes funding for infrastructure enhancements and improvements for Memorial Park in accordance with the Master Plan. In addition, UDA will provide funding to help restore the ecological integrity of Memorial Park over the next 10 years.

On December 3, 2015, a presentation was given to the Quality of Life Committee providing an overview of the terms of the agreement. Attached to this RCA are the key terms of the agreement.

REQUIRED AUTHORIZATION

Finance Budget:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/13/2015

ARA-Verizon Master License Agreement for Wireless Networks

Agenda Item#: 39.

Summary:

ORDINANCE approving and authorizing Master License Agreement for the use of the City's right-of-way for the installation of small cell antennas or Outdoor Distributed Antenna Systems for Wireless Networks; approving and authorizing such Master License Agreement between the City of Houston and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS**; authorizing the Mayor to execute all such subsequent Master License Agreements with other companies who consent to the same

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance establishing a Master License Agreement (Agreement) authorizing the use of the City of Houston's right-of-way for the installation of small cell antenna or distributed antenna systems (DAS) for wireless networks and approving such an Agreement between the City and Verizon Wireless.

The Agreement will allow cell phone carriers and wireless network infrastructure providers the right to enter and to use the public right-of-way to attach, install, construct, operate, lease, maintain, repair, replace, reattach, reinstall, relocate and remove their small cell antennas or distributed antenna systems to provide better coverage and meet increased demand for their services subject to the terms of the Agreement and in consideration of the fees paid.

Small cell networks and distributed antenna systems are being installed throughout the nation as part of a wireless network in order to meet ever-expanding demand for data capacity without necessitating the installation of large cell towers, also known as macro wireless towers. Interested parties have approached the City seeking permission to install said facilities in the City's right-of-way. State law requires the City to be compensated for use of the right-of-way.

Provisions included in the Agreement include:

- Non-exclusivity
- Location approval by the City Engineer's Office
- 20 year term
- Size limitations on equipment
- Minimum distance requirements from parks and historic landmarks unless approved by the ARA Director, Parks Director and/or City Engineer
- Must adhere to the FCC's radio frequency (RF) emissions standards
- Equipment near historic landmarks and TIRZ/Management districts must be camouflaged to be consistent with the surrounding area
- No above ground wires in areas with underground utilities

- No facilities on residential streets 50ft or less in width unless otherwise approved
- No new poles allowed if existing utility or streetlight poles are available at or near the proposed location

Fee Provisions: The annual fee structure is determined based on reasonable market value and consistent with the range charged by other Texas municipalities for similar use of the right-of-way for small cell and distributed antenna systems.

As the proposed Agreement balances the needs of the wireless industry with the concerns of the community, the ARA Department recommends adoption of the proposed Master License Agreement.

Departmental Approval Authority:

Tina Paez, Director Other Authorization
Administration & Regulatory
Affairs Department

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Juan Olguin Phone: (832) 393-8528

ATTACHMENTS:

Description	Type
11.24.2015 Verizon DAS MLA RCA.pdf	Signed Cover sheet
ORD	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/1/2015
ALL
Item Creation Date: 11/13/2015

ARA-Verizon Master License Agreement for Wireless Networks

Agenda Item#: 26.

Summary:
AN ORDINANCE APPROVING AND AUTHORIZING A MASTER LICENSE AGREEMENT FOR THE USE OF THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION OF SMALL CELL ANTENNAS OR OUTDOOR DISTRIBUTED ANTENNA SYSTEMS FOR WIRELESS NETWORKS; APPROVING AND AUTHORIZING SUCH MASTER LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS; AND AUTHORIZING THE MAYOR TO EXECUTE ALL SUCH SUBSEQUENT MASTER LICENSE AGREEMENTS.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance establishing a Master License Agreement (Agreement) authorizing the use of the City of Houston's right-of-way for the installation of small cell antenna or distributed antenna systems (DAS) for wireless networks and approving such an Agreement between the City and Verizon Wireless.

The Agreement will allow cell phone carriers and wireless network infrastructure providers the right to enter and to use the public right-of-way to attach, install, construct, operate, lease, maintain, repair, replace, reattach, reinstall, relocate and remove their small cell antennas or distributed antenna systems to provide better coverage and meet increased demand for their services subject to the terms of the Agreement and in consideration of the fees paid.

Small cell networks and distributed antenna systems are being installed throughout the nation as part of a wireless network in order to meet ever-expanding demand for data capacity without necessitating the installation of large cell towers, also known as macro wireless towers. Interested parties have approached the City seeking permission to install said facilities in the City's right-of-way. State law requires the City to be compensated for use of the right-of-way.

Provisions included in the Agreement include:

- Non-exclusivity
- Location approval by the City Engineer's Office
- 20 year term
- Size limitations on equipment
- Minimum distance requirements from parks and historic landmarks unless approved by the ARA Director, Parks Director and/or City Engineer
- Must adhere to the FCC's radio frequency (RF) emissions standards
- Equipment near historic landmarks and TIRZ/Management districts must be camouflaged to be consistent with the surrounding area
- No above ground wires in areas with underground utilities
- No facilities on residential streets 50ft or less in width unless otherwise approved
- No new poles allowed if existing utility or streetlight poles are available at or near the proposed location

Fee Provisions: The annual fee structure is determined based on reasonable market value and consistent with the range charged by other Texas municipalities for similar use of the right-of-way for small cell and distributed antenna systems.

As the proposed Agreement balances the needs of the wireless industry with the concerns of the community, the ARA Department recommends adoption of the proposed Master License Agreement.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham	Phone: (832) 393-8503
Juan Olguin	Phone: (832) 393-8528

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/23/2015

ARA-Crown Castle Master License Agreement for Wireless Networks

Agenda Item#: 40.

Summary:

ORDINANCE approving and authorizing Master License Agreement for the use of the City's right-of-way for the installation of small cell antennas or Outdoor Distributed Antenna Systems for Wireless Networks between the City of Houston and **CROWN CASTLE NG CENTRAL LLC**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance authorizing a Master License Agreement (Agreement) between the City and Crown Castle for the use of the City of Houston's right-of-way for the installation of small cell antenna or distributed antenna systems (DAS) for wireless networks.

The Agreement will allow cell phone carriers and wireless network infrastructure providers the right to enter and to use the public right-of-way to attach, install, construct, operate, lease, maintain, repair, replace, reattach, reinstall, relocate and remove their small cell antennas or distributed antenna systems to provide better coverage and meet increased demand for their services subject to the terms of the Agreement and in consideration of the fees paid.

Small cell networks and distributed antenna systems are being installed throughout the nation as part of a wireless network in order to meet ever-expanding demand for data capacity without necessitating the installation of large cell towers, also known as macro wireless towers. Interested parties have approached the City seeking permission to install said facilities in the City's right-of-way. State law requires the City to be compensated for use of the right-of-way.

Provisions included in the Agreement include:

- Non-exclusivity
- Location approval by the City Engineer's Office
- 20 year term
- Size limitations on equipment
- Minimum distance requirements from parks and historic landmarks unless approved by the ARA Director, Parks Director and/or City Engineer
- Must adhere to the FCC's radio frequency (RF) emissions standards
- Equipment near historic landmarks and TIRZ/Management districts must be camouflaged to be consistent with the surrounding area
- No above ground wires in areas with underground utilities
- No facilities on residential streets 50ft or less in width unless otherwise approved
- No new poles allowed if existing utility or streetlight poles are available at or near the proposed

location

Fee Provisions: The annual fee structure is determined based on reasonable market value and consistent with the range charged by other Texas municipalities for similar use of the right-of-way for small cell and distributed antenna systems.

As the proposed Agreement balances the needs of the wireless industry with the concerns of the community, the ARA Department recommends adoption of the proposed Master License Agreement.

Departmental Approval Authority:

Tina Paez, Director Other Authorization
Administration & Regulatory
Affairs Department

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Juan Olguin Phone: (832) 393-8528

ATTACHMENTS:

Description	Type
11.24.2015 Crown Castle DAS MLA RCA.pdf	Signed Cover sheet
11.23.2015 Crown Castle DAS MLA Ordinance.doc	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/1/2015
ALL
Item Creation Date: 11/23/2015

ARA-Crown Castle Master License Agreement for Wireless Networks

Agenda Item#: 86.

Summary:
AN ORDINANCE APPROVING AND AUTHORIZING A MASTER LICENSE AGREEMENT FOR THE USE OF THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION OF SMALL CELL ANTENNAS OR OUTDOOR DISTRIBUTED ANTENNA SYSTEMS FOR WIRELESS NETWORKS BETWEEN THE CITY OF HOUSTON AND CROWN CASTLE NG CENTRAL LLC; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance authorizing a Master License Agreement (Agreement) between the City and Crown Castle for the use of the City of Houston's right-of-way for the installation of small cell antenna or distributed antenna systems (DAS) for wireless networks.

The Agreement will allow cell phone carriers and wireless network infrastructure providers the right to enter and to use the public right-of-way to attach, install, construct, operate, lease, maintain, repair, replace, reattach, reinstall, relocate and remove their small cell antennas or distributed antenna systems to provide better coverage and meet increased demand for their services subject to the terms of the Agreement and in consideration of the fees paid.

Small cell networks and distributed antenna systems are being installed throughout the nation as part of a wireless network in order to meet ever-expanding demand for data capacity without necessitating the installation of large cell towers, also known as macro wireless towers. Interested parties have approached the City seeking permission to install said facilities in the City's right-of-way. State law requires the City to be compensated for use of the right-of-way.

Provisions included in the Agreement include:

- Non-exclusivity
- Location approval by the City Engineer's Office
- 20 year term
- Size limitations on equipment
- Minimum distance requirements from parks and historic landmarks unless approved by the ARA Director, Parks Director and/or City Engineer
- Must adhere to the FCC's radio frequency (RF) emissions standards
- Equipment near historic landmarks and TIRZ/Management districts must be camouflaged to be consistent with the surrounding area
- No above ground wires in areas with underground utilities
- No facilities on residential streets 50ft or less in width unless otherwise approved
- No new poles allowed if existing utility or streetlight poles are available at or near the proposed location

Fee Provisions: The annual fee structure is determined based on reasonable market value and consistent with the range charged by other Texas municipalities for similar use of the right-of-way for small cell and distributed antenna systems.

As the proposed Agreement balances the needs of the wireless industry with the concerns of the community, the ARA Department recommends adoption of the proposed Master License Agreement.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham Phone: (832) 393-8503
Juan Olguin Phone: (832) 393-8528

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/6/2015

C53094 - Maintenance and Operational Support Services - Ordinance

Agenda Item#: 41.

Summary:

ORDINANCE approving and authorizing third amendment to agreement for Maintenance and Operational Support Services of the Consolidated Dispatching System at the Houston Emergency Center between the City of Houston and **NORTHROP GRUMMAN SYSTEMS CORPORATION** (**Formerly Northrop Grumman Information Technology Inc**.)

Background:

Sole Source for C53094: Approve an Ordinance Authorizing a Third Amendment to Contract (4600007746) Between The City of Houston and Northrop Grumman Systems Corporation (Formerly Northrop Grumman Information Technology, Inc.) to Extend the Contract Term From January 1, 2016 to January 1, 2018 for Consolidated Dispatching Services for the Houston Emergency Center.

Specific Explanation:

The Interim Chief Information Officer of Houston Information Technology Services (HITS) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing a third amendment to the contract between the City of Houston and Northrop Grumman Systems Corporation (Formerly Northrop Grumman Information Technology, Inc.) to extend the contract term for a maximum of 24 months (January 1, 2016 to January 1, 2018) for Basic Software Maintenance, Preventive Maintenance and Operational Support Services for the Consolidated Dispatching System (CDS) for the Houston Emergency Center. The City Purchasing Agent and/or HITS Director may terminate this contract at any time upon 30-days written notice to the contractor.

Historical Data:

The initial contract was awarded by Council on August 28, 2001 by Ordinance No. 2001-0818 for a five (5) year term, with an appropriation of $12,363,291.00 and a contingency reserve of $1,612,603.00 set aside for increases in scope of services, statutory mandates, and hardware reconfigurations due to technology changes. Expenditures as of November 30, 2015 totaled $3,053,327.79. Council Motion No. 2003-0897, passed on July 16, 2003, in the amount of $903,530.16, approved Change Order No. 1 for the additional scope related to implementation of the consolidated dispatching system. Council Motion No. 2003-1167, passed October 1, 2003, in the amount of $664,000.00, approved funds for the provision of basic software, preventive maintenance and operational services support maintenance, which had not been provided for in the maintenance component of the original five-year contract. On January 25, 2006, per Council Motion

No. 2006-087, Council approved additional funding of $4,938,136.80 for maintenance support for the CDS and Records Management System through January 2, 2009. Ordinance No. 2008-1225, passed December 30, 2008, to increase the maximum contract amount and extend the contract term from January 2, 2009 to January 1, 2012. Ordinance No. 2011-0931, passed October 26, 2011, to increase the maximum contract amount and extend the contract term from January 2, 2012 to December 31, 2015, All terms and conditions remain as originally approved by City Council.

The scope of work requires the contractor to provide all equipment, labor, materials, supervision, and transportation necessary to provide second-level support and bug-fixes for the Altaris Computer Aided Dispatch, Geographic Information, and Message Server Switch systems installed at the Houston Emergency Center. Also, Northrop Grumman will provide remote program management, system engineering and provide support for future enhancements. Northrop Grumman will provide one Houston-based full-time database administrator to perform onsite services and remove escalation support for second-level problem resolution.

This contract is a sole source, as Northrop Grumman Systems Corporation retains the patent and copyright for their computer assisted design software, which has maintained 100% availability in the last calendar year (2014).

Hire Houston First:
Hire Houston First does not apply to this procurement, because it is for telecommunication and information services, which may not be subject to any local preference, per state law.

_____ _____

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ordinance No. 2001-0818, 08/28/2001
Ordinance No. 2006-0087, 01/25/2006
Ordinance No. 2008-1225, 12/30/2008
Ordinance No. 2011-0931, 10/26/2011
Council Motion No. 2003-1167, 10/1/2003
Council Motion No. 2003-0897, 07/16/2003

Amount of Funding:

No Additional Funding Required

Contact Information:

NAME	DEPARTMENT/DIVISION	PHONE
Tom Sorley, Deputy Director	HITS	(832) 393-0300
Jonathan Titus, Information Systems Administrator	HITS	(832) 393-9849
Dave Evans	FIN/SPD	(832) 393-8701

Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Valerie Player-Kaufman, Sr. Procurement Specialist	FIN/SPD	(832) 393-8749

ATTACHMENTS:

Description	Type
RCA#C53094-Northrop Grumman	Signed Cover sheet
Ordinance No. 2001-0818	Ordinance/Resolution/Motion
Ordinance No. 2006-0087	Ordinance/Resolution/Motion
Ordinance No. 2008-1225	Ordinance/Resolution/Motion
Ordinance No. 2011-0931	Ordinance/Resolution/Motion
Council Motion No. 2003-1167	Ordinance/Resolution/Motion
Council Motion No. 2003-0897	Ordinance/Resolution/Motion
Form A, Fair Campaign Ordinance	Backup Material
Form B	Backup Material
Delinquent Tax Report	Backup Material
Drug Acknowledgement Form	Other
Certificate of Insurance and Endorsements	Other
Amending Ordinance	Ordinance/Resolution/Motion
Department Sign-Off (HITS)	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/6/2015

C53094 - Maintenance and Operational Support Services - Ordinance

Agenda Item#:

Summary:
AN ORDINANCE APPROVING AND AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT FOR MAINTENANCE AND OPERATIONAL SUPPORT SERVICES OF THE CONSOLIDATED DISPATCHING SYSTEM AT THE HOUSTON EMERGENCY CENTER BETWEEN THE CITY OF HOUSTON AND NORTHROP GRUMMAN SYSTEMS CORPORATION (FORMERLY NORTHROP GRUMMAN INFORMATION TECHNOLOGY INC.); CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY

Background:
Sole Source for C53094: Approve an Ordinance Authorizing a Third Amendment to Contract (4600007746) Between The City of Houston and Northrop Grumman Systems Corporation (Formerly Northrop Grumman Information Technology, Inc.) to Extend the Contract Term From January 1, 2016 to January 1, 2018 for Consolidated Dispatching Services for the Houston Emergency Center.

Specific Explanation:
The Interim Chief Information Officer of Houston Information Technology Services (HITS) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing a third amendment to the contract between the City of Houston and Northrop Grumman Systems Corporation (Formerly Northrop Grumman Information Technology, Inc.) to extend the contract term for a maximum of 24 months (January 1, 2016 to January 1, 2018) for Basic Software Maintenance, Preventive Maintenance and Operational Support Services for the Consolidated Dispatching System (CDS) for the Houston Emergency Center. The City Purchasing Agent and/or HITS Director may terminate this contract at any time upon 30-days written notice to the contractor.

Historical Data:
The initial contract was awarded by Council on August 28, 2001 by Ordinance No. 2001-0818 for a five (5) year term, with an appropriation of $12,363,291.00 and a contingency reserve of $1,612,603.00 set aside for increases in scope of services, statutory mandates, and hardware reconfigurations due to technology changes. Expenditures as of November 30, 2015 totaled $3,053,327.79. Council Motion No. 2003-0897, passed on July 16, 2003, in the amount of $903,530.16, approved Change Order No. 1 for the additional scope related to implementation of the consolidated dispatching system. Council Motion No. 2003-1167, passed October 1, 2003, in the amount of $664,000.00, approved funds for the provision of basic software, preventive maintenance and operational services support maintenance, which had not been provided for in the maintenance component of the original five-year contract. On January 25, 2006, per Council Motion No. 2006-087, Council approved additional funding of $4,938,136.80 for maintenance support for the CDS and Records Management System through January 2, 2009. Ordinance No. 2008-1225, passed December 30, 2008, to increase the maximum contract amount and extend the contract term from January 2, 2009 to January 1, 2012. Ordinance No. 2011-0931, passed October 26, 2011, to increase the maximum contract amount and extend the contract term from January 2, 2012 to December 31, 2015, All terms and conditions remain as originally approved by City Council.

The scope of work requires the contractor to provide all equipment, labor, materials, supervision, and transportation necessary to provide second-level support and bug-fixes for the Altaris Computer Aided Dispatch, Geographic Information, and Message Server Switch systems installed at the Houston Emergency Center. Also, Northrop Grumman will provide remote program management, system engineering and provide support for future enhancements. Northrop Grumman will provide one Houston-based full-time database administrator to perform onsite services and remove escalation support for second-level problem resolution.

This contract is a sole source, as Northrop Grumman Systems Corporation retains the patent and copyright for their computer assisted design software, which has maintained 100% availability in the last calendar year (2014).

Hire Houston First:
Hire Houston First does not apply to this procurement, because it is for telecommunication and information services, which may not be subject to any local preference, per state law.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:
Ordinance No. 2001-0818, 08/28/2001
Ordinance No. 2006-0087, 01/25/2006
Ordinance No. 2008-1225, 12/30/2008
Ordinance No. 2011-0931, 10/26/2011
Council Motion No. 2003-1167, 10/1/2003
Council Motion No. 2003-0897, 07/16/2003

Amount of Funding:
No Additional Funding Required

Contact Information:

NAME	DEPARTMENT/DIVISION	PHONE
Tom Sorley, Deputy Director	HITS	(832) 393-0300
Jonathan Titus, Information Systems Administrator	HITS	(832) 393-9849
Dave Evans	FIN/SPD	(832) 393-8701
Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Valerie Player-Kaufman, Sr. Procurement Specialist	FIN/SPD	(832) 393-8749

ATTACHMENTS:

Description	Type
Ordinance No. 2001-0818	Ordinance/Resolution/Motion
Ordinance No. 2006-0087	Ordinance/Resolution/Motion
Ordinance No. 2008-1225	Ordinance/Resolution/Motion
Ordinance No. 2011-0931	Ordinance/Resolution/Motion
Council Motion No. 2003-1167	Ordinance/Resolution/Motion
Council Motion No. 2003-0897	Ordinance/Resolution/Motion
Form A, Fair Campaign Ordinance	Backup Material
Form B	Backup Material
Delinquent Tax Report	Backup Material
Drug Acknowledgement Form	Other
Certificate of Insurance and Endorsements	Other
Amending Ordinance	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date:

L22758-A3 - Metal and Wood Fence Installation and Repair Services - ORDINANCE

Agenda Item#: 42.

Summary:

ORDINANCE amending Ordinance No. 2008-0892 (Passed on October 8, 2008) to increase the maximum contract amount for contract between the City of Houston and the **FIERRO GROUP, LTD. CO. dba FENCEMASTER of HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments - $1,275,797.00 - General and Enterprise Funds

Background:

S19-L22758-A3 - Approve an amending ordinance to increase the maximum contract amount to Contract No. 4600008873 from $6,849,744.50 to $8,125,541.50 for the contract between the City of Houston and The Fierro Group LTD. Co., dba Fencemaster of Houston for metal and wood fence installation and repair services for various departments.

Specific Explanation:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from **$6,849,744.50 to $8,125,541.50** for the contract between the City of Houston and **The Fierro Group LTD. Co. dba Fencemaster of Houston** for metal and wood fence installation and repair services for various departments.

This contract was awarded on October 8, 2008, by ordinance No. 2008-0892, for a three-year term with two one-year options in an amount of $6,849,744.50 and was subsequently amended on September 4, 2013, by Ordinance No. 2013-0780, to extend the contract term from October 21, 2013 to October 20, 2015. A second amendment was approved on March 25, 2015, by ordinance 2015-0224 to extend the contract term from October 21, 2015 to October 20, 2017. Expenditures as of November 12, 2015 totaled $5,141,896.64. The contract incurred expenditures at a higher rate than anticipated due to an increase in requests for metal and wood fence installation and repair services from various departments.

The current scope of work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to install and/or repair existing fencing and gates citywide for the General Services Department, Department of Public Works and Engineering, Houston Parks and Recreation Department and Solid Waste Management Department.

M/WBE Subcontracting:

The contract was awarded with a 11% participation goal and The Fierro Group LTD. Co. dba Fencemaster of Houston is currently achieving 17.31% of the required M/WBE goal.

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Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ordinance No.: 2008-0892; Passed October 8, 2008
Ordinance No.: 2013-0780; Passed September 4, 2013
Ordinance No.: 2015-0224; Passed March 25, 2015

Amount of Funding:

$544,000.00 - Water & Sewer System Operating Fund (8300)
$731,797.00 - General Fund (1000)
$1,275,797.00 - TOTAL

Contact Information:

Luci Correa/832-395-7057
Darrell Johnson/832-393-8726
Richard Morris/832-393-8736
Roy Korthals/832-393-8734

ATTACHMENTS:

Description	Type
RCA#L22758-A3 - The Fierro Group LTD. Co.	Signed Cover sheet
Draft Ordinance	Ordinance/Resolution/Motion
Delinquent Tax Report	Backup Material
Original RCA#7928	Other
Ordinance 2008-0892	Backup Material
First Amendment RCA#9793	Other
Ordinance 2013-0780	Backup Material
Second Amendment RCA#10374	Other
Ordinance 2015-0224	Backup Material

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date:

L22758-A3 - Metal and Wood Fence Installation and Repair Services - ORDINANCE

Agenda Item#:

Background:
S19-L22758-A3 - Approve an amending ordinance to increase the maximum contract amount to Contract No. 4600008873 from $6,849,744.50 to $8,125,541.50 for the contract between the City of Houston and The Fierro Group LTD. Co., dba Fencemaster of Houston for metal and wood fence installation and repair services for various departments.

Specific Explanation:
The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from **$6,849,744.50 to $8,125,541.50** for the contract between the City of Houston and **The Fierro Group LTD. Co. dba Fencemaster of Houston** for metal and wood fence installation and repair services for various departments.

This contract was awarded on October 8, 2008, by ordinance No. 2008-0892, for a three-year term with two one-year options in an amount of $6,849,744.50 and was subsequently amended on September 4, 2013, by Ordinance No. 2013-0780, to extend the contract term from October 21, 2013 to October 20, 2015. A second amendment was approved on March 25, 2015, by ordinance 2015-0224 to extend the contract term from October 21, 2015 to October 20, 2017. Expenditures as of November 12, 2015 totaled $5,141,896.64. The contract incurred expenditures at a higher rate than anticipated due to an increase in requests for metal and wood fence installation and repair services from various departments.

The current scope of work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to install and/or repair existing fencing and gates citywide for the General Services Department, Department of Public Works and Engineering, Houston Parks and Recreation Department and Solid Waste Management Department.

M/WBE Subcontracting:
The contract was awarded with a 11% participation goal and The Fierro Group LTD. Co. dba Fencemaster of Houston is currently achieving 17.31% of the required M/WBE goal.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:
Ordinance No.: 2008-0892; Passed October 8, 2008
Ordinance No.: 2013-0780; Passed September 4, 2013
Ordinance No.: 2015-0224; Passed March 25, 2015

Amount of Funding:
$544,000.00 - Water & Sewer System Operating Fund (8300)
$731,797.00 - General Fund (1000)
$1,275,797.00 - TOTAL

Contact Information:
Luci Correa/832-395-7057
Darrell Johnson/832-393-8726
Richard Morris/832-393-8736
Roy Korthals/832-393-8734

ATTACHMENTS:

Description	Type
RCA#L22758-A3-The Fierro Group	Signed Cover sheet
Draft Ordinance	Ordinance/Resolution/Motion
Delinquent Tax Report	Backup Material
Original RCA#7928	Other
Ordinance 2008-0892	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 10/5/2015

L24630-A1 - Vehicle Leasing Services - ORDINANCE

Agenda Item#: 43.

Summary:

ORDINANCE amending Ordinance No. 2013-0883 (Passed on October 2, 2013) to increase the maximum contract amount for contract between the City of Houston and **EAN HOLDINGS, LLC** for Vehicle Leasing Services Citywide - $2,190,000.00 - Enterprise and Building Inspection Funds

Background:

S50-L24630-A1 - Approve an Amending Ordinance to increase the maximum contract amount from $7,300,000.00 to $9,490,000.00 for Contract No. 46000012343 between the City of Houston and EAN Holdings, LLC for Vehicle Leasing Services Citywide.

Specific Explanation:

City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from **$7,300,000.00 to $9,490,000.00** for the contract between the City of Houston and **EAN Holdings, LLC** for vehicle leasing services Citywide.

This contract was awarded on October 2, 2013, by Ordinance No. 2013-0883, for a three-year contract with two one-year options for a total **five-year term**, in the original amount of $7,300,000.00. Expenditures as of October 2, 2015 totaled $4,546,421.16. Due to the request of an additional department to be added to the contract the additional spending authority is needed to allow these vital services to continue through the contract term.

The scope of work requires the contractor to continue providing a large selection of vehicles of various colors, sizes and models. The vehicles must be no more than two years old, have no more than 20,000 miles on the odometer at the time of lease and must have no external or internal leasing or company markings. The contractor shall continue handling all documents related to any lease in strictest confidentiality, as the Houston Police Department and the Department of Public Works and Engineering will continue to use the vehicles leased under this contract for undercover operations. Any breach in confidentiality will be cause for immediate cancellation of the contract. As part of the lease price, the contractor shall continue to provide vehicle maintenance as requested by the City on the leased vehicle(s) and exchange leased vehicles on an "as needed" basis.

M/WBE Subcontracting:

This contract was awarded with a 5% M/WBE participation level. EAN Holdings, LLC is currently achieving 4.86%. EAN Holdings, LLC is looking to add more M/WBE participation to increase their

current goal. The Office of Business Opportunity will continue to monitor this contract.

Hire Houston First:
The proposed contract requires compliance with the City's Hire Houston First Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, no Hire Houston First firms were within three percent.

Pay or Play Program:
The City's 'Pay or Play' Program was waived.

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Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Public Works & Engineering	$202,320.00	$1,987,680.00	$2,190,000.00

Prior Council Action:

Ordinance No. 2013-0883 – Passed October 2, 2013

Amount of Funding:

$1,412,000.00 – Building Inspection Fund (2301)
$ 778,000.00 – Water & Sewer System Operating Fund (8300)
$2,190,000.00 – Total:

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
David Guernsey	PW&E	(832) 395-3640
Dave Evans	FIN/SPD	(832) 393-8701
Martin King	FIN/SPD	(832) 393-8705
Yesenia Chuca	FIN/SPD	(832)-393-8727

ATTACHMENTS:

Description	Type
RCA#L24630-A1-EAN Holdings, LLC	Signed Cover sheet
Pay or Play Signed Waiver	Backup Material
MWBE - Verification Form	Backup Material
Prior Executed Ordinance	Backup Material

EAN Holdings - Clear Tax Report	Backup Material
EAN Holdings - Affidavit	Backup Material
Department request and funding	Other

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 10/5/2015

L24630-A1 - Vehicle Leasing Services - ORDINANCE

Agenda Item#:

Background:

S50-L24630-A1 - Approve an Amending Ordinance to increase the maximum contract amount from $7,300,000.00 to $9,490,000.00 for Contract No. 46000012343 between the City of Houston and EAN Holdings, LLC for Vehicle Leasing Services Citywide.

Specific Explanation:

City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from **$7,300,000.00 to $9,490,000.00** for the contract between the City of Houston and **EAN Holdings, LLC** for vehicle leasing services Citywide.

This contract was awarded on October 2, 2013, by Ordinance No. 2013-0883, for a three-year contract with two one-year options for a total **five-year term**, in the original amount of $7,300,000.00. Expenditures as of October 2, 2015 totaled $4,546,421.16. Due to the request of an additional department to be added to the contract the additional spending authority is needed to allow these vital services to continue through the contract term.

The scope of work requires the contractor to continue providing a large selection of vehicles of various colors, sizes and models. The vehicles must be no more than two years old, have no more than 20,000 miles on the odometer at the time of lease and must have no external or internal leasing or company markings. The contractor shall continue handling all documents related to any lease in strictest confidentiality, as the Houston Police Department and the Department of Public Works and Engineering will continue to use the vehicles leased under this contract for undercover operations. Any breach in confidentiality will be cause for immediate cancellation of the contract. As part of the lease price, the contractor shall continue to provide vehicle maintenance as requested by the City on the leased vehicle(s) and exchange leased vehicles on an "as needed" basis.

M/WBE Subcontracting:

This contract was awarded with a 5% M/WBE participation level. EAN Holdings, LLC is currently achieving 4.86%. EAN Holdings, LLC is looking to add more M/WBE participation to increase their current goal. The Office of Business Opportunity will continue to monitor this contract.

Hire Houston First:

The proposed contract requires compliance with the City's Hire Houston First Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, no Hire Houston First firms were within three percent.

Pay or Play Program:

The City's 'Pay or Play' Program was waived.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority

DEPARTMENT	FY 2016	OUT YEARS	TOTAL
Public Works & Engineering	$202,320.00	$1,987,680.00	$2,190,000.00

Prior Council Action:

Ordinance No. 2013-0883 – Passed October 2, 2013

Amount of Funding:

$1,412,000.00 – Building Inspection Fund (2301)
$ 778,000.00 – Water & Sewer System Operating Fund (8300)
$2,190,000.00 – Total:

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
David Guernsey	PW&E	(832) 395-3640
Dave Evans	FIN/SPD	(832) 393-8701
Martin King	FIN/SPD	(832) 393-8705
Yesenia Chuca	FIN/SPD	(832)-393-8727

ATTACHMENTS:

Description	Type
Pay or Play Signed Waiver	Backup Material
MWBE - Verification Form	Backup Material
Prior Executed Ordinance	Backup Material
EAN Holdings - Clear Tax Report	Backup Material
EAN Holdings - Affidavit	Backup Material
Department request and funding	Other

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/10/2015

L22665 - A3 Cleaning, Decontamination & Repair Services for Fire Protective Ensembles - ORDINANCE

Agenda Item#: 44.

Summary:

ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **LION TOTALCARE, INC** for Cleaning, Decontamination and Repair Services for Fire Protective Ensembles for Various Departments - 1 Year

Background:

S07-L22665-A3 - Approve an ordinance authorizing a third amendment to extend the contract term from January 1, 2016 to June 30, 2016 for Contract No. 4600008644 between Lion Totalcare, Inc. and the City of Houston for Cleaning, Decontamination & Repair Services for Fire Protective Ensembles for various departments.

Specific Explanation:

The Houston Fire Chief and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a third amendment to the contract between **Lion Totalcare, Inc**. and the City of Houston to extend the current contract term from **January 1, 2016 to June 30, 2016** for cleaning, decontamination and repair services for fire protective ensembles for the Houston Fire Department and Houston Airport System.

This contract was awarded on April 9, 2008 by Ordinance No. 2008-301 for a three-year term, with two one-year options in the amount of $8,869,164.50. The contract was subsequently amended on February 20, 2013 via Ordinance No. 2013-0138 to extend the contract through April 22, 2015. A second amendment via Ordinance No. 2015-0493 was passed on June 3, 2015 which extended the contract term from April 23, 2015 to December 31, 2015. In consideration for the extension, the contractor has agreed to hold the fifth year contract year pricing through June 30, 2016. This contract extension will allow time for a new contract to be advertised and awarded. Expenditures as of November 30, 2015 totaled $6,732,617.02.

The scope of the work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to provide cleaning, decontamination and repair services for fire fighting apparel. The contractor also provides repairs and decontamination services on an "as needed" basis. Repairs are made to extend the life of protective clothing and maintain the clothing to NFPA standards. Decontamination services are used to remove chemicals and contaminants, such as, diesel fuel, gasoline, hydraulic oil, pesticides, insecticides, asbestos and blood. The purpose of this cleaning service is to remove dirt and unburned hydrocarbons acquired

during the normal course of fire fighting.

Attachment: MWBE zero-percent goal document approved by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent **Department Approval Authority Signature**

Finance/Strategic Procurement Division

Prior Council Action:

Ordinance No. 2008-0301 approved by City Council on April 9, 2008
Ordinance No. 2013-0138 approved by City Council on February 20, 2013
Ordinance No. 2015-0493 approved by City Council on June 3, 2015

Amount of Funding:

NO ADDITIONAL FUNDING REQUIRED

Contact Information:

Cynthia Vargas	HFD 832-394-6926
Rodney West	HFD 832-394-6731
Darrell Johnson	SPD 832-393-8726
Casey Crossnoe	SPD 832-393-8724

ATTACHMENTS:

Description	Type
RCA#L22665-A3 Lion Totalcare, Inc	Signed Cover sheet
OBO Documents	Backup Material
Ordinance No. 2008-0301	Ordinance/Resolution/Motion
Ordinance No. 2013-0138	Ordinance/Resolution/Motion
Ordinance No. 2015-0493	Ordinance/Resolution/Motion
Tax Report	Backup Material
HFD Signed-RCA L22665-A3 Lion Total Care	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/10/2015

L22665 - A3 Cleaning, Decontamination & Repair Services for Fire Protective Ensembles - ORDINANCE

Agenda Item#:

Background:

S07-L22665-A3 - Approve an ordinance authorizing a third amendment to extend the contract term from January 1, 2016 to June 30, 2016 for Contract No. 4600008644 between Lion Totalcare, Inc. and the City of Houston for Cleaning, Decontamination & Repair Services for Fire Protective Ensembles for various departments.

Specific Explanation:

The Houston Fire Chief and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a third amendment to the contract between **Lion Totalcare, Inc.** and the City of Houston to extend the current contract term from **January 1, 2016 to June 30, 2016** for cleaning, decontamination and repair services for fire protective ensembles for the Houston Fire Department and Houston Airport System.

This contract was awarded on April 9, 2008 by Ordinance No. 2008-301 for a three-year term, with two one-year options in the amount of $8,869,164.50. The contract was subsequently amended on February 20, 2013 via Ordinance No. 2013-0138 to extend the contract through April 22, 2015. A second amendment via Ordinance No. 2015-0493 was passed on June 3, 2015 which extended the contract term from April 23, 2015 to December 31, 2015. In consideration for the extension, the contractor has agreed to hold the fifth year contract year pricing through June 30, 2016. This contract extension will allow time for a new contract to be advertised and awarded. Expenditures as of November 30, 2015 totaled $6,732,617.02.

The scope of the work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to provide cleaning, decontamination and repair services for fire fighting apparel. The contractor also provides repairs and decontamination services on an "as needed" basis. Repairs are made to extend the life of protective clothing and maintain the clothing to NFPA standards. Decontamination services are used to remove chemicals and contaminants, such as, diesel fuel, gasoline, hydraulic oil, pesticides, insecticides, asbestos and blood. The purpose of this cleaning service is to remove dirt and unburned hydrocarbons acquired during the normal course of fire fighting.

Attachment: MWBE zero-percent goal document approved by the Office of Business Opportunity.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ordinance No. 2008-0301 approved by City Council on April 9, 2008
Ordinance No. 2013-0138 approved by City Council on February 20, 2013
Ordinance No. 2015-0493 approved by City Council on June 3, 2015

Amount of Funding:

NO ADDITIONAL FUNDING REQUIRED

Contact Information:

Cynthia Vargas	HFD 832-394-6926
Rodney West	HFD 832-394-6731
Darrell Johnson	SPD 832-393-8726
Casey Crossnoe	SPD 832-393-8724

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/20/2015

L25316-A1 Stryker Stretcher Cots, Parts and Services-
ORDINANCE

Agenda Item#: 45.

Summary:

ORDINANCE amending Ordinance No. 2015-0250 to increase the maximum contract amount for contract between the City of Houston and **STRYKER SALES CORPORATION** for Maintenance and Repair Services on Stryker Stretcher Cots for the Houston Fire Department

Background:

S12-L25316-A1 - Approve an amending ordinance to increase the maximum contract amount from $500,000.00 to $2,942,040.00 for the contract between the City of Houston and Stryker Sales Corporation for stryker stretcher cots, parts and services for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that City Council approve an amending ordinance to increase the maximum contract amount from **$500,000.00 to $2,942,040.00** for the contract between the City of Houston and **Stryker Sales Corporation** for stryker stretcher cots, parts and services for the Houston Fire Department. The additional spending authority is needed to meet the Department's ongoing emergency operational needs through the contract term.

This contract was awarded on March 25, 2015 by Ordinance 2015-0250, for a 60-month period in an amount not to exceed $500,000.00. Expenditures as of November 12, 2015 have totaled over $470,000.00. An increase in the maximum contract amount will ensure there is an operational supply of emergency ambulatory hydraulic stretcher cots, power loading system stretchers, and power stair chairs, including associated and imperative preventive maintenance and repair services, utilized daily by the Department's emergency management services (EMS) personnel to transport patients from the scenes of accidents and emergencies to local hospitals and trauma centers citywide in accordance with the Federal Office of Emergency Medical Services and the Food and Drug Administration's regulations.

Stryker Sales Corporation, through its Medical Division, is the sole source manufacturer and exclusive provider authorized to sell and maintain Stryker stretcher cots, repair parts and accessories. Stryker Sales Corporation has no authorized dealers or service providers.
This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) "a procurement of items that are available from only one source" of the Texas Local Government Code for exempt

procurements.

Hire Houston First

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

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Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Attachments: M/WBE zero-percentage goal document approved by the Office of Business Opportunity.

Estimated Spending Authority

DEPARTMENT	FY16	OUTYEARS	TOTAL
Houston Fire Department	$880,000.00	$2,062,040.00	$2,942,040.00

Prior Council Action:

Ordinance No.: 2015-0250, Passed by Council on March 25, 2015
Appropriating Ordinance Nos.: 2015-0871 & 2015-0872, approved by City Council on September 16, 2015.

Amount of Funding:

$ 500,000.00 - General Fund (1000)
$1,942,040.00 - Equipment Acquisition Consolidated Fund (1800) - Previously Approved by Ord. Nos. 2015-0871 & 2015-0872

$2,442,040.00

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Rodney West	HFD	(832) 394-6731
Cynthia Vargas	HFD	(832) 394-6926
Martin King	FIN/SPD	(832) 393-8705
Dave Evans	FIN/SPD	(832) 393-8731

ATTACHMENTS:

Description	Type
RCA#L25316-A1 - Stryker Sales Corporation	Signed Cover sheet
OBO Documents	Backup Material
Vendor Sole Source Letter	Backup Material
Tax report	Backup Material

Form A	Backup Material
Form B	Backup Material
Pay or Play	Backup Material
Ord No.: 2015-0250	Ordinance/Resolution/Motion
Ord No.: 2015-871	Signed Cover sheet
Ord No.: 2015-872	Signed Cover sheet
HFD Signed RCA-L25316-A1	Signed Cover sheet
L25316-A1 ORDINANCE	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/20/2015

L25316-A1 Stryker Stretcher Cots, Parts and Services- ORDINANCE

Agenda Item#:

Background:

S12-L25316-A1 - Approve an amending ordinance to increase the maximum contract amount from $500,000.00 to $2,942,040.00 for the contract between the City of Houston and Stryker Sales Corporation for stryker stretcher cots, parts and services for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that City Council approve an amending ordinance to increase the maximum contract amount from **$500,000.00 to $2,942,040.00** for the contract between the City of Houston and **Stryker Sales Corporation** for stryker stretcher cots, parts and services for the Houston Fire Department. The additional spending authority is needed to meet the Department's ongoing emergency operational needs through the contract term.

This contract was awarded on March 25, 2015 by Ordinance 2015-0250, for a 60-month period in an amount not to exceed $500,000.00. Expenditures as of November 12, 2015 have totaled over $470,000.00. An increase in the maximum contract amount will ensure there is an operational supply of emergency ambulatory hydraulic stretcher cots, power loading system stretchers, and power stair chairs, including associated and imperative preventive maintenance and repair services, utilized daily by the Department's emergency management services (EMS) personnel to transport patients from the scenes of accidents and emergencies to local hospitals and trauma centers citywide in accordance with the Federal Office of Emergency Medical Services and the Food and Drug Administration's regulations.

Stryker Sales Corporation, through its Medical Division, is the sole source manufacturer and exclusive provider authorized to sell and maintain Stryker stretcher cots, repair parts and accessories. Stryker Sales Corporation has no authorized dealers or service providers.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) "a procurement of items that are available from only one source" of the Texas Local Government Code for exempt procurements.

Hire Houston First

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Attachments: M/WBE zero-percentage goal document approved by the Office of Business Opportunity.

Estimated Spending Authority

DEPARTMENT	FY16	OUTYEARS	TOTAL
Houston Fire Department	$880,000.00	$2,062,040.00	$2,942,040.00

Prior Council Action:

Ordinance No.: 2015-0250, Passed by Council on March 25, 2015
Appropriating Ordinance Nos.: 2015-0871 & 2015-0872, approved by City Council on September 16, 2015.

Amount of Funding:
$ 500,000.00 - General Fund (1000)
$1,942,040.00 - Equipment Acquisition Consolidated Fund (1800) - Previously Approved by Ord. Nos. 2015-0871 & 2015-0872

$2,442,040.00

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Terry Garrison	HFD	(713) 247-5083
Cynthia Vargas	HFD	(832) 394-6926
Martin King	FIN/SPD	(832) 393-8705
Dave Evans	FIN/SPD	(832) 393-8731

ATTACHMENTS:

Description	Type
OBO Documents	Backup Material
Vendor Sole Source Letter	Backup Material
Tax report	Backup Material
Form A	Backup Material
Form B	Backup Material
Pay or Play	Backup Material
Ord No.: 2015-0250	Ordinance/Resolution/Motion
Ord No.: 2015-871	Signed Cover sheet
Ord No.: 2015-872	Signed Cover sheet

CITY OF HOUSTON
OFFICE of BUSINESS OPPORTUNITY

Goal Modification Request Form

To: Assistant Director
Office of Business Opportunity

Solicitation Number: S25142

Estimated Dollar Amount: $_____

From: Sonja Otero/Administration Manager
Requestor's Name/Title
Houston Fire - EMS Division
Department

Type of Solicitation: Bid ■ Proposal ☐ Other ☐

Name and Intent of this Solicitation: Medical Equipment and Accessories

PREVIOUS CONTRACT (if any): Yes ◉ No ○

Goal on Last Contract: 0% Was Goal Met: Yes ◉ No ○

If goal was not met, what percentage did the vendor achieve? _____

Why wasn't goal achieved:_____

PLEASE SELECT THE TYPE OF GOAL MODIFICATION REQUESTED FROM THE OPTIONS BELOW ***(Waiver, Reduced Goal, Goal Revision After Advertisement, OR Cooperative or Inter-Local Agreement)***

WAIVER

I am requesting a ***waiver*** of the MWBE Goal: Yes ◉ No ○

Reason for waiver:

○ A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;

○ The service or goods requested are of such a specialized, technical or unique nature as to require the City department to be able to select its contractor without application of MWSBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants);

○ If application of MWSBE provisions would impose an unwarranted economic burden or risk on the City or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the City; or

○ If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.

◉ Other: Sole Source Provider

Detailed Explanation of waiver reason:

REDUCED GOAL (*To be completed by the department prior to advertisement)*

I am ***requesting*** a MWBE contract-specific goal below the following citywide goals:

Construction (34%); Professional Services (24%); Purchasing (11%)

Yes ○ No ◉ *If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.*

GOAL REVISION AFTER ADVERTISEMENT

I am requesting a ***revision*** of the MWBE Goal: Yes ○ No ◉

Original Goal: _____ New Proposed Goal: _____

Advertisement Date: _____ Number of Solicitations Received: ___ Estimated Dollar Amount: $ _____

Detailed reason for request:

COOPERATIVE OR INTER-LOCAL AGREEMENT

Is this a Cooperative/Inter-Local Purchasing Agreement? Yes ○ No ◉ Goal Requested: _____

If yes, what type: _____ Yes ○ No ○

Did Department explore opportunities for using certified firms? Yes ○ No ○ N/A ○

If no, please explain why not:

Concurrence:

Department Initiator — Date: 5.27.14

Department Director or Designee — Date: 9-23-14

Approved by:

OBO Assistant Director or Designee — Date: 10/8/14

OBO Tracking #: W-239

OBO Reason: Sole Source / Non-Divisible

Tom Tackabury
Service Marketing

3800 E. Centre Ave.
Portage, MI 49002
c: 248.860.3540
tom.tackabury@stryker.com

stryker®
Medical

Sole Source Service Memo

Date: 09/05/2014
RE: Sole Source Letter

September 5, 2014

To Whom It May Concern:

The purpose of this letter is to confirm that Stryker Medical is the sole source manufacturer, supplier and have no distributors for Stryker's entire patient care bed, stretcher and EMS parts and services. Stryker parts are captive replacement parts that are available only and must be purchased from Stryker.

All parts are either manufactured at Stryker or manufactured by an outside supplier specifically for Stryker products.

Please feel free to contact me with any questions.

Thank you,

Tom Tackabury
Stryker Service

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/24/2015

T12521-A5 - Jail Inmate Telephone System and Surveillance Systems - ORDINANCE

Agenda Item#: 46.

Summary:

ORDINANCE approving and authorizing fifth amendment to contract (Approved by Ordinance No. 2000-0840) between the City of Houston and **GLOBAL TEL*LINK SYSTEMS** for the Houston Police Department to modify the annual payment rates and commission payment

Background:

S10-T12521-A5 - Approved an Amending Ordinance Authorizing a Fifth Amendment to Contract No. 4600007847 for Jail Inmate Telephone System and Surveillance Systems for the Houston Police Department.

Specific Explanation:

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a fifth amendment to the contract between the City of Houston and **Global Tel*Link Corporation**, to delete concession payments under the fourth amendment and any references to a commission rate and signing bonuses shall be deleted in its entirety. In addition, calling rates shall be revised per the following call types: Intrastate, collect/pre-paid/debt at $0.22 per minute; interstate, pre-paid/debt at $0.21 per minute; and interstate, collect at $0.25 per minute for jail inmate telephone system and surveillance systems for the Houston Police Department (HPD). Under this contract, the contractor provides an automated, coin-less telephone system that is computerized and software-controlled to facilitate local and long distance (collect) calls made by jail inmates. The contractor also provides closed-circuit security/surveillance systems at City jails to record prisoner images upon entrance to the facility. This equipment, which is owned by the City, will be phased out within the next two years.

This contract was awarded on September 20, 2000, by Ordinance No. 2000-0840 for a five-year term, with one five-year option to renew, for a total ten-year term. The City Council approved the first amendment to the contract on December 15, 2004 by Ordinance No. 2004-1298, for a supplemental agreement to add a concession for commissions on local and long distance calls on public pay telephones at non-jail locations. The contract was subsequently amended on February 18, 2009 by Ordinance No. 2009-0127 to amend the scope of services and to extend the contract term from October 3, 2010 to October 2, 2015. Subsequently, the contract was amended on September 19, 2012 by Ordinance No. 2012-0835 to amend the contract with the FBI Criminal Justice Information System (CJIS) addendum. Lastly, City Council approved a fifth amendment to the contract on September 30, 2015 by Ordinance No. 2015-0939 to amend the annual payment

rate and to extend the term of this Concession Agreement to October 2, 2017.

This contract was awarded with a 12% M/WBE participation goal, and Kataman Communications, LLC is currently exceeding the goal.

Calvin D. Wells, City Purchasing Agent **Finance/Strategic Procurement Division**	**Department Approval Authority Signature**

Prior Council Action:

Ord. 2000-0840, Passed 09/20/00; Ord. 2004-1298, Passed 12/15/04; Ord. 2009-0127, Passed 2/18/09; Ord. 2012-0835, Passed 9/19/12; Ord. 2015-0939, Passed 9/30/15.

Amount of Funding:

Revenue

Contact Information:

Joseph Fenninger, HPD: (713) 308-1770
Darrell Johnson, FIN/SPD: (832) 393-8726
Greg Hubbard, FIN/SPD: (832) 393-8748

ATTACHMENTS:

Description	Type
RCA#12521-A5-Global Tel*Link Corporation	Signed Cover sheet
MWBE	Backup Material
ORD 2000-0840	Ordinance/Resolution/Motion
ORD 2004-1298	Ordinance/Resolution/Motion
ORD 2009-0127	Ordinance/Resolution/Motion
ORD 2012-0835	Ordinance/Resolution/Motion
ORD 2015-0939	Ordinance/Resolution/Motion
Form-A	Backup Material
Form-B	Backup Material
Tax Log	Backup Material
ACORD_COI	Other
COI Endorse_AMB	Other
COI Blandet Waiver	Other
ORDINANCE	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/24/2015

T12521-A5 - Jail Inmate Telephon System and Surveillance Systems - ORDINANCE

Agenda Item#:

Background:

S10-T12521-A5 - Approved an Amending Ordinance Authorizing a Fifth Amendment to Contract No. 4600007847 for Jail Inmate Telephone System and Surveillance Systems for the Houston Police Department.

Specific Explanation:

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a fifth amendment to the contract between the City of Houston and **Global Tel*Link Corporation**, to delete concession payments under the fourth amendment and any references to a commission rate and signing bonuses shall be deleted in its entirety. In addition, calling rates shall be revised per the following call types: Intrastate, collect/pre-paid/debt at $0.22 per minute; interstate, pre-paid/debt at $0.21 per minute; and interstate, collect at $0.25 per minute for jail inmate telephone system and surveillance systems for the Houston Police Department (HPD). Under this contract, the contractor provides an automated, coin-less telephone system that is computerized and software-controlled to facilitate local and long distance (collect) calls made by jail inmates. The contractor also provides closed-circuit security/surveillance systems at City jails to record prisoner images upon entrance to the facility. This equipment, which is owned by the City, will be phased out within the next two years.

This contract was awarded on September 20, 2000, by Ordinance No. 2000-0840 for a five-year term, with one five-year option to renew, for a total ten-year term. The City Council approved the first amendment to the contract on December 15, 2004 by Ordinance No. 2004-1298, for a supplemental agreement to add a concession for commissions on local and long distance calls on public pay telephones at non-jail locations. The contract was subsequently amended on February 18, 2009 by Ordinance No. 2009-0127 to amend the scope of services and to extend the contract term from October 3, 2010 to October 2, 2015. Subsequently, the contract was amended on September 19, 2012 by Ordinance No. 2012-0835 to amend the contract with the FBI Criminal Justice Information System (CJIS) addendum. Lastly, City Council approved a fifth amendment to the contract on September 30, 2015 by Ordinance No. 2015-0939 to amend the annual payment rate and to extend the term of this Concession Agreement to October 2, 2017.

This contract was awarded with a 12% M/WBE participation goal, and Kataman Communications, LLC is currently exceeding the goal.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Ord. 2000-0840, Passed 09/20/00; Ord. 2004-1298, Passed 12/15/04; Ord. 2009-0127, Passed 2/18/09; Ord. 2012-0835, Passed 9/19/12; Ord. 2015-0939, Passed 9/30/15.

Amount of Funding:

Revenue

Contact Information:

Joseph Fenninger, HPD: (713) 308-1770
Darrell Johnson, FIN/SPD: (832) 393-8726
Greg Hubbard, FIN/SPD: (832) 393-8748

ATTACHMENTS:

Description	Type
MWBE	Backup Material
ORD 2000-0840	Ordinance/Resolution/Motion
ORD 2004-1298	Ordinance/Resolution/Motion
ORD 2009-0127	Ordinance/Resolution/Motion
ORD 2012-0835	Ordinance/Resolution/Motion

ORD 2015-0939	Ordinance/Resolution/Motion
Form-A	Backup Material
Form-B	Backup Material
Tax Log	Backup Material
ACORD_COI	Other
COI Endorse_AMB	Other
COI Blandet Waiver	Other

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/18/2015

T25321 - Design and Construction (D&C) Project Management System - ORDINANCE

Agenda Item#: 47.

Summary:

ORDINANCE appropriating $623,350.00 out of Equipment Acquisition Consolidated Fund and approving, authorizing, and awarding contract between the City of Houston and **AURIGO SOFTWARE TECHNOLOGIES, INC** for Design and Construction Project Management Software System for the General Services Department; providing a maximum contract amount – 3 Years with two one-year options - $1,002,100.00

Background:

Request for Proposal for S51-T25321: Approve an ordinance authorizing the appropriation of $623,350.00 out of the Equipment Acquisition Consolidated Fund (1800) and approve an ordinance awarding a contract to Aurigo Software Technologies, Inc. in the maximum contract amount of $1,002,100.00 for Consulting Services for the installation of a Project Management Software System for the General Services Department.

Specific Explanation:

The Director of the General Services Department (GSD) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the **appropriation of $623,350.00** from the Equipment Acquisition Consolidated Fund (1800) and award a **three-year contract, with two one-year options,** to **Aurigo Software Technologies, Inc**. in an amount not to exceed **$1,002,100.00**, for the installation of a design and construction project management software system for the General Services Department. The City Purchasing Agent and/or the General Services Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, material, and supervision required to implement Masterworks a Capital Project Management Software (CPMS) solution, which will provide an integrated cloud-based software system that combines project management and project planning, with many other aspects for managing capital construction projects. The software solution will provide for managed workflows, supports collaboration, reporting, and performance, and document management. The CPMS solution will be used for design and construction projects, which will provide the department with the ability to efficiently manage documents, track budgets, monitor and modify schedules, and communicate across all projects. The software is designed to assist with increasing productivity, accountability, and control costs and schedules, which will ultimately maximize the use of time.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, responses were received from five (5) firms: Atser LLP, Aurigo Software Technologies, Inc., e-Builder, Inc., Foresee Consulting, Inc. and PM Web. The evaluation committee was comprised of five evaluators from the General Services, Health and Human Services, and Houston Information Technology Systems Departments. The proposals were evaluated based upon the following criteria:

1. Responsiveness of Proposal and compliance with all the submission requirements of the RFP.

2. Technical Competence

   a. Ability to Provide an Integrated Project Management Tool
   b. Ability to Support Multiple Division Interfaces and Formats
   c. Implementation Plan
   d. Training Plan
   e. Reporting Tool

3. Expertise/Experience Qualifications of the Proposer
4. Product Demonstration in Current Client Environment
5. Price Proposal
6. Financial Strength and Stability of the Proposer
7. M/WBE Participation

Aurigo Software Technologies, Inc. received the highest overall rating and was deemed the best qualified to meet the requirements of the RFP

M/WBE Subcontracting:
This RFP was issued with an 11% goal for M/WBE participation. Aurigo Software Technologies, Inc. has designated the below-named company as its certified M/WBE subcontractor:

Name	Type of Work	Dollar Amount	Percentage
Access Data Supply, Inc.	Project Management Services	$29,188.50	11%

The contract will be monitored by the Office of Business Opportunity.

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

Hire Houston First:
The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case Aurigo Software Technologies, Inc. does not meet the requirements for HHF designation; no HHF firms were within three percent.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

Department Approval Authority Signature

Prior Council Action:

Amount of Funding:

$ 623,350.00 Equipment Acquisition Consolidated Fund (1800)
$ 378,750.00 General Fund (1000) (Provided in Out-Years)

$1,002,100.00 Total

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Richard Vella	Assistant Director	(832) 393-8065
Kenneth Noll	Project Manager	(832) 393-8111
Dave Evans, Assistant Deputy Director	FIN/SPD	(832) 393-8701
Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Valerie Player-Kaufman, Sr. Procurement Specialist	FIN/SPD	(832) 393-8749

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
RCA#T25321-Aurigo Software Technologies, Inc	Backup Material
Form A, Fair Campaign Ordinance	Backup Material
Form B	Backup Material
Delinquent Tax Report	Backup Material
Pay or Play Program Acknowledgement	Backup Material
Drug Policy Compliance	Backup Material
Certificate of Insurance	Backup Material
Endorsements	Backup Material
Endorsements2	Backup Material
Ordinance	Ordinance/Resolution/Motion
GSD Approval	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
ALL
Item Creation Date: 11/18/2015

T25321 - Design and Construction (D&C) Project Management System - ORDINANCE

Agenda Item#:

Summary:

AN ORDINANCE APPROPRIATING THE SUM OF $623,350.00 OUT OF THE EQUIPMENT ACQUISITION CONSOLIDATED FUND AND APPROVING, AUTHORIZING, AND AWARDING A CONTRACT BETWEEN THE CITY OF HOUSTON AND AURIGO SOFTWARE TECHNOLOGIES, INC. FOR A DESIGN AND CONSTRUCTION PROJECT MANAGEMENT SOFTWARE SYSTEM FOR THE GENERAL SERVICES DEPARTMENT; PROVIDING A MAXIMUM CONTRACT AMOUNT; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Background:

Request for Proposal for S51-T25321: Approve an ordinance authorizing the appropriation of $623,350.00 out of the Equipment Acquisition Consolidated Fund (1800) and approve an ordinance awarding a contract to Aurigo Software Technologies, Inc. in the maximum contract amount of $1,002,100.00 for Consulting Services for the installation of a Project Management Software System for the General Services Department.

Specific Explanation:

The Director of the General Services Department (GSD) and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the **appropriation of $623,350.00** from the Equipment Acquisition Consolidated Fund (1800) and award a **three-year contract, with two one-year options,** to **Aurigo Software Technologies, Inc.** in an amount not to exceed **$1,002,100.00**, for the installation of a design and construction project management software system for the General Services Department. The City Purchasing Agent and/or the General Services Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, material, and supervision required to implement Masterworks a Capital Project Management Software (CPMS) solution, which will provide an integrated cloud-based software system that combines project management and project planning, with many other aspects for managing capital construction projects. The software solution will provide for managed workflows, supports collaboration, reporting, and performance, and document management. The CPMS solution will be used for design and construction projects, which will provide the department with the ability to efficiently manage documents, track budgets, monitor and modify schedules, and communicate across all projects. The software is designed to assist with increasing productivity, accountability, and control costs and schedules, which will ultimately maximize the use of time.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, responses were received from five (5) firms: Atser LLP, Aurigo Software Technologies, Inc., e-Builder, Inc., Foresee Consulting, Inc. and PM Web. The evaluation committee was comprised of five evaluators from the General Services, Health and Human Services, and Houston Information Technology Systems Departments. The proposals were evaluated based upon the following criteria:

1. Responsiveness of Proposal and compliance with all the submission requirements of the RFP.

2. Technical Competence

   a. Ability to Provide an Integrated Project Management Tool
   b. Ability to Support Multiple Division Interfaces and Formats
   c. Implementation Plan
   d. Training Plan
   e. Reporting Tool

3. Expertise/Experience Qualifications of the Proposer
4. Product Demonstration in Current Client Environment
5. Price Proposal
6. Financial Strength and Stability of the Proposer
7. M/WBE Participation

Aurigo Software Technologies, Inc. received the highest overall rating and was deemed the best qualified to meet the requirements of the RFP

M/WBE Subcontracting:
This RFP was issued with an 11% goal for M/WBE participation. Aurigo Software Technologies, Inc. has designated the below-named company as its certified M/WBE subcontractor:

Name	Type of Work	Dollar Amount	Percentage
Access Data Supply, Inc.	Project Management Services	$29,188.50	11%

The contract will be monitored by the Office of Business Opportunity.

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

Hire Houston First:
The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case Aurigo Software Technologies, Inc. does not meet the requirements for HHF designation; no HHF firms were within three percent.

Calvin D. Wells, City Purchasing Agent
Finance/Strategic Procurement Division

12. 03. 15
Department Approval Authority Signature

Prior Council Action:

Amount of Funding:
$ 623,350.00 Equipment Acquisition Consolidated Fund (1800)
$ 378,750.00 General Fund (1000) (Provided in Out-Years)

$1,002,100.00 Total

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Richard Vella	Assistant Director	(832) 393-8065
Kenneth Noll	Project Manager	(832) 393-8111
Dave Evans, Assistant Deputy Director	FIN/SPD	(832) 393-8701
Brenda Chagoya, Division Manager	FIN/SPD	(832) 393-8723
Valerie Player-Kaufman, Sr. Procurement Specialist	FIN/SPD	(832) 393-8749

ATTACHMENTS:

Description	Type
RCA#T25321- Aurigo Software Technologies, Inc	Signed Cover sheet
Form A, Fair Campaign Ordinance	Backup Material
Form B	Backup Material
Pay or Play Program Acknowledgement	Backup Material
Drug Policy Compliance	Backup Material
Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/17/2015

MYR - HSTE Ordinance for 540 Arlington

Agenda Item#: 48.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **540 Arlington Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 540 Arlington St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 540 Arlington St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
540 Arlington St	Houston Heights South	$145,261	$580,174	$3,617	$54,255

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2011-0015

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 540 Arlington St	Signed Cover sheet
RCA HSTE 540 Arlington St BKUP	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
2011-015 HSTE Designation Height South Area	Backup Material
Ordinance 540 Arlington St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 540 Arlington St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2011-0015		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 540 Arlington St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**
SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund	[ ] Other (Specify)

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
540 Arlington St	Houston Heights South	$145,261	$580,174	$3,617	$54,255

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: Director For Kelly Dowe	**Planning & Development Department:** Director	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/23/2015

MYR - HSTE Ordinance for 1131 Ashland St

Agenda Item#: 49.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1131 Ashland Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1131 Ashland St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1131 Ashland St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1131 Ashland St	Houston Heights West	$135,091	$188,051	$1,428	$21,420

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2007-0048

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 1131 Ashland St	Signed Cover sheet
RCA HSTE 1131 Ashland St BKUP	Backup Material
2007-658 Ordinance HSTE Amend Sec 44-5 and Add Sec 44-29	Backup Material
2007-048 Resolution Heights Historic Dist West	Backup Material
Ordinance HSTE 1131 Ashland St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1131 Ashland St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2007-0048		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1131 Ashland St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**
SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)	

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1131 Ashland St	Houston Heights West	$135,091	$188,051	$1,428	$21,420

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: Director	**Planning & Development Department:** Director	**Other Authorization:**

For Kelly Dowe

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District H
Item Creation Date: 11/30/2015

MYR - HSTE for 2204 Decatur St

Agenda Item#: 50.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2204 Decatur Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability; and declaring an emergency.

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic	Base Yr. Improvement	Total Restoration	Estimated Yr. One	Max. Estimated

Contributing Structure	District	Improvement Value (HCAD)	Restoration Expenditure	Yr One Exemption	Exemption over 15 Yr.
2204 Decatur St	Old Sixth Ward	$34,156	$200,279	$1,661	$24,915

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Ord. No. 2007-0855

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
RCA HSTE 2204 Decatur St	Signed Cover sheet
RCA HSTE 2204 Decatur St BKUP	Backup Material
2007-658 Ordinance HSTE 2204 Decatur St	Backup Material
2007-658 Ordinance HSTE 2204 Decatur St	Backup Material
Ordinance HSTE 2204 Decatur St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** H		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2007-0855		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2204 Decatur St	Old Sixth Ward	$34,156	$200,279	$1,661	$24,915

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: Director	**Planning & Development Department:** Director	**Other Authorization:**

for Kelly Dowe

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** H		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2007-0855		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 2204 Decatur St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2204 Decatur St	Old Sixth Ward	$34,156	$200,279	$1,661	$24,915

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: **Director**	**Planning & Development Department:** **Director**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/16/2015

MYR - HSTE Ordinance for 121 E. 10th St

Agenda Item#: 51.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **121 East 10th Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 121 E. 10th St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 121 E. 10th St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
121 E. 10th St	Houston Heights South	$235,834	$159,699	$960	$14,400

121 E. 10th St.	Houston Heights South	$200,004	$150,000	$000	$14,700

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2011-0015

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 121 E 10th St	Signed Cover sheet
RCA HSTE 121 E 10th St BKUP	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
2011-015 Ordinance HSTE Designation Height South Area	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
Ordinance HSTE 121 E. 10th St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		**RCA #**	
SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 121 E. 10th St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2011-0015		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 121 E. 10th St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
121 E. 10th St.	Houston Heights South	$235,834	$159,699	$960	$14,400

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department:	Planning & Development Department:	Other Authorization:
Director For Kelly Dowe	Director	

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/17/2015

MYR - HSTE Ordinance for 525 Frasier St

Agenda Item#: 52.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **525 Frasier Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 525 Frasier St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 525 Frasier St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic	Base Yr. Improvement	Total Restoration	Estimated Yr. One	Max. Estimated

Contributing Structure	District	Improvement Value (HCAD)	Restoration Expenditure	1Yr. One Exemption	Exemption over 15 Yr.
525 Frasier St	Freeland	$100	$510,894	$1,217	$18,255

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2008-0023

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 525 Frasier St	Signed Cover sheet
RCA HSTE 525 Frasier St BKUP	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
2008-023 Resolution HSTE Freeland District	Backup Material
Ordinance HSTE 525 Frasier St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 525 Frasier St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2008-0023		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 525 Frasier St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**
SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund	[ ] Other (Specify)

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
525 Frasier St	Freeland	$100	$510,894	$1,217	$18,255

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: Director	**Planning & Development Department:** Director	**Other Authorization:**
For Kelly Dowe		

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/23/2015

MYR - HSTE Ordinance for 702 Harvard St

Agenda Item#: 53.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **702 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 702 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 702 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
702 Harvard St	Houston Heights South	$65,959	$219,738	$2,769	$41,535

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2011-0015

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 702 Harvard St	Signed Cover sheet
RCA HSTE 702 Harvard St BKUP	Backup Material
2007-658 Ordinance HSTE Amend Sec 44-5 and Add Sec 44-29	Backup Material
2011-015 Resolution Height South Area	Backup Material
Ordinance HSTE 702 Harvard St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 702 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category # | **Page 1 of 1** | **Agenda Item#**

FROM: (Department or other point of origin):
Andy Icken
Chief Development Officer

Origination Date | **Agenda Date**

SIGNATURES

Council Districts affected:
C

For additional information contact:
Gwendolyn Tillotson **Phone:** (832) 393-0937
Ketan Inamdar **Phone:** (832) 393-0840

Date and identification of prior authorizing Council Action: Ord. No. 2007-0658, Res. No. 2011-0015

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 702 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required. | **Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
702 Harvard St	Houston Heights South	$65,959	$219,738	$2,769	$41,535

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department:	Planning & Development Department:	Other Authorization:
Director	Director	

For Kelly Dove

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/23/2015

MYR - HSTE Ordinance for 1304 Harvard St

Agenda Item#: 54.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1304 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1304 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1304 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1304 Harvard St	Houston Heights East	$176,929	$501,843	$2,670	$40,050

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2008-0004

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 1304 Harvard St	Signed Cover sheet
RCA HSTE 1304 Harvard St BKUP	Backup Material
2007-658 Ordinance HSTE Amend Sec 44-5 and Add Sec 44-29	Backup Material
2008-004 HSTE Houston Heights Dist Dist East	Backup Material
Ordinance HSTE 1304 Harvard St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1304 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2008-0004		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1304 Harvard St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**
SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)	

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1304 Harvard St	Houston Heights East	$176,929	$501,843	$2,670	$40,050

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: Director	**Planning & Development Department:** Director	**Other Authorization:**

For Kelly Dowe

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District G
Item Creation Date: 11/16/2015

MYR - HSTE Landmark Ordinance for 2131 Troon Rd

Agenda Item#: 55.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2131 Troon Road** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT G - PENNINGTON**

Background:

SUBJECT: Ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2131 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2131 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLNATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic or Protected Landmarks. Prior City Council designation of the property as a Historic or Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.

The owner of the following Historic Landmark submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Historic Landmark	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2131 Troon Rd.	$415,520	$662,115	$8,703	$130,545

Since the property has been designated as Historic or Protected Landmark, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2015-0016.

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 2131 Troon Rd	Signed Cover sheet
RCA HSTE 2131 Troon Rd BKUP	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
2015-016 Resolution HSTE 2131 Troon Rd	Backup Material
HSTE Ord-2131 Troon Rd	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2131 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURE	**Council Districts affected:** G		
For additional information contact: Gwendolyn Tillotson Phone (832) 393-0937; Ketan Inamdar Phone: (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2015-0016.		

RECOMMENDATION: (Summary)
That City Council adopt ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2131 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required	**Finance Budget:**

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

SPECIFIC EXPLNATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic or Protected Landmarks. Prior City Council designation of the property as a Historic or Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owner of the following Historic Landmark submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Historic Landmark	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2131 Troon Rd.	$415,520	$662,115	$8,703	$130,545

Since the property has been designated as Historic or Protected Landmark, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department:	Planning & Development Department:	Other Authorization:
Director	Director	

for Kelly

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District G
Item Creation Date: 11/16/2015

MYR - HSTE Landmark Ordinance for 2184 Troon Rd

Agenda Item#: 56.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2184 Troon Road** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**

Background:

SUBJECT: Ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2184 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2184 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLNATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic or Protected Landmarks. Prior City Council designation of the property as a Historic or Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.

The owner of the following Historic Landmark submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Historic Landmark	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2184 Troon Rd.	$454,094	$548,011	$7,624	$114,630

Since the property has been designated as Historic or Protected Landmark, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2010-0042

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 2184 Troon Rd	Signed Cover sheet
RCA HSTE 2184 Troon Rd BKUP	Backup Material
2007-658 Ordinance HSTE Sec 44-5 and 44-29	Backup Material
2010-042 Resolution Historical Landmark	Backup Material
HSTE Ord-2184 Troon Road	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2184 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category # | **Page 1 of 1** | **Agenda Item#**

FROM: (Department or other point of origin):

Andy Icken
Chief Development Officer

Origination Date | **Agenda Date**

SIGNATURE

Council Districts affected:
G

For additional information contact:
Gwendolyn Tillotson — Phone (832) 393-0937
Ketan Inamdar — Phone: (832) 393-0840

Date and identification of prior authorizing Council Action:
Ord. No. 2007-0658, Res. No. 2010-0042.

RECOMMENDATION: (Summary)
That City Council adopt ordinance approving Historic Site Tax Exemptions for Historic or Protected Landmark for the property located at: 2184 Troon Rd.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required — **Finance Budget:**

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

SPECIFIC EXPLNATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic or Protected Landmarks. Prior City Council designation of the property as a Historic or Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owner of the following Historic Landmark submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Historic Landmark	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
2184 Troon Rd.	$454,094	$548,011	$7,624	$114,630

Since the property has been designated as Historic or Protected Landmark, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department:	Planning & Development Department:	Other Authorization:
Director	Director	

For Kelly

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/23/2015

MYR - HSTE Ordinance for 1131 Tulane St

Agenda Item#: 57.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1131 Tulane Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1131 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1131 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:
Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1131 Tulane St	Houston Heights West	$156,498	$109,659	$659	$9,885

1131 Tulane St	Houston Heights West	$150,490	$109,059	$659	$9,865

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2007-0048

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 1131 Tulane St	Signed Cover sheet
RCA HSTE 1131 Tulane St BKUP	Backup Material
2007-658 Ordinance HSTE Amend Sec 44-5 and Add Sec 44-29	Backup Material
2007-048 Resolution Heights Historic Dist West	Backup Material
HSTE Ord-1131 Tulane	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary — **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1131 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andy Icken, Chief Development Officer	**Origination Date**		**Agenda Date**
SIGNATURES	**Council Districts affected:** C		
For additional information contact: Gwendolyn Tillotson **Phone:** (832) 393-0937; Ketan Inamdar **Phone:** (832) 393-0840	**Date and identification of prior authorizing Council Action:** Ord. No. 2007-0658, Res. No. 2007-0048		

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1131 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required.	**Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). T**he exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one**.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1131 Tulane St	Houston Heights West	$156,498	$109,659	$659	$9,885

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department: **Director**	**Planning & Development Department:** **Director**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/23/2015

MYR - HSTE Ordinance for 1409 Tulane St

Agenda Item#: 58.

Summary:

ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1409 Tulane Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events **DISTRICT C - COHEN**

Background:

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1409 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

RECOMMENDATION: (Summary)

That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1409 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1409 Tulane St	Houston Heights West	$92,470	$351,744	$2,804	$42,060

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2007-0658, Res. No. 2007-0048

Amount of Funding:

No funding required

Contact Information:

Gwendolyn Tillotson Phone: (832) 393-0937
Ketan Inamdar Phone: (832) 393-0840

ATTACHMENTS:

Description	Type
RCA HSTE 1409 Tulane St	Signed Cover sheet
RCA HSTE 1409 Tulane St BKUP	Backup Material
2007-658 Ordinance HSTE Amend Sec 44-5 and Add Sec 44-29	Backup Material
2007-048 Resolution Heights Historic Dist West	Backup Material
Ordinance HSTE 1409 Tulane St	Ordinance/Resolution/Motion

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: Ordinances approving Historic Site Tax Exemption for properties in Designated Historic District for the property located at: 1409 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category # | **Page 1 of 1** | **Agenda Item#**

FROM: (Department or other point of origin):
Andy Icken
Chief Development Officer

Origination Date | **Agenda Date**

SIGNATURES

Council Districts affected:
C

For additional information contact:
Gwendolyn Tillotson **Phone:** (832) 393-0937
Ketan Inamdar **Phone:** (832) 393-0840

Date and identification of prior authorizing Council Action: Ord. No. 2007-0658, Res. No. 2007-0048

RECOMMENDATION: (Summary)
That City Council adopt Ordinance approving Historic Site Tax Exemptions for property in Designated Historic Districts for the property located at: 1409 Tulane St.; which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required. **Finance Budget:**

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Chief Development Officer that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owner of the following contributing structure is in historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon Harris County Appraisal District's 2015 property valuation and the City's current property tax rate, and the estimated maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Yr. Improvement Value (HCAD)	Total Restoration Expenditure	Estimated Yr. One Exemption	Max. Estimated Exemption over 15 Yr.
1409 Tulane St	Houston Heights West	$92,470	$351,744	$2,804	$42,060

Since the property has been designated as contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Department:	Planning & Development Department:	Other Authorization:
Director	Director	

for Kelly Dowe

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District I
Item Creation Date: 9/24/2015

PLN - Special Minimum Lot Size Area App 476 (Glenbrook Valley Subdivision, Sections 1, 2, 5 and 8)

Agenda Item#: 59.

Summary:

ORDINANCE establishing the Glenbrook Valley Subdivision, Sections 1, 2, 5 and 8, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - GALLEGOS**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 11, Block 7 of the Glenbrook Valley Subdivision Section 5 initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 10% of the area. Response forms were mailed to one hundred and fifty one (151) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 63% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on June 25, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 13,158 square feet for the Glenbrook Valley Subdivision Sections 1, 2, 5 and 8.

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
RCA - Planning Commission Approval	Backup Material
Map	Backup Material
PLN - Special Minimum Lot Size Area App 476	

(Glenbrook Valley Subdivision, Sections 1, 2, 5 and 8) Signed Cover sheet

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION** MLSA 476

SUBJECT: Ordinance designating the Glenbrook Valley Subdivision Sections 1, 2, 5 and 8 as a Special Minimum Lot Size Area	**Category #**	**Page 1 of ____**	**Agenda Item #**

FROM (Department or other point of origin): Patrick Walsh, P.E. Director Planning and Development Department	**Origination Date** August 31, 2015	**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council District affected:** I	
For additional information contact: Misty Staunton **Phone:832.393.6582**	**Date and identification of prior authorizing Council action:N/A**	

RECOMMENDATION: (Summary) Approve an ordinance designating the Glenbrook Valley Subdivision Sections 1, 2, 5 and 8 as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinance, and establishing a 13,158 square foot special lot size.

Amount and Source of Funding:	**Finance Budget:**

SPECIFIC EXPLANATION: In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 11, Block 7 of the Glenbrook Valley Subdivision Section 5 initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 10% of the area. Response forms were mailed to one hundred and fifty one (151) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 63% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on June 25, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 13,158 square feet for the Glenbrook Valley Subdivision Sections 1, 2, 5 and 8.

Attachments: Planning Commission's Approval, Map of the area

xc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Land Use Division, Legal Department
Andy Icken, Chief Development Officer

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

Finance 011.A REV 3/94
7530-0100403-00

Glenbrook Valley Sections 1, 2 and 5
Special Minimum Lot Size Area Designation

Source: Harris County Appraisal District
Date: February 3, 2015
Reference: MLSA 476

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

Area Under Consideration

PLANNING & DEVELOPMENT DEPARTMENT

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District K
Item Creation Date: 9/24/2015

PLN - Special Minimum Lot Size Area App 422 (Glenshire Subdivision, Sections 1, 3, 5 and 7)

Agenda Item#: 60.

Summary:

ORDINANCE establishing the Glenshire Subdivision, Sections 1, 3, 5 and 7, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **- DISTRICT K - GREEN**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 20, Block 16 of the Glenshire Subdivision, Section 5, initiated an application for the designation of a Special Minimum Lot Size Area (SMLSA). The application includes a petition signed by the owners of 14% of the area. Response forms were mailed to 485 property owners indicating that the SMLSA application had been submitted. The notification stated that responses from property owners must be filed with the Planning and Development Department within 30 days. Response forms were signed by 63% of the SMLSA in support of the proposed area within the 30 day response period. The Houston Planning Commission considered the application on July 23, 2015 and voted to recommend that the City Council establish the SMLSA with a modified boundary.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a special minimum lot size of 8,040 square feet for the Glenshire Subdivision, Sections 1, 3, 5 and 7.

_____

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
Map	Backup Material
Signed Cover Sheet	Signed Cover sheet
PLN - Special Minimum Lot Size Area App 422 (Glenshire Subdivision, Sections 1, 3, 5 and 7)	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District K
Item Creation Date: 9/24/2015

PLN - Special Minimum Lot Size Area App 421 (Glenshire Subdivision, Sections 2 and 6)

Agenda Item#: 61.

Summary:

ORDINANCE establishing the Glenshire Subdivision, Sections 2 and 6, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 21, Block 13 of the Glenshire Subdivision, Section 6, initiated an application for the designation of a Special Minimum Lot Size Area (SMLSA). The application includes a petition signed by the owners of 28% of the area. Response forms were mailed to 318 property owners indicating that the SMLSA application had been submitted. The notification stated that responses from property owners must be filed with the Planning and Development Department within 30 days. Response forms were signed by owners of 62% of the SMLSA in support of the proposed area within the 30 day response period. The Houston Planning Commission considered the application on July 23, 2015 and voted to recommend that the City Council establish the SMLSA with a modified boundary.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a special minimum lot size of 8,711 square feet for the Glenshire Subdivision, Sections 2 and 6.

_____

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
Map	Backup Material
Signed Cover Sheet	Signed Cover sheet
PLN - Special Minimum Lot Size Area App 421 (Glenshire Subdivision, Sections 2 and 6)	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District K
Item Creation Date: 9/16/2015

PLN - Special Minimum Lot Size Area App 420 (Glenshire Subdivision, Sections 2, 4, 6, and 8)

Agenda Item#: 62.

Summary:

ORDINANCE establishing the Glenshire Subdivision, Sections 2, 4, 6 and 8, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 54, Block 16 of the Glenshire Section 8 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 31% of the area. Response forms were mailed to two hundred and thirty (230) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 61% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on May 28, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 9,070 square feet for the Glenshire Subdivision, Sections 2, 4, 6 and 8.

_____

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
Signed Cover Sheet - Director Approval	Signed Cover sheet
Map	Backup Material
PLN - Special Minimum Lot Size Area App 420 (Glenshire Subdivision, Sections 2, 4, 6, and 8)	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
District K

Item Creation Date: 9/16/2015

PLN - Special Minimum Lot Size Area App 420 (Glenshire Subdivision, Sections 2, 4, 6, and 8)

Agenda Item#:

Background:
In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 54, Block 16 of the Glenshire Section 8 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 31% of the area. Response forms were mailed to two hundred and thirty (230) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 61% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on May 28, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 9,070 square feet for the Glenshire Subdivision, Sections 2, 4, 6 and 8.

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:
N/A

Amount of Funding:
N/A

Contact Information:
Kevin Calfee (832) 393-6529

Glenshire Sections 2, 4, 6 & 8
Special Minimum Lot Size Area Designation
9,070 Square Feet

Source: Harris County Appraisal District
Date: January 5, 2015
Reference: MLSA 420

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Area Under Consideration

PLANNING & DEVELOPMENT DEPARTMENT

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District K
Item Creation Date: 9/16/2015

PLN - Special Minimum Lot Size Area App 419 (Glenshire Subdivision, Sections 7 and 9)

Agenda Item#: 63.

Summary:

ORDINANCE establishing the Glenshire Subdivision, Sections 7 and 9, within the City of Houston as a special minimum lot size area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT K - GREEN**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 2, Block 22 of the Glenshire Section 7 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 17% of the area. Response forms were mailed to three hundred and sixteen (316) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 63% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on July 23, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area with a modified boundary.

The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 8,094 square feet for the Glenshire Subdivision, Sections 7 and 9.

_____

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
Signed Cover Sheet - Director Approval	Signed Cover sheet
Map	Backup Material
PLN - Special Minimum Lot Size Area App 419 (Glenshire Subdivision, Sections 7 and 9)	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL
Meeting Date:
District K

Item Creation Date: 9/16/2015

PLN - Special Minimum Lot Size Area App 419 (Glenshire Subdivision, Sections 7 and 9)

Agenda Item#:

Background:
In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 2, Block 22 of the Glenshire Section 7 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes a petition signed from the owners of 17% of the area. Response forms were mailed to three hundred and sixteen (316) property owners indicating that the special minimum lot size area application had been submitted. The notification further stated that their response on the form would be filed with the Planning and Development Department within thirty days of mailing. Response forms were signed by owners of 63% of the SMLSA in support of the designated proposed area. The Houston Planning Commission considered the application on July 23, 2015 and voted to recommend that the City Council establish the Special Minimum Lot Size Area with a modified boundary.

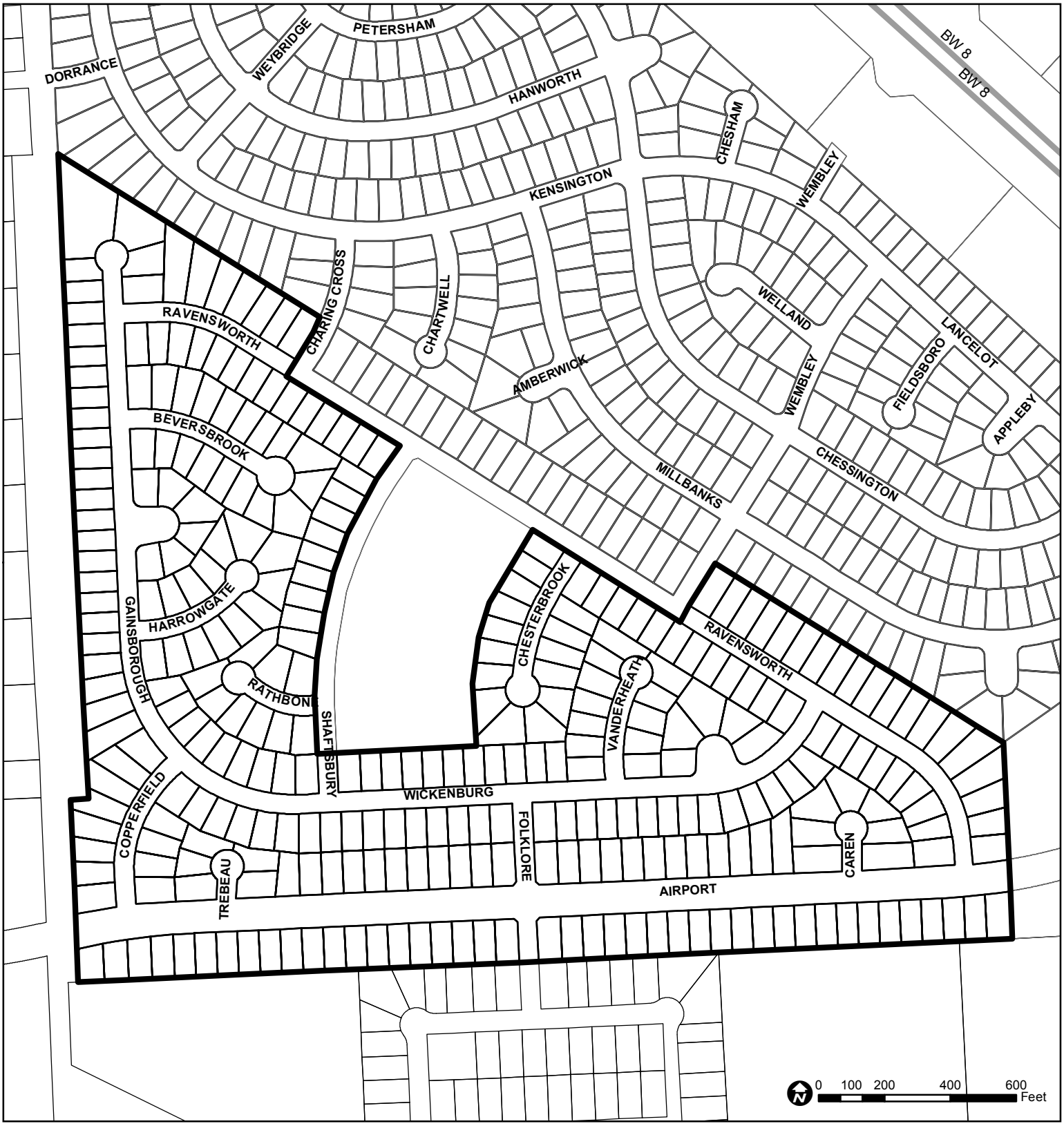
The Planning and Development Department and the Houston Planning Commission recommend that City Council adopt an ordinance establishing a Special Minimum Lot Size of 8,094 square feet for the Glenshire Subdivision, Sections 7 and 9.

Patrick Walsh, P.E.
Director
Planning and Development Department

Prior Council Action:
N/A

Amount of Funding:
N/A

Contact Information:
Kevin Calfee (832) 393-6529



Glenshire Sections 7 and 9
Special Minimum Lot Size Area
8,094 Square Feet

Source: Harris County Appraisal District
Date: July 30, 2015
Reference: MLSA 419

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

Area Under Consideration

PLANNING & DEVELOPMENT DEPARTMENT

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District D
Item Creation Date: 8/3/2015

PLN - Special Minimum Lot Size Block App 525 (4500-4600 Block of Providence Street, north and south)

Agenda Item#: 64.

Summary:

ORDINANCE establishing the north and south sides of the 4500-4600 block of Providence Street, between Amboy Street and Schweikhardt Street, within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **- DISTRICT D - BOYKINS**

Background:

In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 4, Block 3, of the Pinecrest Court Sec 2 Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 54% of the blocks. Notification was mailed to the sixteen (16) property owners indicating that the special minimum lot size block application had been submitted. The notification further stated that written protests could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

The Planning and Development Department recommends that City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 square feet for the 4500-4600 block of Providence Street, north and south sides.

Prior Council Action:

N/A

Amount of Funding:

N/A

Contact Information:

Kevin Calfee (832) 393-6529

ATTACHMENTS:

Description	Type
Signed RCA - Director's Approval	Backup Material
Map	Backup Material
PLN - Special Minimum Lot Size Block App 525 (4500-4600 Block of Providence Street, north and south)	Signed Cover sheet

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION** 525

SUBJECT: Ordinance designating the 4500-4600 block of Providence Street, north and south sides, between Amboy Street and Schweikhardt Street as a Special Minimum Lot Size Block	**Category #**	**Page 1 of ____**	**Agenda Item #**

FROM (Department or other point of origin): Patrick Walsh, P.E. Director Planning and Development Department	**Origination Date** 06/30/2015	**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council District affected:** **D**	
For additional information contact: Kevin Calfee **Phone: 832.393.6529**	**Date and identification of prior authorizing Council action:N/A**	

RECOMMENDATION: **(Summary) Approve an ordinance designating the 4500-4600 block of Providence Street, north and south sides, between Amboy Street and Schweikhardt Street as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 5,000 square foot special lot size.**

Amount and Source of Funding:	**Finance Budget:**

SPECIFIC EXPLANATION: In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 4, Block 3, of the Pinecrest Court Sec 2 Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 54% of the blocks. Notification was mailed to the sixteen (16) property owners indicating that the special minimum lot size block application had been submitted. The notification further stated that written protests could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

The Planning and Development Department recommends that City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 square feet for the 4500-4600 block of Providence Street, north and south sides.

Attachments: Planning Director's Approval, Map of the Area

xc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Land Use Division, Legal Department
Andy Icken, Chief Development Officer

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

Finance 011.A REV. 3/94
7530-0100403-00

Special Minimum Lot Size
4500-4600 block of Providence Street, north and south side, between Waco Street and Schweikhardt Street
5,000 Square Feet

Source: Harris County Appraisal District
Date: May 1, 2015
Reference: MLS525

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

Special Minimum Lot Size Boundary

PLANNING & DEVELOPMENT DEPARTMENT

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District I
Item Creation Date: 12/1/2015

25PARK271 - Jerdon Enterprise, L.P. - Gragg Park - WBS No. F-000750-0001-4

Agenda Item#: 65.

Summary:

ORDINANCE appropriating $2,342,937.43 out of Parks Consolidated Construction Fund, and $250,000.00 out of Parks & Recreation Dedication Fund; awarding construction contract to **JERDON ENTERPRISE L.P.** for Gragg Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, the Parks and Recreation Dedication Fund, the Parks Special Revenue Fund, the Parks Special Fund and the General Fund - **DISTRICT I - GALLEGOS**

Background:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Jerdon Enterprise, L.P. for the proposal amount of $2,804,420.20 to provide construction services for Gragg Park for the Houston Parks and Recreation Department.

PROJECT LOCATION: 2999 South Wayside Drive (534-G)

PROJECT DESCRIPTION: The scope of work consists of site clearing; site utilities, grading, and drainage; construction of a new parking lot with pavers and underground detention; visitor parking lot expansion; new concrete walkways and trails; new concrete plaza; site lighting and electrical; new sports fields with lighting; new entry signage; new pedestrian bridge; new site furnishing; installation of pavilion; installation of play equipment; landscaping and irrigation.

The contract duration of this project is 120 days from the issuance of the Notice to Proceed for construction. White Oak Studio is the design consultant for the project.

PROPOSALS: On August 14 and August 21, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for Gragg Park. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on September 3, 2015, and six firms responded. GSD evaluated the respondents, and three of the six firms received sufficient points and were requested to submit proposals. All three selected firms submitted proposals on October 8, 2015. Jerdon Enterprise, L.P. submitted the lowest proposal and offers the best value for the City based

on the advertised criteria.

The three proposers are ranked as follows:

Proposer
1. Jerdon Enterprise, L.P.
2. Millis Development & Construction, Inc.
3. Times Construction, Inc.

AWARD: It is recommended that City Council award the construction contract to Jerdon Enterprise, L.P., and appropriate funds for the project, including an additional appropriation of $23,000.00 for engineering and materials testing services under an existing contract with All-Terra Engineering, Inc.

FUNDING SUMMARY:
$ 2,804,420.20 Construction Contract
$ 140,221.01 5% Contingency
$ 2,944,641.21 Total Contract Services
$ 23,000.00 Engineering and Materials Testing Services
$ 40,296.22 Civic Art (1.75% of Fund 4502)
$ 3,007,937.43 Total Funding

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

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Jerdon Enterprise, L.P. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

Amount of Funding:

Amount and Source of Funding:
$ 2,342,937.43 Parks Consolidated Construction Fund (4502)
$ 250,000.00 Parks & Recreation Dedication Fund (4035)
$ 320,000.00 Parks Special Revenue Fund (2100)
$ 30,000.00 Parks Special Fund (4012)
$ 65,000.00 General Fund (1000) – Council District Service Fund
$ 3,007,937.43 Total Funding

Contact Information:

Jacquelyn L. Nisby **Phone:** 832-393-8023

ATTACHMENTS:

Description	Type
Request for Council Action	Signed Cover sheet
Maps	Contract/Exhibit
Form A (Fair Campaign Ordinance)	Backup Material
Form B (Fair Campaign Ordinance)	Backup Material
Delinquent Tax Report	Backup Material
CIP Form A	Backup Material
SAP Documents	Financial Information
ordinance	Ordinance/Resolution/Motion

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

SUBJECT: Award Construction Contract Jerdon Enterprise, L.P. Gragg Park WBS No. F-000750-0001-4	**Page** 1 of 2	**Agenda Item**

FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Scott Minnix Scott Minnix 11/24/15	**Council District affected:** I	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding:

$	2,342,937.43	Parks Consolidated Construction Fund (4502)
$	250,000.00	Parks & Recreation Dedication Fund (4035)
$	320,000.00	Parks Special Revenue Fund (2100)
$	30,000.00	Parks Special Fund (4012)
$	65,000.00	General Fund (1000) – Council District Service Fund
$	**3,007,937.43**	**Total Funding**

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Jerdon Enterprise, L.P. for the proposal amount of $2,804,420.20 to provide construction services for Gragg Park for the Houston Parks and Recreation Department.

PROJECT LOCATION: 2999 South Wayside Drive (534-G)

PROJECT DESCRIPTION: The scope of work consists of site clearing; site utilities, grading, and drainage; construction of a new parking lot with pavers and underground detention; visitor parking lot expansion; new concrete walkways and trails; new concrete plaza; site lighting and electrical; new sports fields with lighting; new entry signage; new pedestrian bridge; new site furnishing; installation of pavilion; installation of play equipment; landscaping and irrigation.

The contract duration of this project is 120 days from the issuance of the Notice to Proceed for construction. White Oak Studio is the design consultant for the project.

PROPOSALS: On August 14 and August 21, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for Gragg Park. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on September 3, 2015, and six firms responded. GSD evaluated the respondents, and three of the six firms received sufficient points and were requested to submit proposals. All three selected firms submitted proposals on October 8, 2015. Jerdon Enterprise, L.P. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.

The three proposers are ranked as follows:

	Proposer
1.	Jerdon Enterprise, L.P.
2.	Millis Development & Construction, Inc.
3.	Times Construction, Inc.

REQUIRED AUTHORIZATION CUIC ID # 25PARK271

General Services Department:	**Houston Parks and Recreation Department:**
Richard A. Vella Chief of Design & Construction Division	Joe Turner Director

Date:	SUBJECT: Award Construction Contract Jerdon Enterprise, L.P. Gragg Park WBS No. F-000750-0001-4	Originator's Initials DE	Page 2 of 2

AWARD: It is recommended that City Council award the construction contract to Jerdon Enterprise, L.P., and appropriate funds for the project, including an additional appropriation of $23,000.00 for engineering and materials testing services under an existing contract with All-Terra Engineering, Inc.

FUNDING SUMMARY:

$ 2,804,420.20	Construction Contract
$ 140,221.01	5% Contingency
$ 2,944,641.21	**Total Contract Services**
$ 23,000.00	Engineering and Materials Testing Services
$ 40,296.22	Civic Art (1.75% of Fund 4502)
$ 3,007,937.43	**Total Funding**

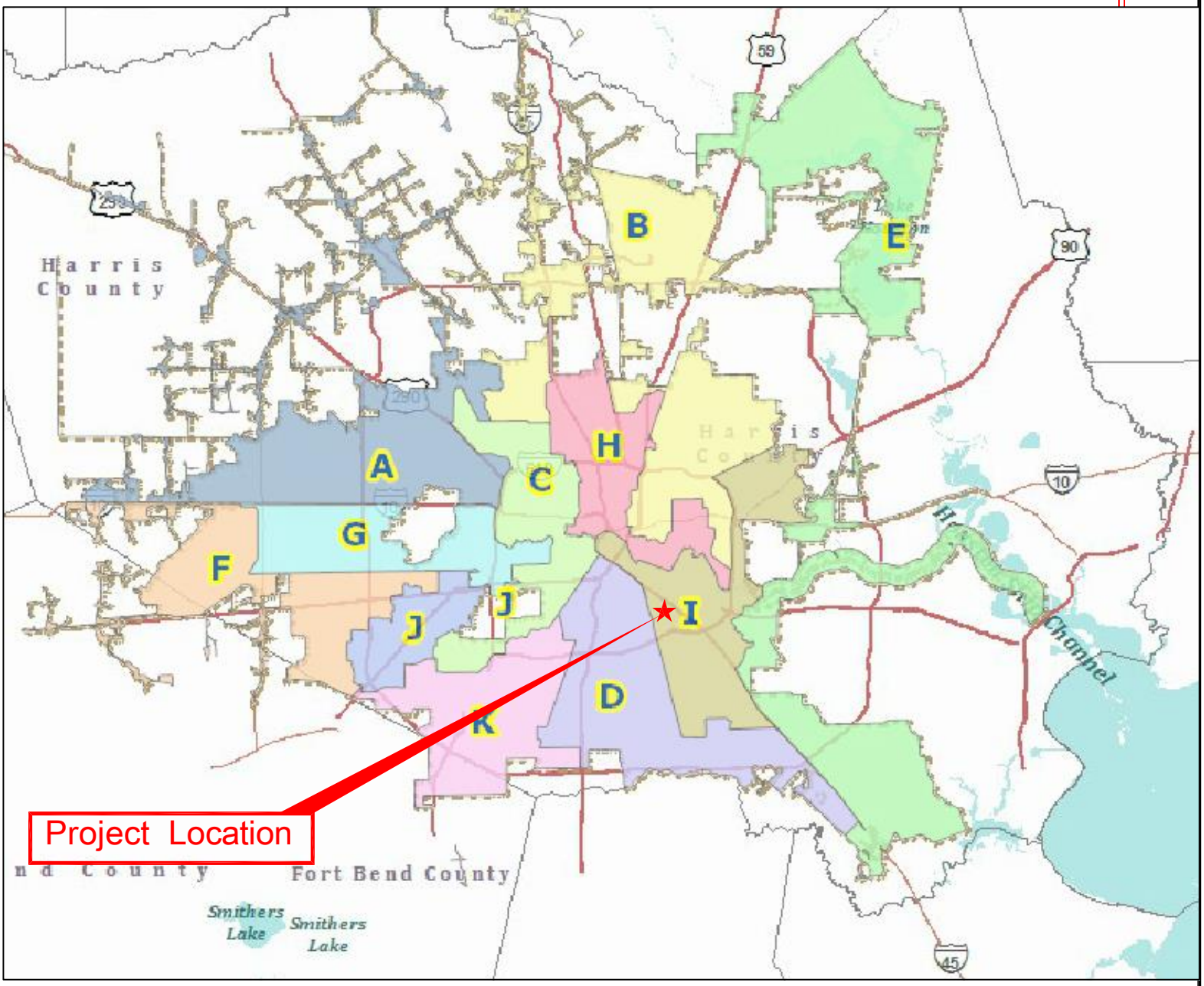
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance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

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Jerdon Enterprise, L.P. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

SM:RAV:JLN:LJ:DE:de

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Luci Correa, Veronica Lizama, Chris Gonzales, Carolyn Hanahan, Morris Scott, Renissa Garza-Montalvo, Minnette Boesel, Maricela Kruseman, Gabriel Mussio, Felicia Williams, File 712

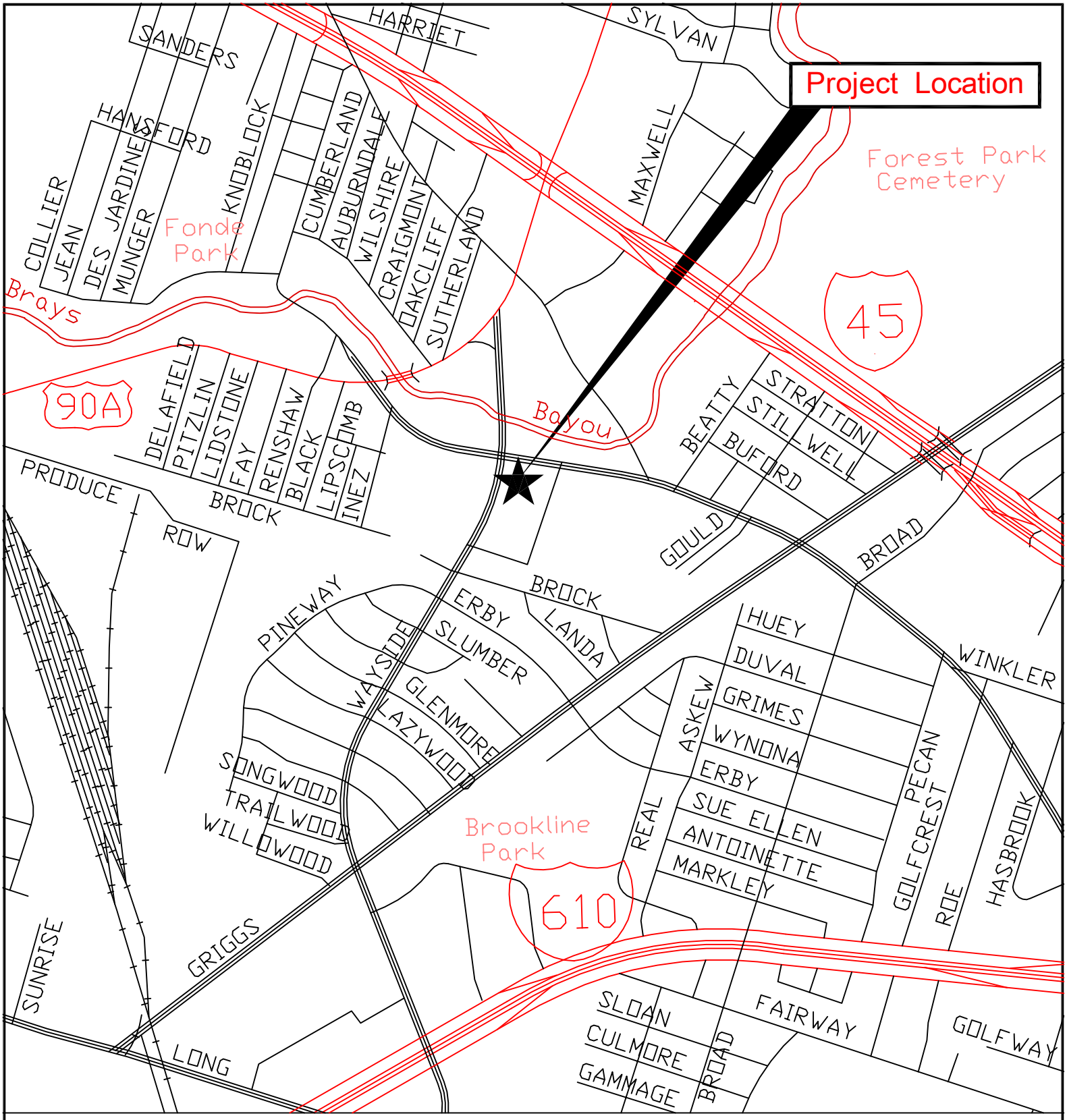
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



Gragg Park

2999 South Wayside Drive
Houston, TX 77023

COUNCIL DISTRICT "I" WBS#F-000750-0001-4 KEYMAP No. 534G



Gragg Park

2999 South Wayside Drive

Houston, TX 77023

COUNCIL DISTRICT "I" **WBS#** F-000750-0001-4 **KEYMAP No. 534G**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date:

25PARK267 - Metropolitan Multi-Service Center - Gadberry Construction Company, Inc. - WBS No. F-000713-0004-4

Agenda Item#: 66.

Summary:

ORDINANCE appropriating $1,023,000.00 out of Parks Consolidated Construction Fund, and $234,200.00 out of Parks & Recreation Dedication Fund; awarding construction contract to **GADBERRY CONSTRUCTION COMPANY, INC** for Metropolitan Multi-Service Center; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, and the Parks and Recreation Dedication Fund - **DISTRICT C - COHEN**

Background:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Gadberry Construction Company, Inc. on the proposal amount of $1,108,463.00 to provide construction services for Metropolitan Multi-Service Center for the Houston Parks and Recreation Department.
PROJECT LOCATION: 1475 West Gray Street (Key Map No. 492Q)
PROJECT DESCRIPTION: The scope of work includes demolition of the front entry portal, concrete pavers and service drive; installation of a new entry canopy for passenger unloading; installation of concrete paving and driveway; installation of a covered sidewalk to West Gray METRO drop-off; installation of lighting for the canopy/walkway; detention; and tree planting with associated irrigation.
The contract duration for this project is 180 calendar days. White Oak Studio is the design consultant for this project.

PROPOSALS: On March 13 and March 20, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for the Metropolitan Multi-Service Center. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on June 18, 2015 and six firms responded. GSD evaluated the respondents and five of the six firms received sufficient points and were requested to submit proposals. Four of the five selected firms submitted responsive proposals. Gadberry Construction Company, Inc. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.
The four proposers are ranked as follows:

PROPOSER:

1. Gadberry Construction Company, Inc.
2. P2MG, LLC
3. Times Construction, Inc.
4. Gonzalez Group, Inc.

AWARD: It is recommended that City Council award the construction contract to Gadberry Construction Company, Inc. and appropriate funds for the project, including an additional appropriation of $19,988.20 for engineering and materials testing services under an existing contract with All-Terra Engineering, Inc.

FUNDING SUMMARY:

$ 1,108,463.00 Construction Contract Services
$ 110,846.30 10% Contingency
$ 1,219,309.30 Total Contract Services
$ 17,902.50 Civic Art (1.75% of Fund 4502)
$ 19,988.20 Engineering and Materials Testing
$ 1,257,200.00 Total Funding

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Play or Pay" 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.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's "Hire Houston First" (HHF) Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, Gadberry Construction Company, Inc. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

Amount of Funding:

$ 1,023,000.00 Parks Consolidated Construction Fund (4502)
$ 234,200.00 Parks & Recreation Dedication Fund (4035)
$ 1,257,200.00 Total Funding

Contact Information:

Jacquelyn L. Nisby **Phone:** 832-393-8023

ATTACHMENTS:

Description	Type
Request for Council Action (RCA)	Signed Cover sheet
Map(s)	Contract/Exhibit
Form A Fair Campaign Ordinance	Backup Material
Form B Fair Campaign Ordinance	Backup Material
Delinquent Tax Report	Backup Material
SAP Documents - PRO's & FRRF	Financial Information
ORDINANCE	Ordinance/Resolution/Motion

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

SUBJECT: Award Construction Contract Gadberry Construction Company, Inc. Metropolitan Multi-Service Center WBS No. F-000713-0004-4	**Page** 1 of 2	**Agenda Item**

FROM (Department or other point of origin): General Services Department	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Scott Minnix 10/28/15	**Council District affected:** C	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding:	**Finance Budget:**
$ 1,023,000.00 Parks Consolidated Construction Fund (4502) $ 234,200.00 Parks & Recreation Dedication Fund (4035) **$ 1,257,200.00 Total Funding**	

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Gadberry Construction Company, Inc. on the proposal amount of $1,108,463.00 to provide construction services for Metropolitan Multi-Service Center for the Houston Parks and Recreation Department.

PROJECT LOCATION: 1475 West Gray Street (Key Map No. 492Q)

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PROPOSALS: On March 13 and March 20, 2015, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for the Metropolitan Multi-Service Center. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on June 18, 2015 and six firms responded. GSD evaluated the respondents and five of the six firms received sufficient points and were requested to submit proposals. Four of the five selected firms submitted responsive proposals. Gadberry Construction Company, Inc. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.

The four proposers are ranked as follows:

PROPOSER:

1. Gadberry Construction Company, Inc.
2. P2MG, LLC
3. Times Construction, Inc.
4. Gonzalez Group, Inc.

REQUIRED AUTHORIZATION CUIC ID # 25PARK267

General Services Department	**Houston Parks and Recreation Department:**
Richard A. Vella Chief of Design & Construction Division	Joe Turner Director

AWARD: It is recommended that City Council award the construction contract to Gadberry Construction Company, Inc. and appropriate funds for the project, including an additional appropriation of $19,988.20 for engineering and materials testing services under an existing contract with All-Terra Engineering, Inc.

FUNDING SUMMARY:

$	1,108,463.00	Construction Contract Services
$	110,846.30	10% Contingency
$	**1,219,309.30**	**Total Contract Services**
$	17,902.50	Civic Art (1.75% of Fund 4502)
$	19,988.20	Engineering and Materials Testing
$	**1,257,200.00**	**Total Funding**

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Play or Pay" 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.

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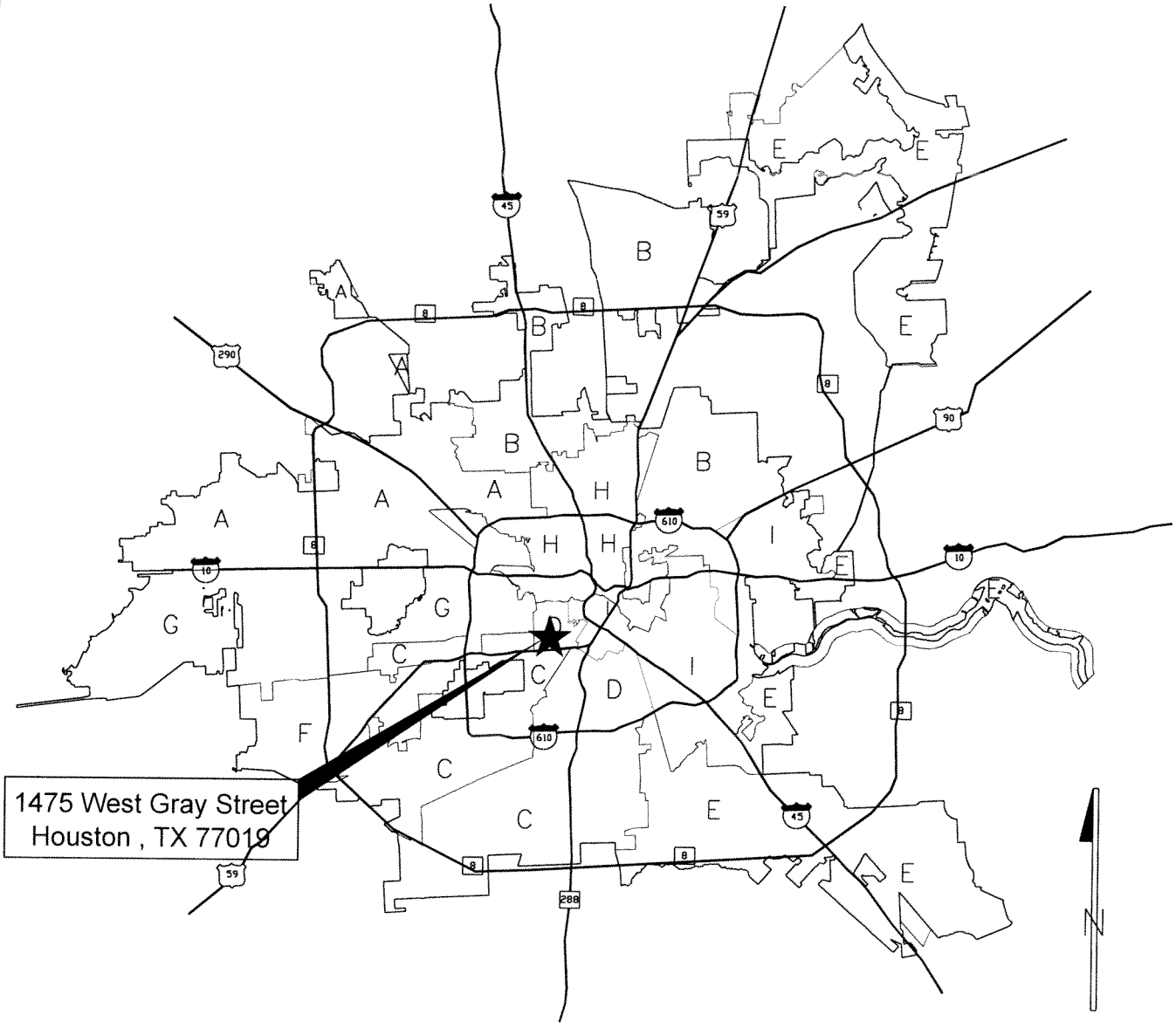
SM:JLN:RAV:LJ:CP:cp

c: Marta Crinejo, Mark Ross, Jacquelyn L. Nisby, Carlecia D. Wright, Luci Correa, Carolyn Hanahan, Calvin Curtis, Morris Scott, Veronica Lizama, Renissa Garza-Montalva, Minnette Boesel, Maricela Kruseman, Gabriel Mussio, Felica Williams, File 712

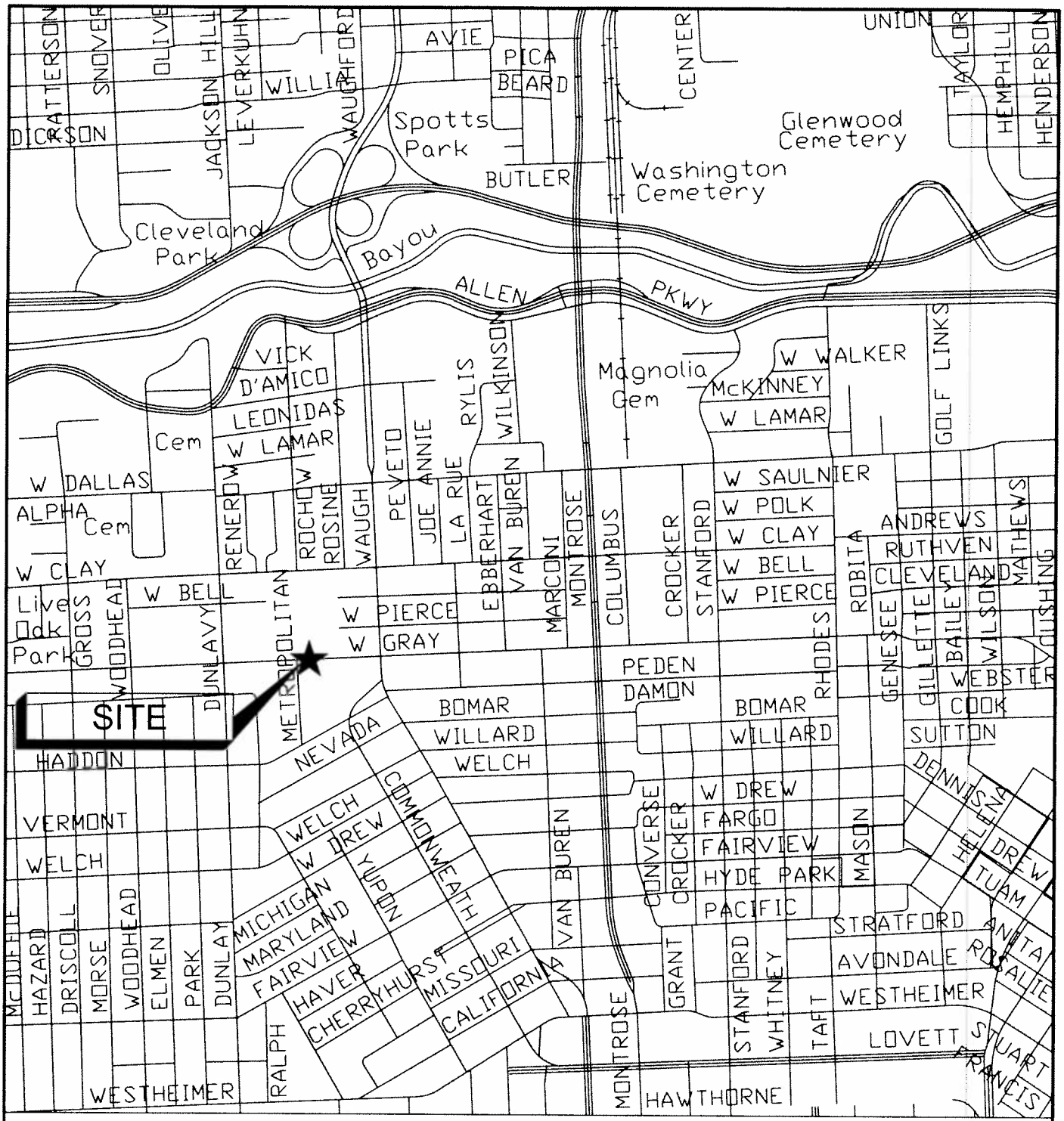
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



METROPOLITAN MULTI-SERVICE CENTER

1475 West Gray Street
Houston , TX 77019

COUNCIL DISTRICT "C" WBS NO: F-000713-0004-4 KEY MAP NO. 492Q



METROPOLITAN MULTI-SERVICE CENTER

1475 West Gray Street
Houston , TX 77019

COUNCIL DISTRICT "C" WBS NO: F-000713-0004-4 KEY MAP NO. 492Q

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ETJ
Item Creation Date: 11/30/2015

20IPB311 Petition Addit (26.83)/Harris County Water Control/No. 159

Agenda Item#: 67.

Summary:

ORDINANCE consenting to the addition of 26.83 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 159**, for inclusion in its district

Background:

SUBJECT: Petition for the City's consent to the addition of 26.83 acres of land to Harris County Water Control and Improvement District No. 159 (Key Map No 365-S, T, W, X, Y and Z, 366-S, T, W and X, 405-A, B, C and D, 406-A and B).

RECOMMENDATION: (Summary) The petition for the addition of 26.83 acres of land to Harris County Water Control and Improvement District No. 159 be approved.

SPECIFIC EXPLANATION:

Harris County Water Control and Improvement District No. 159 has petitioned the City of Houston for consent to add 26.83 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Langham Creek, Cypress Creek, State Highway 99 (Grand Parkway) and Fry Road. The district desires to add 26.83 acres of land, thus yielding a total of 3,109.06 acres. The district will provide for storm water drainage/management purposes only. The nearest major drainage facility for Harris County Water Control and Improvement District No. 159 is Langham Creek which flows into South Mayde Creek then into Buffalo Bayou and finally into the Houston Ship Channel.

By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Amount of Funding:

None Required

Contact Information:

Carol Ellinger Haddock, P.E.
Senior Assistant Director
Phone: (832) 395-2686

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Consent Application	Backup Material
Petition for Consent to Include Additional Land	Backup Material
Map	Backup Material
20IPB311 Petition Addit (26.83)/Harris County Water Control/No. 159	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/17/2015

20REV03 Amend/Additional Funds/DDSRF

Agenda Item#: 68.

Summary:

ORDINANCE appropriating $5,000,000.00 out of Street & Traffic Control and Storm Drainage DDSRF; approving and authorizing purchase of land acquisitions and other interests in real property and payment of the costs of such purchases and/or condemnations, with associated costs for Appraisal Fees, Title Policies and Services, expenses associated with removing improvements from the right-of-way, relocation expenses, recording fees and other services, in connection with negotiations to settle purchases, court costs and expert witness fees for and in connection with construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

Background:

SUBJECT: Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF Fund. WBS N-320663-00RE-2.

RECOMMENDATION: (Summary) Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF Fund.

SPECIFIC EXPLANATION:
The Department of Public Works and Engineering (PWE) utilizes an appropriation allocation to expedite the real estate acquisition process associated with the construction of street and drainage projects in the Capital Improvement Plan (CIP). PWE periodically brings an action before City Council adding appropriations to this allocation. These funds are available for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services necessary to implement construction for drainage and non-drainage projects. These construction projects include, but are not limited to, those described in Exhibit “A” attached.

PWE has instituted a process to ensure that real estate acquisitions are paid for from the appropriate funding source within the Dedicated Drainage and Street Renewal Fund. Given the nature of most real estate acquisitions, the majority of these costs will be paid for out of ad valorem taxes. While most of the routine expenses are paid against this allocation with no additional action required, payments for the acquisition of parcels with a consideration of $50,000.00 or greater (purchases as they are negotiated or condemnation awards to be deposited) require further

Council action and approval. The same appropriation ordinance will apply to all acquisitions made using these funds.

A separate blanket ordinance authorizing condemnation of parcels that cannot be negotiated as purchases may also be submitted for Council approval for each project as needed at a later time. This action is required for compliance with Chapter 21 of the Texas Property Code.

Therefore, it is recommended that a blanket appropriation ordinance be passed appropriating $5,000,000.00 for the various street and storm drainage projects, finding a public necessity for the projects and approving and authorizing payments for land acquisition costs, appraisal fees, title policy premiums, relocation expenses, and/or other services in connection with negotiations to settle purchases, recording fees, and court costs and expert witness fees associated with condemnations for the projects and other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street and Traffic Control and Storm Drainage DDSRF Fund. This action will add $5,000,000.00 to the Street & Traffic Control and Storm Drainage DDSRF Fund 4042 real estate allocation for use in related projects in the CIP. Additional appropriations will be made as needed until all parcels have been acquired. This action will expedite the process of acquiring land in support of the capital improvements projects.

Amount of Funding:

$ 5,000,000.00 Fund 4042- Street & Traffic Control and Storm Drainage DDSRF

Contact Information:

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

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Backup Material
Maps	Backup Material
Ordinance	Ordinance/Resolution/Motion
Exhibit A	Backup Material

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

SUBJECT: Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF Fund. **WBS N-320663-00RE-2**	**Page** **1 of ___**	**Agenda Item** #
FROM: (Department or other point of origin): **Department of Public Works and Engineering**	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director, PW&E	**Council District affected:** All	
For additional information contact: Nancy P. Collins NPC Phone: (832) 395-3130 Senior Assistant Director	**Date and identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary) Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF Fund.

Amount and Source of Funding: $ 5,000,000.00 Fund 4042- Street & Traffic Control and Storm Drainage DDSRF MP 11/10/2015

SPECIFIC EXPLANATION:

The Department of Public Works and Engineering (PWE) utilizes an appropriation allocation to expedite the real estate acquisition process associated with the construction of street and drainage projects in the Capital Improvement Plan (CIP). PWE periodically brings an action before City Council adding appropriations to this allocation. These funds are available for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services necessary to implement construction for drainage and non-drainage projects. These construction projects include, but are not limited to, those described in Exhibit "A" attached.

PWE has instituted a process to ensure that real estate acquisitions are paid for from the appropriate funding source within the Dedicated Drainage and Street Renewal Fund. Given the nature of most real estate acquisitions, the majority of these costs will be paid for out of ad valorem taxes. While most of the routine expenses are paid against this allocation with no additional action required, payments for the acquisition of parcels with a consideration of $50,000.00 or greater (purchases as they are negotiated or condemnation awards to be deposited) require further Council action and approval. The same appropriation ordinance will apply to all acquisitions made using these funds.

A separate blanket ordinance authorizing condemnation of parcels that cannot be negotiated as purchases may also be submitted for Council approval for each project as needed at a later time. This action is required for compliance with Chapter 21 of the Texas Property Code.

Therefore, it is recommended that a blanket appropriation ordinance be passed appropriating $5,000,000.00 for the various street and storm drainage projects, finding a public necessity for the projects and approving and authorizing payments for land acquisition costs, appraisal fees, title policy premiums, relocation expenses, and/or other services in connection with negotiations to settle purchases, recording fees, and court costs and expert witness fees associated with condemnations for the projects and other services for various street and storm drainage projects in connection with the construction of facilities financed by the Street and Traffic Control and Storm Drainage DDSRF Fund. This action will add $5,000,000.00 to the Street & Traffic Control and Storm Drainage DDSRF Fund 4042 real estate allocation for use in related projects in the CIP. Additional appropriations will be made as needed until all parcels have been acquired. This action will expedite the process of acquiring land in support of the capital improvements projects.

DAR:NPC:rv
cc. Marta Crinejo

LTS#14997 **REQUIRED AUTHORIZATION** CUIC #20REV03

Financial Department:	**Other Authorization:**	**Other Authorization:**
	Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division

F&A011.A Rev.3/947530-0100403-00

EXHIBIT "A"

Fund 4042

WBS	PROJECT	Council District	Key Map
N-000623-0001-2-01	Gellhorn Paving and Drainage: IH-610 to Wallisville	I	455Z; 495C, D
N-000664-0001-2-01	Greens Rd. Paving and Drainage: JFK Blvd. to US 59	B	374P, Q, R; 375N
N-000686-0002-2-01	Greens Rd. Paving and Drainage: JFK Blvd. to Aldine Westfield	B	373R; 374N, P
N-000687-0002-2-01	Little York Paving and Drainage: North Shepherd to T.C. Jester	B	411Z; 412U, V, W, X, Y
N-000751-0001-2-01	West Alabama Paving and Drainage: Weslayan to Buffalo Speedway	C	492S, T
N-000787-0001-2-01	Clinton Dr. Paving and Drainage: Port of Houston Gate #8 to IH-610	B, H, I	495N, P, T, U
N-000809-0001-2-01	Gessner Paving and Drainage Project: Long Point to Neuens	A	450S, W
N-000812-0001-2-01	Silber Road Paving and Drainage: I-10 to Hartland	A	491C
N-000813-0001-2-01	Laura Koppe Paving and Drainage: Hirsch to Homestead	B	454F, G, H
N-000815-0001-2-01	Westpark Paving and Drainage: Wilcrest to Dairy Ashford	F	488Z; 489W, X, Y; 529A, B, C
N-000818-0001-2-01	Fulton Paving and Drainage: Quitman to Hogan	H	493D, H
N-100003-0001-2-01	Shepherd and Durham Paving and Drainage Project: Washington to Dickson	C	492G,H, L, M
N-100004-0001-2-01	Greenbriar Street Paving and Drainage: Rice Blvd. to W. Holcombe Blvd.	C	532C, G
N-100006-0001-2-01	University Boulevard Paving and Drainage: Kirby Drive to Main Street	C, D	532H, C, D
N-320663-00RE-2-01	Miscellaneous Land Acquisition	ALL	ALL
M-000247-0001-2-01	Nottingham and Yorkshire Area Drainage and Paving: Subproject II	G	489A, B, E, F
M-000285-0002-2-01	Garden Oaks and Shepherd Forest Area Drainage	C, H	452F, G, K, L, Q
M-000286-0002-2-01	Pleasantville Area Drainage and Paving	B, H	495F, K, L, P, Q, U
M-000288-0001-2-01	Easthaven Boulevard Drainage and Paving: Bryant to Ledge	I	575H, M
M-000289-0001-2-01	Minnetex Place and Almeda Genoa Place Drainage and Paving	D	574N, P, S, T
M-000290-0002-2-01	Montrose Area and Midtown Drainage and Paving	C, D, I	493N, P, S, T, U
M-000296-0008-2-02	Airline/Fulton Regional Detention Basin	ALL	ALL
M-000291-0001-2-01	Sagemont Drainage and Paving	D, E	576W, X, Y, Z; 616B,C
M-000298-0001-2-01	Mayfair Park Drainage and Paving	K	571T, U, X, Y
M-430296-0002-2-01	Mitigation Program for Capital Improvements Projects	ALL	ALL

*Project list is subject to change

Exhibit "A"

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/19/2015

20UPA332 FY16 funding for Developer Participation Contracts

Agenda Item#: 69.

Summary:

ORDINANCE appropriating $2,000,000.00 out of Water & Sewer System Consolidated Construction Fund and $1,020,000.00 out of Street & Traffic Control & Storm Drainage DDSRF for Fiscal Year 2016 funding for the Developer Participation Contracts (Approved by Ordinance No. 2008-0307, as amended)

Background:

SUBJECT: Ordinance appropriating FY16 funding for the Developer Participation Contracts, S-000800-DPC1-7/R-000800-DPC1-7/M-430800-DPC1-7.

RECOMMENDATION: (Summary) Adopt an ordinance appropriating funding for Developer Participation Contract, Water, Sanitary Sewer, and Storm Drainage for FY16.

SPECIFIC EXPLANATION:
In accordance with Chapter 47 regarding the Developer Participation Program (Ordinance Number 2008-0307), the Director of the Department of Public Works and Engineering requests Council approval of the appropriations necessary to fund Developer Participation Contracts, Water, Sanitary Sewer, and Storm Drainage for FY16. When a DPC application is administratively complete, but at least 10 days prior to approval by the Director, the Department shall provide the members of the City Council notice of the scope and location of the proposed budget as well as contact information for the developer.

The funding requested for FY16 will provide $3,020,000 to be available for new development projects in FY16 for water, sanitary sewer and storm drainage. For accounting simplification, previous DPC appropriations designated as S-000800-DPC1-4, R-000800-DPC1-4, M-430800-DPC1-4, M-000800-DPC1-4 are re-designated as S-000800-DPC1-7, R-000800-DPC1-7, M-430800-DPC1-7, M-000800-DPC1-7 in consistency with new project number assignments.

Prior Council Action:

Motion 2008-0307, dated 04/09/2008

Amount of Funding:

FY16 appropriation $3,020,000.00

$2,000,000.00 from the Water and Sewer System Consolidated Construction Fund 8500

$1,020,000.00 from the Street & Traffic Control & Storm Drainage DDSRF Fund 4042

Contact Information:

Mark L. Loethen, P.E., CFM, PTOE
832-395-2705

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Motion 2008-0307	Backup Material
SAP	Backup Material
Ordinance	Ordinance/Resolution/Motion

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

SUBJECT: Ordinance appropriating FY16 funding for the Developer Participation Contracts S-000800-DPC1-7/R-000800-DPC1-7/M-430800-DPC1-7	**Page 1 of 1**	**Agenda Item #**
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE Dale A. Rudick Dale A. Rudick, P.E.	**Council District affected:** **All**	
For additional information contact: Mark L. Loethen, P.E., CFM, PTOE 832-395-2705	**Date and identification of prior authorizing Council action: April 9, 2008, 2008-307**	

RECOMMENDATION: (Summary)
Adopt an ordinance appropriating funding for Developer Participation Contract, Water, Sanitary Sewer, and Storm Drainage for FY16

Amount and Source of Funding:
FY16 appropriation $3,020,000.00
$2,000,000.00 from the Water and Sewer System Consolidated Construction Fund 8500
$1,020,000.00 from the Street & Traffic Control & Storm Drainage DDSRF Fund 4042 M.P. 11/19/2015

SPECIFIC EXPLANATION:

In accordance with Chapter 47 regarding the Developer Participation Program (Ordinance Number 2008-0307), the Director of the Department of Public Works and Engineering requests Council approval of the appropriations necessary to fund Developer Participation Contracts, Water, Sanitary Sewer, and Storm Drainage for FY16. When a DPC application is administratively complete, but at least 10 days prior to approval by the Director, the Department shall provide the members of the City Council notice of the scope and location of the proposed budget as well as contact information for the developer.

The funding requested for FY16 will provide $3,020,000 to be available for new development projects in FY16 for water, sanitary sewer and storm drainage. For accounting simplification, previous DPC appropriations designated as S-000800-DPC1-4, R-000800-DPC1-4, M-430800-DPC1-4, M-000800-DPC1-4 are re-designated as S-000800-DPC1-7, R-000800-DPC1-7, M-430800-DPC1-7, M-000800-DPC1-7 in consistency with new project number assignments.

cc: Marta Crinejo
Howard Hilliard
Susan Bandy

LTS No. 14990		**CUIC No. 20UPA332**
Finance Department	**Other Authorization:** **Mark L. Loethen, P.E., CFM, PTOE** **Deputy Director** **Planning and Development Services Division**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District C
Item Creation Date: 11/30/2015

20JAI597 Parsons Water & Infrastructure - PES/Technical Support of Environmental Rain Event at SWWTP

Agenda Item#: 70.

Summary:

ORDINANCE allocating $257,178.00 out of 2015 Flood Disaster CUS Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC** for technical support of the extreme rain event at the Southwest Wastewater Treatment Plant - **DISTRICT C - COHEN**

Background:

SUBJECT: Professional Engineering Services Contract between the City and Parsons Water & Infrastructure Inc. for Technical Support of the Extreme Rain Event at the Southwest Wastewater Treatment Plant.

RECOMMENDATION: An ordinance approving a Professional Engineering Services Contract with Parsons Water & Infrastructure Inc. and allocate funds.

PROJECT NOTICE/JUSTIFICATION: The purpose of this project is to provide technical assistance to the City of Houston Public Utilities Division, Wastewater Operations Branch to analyze and document all the damages to the facility during May 25-26, 2015 flood event; and help the branch prepare the documents for insurance and FEMA claims.

DESCRIPTION/SCOPE: An extreme rain event flooded the Southwest Treatment facility on May 25-26, 2015 and caused damage to a number of buildings and equipment.

The scope of work is as follows:

- Analyze and assist in damage evaluation
- Provide a technical memorandum to document pre and post storm condition of the facility
- Devise or utilize a tool to capture and deliver alternatives with associated cost to return the facility to pre storm condition
- Supply documentation and assist in preparing all the necessary forms required to file for insurance and FEMA
- Develop the framework for a Strategic Asset Management plan for Wastewater Treatment Plant

LOCATION: The project is located at 4211 Beechnut. The project is located in Key Map Grid 531R.

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform the Basic Services for the Engineering Service as listed in the Contract including (1) Site Condition Assessment; (2) Technical Memorandum development; (3) Mitigation Alternative Analysis; (4) Providing Supporting Documentation/Quality Control for Insurance and FEMA claims; and (5) Strategic Asset Management Recommendation. The total Basic Services allocation is $230,178.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying services and others. The total Additional Services allocation is $27,000.00.

The total cost of this project is $257,178.00 to be allocated are as follow: $230,178.00 for Basic Services and $27,000.00 for Additional Services.

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

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

	MBE-Name of Firms	Work Description	Amount	% of Total Contract
1.	Gupta & Associates, Inc. (MBE)	Engineering Services	$46,830.00	18.2%
2.	KIT Professionals, Inc. (MBE, HHF)	Engineering Services	$49,830.00	19.4%
		Total:	$96,660.00	37.6 %

Amount of Funding:

$ 257,178.00 - from Fund 8386 2015 Flood Disaster CUS.

Contact Information:

Jason A. Iken, P.E.
Senior Assistant Director
Phone: (832) 395-4989

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Backup Material
Form A	Backup Material
Form B	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material

Map	Backup Material
OBO	Backup Material
Ordinance	Ordinance/Resolution/Motion

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

SUBJECT: Professional Engineering Services Contract between the City and Parsons Water & Infrastructure Inc. for Technical Support of the Extreme Rain Event at the Southwest Wastewater Treatment Plant.	**Page 1 of 2**	**Agenda Item**

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Department of Public Works and Engineering		

DIRECTOR'S SIGNATURE	**Council District affected:**
Dale A. Rudick Dale A. Rudick, P.E.	**C** Nasser C.

For additional information contact:	**Date and identification of prior authorizing Council action:**
Jason A. Iken, P.E. Senior Assistant Director Phone: (832) 395-4989	

RECOMMENDATION: An ordinance approving a Professional Engineering Services Contract with Parsons Water & Infrastructure Inc. and allocate funds.

Amount and Source of Funding: **$ 257,178.00** - from Fund 8386 2015 Flood Disaster CUS. 111315

PROJECT NOTICE/JUSTIFICATION: The purpose of this project is to provide technical assistance to the City of Houston Public Utilities Division, Wastewater Operations Branch to analyze and document all the damages to the facility during May 25-26, 2015 flood event; and help the branch prepare the documents for insurance and FEMA claims.

DESCRIPTION/SCOPE: An extreme rain event flooded the Southwest Treatment facility on May 25-26, 2015 and caused damage to a number of buildings and equipment.

The scope of work is as follows:

- Analyze and assist in damage evaluation
- Provide a technical memorandum to document pre and post storm condition of the facility
- Devise or utilize a tool to capture and deliver alternatives with associated cost to return the facility to pre storm condition
- Supply documentation and assist in preparing all the necessary forms required to file for insurance and FEMA
- Develop the framework for a Strategic Asset Management plan for Wastewater Treatment Plant

LOCATION: The project is located at 4211 Beechnut. The project is located in Key Map Grid 531R.

LTS#: 14707 **REQUIRED AUTHORIZATION** **CUIC 20JAI597**
RFQ#: WWO1R, Selection 01
Grant #20000039-2016.

Finance Department	**Other Authorization:**	**Other Authorization:**
		Jun Chang Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform the Basic Services for the Engineering Service as listed in the Contract including (1) Site Condition Assessment; (2) Technical Memorandum development; (3) Mitigation Alternative Analysis; (4) Providing Supporting Documentation/Quality Control for Insurance and FEMA claims; and (5) Strategic Asset Management Recommendation. The total Basic Services allocation is $230,178.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying services and others. The total Additional Services allocation is $27,000.00.

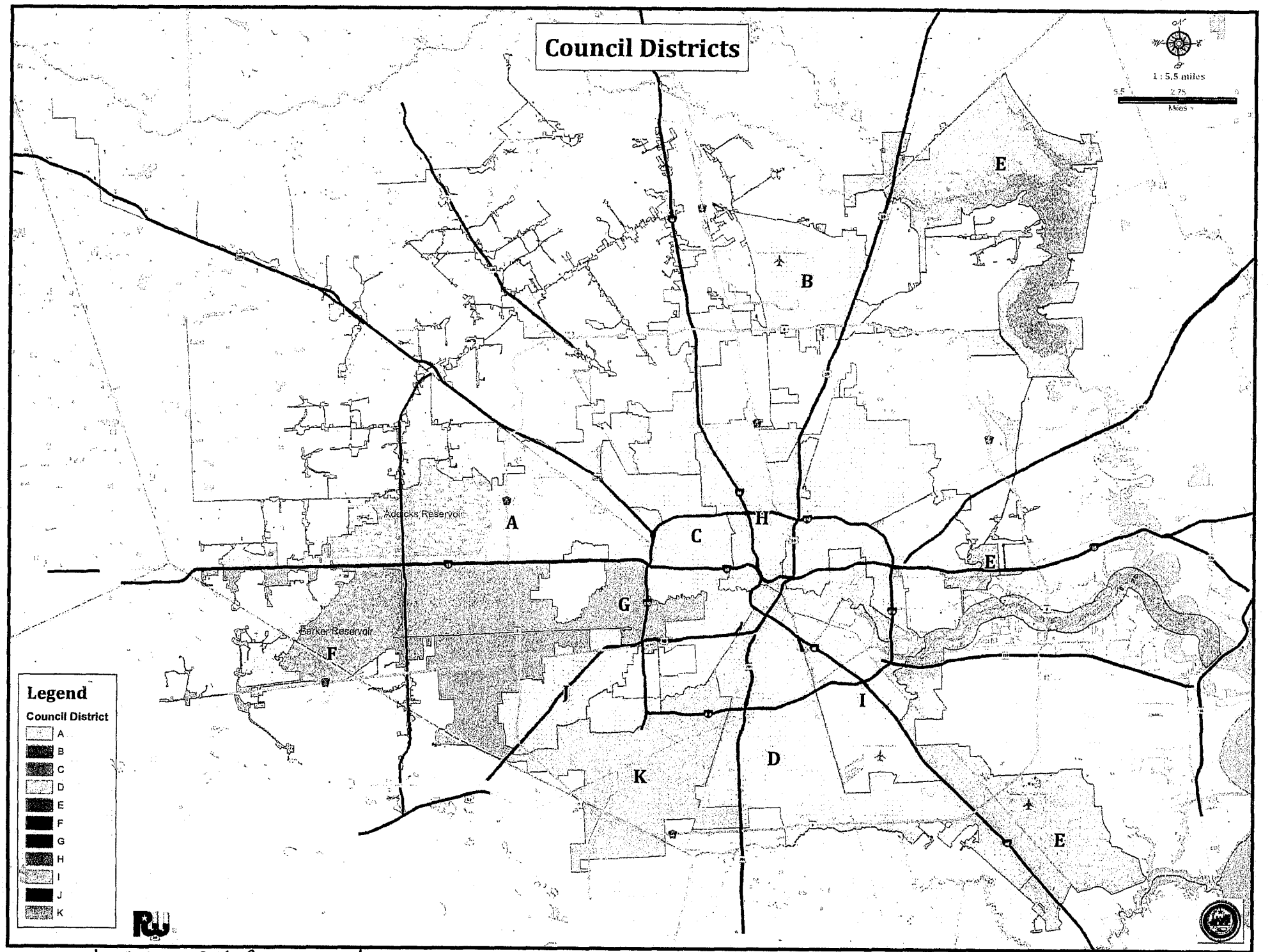
The total cost of this project is $257,178.00 to be allocated are as follow: $230,178.00 for Basic Services and $27,000.00 for Additional Services.

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

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

	MBE-Name of Firms	Work Description	Amount	% of Total Contract
1.	Gupta & Associates, Inc. (MBE)	Engineering Services	$46,830.00	18.2%
2.	KIT Professionals, Inc. (MBE, HHF)	Engineering Services	$49,830.00	19.4%
		Total:	$96,660.00	37.6 %

C: Jason A. Iken, P.E.
Ali Khairandish, P.E.
Nasser Oshkoohi, P.E.



RFQ # WW01R, Selection 01 · Professional Engineering Services Contract between the City

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
District G
Item Creation Date: 11/30/2015

20MR94 Contract Award/ Memorial Drive Paving and Drainage Improvements/Oscar Renda Contracting, Inc.

Agenda Item#: 71.

Summary:

ORDINANCE appropriating $20,787,611.00 out of Street & Traffic Control and Storm Drainage DDSRF and $5,566,081.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **OSCAR RENDA CONTRACTING, INC** for Memorial Drive Paving and Drainage Improvements from North Kirkwood Road to North Eldridge Parkway; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF and the Water & Sewer System Consolidated Construction Fund - $12,647,308.00 - Grant Fund - **DISTRICT G - PENNINGTON**

Background:

SUBJECT: Contract Award for Memorial Drive Paving and Drainage Improvements From North Kirkwood Road to North Eldridge Parkway, Oscar Renda Contracting, Inc., WBS Nos. N-000798-0001-4, R-000500-0178-4, and S-000500-0178-4.

RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Project (CIP) and is required to meet City of Houston Standards as well as improve traffic circulation, mobility, and drainage in the service area. Deterioration of existing pavement and future traffic volume requires that the roadway be constructed. This project was approved by the Texas Transportation Commission in the 2013-2016 Transportation Improvement Program (TIP). The state shall refund the city 80% of the construction cost up to a maximum of $12,647,308.00, which will be reimbursed through monthly billings as costs are incurred.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 16,600 linear feet of roadway to major thoroughfare standards. The proposed project includes reconstruction of a four–lane divided roadway consisting of approximately 89,864 square yards of 10-inch reinforced concrete pavements with curbs and gutters, approximately 5,000 linear feet of 24 to 84-inch diameter storm sewer pipe, approximately 8,725 linear feet of 4 to 24-inch diameter water line, and approximately 9,400 linear feet of 6 to 30-inch diameter sanitary sewer line, including all appurtenances. The project also includes installation of seven new traffic signal systems along Memorial Drive, construction of wheelchair ramps, driveways, sidewalks, and street lighting, and the replacement of an existing bridge at Turkey Creek with a triple 10-foot by 10-foot bridge-rated box culvert structure.

The Contract duration for this project is 860 calendar days. This project was designed by Civiltech Engineering, Inc.

LOCATION: The project area is generally bound by IH-10 on the north, Briarforest Drive on the south, North Kirkwood Road on the east and North Eldridge Parkway on the west. The project is located in Key Map Grids 488G, 488H and 489E.

BIDS: This project was advertised for bidding on April 3, 2015. Bids were received on May 14, 2015. The six (6) bids are as follows:

	Bidder	Bid Amount
1.	Oscar Renda Contracting, Inc.	$32,720,726.00
2.	Sterling Delaware Holding Co.	$37,350,690.50
3.	Reytec Construction Resources, Inc.	$37,635,852.80
4.	OHL USA, Inc.	$37,778,643.65
5.	S,J, Lewis Construction of Texas	$38,833,445.11
6.	Total Contracting Limited	$38,878,874.63

AWARD: It is recommended that this construction contract be awarded to Oscar Renda Contracting, Inc. with a low bid of $32,720,726.00 and that addenda numbers 1, 2, 3, 4 and 5 be made a part of this Contract.

PROJECT COST: The total cost of this project is $39,001,000.00 to be appropriated as follows:

·	Bid Amount	$32,720,726.00
·	Contingencies	$ 1,636,100.00
·	Engineering and Testing Services	$ 625,000.00
·	CIP Cost Recovery	$ 1,309,174.00
·	Construction Management Fee	$ 2,710,000.00

Engineering and Testing Services will be provided by Terracon Consultants, Inc. under a previously approved contract.

Construction Management Services will be provided by Parsons Brinckerhoff, Inc. under a previously approved contract.

HIRE HOUSTON FIRST: Hire Houston First does not apply to this expenditure because it involves the use of state funds and is subject to specific procurement rules of the state government. However, Oscar Renda Contracting, Inc. is registered under Hire Houston First as a City/Local Business.

PAY OR PLAY PROGRAM: This contract is exempt for the City's Pay or Play Ordinance, because it involves the use of federal funds and is subject to specific contract rules of the federal government.

M/WBE PARTICIPATION: The contractor has submitted the following proposed program to satisfy the 10% SBE goal for this project.

	SBE – Name of Firms	Work Description	Amount	% of Contract
1.	Reliable Signal & Lighting Solutions, LLC	Traffic Signal Installation	$1,489,698.00	4.56%
2.	Chief Solutions, Inc.	CCTV	$ 57,800.00	0.18%
3.	Tricon Precast Ltd.	Concrete Barriers	$ 129,500.00	0.40%
4.	Kings Setters, LLC	Flagmen Services	$ 300,000.00	0.92%
5.	Kossman Contracting Co., Inc.	Seeding and Sodding	$ 16,553.00	0.05%
6.	KMA Contractors Services Inc.	Supply of manholes, pipe, and photo services	$ 707,500.00	2.16%
7.	A&A Trucking LLC	Material Hauling	$ 638,680.00	1.95%
		TOTAL	$3,339,731.00	10.21%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

All known third party private utilities have been relocated with the exception of AT&T Texas underground and aerial communications, which will be adjusted in conjunction with the COH Traffic Control Plan requirements and construction phasing.

Amount of Funding:

$39,001,000.00 Total Cost

$12,647,308.00 from Fund No. 5430 – Federal State Local – PWE Pass Thru DDSR

$20,787,611.00 from Fund No. 4042 – Street & Traffic Control and Storm Drainage DDSRF

$ 5,566,081.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund

Contact Information:

Ravi Kaleyatodi, P.E., CPM
Phone: (832) 395-2326
Senior Assistant Director

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
SAP	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
Form A	Backup Material
Form B	Backup Material
OBO 1	Backup Material
OBO 2	Backup Material

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

SUBJECT: Contract Award for Memorial Drive Paving and Drainage Improvements From North Kirkwood Road to North Eldridge Parkway. WBS Nos. N-000798-0001-4, R-000500-0178-4, and S-000500-0178-4	**Page 1 of 2**	**Agenda Item #**

FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:**	**Agenda Date:**
Director's Signature: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** G JK MR	
For additional information contact: Ravi Kaleyatodi 10/2/15 Ravi Kaleyatodi, P.E., CPM **Phone:** (832) 395-2326 Senior Assistant Director	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding: $39,001,000.00 Total Cost
$12,647,308.00 from Fund No. 5430 – Federal State Local – PWE Pass Thru DDSR
$20,787,611.00 from Fund No. 4042 – Street & Traffic Control and Storm Drainage DDSRF M.P.
$ 5,566,081.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund M.P. 10/16/2015

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Project (CIP) and is required to meet City of Houston Standards as well as improve traffic circulation, mobility, and drainage in the service area. Deterioration of existing pavement and future traffic volume requires that the roadway be constructed. This project was approved by the Texas Transportation Commission in the 2013-2016 Transportation Improvement Program (TIP). The state shall refund the city 80% of the construction cost up to a maximum of $12,647,308.00, which will be reimbursed through monthly billings as costs are incurred.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 16,600 linear feet of roadway to major thoroughfare standards. The proposed project includes reconstruction of a four–lane divided roadway consisting of approximately 89,864 square yards of 10-inch reinforced concrete pavements with curbs and gutters, approximately 5,000 linear feet of 24 to 84-inch diameter storm sewer pipe, approximately 8,725 linear feet of 4 to 24-inch diameter water line, and approximately 9,400 linear feet of 6 to 30-inch diameter sanitary sewer line, including all appurtenances. The project also includes installation of seven new traffic signal systems along Memorial Drive, construction of wheelchair ramps, driveways, sidewalks, and street lighting, and the replacement of an existing bridge at Turkey Creek with a triple 10-foot by 10-foot bridge-rated box culvert structure.

The Contract duration for this project is 860 calendar days. This project was designed by Civiltech Engineering, Inc.

LOCATION: The project area is generally bound by IH-10 on the north, Briarforest Drive on the south, North Kirkwood Road on the east and North Eldridge Parkway on the west. The project is located in Key Map Grids 488G, 488H and 489E.

BIDS: This project was advertised for bidding on April 3, 2015. Bids were received on May 14, 2015. The six (6) bids are as follows:

LTS No. 14764 **CUIC ID #20MR94**

Finance Department:	**Other Authorization:** FOR 11515 Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	**Other Authorization:** Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

REV. 3/06

	Bidder	Bid Amount
1.	Oscar Renda Contracting, Inc.	$32,720,726.00
2.	Sterling Delaware Holding Co.	$37,350,690.50
3.	Raytec Construction Resources, Inc.	$37,635,852.80
4.	OHL USA, Inc.	$37,778,643.65
5.	S.J. Lewis Construction of Texas	$38,833,445.11
6.	Total Contracting Limited	$38,878,874.63

AWARD: It is recommended that this construction contract be awarded to Oscar Renda Contracting, Inc. with a low bid of $32,720,726.00 and that addenda numbers 1, 2, 3, 4 and 5 be made a part of this Contract.

PROJECT COST: The total cost of this project is $39,001,000.00 to be appropriated as follows:

• Bid Amount	$32,720,726.00
• Contingencies	$ 1,636,100.00
• Engineering and Testing Services	$ 625,000.00
• CIP Cost Recovery	$ 1,309,174.00
• Construction Management Fee	$ 2,710,000.00

Engineering and Testing Services will be provided by Terracon Consultants, Inc. under a previously approved contract.

Construction Management Services will be provided by Parsons Brinckerhoff, Inc. under a previously approved contract.

HIRE HOUSTON FIRST:
Hire Houston First does not apply to this expenditure because it involves the use of state funds and is subject to specific procurement rules of the state government. However, Oscar Renda Contracting, Inc. is registered under Hire Houston First as a City/Local Business.

PAY OR PLAY PROGRAM:
This contract is exempt for the City's Pay or Play Ordinance, because it involves the use of federal funds and is subject to specific contract rules of the federal government.

M/WBE PARTICIPATION:
The contractor has submitted the following proposed program to satisfy the 10% SBE goal for this project.

	SBE - Name of Firms	Work Description	Amount	% of Contract
1.	Reliable Signal & Lighting Solutions, LLC	Traffic Signal Installation	$1,489,698.00	4.55%
2.	Chief Solutions, Inc.	CCTV	$ 57,800.00	0.18%
3.	Tricon Precast Ltd.	Concrete Barriers	$ 129,500.00	0.40%
4.	Kings Setters, LLC	Flagmen Services	$ 300,000.00	0.92%
5.	Kossman Contracting Co., Inc.	Seeding and Sodding	$ 16,553.00	0.05%
6.	KMA Contractors Services Inc.	Supply of manholes, pipe, and photo services	$ 707,500.00	2.16%
7.	A&A Trucking LLC	Material Hauling	$ 638,680.00	1.95%
		TOTAL	**$3,339,731.00**	**10.21%**

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

All known third party private utilities have been relocated with the exception of AT&T Texas underground and aerial communications, which will be adjusted in conjunction with the COH Traffic Control Plan requirements and construction phasing.

DAR:DRM:RK:JHK:MR

ec: File No. WBS No. N-000798-0001-4 (3.7)

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 12/1/2015

20TAA155 ILA/Design-Construction of Water-Sewer Lines
Bissonnet-Buffalo Speedway-Kirby/Upper Kirby
Redevelopment District

Agenda Item#: 72.

Summary:

ORDINANCE appropriating $295,736.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and the **UPPER KIRBY REDEVELOPMENT AUTHORITY** for the Design and Construction of Water and Sewer Lines on Bissonnet Street from Buffalo Speedway to Kirby Drive - **DISTRICT C - COHEN**

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Backup Material
Maps	Backup Material
Request for Reimbursement	Backup Material
Interlocal Agreement 1	Backup Material
Interlocal Agreement 2	Backup Material
PCA Ordinance 1999-0767	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion

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

SUBJECT: Agreement for Engineering Design and Construction Reimbursement between the City of Houston and the Upper Kirby Redevelopment Authority for the requested design and construction of water and sewer lines on Bissonnet Street from Buffalo Speedway to Kirby Drive. WBS Nos. N-T19220-0001-7, S-000521-0202-7 and R-000521-0202-7.	**Page 1 of 2**	**Agenda Item #**

FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date**	**Agenda Date**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** C (see)	
For additional information contact: Ravi Kaleyatodi 10/13/15 Ravi Kaleyatodi, PE., CPM **Phone:** (832) 395-2326 Senior Assistant Director	**Date and identification of prior authorizing Council action:** Ordinance No. 1999-0767 Dated July 21, 1999	

RECOMMENDATION: (Summary)
Adopt an ordinance approving and authorizing an Agreement for Engineering Design and Construction Reimbursement between the City of Houston and Upper Kirby Redevelopment Authority and appropriate funds.

Amount and Source of Funding:
$295,736.00 from Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 10/19/2015

PROJECT NOTICE/JUSTIFICATION: The Upper Kirby Redevelopment Authority was created to act on behalf of Tax Increment Reinvestment Zone number 19, which was created by Ordinance No. 1999-0767. The Authority adopted a project entitled Bissonnet Street Reconstruction in its 2013-2017 Capital Improvement Plan and in its adopted Fiscal Year 2015 operating Budget. It is a mutual benefit for both the City and the Redevelopment Authority to improve existing drainage, traffic circulation and reduce congestion according to the latest City standards.

DESCRIPTION/SCOPE: The improvements will consist of widening the roadway, upsizing the existing storm sewer system, upsizing the existing water and sanitary lines, upgrading existing traffic signals, sidewalks, street lights and landscaping.

LOCATION: The improvements are to be located on Bissonnet Street from Buffalo Speedway to Kirby Drive in Key Map grids 492X, 492Y & 492Z.

SCOPE OF THIS AGREEMENT:
The City authorized the creation of the Authority to aid, assist and act on behalf of the City and Reinvestment Zone Number Nineteen, City of Houston, Texas. The Authority adopted a project entitled Bissonnet Street Reconstruction in its Capital Improvements Plan and adopted Fiscal Year 2015 Operating Budget.

During the development of the project design, the City requested the Authority to include the design and construction of an 18-inch sanitary sewer line along Bissonnet Street between Belmont Street and Wakeforest Street and the design and construction of a 12-inch water line along Bissonnet Street between Buffalo Speedway and Belmont Street. The City will be 100% responsible for the replacement of the water line, the sanitary sewer lines and all costs associated with the improvements. The City estimated cost participation is $268,851.90. Therefore, it is necessary to appropriate funds in the amount of $295,736.00 which includes $13,441.88 for contingency and $13,442.22 for CIP cost recovery.

LTS No. 14004 **REQUIRED AUTHORIZATION** **CUIC ID #20TAA155**

Finance Department:	**Other Authorization:** Lyonne Forest EOE Jun Chang, P.E., D.WRE 11/24/15 Deputy Director Public Utilities Division	**Other Authorization:** Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division

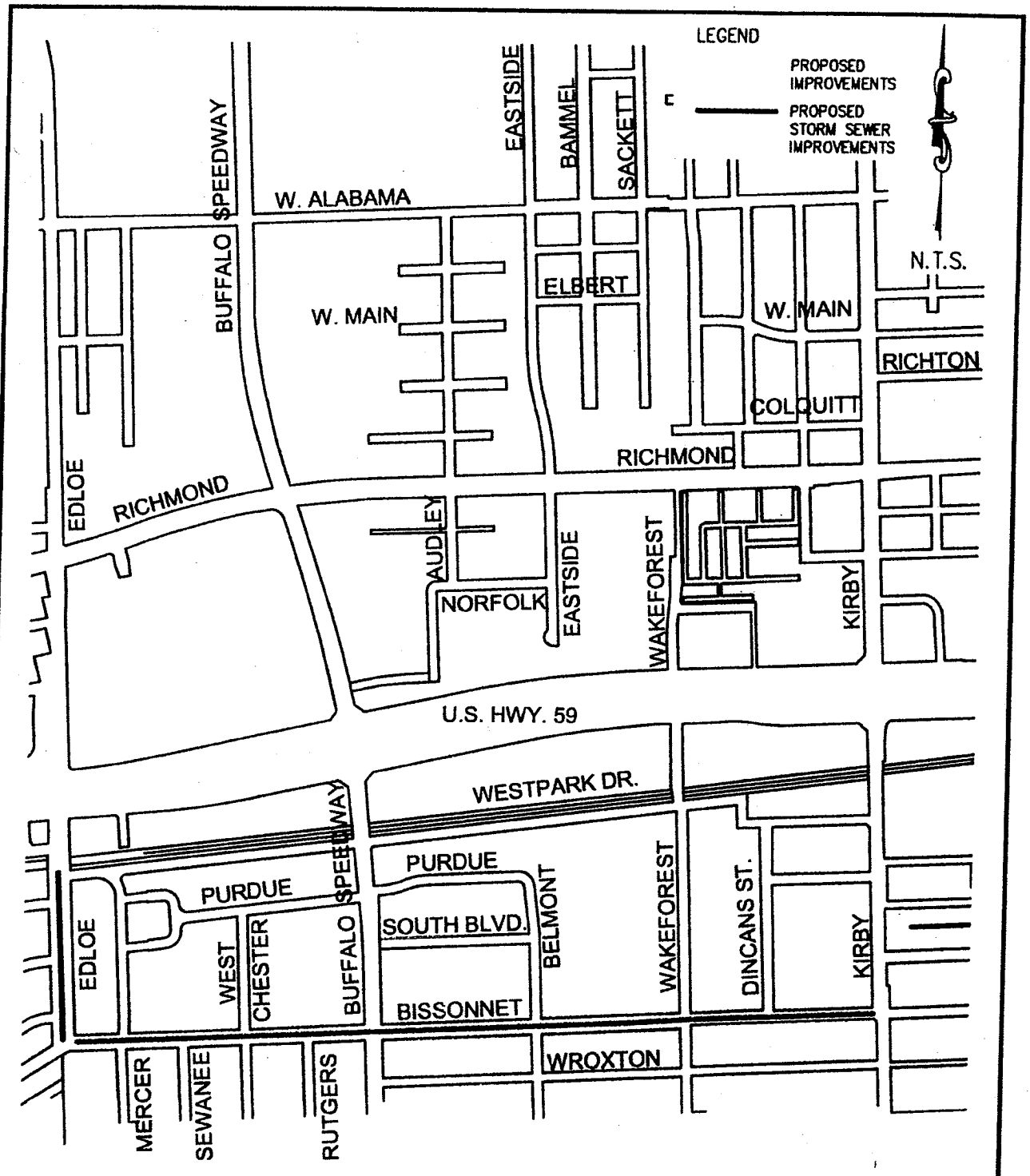
Date	**SUBJECT:** Agreement for Engineering Design and Construction Reimbursement between the City of Houston and the Upper Kirby Redevelopment Authority for the requested design and construction of water and sewer lines on Bissonnet Street from Buffalo Speedway to Kirby Drive. WBS Nos. N-T19220-0001-7, S-000521-0202-7 and R-000521-0202-7.	**Originator's Initials TAA**	**Page 2 of 2**

ACTION RECOMMENDED: It is recommended that City Council adopt an ordinance approving and authorizing an Agreement for Engineering Design and Construction Reimbursement between the City of Houston and Upper Kirby Redevelopment Authority and appropriate funds.

DAR:DRM:RK:TAA:ma

H:\constr\A-SB-DIV\Interagency\TIRZ & Districts\TIRZ Projects\19-Upper Kirby Redevelopment Authority\Bissonnet Street, Edloe to Kirby\Betterment Agreement\RCA\20TAA155.doc

c: File: TIRZ 19: Bissonnet: Buffalo Speedway to Kirby Drive.



KEY MAP: 492 X AND Y
GIMS BLOCK: 5256 C, D

GUNDA CORPORATION
Engineers, Planners & Managers
6161 Savoy, Suite 550
Houston, Texas 77036
713.541.3530 - www.gundacorp.com
TBPE Registration Number: F 3531

UPPER KIRBY

PROJECT NAME:
UPPER KIRBY REDEVELOPMENT AUTHORITY
BISSONNET STREET
PAVING AND DRAINAGE IMPROVEMENTS
(UK-122)

SHEET TITLE:
PROJECT LOCATION MAP

GC PROJ. NO.:	SHEET NO.
06017-38	EXHIBIT E2
DATE: JAN., 2013	

GUNDA CORPORATION
P:\3000 Projects\06017-38 UKRA Blossom PERYEAR\06017-38-02.00.dwg Jan 28, 2013-3:15pm ozum

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 11/19/2015

20JAI578 rePipe Construction, LLC dba IPR South Central, LLC

Agenda Item#: 73.

Summary:

ORDINANCE appropriating $4,135,892.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC dba IPR SOUTH CENTRAL, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (WW4258-67)

Background:

SPECIFIC EXPLANATION: This project is pat of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by cured-in-place pipe method. The contract duration for this project is 540 calendar days.

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

BIDS: One (1) bid was received on September 03, 2015 for this project as follows:

Bidder	Bid Amount
1. rePipe construction, LLC dba IPR South Central, LLC	$3,910,373.22

AWARD: It is recommended that this construction contract bet awarded to rePipe Construction, LLC dba IPR South Central, LLC, with a bid fo $3,910,373.22.

PROJECT COST: The total cost of this project is $4,135,892.00 to be appropriated as follows:

- Bid Amount $3,910,373.22
- Contingencies $ 195,518.78
- Engineering Testing Services $ 30,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants under a previously approprove contract.

HIRE HOUSTON FIRST: Hire Houston First does not apply to this expenditure, because it involves the use federal funds and is subject to specific procurement rules of the federal government.

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

M/WSBE PARTICIPATION: The contractor has submitted the following proposed program to satisfy the 12.95% MBE goal, and 8.72% WBE goal for this project.

MBE - Name of Firms	Work Description	Amount	% of Contract
Chief Solutions,	Clean & Televise Sewer Lines	$126,305.06	3.23%
Texas pride Utilities, LLC	Sewer Rehab/Construction	$ 39,103.73	1.00%
5M Rope & Supply, LLC	Supplies	$253,001.15	6.47%
MMG Contractors, LLC	Open Cut/Point Repairs	$ 87,592.36	2.25%
	TOTAL	**$506,002.30**	**12.94%**

WBE - Name of Firms	Work Description	Amount	% of Contract
Deanie Hayes, Inc.	Supplies	$ 16,423.57	0.42%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	$ 39,103.73	1.00%
Strategic Infrastructure, LLC	Clean & Televise, Dig, Byass	$285,457.25	7.30%
	TOTAL	**$340,984.55**	**8.72%**

All known rights-of-way and easements required for this project have been acquired.

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Ordinance	Ordinance/Resolution/Motion
SAP	Backup Material
Affidavit of Ownership	Backup Material
Delinquent Tax Report	Backup Material
Form A	Backup Material
Form B	Backup Material
Map	Backup Material
OBO 1	Backup Material
OBO 2	Backup Material
OBO 3	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/2/2015

ARA-Northstar Demolition and Remediation SWF

Agenda Item#: 74.

Summary:

ORDINANCE granting to **NORTHSTAR DEMOLITION AND REMEDIATION, LP, A Texas Limited Partnership**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Northstar Demolition and Remediation, LP. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 193 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be $7,188,167.37.

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

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503
Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
12.2.2015 Northstar Demolition and Remediation SWF RCA	Signed Cover sheet
NorthStar Demolition Ord	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 12/8/2015
ALL
Item Creation Date: 12/2/2015

ARA-Northstar Demolition and Remediation SWF

Agenda Item#: 60.

Summary:
AN ORDINANCE GRANTING TO NORTHSTAR DEMOLITION AND REMEDIATION, LP, A TEXAS LIMITED PARTNERSHIP, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Northstar Demolition and Remediation, LP. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 193 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be $7,188,167.37.

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

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:
Lara Cottingham Phone: (832) 393-8503
Naelah Yahya Phone: (832) 393-8530

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/6/2015

ARA-Franchise - Gower Construction Co., Inc SWF

Agenda Item#: 75.

Summary:

1. ORDINANCE No. 2015-1146, passed second reading December 2, 2015

ORDINANCE granting to **GOWER CONSTRUCTION CO., INC, A Texas Corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Gower Construction Co., Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 190 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

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

Departmental Approval Authority:

Tina Paez, Director	**Other Authorization**
Administration & Regulatory Affairs Department	

Contact Information:

Lara Cottingham **Phone:** (832) 393- 8503

Naelah Yahya **Phone:** (832) 393- 8530

ATTACHMENTS:

Description	Type
11.9.2015 Gower Construction Co. Inc. SWF RCA.pdf	Signed Cover sheet
Gower Construction Ordinance	Ordinance/Resolution/Motion

CITY OF HOUSTON - CITY COUNCIL
Meeting Date: 11/17/2015
ALL
Item Creation Date: 11/6/2015

ARA-Franchise - Gower Construction Co., Inc. SWF

Agenda Item#: 8.

Background:
The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Gower Construction Co., Inc. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 190 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City was $7,188,303.31.

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

Departmental Approval Authority:

11/9/15

Tina Paez, Director
Administration & Regulatory Affairs Department

Other Authorization

Contact Information:

Lara Cottingham	**Phone:** (832) 393- 8503
Naelah Yahya	**Phone:** (832) 393- 8530

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date: 11/20/2015

MYR ~ 2015 Houston Archological & Historical Commission
Nomination memo 11-201-5

Agenda Item#: 76.

Summary:

RECEIVE nominations for Positions 11 and 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for terms that will end March 1, 2017

Background:

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from December 2, 2015, to receive nominations for Positions 11 and 13 of the Houston Archaeological and Historical Commission Board of Directors, for a term that will end March 1, 2017. The following positions expired effective 3/1/2015:

Position	Member	Nominated by
Position 11	Douglas Elliott	CM Christie
Position 13	R. Maverick Welsh, III	CM Rodriguez

ATTACHMENTS:

Description	Type
MYR ~ 2015 Houston Archological & Historical Commission Nomination memo 11-201-5	Signed Cover sheet

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District K
Item Creation Date: 12/1/2015

MYR - Fairway Energy Partners Public Hearing

Agenda Item#: 77.

Summary:

SET A PUBLIC HEARING DATE regarding the designation of the **FAIRWAY ENERGY PARTNERS, LLC REINVESTMENT ZONE** for tax abatement purposes - **DISTRICT K - GREEN HEARING DATE - TUESDAY - 9:00 A.M. - DECEMBER 22, 2015**

Background:

SUBJECT: A motion to set a public hearing date for December 22, 2015 regarding the designation of the Fairway Energy Partners LLC. Reinvestment Zone for tax abatement purposes.

RECOMMENDATION: (Summary) A motion to set a public hearing date for December 22, 2015 regarding the designation of the Fairway Energy Partners LLC. Reinvestment Zone for tax abatement purposes.

SPECIFIC EXPLANATION:
State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. City Council renewed the tax abatement guidelines and criteria on March 12, 2014. Sec. 312.201 of the Texas Tax Code requires that the City hold a public hearing before it can adopt an ordinance designating an area as a reinvestment zone.

Fairway Energy Partners LLC. (the "Company") is developing a crude oil storage project at the Pierce Junction Salt Dome (the "Project") which is located in the City, two miles south of NRG Stadium. The Company is headquartered in Houston, Texas. The Company submitted a tax abatement application to the City on October 21, 2013, with all supporting documentation. The Project consists of existing caverns with five segregations and an aggregate capacity of up to 19.8 million barrels of crude oil at 11650 Almeda Road, Houston, Texas 77045. The Company plans to invest between $300 million and $400 million to develop the Project. The Company is also requesting a variance from the requirements of Section 44-121 of the Code relating to the ownership of goods stored.

The City has reviewed the Company's tax abatement application, and the proposed tax abatement agreement was presented to the Budget and Fiscal Affairs Committee on November 19, 2015. The proposed date of the public hearing is December 22, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2014-245, 3/26/14

Amount of Funding:

Not applicable

Contact Information:

Gwendolyn Tillotson Phone: 832-393-0937

ATTACHMENTS:

Description	Type
RCA TA Fairway PH Motion	Signed Cover sheet
2014-245 Ordinance Tax Abatement	Backup Material

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

SUBJECT: A motion to set a public hearing date for December 22, 2015 regarding the designation of the Fairway Energy Partners LLC. Reinvestment Zone for tax abatement purposes.	**Category #**	**Page 1 of 1**	**Agenda Item#**
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Officer, Office of the Mayor	**Origination Date**		**Agenda Date**
SIGNATURE:	**Council Districts affected:** K		
For additional information contact: Gwendolyn Tillotson **Phone:** 832-393-0937	**Date and identification of prior authorizing Council Action:** Ord. No. 2014-245, 3/26/14		

RECOMMENDATION: (Summary) A motion to set a public hearing date for December 22, 2015 regarding the designation of the Fairway Energy Partners LLC. Reinvestment Zone for tax abatement purposes.

Amount of Funding: Not Applicable	**Finance Budget:**

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

SPECIFIC EXPLANATION:

State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. City Council renewed the tax abatement guidelines and criteria on March 12, 2014. Sec. 312.201 of the Texas Tax Code requires that the City hold a public hearing before it can adopt an ordinance designating an area as a reinvestment zone.

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The City has reviewed the Company's tax abatement application, and the proposed tax abatement agreement was presented to the Budget and Fiscal Affairs Committee on November 19, 2015. The proposed date of the public hearing is December 22, 2015.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Donna Edmundson, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 11/18/2015

PR - Update to Code of Ordinances Chapter 32

Agenda Item#: 78.

Summary:

ORDINANCE **UPDATING AND AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parks and Recreation and making conforming amendments to other Chapters of the Code of Ordinances

TAGGED BY COUNCIL MEMBER LASTER

This was Item 22 on the Agenda of December 2, 2015

Background:

Chapter 32 of the City of Houston Code of Ordinances governs the Parks and Recreation Department (HPARD) including duties and authority of the Director, use of parks, events in parks, park use permits, trees, plants and shrubs, authorized uses of park revenues, park food vendors, Miller Theatre Advisory Board, and Houston Parks Board. HPARD Director Joe Turner briefed City Council Quality of Life Committee on the proposed updates on September 30, 2015. A public input period followed from October 1 to October 31, 2015.

Chapter 32 must be updated because the U.S. Court of Appeals, 5th Circuit ruled that Article III, Public Gatherings as written is unenforceable because of vague requirements for permits and must be updated to define public gathering and designate areas of the park to which permitting requirements apply. Additionally, while there have been minor periodic updates, there has not been a comprehensive update in over 25 years.

Proposed changes to Article III , Public Gatherings include changing the title to Park Events and defining a park event as any group activity or organized event involving more than 30 people. Smaller groups will not be required to get a permit, unless to reserve a facility. Also, a Mayor's Office of Special Events (MOSE) permit will be required for any park event needing significant provision or coordination of City services.

Other proposed changes include updates throughout the chapter to reflect current HPARD practices, including the simplification of the section on off-leash dog recreation areas (dog parks) and substantial changes to the Article pertaining to Park Food Vendors. Types of Park Food Vendors and requirements for each type are defined, application requirements are clarified, and , a section related to food trucks has been added. Operating a food truck in a park is unlawful, unless operating pursuant to: 1. A special events permit through MOSE, 2. A contract awarded pursuant to Chapter 15 (RFP process), or 3. A concession contract approved by City Council pursuant to section 32-8(b) (Concessions in parks). The proposed changes are consistent with established rules in the Code.

Some Articles are renumbered and two will be removed. Article V, Garden Center is removed because the facility has been replaced by the McGovern Centennial Garden managed by the Hermann Park Conservancy. Article VII, Tennis Centers is also removed as it has been found to be unnecessary because it is the only park facility of its type with its own, brief section and for simplification should fall under any other type of park facility.

Amount of Funding:

No funding required

Contact Information:

Luci Correa
832-395-7057
Luci.Correa@houstontx.gov

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
Chpt 32 Redline FINAL	Backup Material
Chpt 32 Ordinance FINAL	Ordinance/Resolution/Motion
Chapter 32 Ordinance	Backup Material
Ch 32 Redline	Backup Material

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance updating and amending City of Houston Code of Ordinances Chapter 32 relating to the Parks and Recreation Department	**Page** 1 of 1	**Agenda Item**
FROM (Department or other point of origin): Houston Parks and Recreation Department	**Origination Date :** November 16, 2015	**Agenda Date**
DIRECTOR'S SIGNATURE: Joe Turner, Director	**Council District affected:** All	
For additional information contact: Luci Correa 832-395-7057 luci.correa@houstontx.gov	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Approve an Ordinance to update City of Houston Municipal Code Chapter 32 relating to the Houston Parks and Recreation Department

Amount and Source of Funding:	**Finance Budget:**
No funding required	

SPECIFIC EXPLANATION:

Chapter 32 of the City of Houston Code of Ordinances governs the Parks and Recreation Department (HPARD) including duties and authority of the Director, use of parks, events in parks, park use permits, trees, plants and shrubs, authorized uses of park revenues, park food vendors, Miller Theatre Advisory Board, and Houston Parks Board. HPARD Director Joe Turner briefed City Council Quality of Life Committee on the proposed updates on September 30, 2015. A public input period followed from October 1 to October 31, 2015.

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Some Articles are renumbered and two will be removed. Article V, Garden Center is removed because the facility has been replaced by the McGovern Centennial Garden managed by the Hermann Park Conservancy. Article VII, Tennis Centers is also removed as it has been found to be unnecessary because it is the only park facility of its type with its own, brief section and for simplification should fall under any other type of park facility.

Attachment: Redlined Chapter 32

OTHER REQUIRED AUTHORIZATION	
None	

Chapter 32

PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

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

~~(1)~~ *Department* ~~or *the department*~~ means the parks and recreation department of the city.

~~(2)~~ *Director* ~~or *the director*~~ means the director of the department of parks and recreation of the city or the director's designee.

Members of the public shall include all persons other than (1) those engaged in park maintenance and construction under authority of the city, and (2) officers, employees, and agents of government while engaged in the performance of their duties of employment or office.

~~(3)~~ *Parks* ~~or *the parks*~~ means the various properties under the direction, control and supervision of the director pursuant to the authority granted in sections 32-4 and 32-5 of this Code.

Sec. 32-2. Department--Created.

There is hereby created and established the ~~department of~~ parks and recreation department of the city.

Sec. 32-3. Same--Director generally.

There is hereby created the office of director of the department of parks and recreation of the city. The director shall be the head of the department and shall be appointed by the mayor, subject to confirmation by the city council.

Sec. 32-4. General duties of director.

It shall be the duty of the director to direct, control and manage all parks, parkways, esplanades, trails, playgrounds and recreation buildings and other improvements on park and playground property belonging to or under the control of the city and such other grounds as may be placed under his control, from time to time, by the mayor and city council, and to direct the improvement and maintenance of all such properties.

Sec. 32-5. Authority of the director.

(a) The director shall have authority to ~~prescribe~~ promulgate written rules and regulations for the administration of the department and for the orderly ~~government~~ management and use of ~~the~~ parks by the public, provided that such regulations do not conflict with valid laws or ordinances. A copy of such rules and regulations shall be published on the city=s website and maintained for public inspection in the offices of the director and the city secretary. ~~Without limitation, the director is authorized to include provisions that govern the use of parks by the public and may prescribe such rules and regulations that promote the healthful and generalized use of the parks, including, but not limited to, setting forth rules that limit the possession or consumption of any alcoholic beverages while in the parks. Nothing in this subsection is intended to limit the ability of the director to prescribe rules and regulations relating to the sale or distribution of alcoholic beverages by city-authorized vendors, park permittees and concessionaires operating within the parks.~~

(b) The director shall be authorized to contract with referees and sports field monitors for athletic contests and instructors for recreation classes. Fees paid to referees, sports field monitors, and ~~or~~ recreation instructors shall be approved by the city council. No such referee, sports field monitor, or recreation instructor shall be considered an employee of the city.

(c) From time to time, city council may approve contracts with other entities for the operation or management of various parks or park facilities. These city council approved contracts shall be the governing rules and regulations for the specified parks or park facilities.

Sec. 32-6. Trees, shrubs and plants in public property.

(a) The director shall ~~be clothed with~~ have authority and jurisdiction over all trees, shrubs and plants of any kind and character ~~which~~ that are now or may hereafter be planted ~~in~~ on or along the streets or other public places of the city, ~~the director being vested with full power, authority and jurisdiction over~~ including all plantings of every kind and character lying outside of the property lines of privately owned property and as prescribed in chapter 33 of this Code. ~~It is hereby made the duty of the director:~~

(b) The director shall have the duty to:

(1) ~~To direct,~~ Direct, regulate and encourage the planting, culture and preservation of shade and ornamental trees and plants ~~in~~ on the streets and public places of the city;

(2) ~~To direct,~~ Direct, regulate and encourage the pruning, spraying, cultivation and maintenance of such trees and plants, and to direct the time and method of pruning and trimming the same;

(3) ~~To remove~~ Remove or cause to be removed any tree or plant, or other obstruction, ~~which~~ that in his judgment, would interfere with the development of adjoining trees or plants or with the free use of the streets or sidewalks;

(4) ~~To advise~~ Advise property owners with respect to the kinds of trees to plant or shrubbery desired ~~in~~ on the particular street, and the method of planting the same;

(5) ~~To take~~ Take all such measures as may be deemed necessary or desirable to control all dangerous insects, pests and plant diseases ~~which~~ that may affect trees or shrubbery on the streets or other public places in the city;

(6) ~~To device~~ Devise plans for the planting of trees on and along the streets between the curbs and property lines within the city, where trees may be desirable;

(7) ~~To prescribe~~ Prescribe the character, kind, size, space and position of all trees so planted ~~up~~on or along public streets or other public places;

(8) ~~To prevent~~ Prevent the planting of trees, shrubs or other plants ~~which~~ that are not in his judgment desirable; and

(9) ~~To plant~~ Plant or cause to be planted such trees ~~in~~ on or along such streets or other public places as the director may deem proper.

Sec. 32-7. Revenues from park operations.

(a) All revenues derived by the city in any manner from park user fees as defined in section 32-69 of this Code and from concession agreements authorized under section 32-8(b) (collectively denoted "park revenues"), except revenues received by the city from city park golf facilities as set out in subsection (b) ~~below~~ of this section, shall be regularly remitted to the city controller with an accounting thereof. Unless otherwise expressly provided by ordinance or state law, park revenues shall be deposited in the Parks Special Revenue Fund to be used exclusively for repairs, replacement, and renovation of ~~parks'~~ the department's revenue producing facilities~~,~~ and equipment and for maintenance and operation of ~~parks'~~ the department's revenue producing facilities and activities, including the purchase of goods, supplies, and services for programs offered at the department's revenue producing facilities.

(b) One hundred percent of the revenues received by the city and derived from all city-owned golf facilities, whether operated by the city or private entities, including all related concession fees, shall be deposited into the Parks Golf Special Fund to be used exclusively for the maintenance, operation and improvements of any or all of such golf facilities.

Sec. 32-8. Concessions in parks.

(a) Except as otherwise specifically authorized in this ~~chapter~~ Code, no person shall have the right to offer or promote anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within any park without first obtaining the written consent of the ~~city~~ director as provided in this section.

(b) Consent, for the purpose of subsection (a) of this section, may be granted in writing by the director upon receipt of uniform standard fees, conditions and consent forms~~,~~ adopted therefor pursuant to section 32-69 of this Code, if the right is nonexclusive and of six months' duration or less. Any other consent shall be effective only if granted by an express written contract therefor which has been executed by the mayor pursuant to an ordinance of the city specifically authorizing the execution thereof.

Sec. 32-9. Certain ~~downtown~~ facilities to be managed by ~~the convention and entertainment facilities department~~ Houston First Corporation.

The city facilities known as Fish Plaza, Jones Plaza, Miller Outdoor Theater, Sesquicentennial Parks I and II, Sweeney Clock Triangle and Root Memorial Square shall be managed by ~~the convention and entertainment facilities department~~ Houston First Corporation. The provisions of this chapter shall be applicable to ~~the said~~ these facilities to the extent that they may constitute parks, but any duties and responsibilities placed upon the ~~parks and recreation~~ department and its director and employees hereunder shall, with respect to ~~the said~~ these facilities, be instead performed by ~~the convention and entertainment facilities department and its director and employees~~ Houston First Corporation. Nothing in this section shall be construed to affect the status of ~~the said~~ these facilities, and their mention in this section shall not be construed to dedicate the facilities as parks if they have not already been so dedicated.

Sec. 32-10. Maintenance or adoption of natural areas.

Any person desiring to maintain a "natural area," as provided in section 10-451(b)(10) of this Code, whether situated in a park or not, or desiring to adopt such an area that is located in a park, parkway, trail, esplanade ~~or~~, playground, or other property belonging to or under the control of the city, shall submit an application to the director, and obtain a permit for that purpose. As authorized in section 32-5 of this Code, the director shall promulgate rules and regulations for natural areas, which shall include, but not be limited to, permit procedures, a list of unacceptable plants, and maintenance requirements.

Sec. 32-11. Off-leash dog recreation areas.

(a) The director is authorized to designate parks or portions of parks as off-leash dog recreation areas in which persons may allow unleashed dogs to be at large. The director may promulgate rules and regulations as provided in section 32-5 of this Code for the operation of off-leash dog recreation areas, provided that any such regulations shall be

reviewed and countersigned by the director of the department of administration and regulatory affairs with respect to animal regulation and care issues ~~(b) Off-leash dog recreation areas shall be established by the director in consultation with the director of the department of administration and regulatory affairs, and due consideration shall be given to operational and animal regulation and care issues~~, including but not limited to:

(1) Security measures to assure that the unleashed dogs remain contained within the dog recreation area;

(2) Control of noise and other potential nuisances that might affect nearby land uses;

(3) Parasite control;

(4) Feces control within the dog recreation area and feces runoff from the dog recreation area; and

(5) Provisions for the exclusion of dogs that do not participate in compliance with the applicable regulations or that demonstrate aggressive behavior towards other dogs or persons.

(b) Dogs within off-leash dog recreation areas shall not be subject to impoundment for being or running at large as otherwise provided in chapter 6 of this Code provided that such dogs, while in the designated off-leash dog recreational areas, must remain under the immediate personal supervision and command of their owner or handler. It is a defense to prosecution under any provision of chapter 6 of this Code relating to being or running at large of a dog that the dog and its owner or handler were in a designated off-leash dog recreation area of a park.

~~(c) The director may issue regulations as provided in section 32-5 of this Code for the operation of off-leash dog recreation areas, provided that any such regulations shall, before promulgation, be reviewed and countersigned by the director of the department of administration and regulatory affairs with respect to animal regulation and care issues.~~

~~(d) Subject to the approval of city council as provided in section 32-69 of this Code, the director may establish fees for use of off-leash dog recreation areas. The schedule of fees approved under this provision shall be included in the city fee schedule. Use of off-leash dog recreation areas is subject to payment of any applicable fees, and it shall be unlawful for any person to utilize an off-leash dog recreation area without having paid all applicable fees.~~

~~(e) Subject to payment of any applicable fees and compliance with all applicable regulations issued hereunder:~~

~~(1) Dogs within off-leash dog recreation areas shall not be subject to impoundment for being or running at large as otherwise provided in chapter 6 of this Code provided that such dogs, while in the designated off-leash~~

~~recreational areas, must remain under the immediate personal supervision and command of their owner or handler; and~~

~~(2) It is a defense to prosecution under any provision of chapter 6 of this Code relating to being or running at large of a dog that the actor dog was at the time of the alleged offense within an off-leash dog recreation area of a park.~~

~~(f) The director shall consult with the city attorney regarding legal liability issues that may be associated with off-leash dog recreation areas and may require persons utilizing the areas to execute acknowledgments of the risks associated with their use and agreements to hold harmless and indemnify the city and its employees and officials for risks to dogs and persons using an off-leash dog recreation area.~~

Secs. 32-12--32-2~~5~~4. Reserved.

ARTICLE II. USE OF PARKS

Sec. 32-25. Alcohol.

The director may promulgate rules and regulations as provided in section 32-5 of this Code relating to the possession or consumption of any alcoholic beverages while in the parks. Nothing in this section limits the director's authority to promulgate rules and regulations relating to the sale or distribution of alcoholic beverages by city-authorized vendors, park permittees, and concessionaires operating within the parks.

Sec. 32-26. Playing of musical instruments.

Without the express written permission of the director, it ~~It~~ shall be unlawful for any person to play any musical instrument or use any sound amplification equipment in violation of the applicable provisions of chapter 30 of this Code within the parks other than for his own enjoyment, provided that such person shall not thereby encroach upon the use and enjoyment of the parks by others.

Sec. 32-27. Glass bottles and containers prohibited.

Without the express written permission of the director, it ~~It~~ shall be unlawful for any person to bring into or upon the parks, or have in his possession while therein or thereupon any glass receptacle, including but not limited to, glass bottles, glass jars, drinking glasses and glass containers of any kind. This provision shall not apply to baby bottles, baby food jars, glass lined vacuum bottles and glass lined picnic beverage coolers.

Sec. 32-28. Camping.

(a) For purposes of this article, the term *camp* or *camping* means the erection of a tent or the use of other materials, including but not limited to, sleeping bags, bedrolls, blankets, sheets, tarps, cardboard, or other materials, to provide sleeping quarters for temporary human habitation.

(b) It shall be unlawful for any person to ~~establish a campsite upon or use~~ camp in any area of the parks ~~as a campsite~~. This section shall not apply to persons camping in areas designated for overnight camping pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code.

Sec. 32-29. ~~Driving~~ Parking and driving vehicles.

(a) It shall be unlawful for any person to park any vehicle on park property except in areas designated for such purpose.

(b) It shall be unlawful for any person to drive or propel any vehicle over or through the parks, except along or upon park roads ~~drives, parkways or park boulevards,~~ or to drive or propel along or over any park road ~~drive, parkway or park boulevard,~~ any heavily laden vehicle or vehicle carrying merchandise, goods, material or rubbish, or any moving van or truck. This section shall not apply to golf carts operated upon golf course cart paths or bikes and personal assistance mobility devices operated upon designated park roads authorized for such use by the director. For purposes of this subsection, *personal assistance mobility device* means any mobility device powered by batteries or fuel or other engine that is used by an individual with mobility impairment.

Sec. 32-30. Riding or driving animals.

It shall be unlawful for any person to ride or to drive any horse or other animal over or through the parks, except along and upon the designated bridle paths and driveways.

Sec. 32-31. ~~Molesting, injuring~~Injuring, etc., animals, fowl or fish.

~~No person shall~~ It shall be unlawful for any person to tease, annoy, ~~molest~~ injure, catch, or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal in the parks.

Sec. 32-32. Erecting structures, bill posting, etc.

It shall be unlawful for any person to place, erect, or attach any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in the parks, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure in the parks unless authorized by rule or regulation promulgated pursuant to section 32-5 of this Code.

Sec. 32-33. Walking, standing or sitting on borders, flower beds, etc.

~~No person shall~~ It shall be unlawful for any person to walk, stand or sit on any border, flower bed, monument, vase, fountain, railing or fence in the parks.

Sec. 32-34. Hunting and firearms.

~~No person shall~~ It shall be unlawful for any person to hunt any animal or shoot, fire, display, or discharge any air-gun, paint-ball gun, pistol, shotgun ~~or~~, rifle, or other firearm or

archery arrow in, on, along or across the parks; provided however, the director may authorize hunting for wildlife management purposes in Lake Houston Wilderness Park during designated seasons and times according to state law and the regulations of the Texas Parks and Wildlife Department. The provisions of this section shall not apply to designated target ranges and other areas of the parks approved for such use by the director. The provisions of this section are cumulative of all applicable state laws concerning the regulation of firearms by municipalities.

Sec. 32-35. Fishing.

~~No person shall~~ It shall be unlawful for any person to catch fish within the parks. It shall be an affirmative defense to prosecution under this section that the actor is:

(1) Fishing in an area of Lake Houston, Lake Houston Wilderness Park, Cullinan Park Oyster Creek, or Keith Weiss Park in which fishing is permitted under this Code; or

(2) Twelve years of age or less or 65 years of age or more and is fishing in any body of water which has been designated for fishing by children and elderly persons by regulations promulgated by ~~of~~ the director pursuant to section 32-5 of this Code.

Sec. 32-36. Playing baseball, football, etc.

~~No person shall~~ It shall be unlawful for any person to play ~~at~~ any game of baseball, football, golf, cricket, lacrosse, polo, soccer, hockey or other game of like character in the parks, except at the places set apart and designated as grounds therefor.

Sec. 32-37. Canoeing or boating on lakes.

(a) It shall be unlawful for any person to place any canoe, kayak, raft ~~or~~, boat, or vessel of any type or description upon the waters of any lake or pond upon the parks except Lake Houston. This section shall not apply to model or toy boats that are not designed or intended for human transportation or to any recreational project sponsored by the department and supervised by its employees or representatives~~, to model or toy boats that are not designed or intended for human transportation,~~ or, in accordance with subsection (b), ~~to~~ canoeing or kayaking in Cullinan Park, Lake Houston Wilderness Park, or Keith Wiess Park that is conducted in compliance with the director's rules and regulations.

(b) The director may by rules and regulations adopted under section 32-5 of this Code authorize canoeing for individual and family pleasure in Cullinan Park, Lake Houston Wilderness Park, or Keith Wiess Park. Without limitation, the rules and regulations shall be intended to preserve the park as a place of beauty and peacefulness and shall not authorize motorized canoes or kayaks, canoe or kayak rentals, or concessions or competitive canoeing or kayaking activities.

Sec. 32-38. Compliance with law is condition of use of parks and playgrounds.

(a) Any person may use the parks for any lawful purpose; provided however, the use of the parks shall be subject to compliance with all applicable provisions of this Code and state and federal law ~~Compliance is a condition of the use of the parks. Subject thereto, any person may use the parks for any lawful purpose~~.

(b) The director, all other employees of the department, and members of the City of Houston Police Department ~~and City of Houston Park Police~~ are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. It shall be unlawful for any person ~~Any such person~~ who, upon receiving such notice, fails to depart from any such property or building ~~shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon~~.

Sec. 32-39. Exemptions.

The provisions of this article~~,~~ shall not be construed to apply to workmen of the city and its agents and contractors in the lawful discharge of their respective duties.

Sec. 32-40. Violations declared nuisance.

~~In addition to being~~ It shall be unlawful for any person to neglect or refuse to comply with any provision of this article. Additionally, any neglect or refusal to comply with any ~~of the~~ provision~~s~~ of this article shall be deemed a nuisance~~,~~ and may be abated in the manner provided by law and by the ordinances of the city for abatement of nuisances.

Sec. 32-41. ~~Hours closed to public~~ Park hours--Generally.

(a) With the exception of overnight camping areas designated by the director, ~~No p~~Parks ~~or~~and park facilit~~y~~ies shall be open to members of the public between the hours of ~~11:00 p.m. and~~ 6:00 a.m. and 11:00 p.m. unless other public use or visitation hours have been posted for such park or park facility pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code or permitted in writing by the director in accordance with article III of this chapter.

~~(b) For purposes of this section, the following definitions shall apply:~~

~~(1) *Members of the public* shall include all persons other than those engaged in park maintenance and construction under authority of the city, and public officers or employees while engaged in the performance of their duties of employment or office.~~

~~(2) *Park or park facility* shall include any portion of the park system, excluding overnight camping areas designated pursuant to sections 32-5 and 32-28 of this Code and Hermann Square.~~

(~~c~~b) ~~This section shall not be construed to create any independent criminal prohibition; however,~~ It shall be unlawful for any person to remain ~~found~~ within any park or park facility outside the hours designated or permitted for its use who fails to leave immediately after being requested to do so. ~~or who is otherwise on notice that the park or park facility is not open to the public shall be subject to prosecution under Section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that may have been committed thereupon.~~

(~~d~~c) Nothing in this section shall be construed to prohibit the use of sidewalks, roadways, parkways, trails, streets, or esplanades for vehicular or pedestrian traffic outside of designated park hours unless ~~they have been designated and posted by the director in compliance with~~ such use is prohibited pursuant to section ~~45-121~~ 26-91 of this Code. The director is authorized to ~~post~~ designate interior sidewalks, roadways, parkways, trails, streets and esplanades that are dedicated for park use and ~~which~~ serve park areas only.

~~(e) Nothing in this section shall be construed to require that members of the public found inside such fenced or enclosed areas during the hours they are closed to the public must be requested to leave before being subject to prosecution under Section 30.05 of the Texas Penal Code.~~

Secs. 32-42--32-~~60~~58. Reserved.

ARTICLE III. ~~PUBLIC GATHERINGS~~ PARK EVENTS

Sec. 32-59. Park use permit required.

(a) Park use permits are required for certain activities so that parks personnel can limit or eliminate activities that would tend to damage the park or are likely to create an atmosphere that would discourage use of the park for its intended purpose or, if not limited via regulatory controls or eliminated, would allow one person or group to monopolize any portion of a park, park road, or other park property to the exclusion of others. Pursuant to section 32-5 of this Code, the director shall identify and may from time to time amend the designation of any portion of a park, park road, or park property wherein any conduct authorized by this article or other proposed use inconsistent with the use of the park, park road, or park property for its intended purposes is strictly prohibited.

(b) Notwithstanding the regulatory provisions of this article and other applicable provisions of this Code incorporated by reference herein, nothing in this article shall be construed to prevent members of the public from assembling in parks for the purpose of engaging in lawful activities without holding a permit pursuant to the terms of this article.

Sec. 32-60. Definitions.

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

Park event means:

(1) Any group activity or organized event involving more than 30 people, including but not limited to picnics, parties, family, church, community or school events, or other similar activities; or

(2) Any group activity or organized event involving fewer than 30 people that involves the reservation or temporary exclusive use of a designated areas of a park, park road, or other park property.

Permittee means a person in receipt of a park use permit.

Park use permit means written authorization from the director for the use of a park, park road, or other park property to conduct a park event.

Sec. 32-61. ~~Public gatherings~~ Park event—park use permit ~~areas~~ required.

(a) ~~No permit~~ Except as otherwise specifically authorized in this Code, it shall be ~~required to use~~ unlawful for any person to conduct a park event without first having secured a park use permit.

(b) Notwithstanding any other provision of this article, any request to conduct a park event that is of a size and nature requiring the significant provision or coordination of city services shall require a special event permit pursuant to chapter 25 of this Code. ~~the parks or to hold any public meeting or gathering except in the following designated areas of the parks:~~

~~(1) Any building or facility for which a rental fee is imposed by the city pursuant to section 32-69 of this Code;~~

~~(2) Any baseball field, basketball court, tennis court, swimming pool, golf course, or other area specifically designated and equipped for sporting or recreational events, whether a rental fee is imposed pursuant to section 32-69 of this Code therefor or not;~~

~~(3) The Houston Zoo;~~

~~(4) The Houston Arboretum;~~

~~(5) Any other improved and specially maintained area so designated by a rule or regulation~~

(c) The provisions of this article shall be cumulative of all applicable rules and regulations promulgated pursuant to section 32-5 of this Code.

Sec. 32-62. Park event areas.

~~(b)~~ (a) In each park, the ~~The~~ director shall maintain ~~in each of the parks~~ a map or general description of ~~the areas designated in or pursuant to subsection (a) of this section as~~ each area in that park~~. A complete list~~ designated for park event use. Complete lists of

the parks with designated areas shown thereon shall be maintained in the offices of the director and the city secretary. The use of any other portion of a park, park road or other park property for a park event is strictly prohibited unless expressly authorized in writing by the director.

(~~c~~b) Use of the ~~areas~~ designated ~~in or pursuant to subsection (a) of this section~~ areas for park events shall be on a first-come, first-served basis, unless a permit for a specific area has been issued. The director shall cause all completed written applications received pursuant to section 32-63 of this Code to be immediately time stamped upon their actual receipt by his office. The first in time shall be the first in right, provided that if two or more conflicting applications are received simultaneously, then the precedence shall be determined by an impartial means of chance.

~~Sec. 32-62. Permit required.~~

~~It shall be unlawful for any person to hold any public meeting or gathering in any of the areas designed in or pursuant to section 32-61 of this Code, without first having secured written permission therefor from the director.~~

Sec. 32-63. Application for park use permit.

~~Any person desiring the permission required in section 32-62 of this Code~~ An applicant for a park use permit shall make written application to the director setting forth the following information:

(1) The date of application;

(2) The ~~designated~~ proposed area desired to be used to conduct the park event;

(3) The date and time period for use of the ~~designated~~ proposed area;

(4) The name, address and phone number of the applicant;

(5) The name of the person reserving ~~facility~~ the park, park road, or other park property;

(6) The estimated attendance;

(7) The type or purpose of the function;

(8) The type of sound system or amplified sound equipment to be used, if any;

(9) The special effects or features to be utilized, if any; for example, hot air balloons, gun salutes (blanks only), fireworks, bands, moonwalks, petting zoos, or portable stages;

(10) Whether the function sponsored is for profit or nonprofit;

~~(11) Whether the person will clean up and remove any litter or debris generated by its use; and~~

~~(12)~~(11) Whether goods will be sold or fees charged; and

(12) Any other information required by the director.

Sec. 32-64. ~~Reasons for permit~~ Review; issuance; denial of park use permit.

~~Upon receiving such written application the director must grant permission to use the designated area unless:~~

The director shall review each application to ensure the proposed park event complies with all applicable provisions of this chapter. Upon reviewing the application, the director shall:

(~~a~~1) Issue a park use permit if the applicant has satisfied all applicable requirements of this chapter; or

(~~b~~2) Deny the issuance of the park use permit if:

~~(1)~~a. The proposed designated area has been previously reserved;

~~(2)~~b. The proposed designated area is not one in which park events are authorized pursuant to subsection (a) of section 32-62 of this Code.

~~(3)~~c. The applicant refuses to pay any applicable fees imposed by the city pursuant to section 32-69 of this Code;

~~(3)~~d. The applicant refuses to obtain a concession consent pursuant to section 32-8 of this Code, if applicable;

~~(4)~~e. The size ~~and~~, nature, or duration of the ~~meeting~~ proposed park event is inappropriate for the proposed designated area ~~requested~~ or will substantially interrupt the safe and orderly movement of traffic, or police, fire or ambulance emergency equipment on streets adjacent to, running through or around the park; ~~or~~

~~(5)~~f. The proposed ~~function~~ park event would be disruptive to or incompatible with~~,~~ or cause an adverse effect on the use and enjoyment of the designated area by others;

g. The proposed designated area is not suitable because of landscaping, planting or other environmental conditions reasonably likely to be harmed or damaged by the proposed event;

h. The proposed designated area is not suitable because it is a specialized area designated for a particular use (i.e. the zoo, a swimming pool, or golf course);

i. The application contains a material falsehood or misrepresentation;

j. The proposed park event is of a size and nature requiring the applicant to obtain a special event permit;

k. The proposed park event consists of conduct prohibited by law;

l. The applicant refuses to comply with conditions imposed by the director to ensure that public property is not damaged and the comfort, convenience, safety, and welfare of the public is not disturbed; or

m. The applicant fails or refuses to comply with any other applicable law or directive of the director.

Sec. 32-65. Procedure ~~of director~~ upon denial of park use permit ~~denial~~.

If the director denies the issuance of a park use permit, ~~then~~ the director ~~must~~ shall notify the applicant of the denial ~~and~~, the reason~~s~~ therefor, and the applicant's right to appeal pursuant to section 32-67 of this Code, by letter mailed to the applicant ~~within three days of the date of the receipt of the application (exclusive of Saturdays, Sundays and city-observed holidays). Such letter shall be addressed to the applicant~~ at the applicant's address stated on the park use permit application or by electronic mail at an email address provided by the applicant. ~~If the director fails to mail such a letter within such three-day period, such failure shall be deemed a granting of permission to use the designated area as requested.~~ If the denial is based upon ~~paragraphs~~ subitems ~~(2)~~b, ~~(4)~~d, ~~or (5)~~ e, f, g, or h of item (2) of section 32-64 of this Code, the director shall advise the applicant of alternative designated areas, if any, capable of ~~handling a meeting of the requested size and nature~~ accommodating the proposed park event.

Sec. 32-66. ~~Meetings where~~ Park use permit contingent upon approved traffic or security precautions ~~necessary~~.

If the director, after consulting with the police chief, determines ~~that~~ the ~~conduct of the meeting~~ proposed park event may reasonably be expected to result in ~~cause severe~~ injury to persons or property, or create a riot or disturbance detrimental to the health, safety and welfare of the public, ~~he may~~ the director shall require ~~that additional~~ traffic or security precautions be taken to permit the use of the authorized designated area. In such ~~event~~ case, the director may ~~grant~~ issue the ~~permission~~ park use permit upon condition that the applicant must submit a written ~~proposal for~~ traffic or security proposal and obtain the director's approval thereof prior to the ~~public gathering. Such~~ proposed park event. The director shall not consider the content of expression or overall subject matter of the proposed park event in determining whether the provision of any traffic or security proposal shall be required. The traffic or security proposal shall be subject to review, approval and

appeal in the same manner as a park use permit application under this article ~~provided that the director shall have two days in lieu of three days in which to approve or deny the proposal~~.

Sec. 32-67. ~~Procedure~~ Appeal of ~~city council upon~~ denial or revocation of park use permit ~~denial~~.

(a) The decision of the director is final unless appealed under this section. A park use permit applicant may appeal the denial or revocation of a park use permit by filing a written request for a hearing with the director within ten business days of the date of receipt of the denial. A hearing shall be conducted within ten business days of the receipt of such request before a hearing officer appointed by the director.

(b) In each proceeding before the hearing officer, the burden shall be upon the park use permit applicant to demonstrate that he has satisfied all requisites of this article, including all rules and regulations promulgated by the director regarding the issuance of park use permits, and is therefore in good standing to receive the requested park use permit. Any such hearing shall be conducted under rules established by the director consistent with the nature of the proceedings. The hearing officer shall render a written decision on the matter within five business days after the date of the hearing and immediately provide a copy of the decision to the park use permit applicant. The decision shall be final and shall exhaust the park use permit applicant's administrative remedies.

(c) If the time requirements set forth in this section appear inadequate to resolve the appeal prior to the proposed date of park event, the burden shall be upon the park use permit applicant to expedite any filings required and to request that the hearing officer conduct the hearing and render a written decision in a timely manner. The park use permit applicant's request for an expedited hearing shall be granted, and the hearing officer's written decision shall be issued in a timely manner if reasonable under the circumstances.

~~In the event the director shall deny any applicant permission to use a designated area, the director will immediately advise the city secretary of such denial. The city secretary shall place the director's denial of permission to use a designated area on the next city council meeting agenda. The applicant may appear at such next city council meeting to appeal the director's denial or the applicant may withdraw the appeal. The city council shall within seven days of the director's denial render a decision upon the appeal and such action as the city council may take thereon shall be final and conclusive. If the city council fails to render a decision within seven days of the director's refusal, the permit to use the designated area will be deemed granted.~~

Sec. 32-67.1. Duties of permittee.

(a) It shall be the duty of every permittee to:

(1) Obey all laws and terms and conditions of the park use permit;

(2) Clean the area used at the conclusion of the park event and restore the area and property used to the same condition as existed prior to the park event; and

(3) Reimburse the department for any expenses incurred, including the cost of labor, to clean, restore, and make any necessary repairs to park property and equipment damaged during the park event.

(b) The director may impose a cleaning or security deposit in an amount sufficient to cover the costs, including staff time, of cleaning, restoring, and repairing park property in the event park property is damaged during the park event.

(c) This provision shall be cumulative of any rules and regulations the department already has in place.

Sec. 32-68. Transfers, refunds.

The director, subject to the approval of the mayor and city council, may establish rules and regulations pursuant to section 32-5 of this Code relating to refunds. No refund shall be made except as authorized pursuant thereto. Permits may not be assigned or transferred under any circumstances.

Sec. 32-69. Park user fees.

(a) Fees and charges for park concessions, rentals, vending licenses and permits, park use permits, admissions, golf and tennis, as well as athletics and recreation classes sponsored by department (collectively denoted "park user fees") shall be established by the city council. The schedule of fees approved under this provision shall be included in the city fee schedule. A copy of the schedule of park user fees shall be maintained for public inspection both in the office of the city secretary and the office of the director.

(b) It shall be the responsibility of the director to submit to the city council, as appropriate, revisions to the schedule of park user fees. The city council may act upon any such submittal by motion.

(c) In the event a participation or admission fee is charged by any person for any activity using park grounds or facilities, then the user fee applicable thereto shall be the park user fee established by city council, if any, plus ~~ten percent~~ the current percentage approved by the mayor and city council of the gross revenue ~~approved by the mayor and city council~~ derived from participation and admission fees~~, plus the park user fee established by the city council, if any~~. The director shall require the use of consecutively numbered admission tickets, recording cash registers or other reasonable methods to ensure accurate accounting of receipts and revenues derived from such activities.

(d) Park facilities shall ~~may, if available,~~ be made available for use ~~used~~ as election day polling places in accordance with the applicable provisions of Subchapter B, Chapter 43 of the Texas Election Code~~ by political subdivisions of the state. In lieu of the applicable fee established by the city council, the user shall reimburse the city for the cost of providing~~

~~department staff for duty during the time that the park facility is used. Cost will be calculated based on the actual staff salary cost excluding employee fringe benefits~~.

(e) The director, by regulation, shall establish uniform procedures relating to reservations, deposits and the manner for paying park user fees.

(f) The director may waive park user fees for any city-sponsored or cosponsored function or event. For purposes of this subsection, the director is authorized to declare city sponsorship.

Sec. 32-70. Voluntary contributions.

In the event ~~V~~voluntary contributions ~~may be~~ are given to or received by a permittee ~~taken up~~ in connection with any use of the parks facilities ~~mentioned in section 32-69 of this Code~~ or other function~~s~~ conducted within the parks, the fees in section 32-69(c) shall be applicable, whether or not the contributions ~~whether conducted or sponsored by the city or not, without accounting or payment therefor to the city, provided such contributions~~ are wholly voluntary, ~~and are not imposed, solicited or~~ requested as a condition of admission to or participation in the function conducted, or for the provision of any goods or services.

Secs. 32-71--32-85. Reserved.

ARTICLE IV. MUNICIPAL GOLF COURSES

Sec. 32-86. Supervision.

The city's municipal golf courses shall be under the direction and supervision of the director, who shall have and exercise jurisdiction and control over the grounds and properties of such golf courses.

Sec. 32-87. Maintenance.

The director shall be charged with the duty of maintaining and keeping in good repair all of the grounds of the city's golf courses.

Secs. 32-88--32-~~90~~115. Reserved.

~~**Sec. 32-91. Reserved.**~~

~~**Secs. 32-92--32-94. Reserved.**~~

~~**Secs. 32-95--32-115. Reserved.**~~

ARTICLE V. RESERVED ~~HOUSTON GARDEN CENTER~~

~~DIVISION 1. GENERALLY~~

~~Sec. 32-116. Definitions.~~

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

~~*Agreement* means the Hermann Park Development Agreement between the City of Houston, Texas, and the Friends of Hermann Park, including attachments, as amended from time to time in accordance with the provisions thereof.~~

~~*Board* or *advisory board* means the Houston Garden Center Advisory Board created by this article.~~

~~*Hermann Park Conservancy* means the Texas non-profit corporation, formerly known as Friends of Hermann Park.~~

~~*Master plan* means the draft plan for projects developed for Hermann Park public improvements as of the counter-signature date of the agreement as defined in this section, and any subsequent drafts approved by city council.~~

~~Sec. 32-117. Created and described; permitted use of building, etc.~~

~~(a) There is hereby created or recreated and again established an institution known and to be known as the Houston Garden Center, which is located on the five-acre tract of land (together with all improvements thereupon) in the city's Hermann Park and being the same tract of land upon which there was built, about 1942, the building which has since been known and is now known as the Garden Center Building, No. 1500 Hermann Drive, which building is subject to all of the terms of this article.~~

~~(b) The Garden Center Building is by virtue of its design and surroundings primarily suitable for use of all garden clubs and of all garden club groups in the city having for their purpose the fostering and promotion of programs for the development of garden club movements and community beautification, including educational programs related thereto, and for use by such groups as a place of meeting and assembly, provided, that such building may be rented for any lawful use pursuant to article III of this chapter. Such building has at all times been, is, and shall be a public building of the city and a facility and building of Hermann Park and, if approved by the director or his designee, may be used for any purpose that supports Hermann Park including, but not limited to, gardening, horticulture, and educational events.~~

Sec. 32-118. Management and control.

The garden center building, with its grounds appurtenant thereto, shall be under the direct responsibility, management and control of the director to the same extent and effect as other public buildings located in the city parks.

Secs. 32-119--32-125. Reserved.

DIVISION 2. ADVISORY BOARD

Sec. 32-126. Created; composition; appointment of members.

There is hereby created a sixteen-member advisory board to be known as the Houston Garden Center Advisory Board. The members in positions one through fourteen shall be appointed by the mayor and confirmed by the city council. The director of parks and recreation shall serve, ex officio, as the position fifteen member and shall be a voting member. The executive director for the Hermann Park Conservancy shall serve, ex officio, as the position sixteen member and shall be a non-voting member.

Sec. 32-127. Qualifications and terms of members; filling of vacancies.

The appointed members of the board shall be persons who are active and interested in garden club work. The members in positions one through eight shall be residents of the city. The members in positions nine through fourteen may, but need not, be residents of the city. Appointed members shall serve for terms of three years each, with terms expiring on the last day of June, except in the event of death, resignation, removal or vacancy, and shall serve until their respective successors are duly appointed and confirmed. In the event of death, resignation, or removal from office of any member, a successor shall be appointed and qualified to serve the remaining unexpired portion of the term of office of the vacant position.

Sec. 32-128. Compensation of members.

The appointed members of the board shall receive no compensation for their services and the director, as a member of the board, shall receive no additional compensation for his services as such. This shall not prohibit the reimbursing of any member for actual and reasonable traveling and living expenses incurred in any trip or in any other matter undertaken by authority of the mayor and city council.

Sec. 32-129. Removal of members.

Upon it being made to appear to the mayor by certification by the president of the board or by the director, or otherwise, that any member in positions one through eight of the board has ceased to be a resident of the city or that any appointed board member has, without good and sufficient reason therefor, failed to attend four consecutive regular meetings of the board or has become otherwise incapable or unfit to serve as a member of the board, the mayor shall find and declare such fact. The mayor's declaration shall be final and conclusive, subject only to review by the city council, upon petition filed with the city

~~secretary by the affected member within ten days from the date that the mayor issues the declaration.~~

~~Sec. 32-130. Officers.~~

~~The board shall elect a president, a vice-president and a secretary from among its appointed members to serve for such terms and under such conditions as the board shall fix.~~

~~Sec. 32-131. General powers and duties.~~

~~(a) The board shall advise the director, and may from time to time make recommendations to the mayor or to the city council in any and all matters related to the operation and use of the Houston Garden Center and the general supervision, care, maintenance and upkeep of the building and grounds and of the equipment, furnishings, and other physical properties at the garden center.~~

~~(b) The board shall make recommendations to the Hermann Park Conservancy Board of Directors in any and all matters related to development of the Houston Garden Center and its surroundings. The advice and recommendations of the board shall be consistent with the agreement and master plan, as defined in this article.~~

~~(c) The board may so advise as to the adoption of rules and regulations pursuant to section 32-5 of this Code relating to the Houston Garden Center.~~

~~(d) The duties and powers of the board shall be advisory only. The board shall have no power to make any contract, lease, or other agreement for the use of the Houston Garden Center or to employ any person to be an employee of or to be paid by the city or to incur any debt or liability whatsoever on behalf of the city.~~

~~Sec. 32-132. Adoption of rules.~~

~~The board shall adopt such rules covering meetings of the board and other matters related to its organization and functions as it deems proper.~~

~~Sec. 32-133. Annual report.~~

~~The board shall make an annual report to the mayor and city council on or before March first of each calendar year covering its activities and the use of the garden center building during the preceding calendar year, in such detail and in such form as the board may deem proper. There may be included in such report such recommendations related to the garden center and its use as may be deemed appropriate.~~

Secs. 32-<u>116</u>~~134~~--32-145. Reserved.

ARTICLE VI. THE HOUSTON ZOO

Sec. 32-146. Established.

There is hereby established a permanent and official name for the fenced off area located in Hermann Park, such area having been re-established by Ordinance No. 2002-574, passed June 26, 2002, and used as a public zoo. ~~which fence surrounds the area used as a public zoo; which is bounded on the north by Herman Park Lane and Zoo Circle Drive extending between Outerbelt Drive and Golf Course Drive, bounded on the east by Golf Course Drive extending between the intersection with Outerbelt Drive and Zoo Circle Drive, and bounded on the west by Outerbelt Drive extending between the intersection of Zoo Circle Drive and Golf Course Drive, the names and locations of the above mentioned streets having been established by Ordinance No. 65-1877, passed September 29, 1965; and such described zoo area being contained within the following surveys: Joseph Gamble Survey, Abstract 309; G.P. Foster Survey, Abstract 273; D.W.C. Harris Survey, Abstract 325, and Pleasant W. Rose Survey, Abstract 645.~~ The~~is~~ aforementioned ~~aforedescribed~~ public zoo area shall be ~~hereinafter~~ known as The Houston Zoo.

Sec. 32-147. Official address.

The official Houston Z~~z~~oo address for all purposes shall be ~~1 Zoo Circle~~ 6200 Hermann Park Drive, Houston, Texas 77030.

Sec. 32-148. Operation of zoo.

The Houston Zoo shall be under the direction and management of a non-profit corporation as provided by contract from time to time.

Sec. 32-149. Reserved.

Sec. 32-150. Hours of operation.

The organization contracted to manage the Houston Zoo shall have the right to establish the days, times and conditions for the operation of the Houston Zoo.

Sec. 32-151. Entry onto zoo grounds at unauthorized time.

It shall be unlawful for any person to enter onto or upon the zoo grounds, for any purpose, at any time other than during those times during which the zoo is open to the public as designated in section 32-150 of this Code. This section shall not apply to properly authorized zoo personnel.

Sec. 32-152. Bringing animals onto zoo grounds.

It shall be unlawful for any person to bring any animal onto or upon the zoo grounds without permission from the zoo manager.

Sec. 32-153. Throwing, etc., items into animal confinement or keeping areas.

It shall be unlawful for any person to throw, roll, shove, push or in any other way cause the entrance into an area of animal confinement or keeping, of any stone, ball, or other physical object; provided however, that this provision shall be inapplicable to the foodstuffs specifically authorized in section 32-155 of this Code. This section shall not apply to authorized zoo personnel.

Sec. 32-154. Entering animal confinement areas.

It shall be unlawful for any person to enter any area wherein an animal or animals are being confined or restrained; provided however, this section shall not apply to the authorized contact areas within the children's zoo at such times when the said children's zoo is open to the public.

Sec. 32-155. Feeding animals.

Except in designated areas overseen by zoo staff and set aside for feeding animals with foodstuffs sold by the zoo, ~~I~~it shall be unlawful for any person to feed any animal, or place any object within an animal confinement or place of keeping or otherwise induce or permit any animal to ingest any food or object., ~~when a sign in or about the animal confinement area or place of keeping, prohibits feeding. Where there exists no sign or marking prohibiting the feeding of animals, it shall be unlawful for any person to feed such animals anything other than peanuts, popcorn or bread; or foodstuffs sold by the zoo concessionaire which are labeled specifically for the purpose of feeding the animals.~~

Sec. 32-156. ~~Park police~~ Police department.

The ~~park~~ police ~~of the~~ department shall have jurisdiction and authority to patrol upon the zoo grounds and enforce all ordinances pertaining to the zoo.

Secs. 32-157--32-170. Reserved.

ARTICLE VII. RESERVED ~~MUNICIPAL TENNIS CENTERS~~

~~**Sec. 32-171. Supervision.**~~

~~The city's municipal tennis centers shall be under the direction and supervision of the director, who shall have and exercise jurisdiction and control over the grounds and property of such tennis centers.~~

~~**Sec. 32-172. Maintenance.**~~

~~The director shall be charged with the duty of maintaining and keeping in good repair all of the grounds of the city's tennis centers.~~

~~**Secs. 32-173--32-175. Reserved.**~~

~~**32-176. Reserved.**~~

~~**Secs. 32-177, 32-178. Reserved.**~~

Secs. 32-171~~179~~--32-200. Reserved.

ARTICLE VIII. HOUSTON PARKS BOARD LGC, INC.

Sec. 32-201. Creation; composition; appointment of members.

There is hereby created the Houston Parks Board LGC, Inc., a local government corporation of the City of Houston, hereinafter called "the parks board," which shall consist of 20 members~~,~~ who shall be appointed by the mayor, subject to confirmation by the city council. The director shall serve as a non-voting, ex-officio member of the parks board.

Sec. 32-202. Positions, term of members.

The members of the parks board shall be appointed to specific positions. The terms of office are as follows:

(1) The terms of office for Positions 1, 2, 3, 10, 13, 16, and 19 shall expire on January 1, 2007, and on the same date in each third successive year thereafter.

(2) The terms of office for Positions 4, 5, 6, 11, 14, 17, and 20 shall expire on January 1, 2006, and on the same date in each third ~~year~~ successive year thereafter.

(3) The terms of office for Positions 7, 8, 9, 12, 15, and 18 shall expire on January 1, 2005, and on the same date in each third ~~year~~ successive year thereafter.

(4) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and confirmed.

Sec. 32-203. Assistance by certain city departments.

The directors of the departments of planning and development, finance, administration and regulatory affairs, public works and engineering, general services, and parks and recreation and their staffs shall provide requested assistance to the parks board. The city attorney and his staff shall provide legal services and representation to the parks board.

Sec. 32-204. Compensation of members; conflicts of interest.

Members of the parks board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member

of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered ~~which~~ that have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest, and officers and members of the board shall not participate in any activity of the corporation in which they have or may have a conflict of interest.

Sec. 32-205. Organization.

The parks board shall organize by electing from their membership a chairman, a vice-chairman, a president, a vice president, a secretary, and a treasurer, each of whom shall hold office for one year~~,~~ or until ~~their~~ a successor shall have been elected and qualified. In addition, the board may appoint one of its employees to act as an executive director and may appoint one of its employees to act as an assistant secretary. The board may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this article.

Sec. 32-206. Purposes.

The purposes of the parks board shall be to:

(1) Solicit funds, gifts, and bequests for park acquisitions, additions and improvements in the city.

(2) Review and make advisory recommendations to the mayor and city council on proposed park acquisitions, additions and improvements to be paid for within city funds.

(3) Review and make advisory recommendations on parks department matters submitted to it by the director or mayor and city council.

(4) Manage and invest and ~~to~~ oversee the management and investment of solicited funds, gifts, and bequests donated for park purposes, including, but not limited to, the purchase or sale of real and personal property and of investments in bonds, notes, common stocks and securities of any kind whatsoever.

(5) Formulate and submit to the mayor and city council proposals for acquisitions, additions and improvements to parks from funds and assets held by the board or for its benefit in trust accounts, or invested by the board.

(6) Convey land to the city for park purposes upon conditions acceptable to the city.

(7) Lease land and improvements, and related fixtures, equipment, facilities and amenities, to or from the city for a term of years for park purposes upon conditions acceptable to the city.

(8) Acquire lands for new public parks and open spaces~~,~~ and ~~to~~ develop, improve and install new and existing public parks~~,~~ and open spaces and related fixtures, equipment, facilities and amenities within the city limits of the city and its extraterritorial jurisdiction.

(9) Perform any duties authorized by the certificate of formation or by-laws of the parks board as approved by city council.

Sec. 32-207. Additional powers.

(a) The parks board may cooperate with any trust created for a purpose similar to that of the board as set out in ~~paragraph~~ item (1) of section 32-206 of this Code. In addition, the board may contract for financial management and investment services and may pay the reasonable fees therefor from solicited funds, gifts, bequests and income therefrom, provided, the board shall exclude therefrom any solicited funds, gifts or bequests when payment of a financial management and investment service fee would be contrary to the provisions of the grant.

(b) The board may exercise its sole discretion in the application for park purposes of funds received from any trust created specifically for the benefit of the parks board when such trust specifically grants such sole authority to the board and from funds donated directly to the parks board, provided~~,~~ construction of public improvements on city-owned property shall be in compliance with the competitive bid laws of the state applicable to local government corporations.

(c) When using donated funds described in subsection (b) the parks board may negotiate the purchase of items for city parks, but any such item ~~which~~ that might otherwise become a fixture or part of the realty~~,~~ shall be deemed to remain personalty and subject to removal at the discretion of the city council. The parks board shall have no authority to take any action ~~which~~ that will create a lien on city-owned land. Park land, no matter how modified under this provision, shall remain subject to the discretion of the city council in directing another or different park use~~,~~ or in authorizing the construction of a permanent park improvement. The following list is illustrative of the types of items that the parks board may purchase, subject to the approval ~~by~~ of the director:

(1) Playground equipment.

(2) Trees.

(3) Landscaping.

(4) Water meters and sprinkler systems.

(5) Shuffleboard courts.

(6) Playpads.

(7) Benches.

(8) Water fountains.

(9) Picnic benches.

(10) Hike and bike trails.

(11) Exer-trail with equipment.

(12) Fencing.

(13) Sidewalks.

(14) Sculptures ~~(after Houston Arts Alliance approval)~~.

(15) Fountains.

(16) Equipment used in recreational programs.

(17) Flower clock.

(18) Flag pole.

(19) Gazebo.

(d) Subject to the approval of the director, the board may seek removal of any trustee of a trust established to benefit the parks of the city~~,~~ by instituting appropriate action in the district court upon at least 90 days written notice (unless waived by the trustee) to such trustee. Any removal notice must be actually received by the trustee being removed~~,~~ and must contain the appointment of a successor trustee and the acceptance of the successor trustee endorsed on it. Any successor trustee appointed to act shall be a bank with trust powers or a trust company, either state or national, located in the city, with a combined capital and surplus of at least $20,000,000.00.

(e) To more fully and efficiently carry out the purposes of the parks board, the city hereby grants the parks board a general right of entry on the city's public parks, open spaces and other lands of the city, subject to the prior approval by the director of the projects, and the design and construction thereof, for which such right of entry may be exercised, which right of entry is revocable by the director in the event actions taken under the right of entry are inconsistent with the limits of the approval, if any.

(f) To more fully and efficiently carry out the purposes of the parks board, the city hereby grants the parks board some of the same powers and functions as a park board of trustees established under Chapter 306 of the Texas Local Government Code, as follows:

(1) Acquiring by gift, devise, or purchase, or improving or enlarging:

a. Land and buildings to be used for public parks, playgrounds, or historical museums; and

b. Land on which are located:

[1] Historic buildings~~,~~ or sites, or landmarks of statewide historical significance associated with historic events or personalities;

[2] Prehistoric ruins, burial grounds, or archaeological~~,~~ or paleontological sites; and

[3] Sites including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical buildings, markers, monuments, or other historical features.

c. Land described by the foregoing subitems a and b of this item (1) may be located inside or outside the boundaries of the city, but must be located inside the limits of the counties in which the city is located;

(2) Accepting and receiving from any person or entity, and having authority to expend, gifts of money or other things of value for the purpose of performing any function or authority conferred on the board by this chapter;

(3) Accepting and receiving from the city, and having authority to expend, funds appropriated by the city for the purpose of improving, equipping, and promoting recreational and other facilities under the board's development;

(4) Advertising the city's recreational advantages for the purpose of attracting visitors, tourists, residents, and other users of the public facilities developed by the board; ~~and~~

(5) Entering into a contract, lease, or other agreement connected with, incident to, or in any manner affecting the financing, construction, equipping, or promoting of facilities under its development. The board may execute and perform its powers and functions on land leased from others, subject to the approval of the director~~.~~; and

(6) Carrying out such other lawful purposes as the parks board may deem necessary or appropriate in connection with the foregoing powers and functions to the extent consistent with directions of the director.

(g) The parks board, as a local government corporation, shall have the power to enter into long-term contracts with the city, within the authority of the city, and other entities as relevant, for any length of term it deems necessary or appropriate to more fully and efficiently carry out the purposes of the parks board.

Sec. 32-208. Financial records.

The financial books and records of the parks board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by

independent certified public accountants employed by the city. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the parks board~~,~~ shall be open to inspection and audit.

Sec. 32-209. Annual financial report.

The parks board shall make an annual financial report to the city council.

Sec. 32-210. Fidelity bond.

Each parks board member shall furnish to the city a fidelity bond in the amount of $10,000.00, provided~~,~~ the premium therefor shall be paid by the city, and provided further this requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees by amendment thereto so as to authorize inclusion of the board members.

Sec. 32-211. Meetings.

~~Regular parks board meetings shall be held monthly.~~ The parks board shall hold regular meetings as established by the board's bylaws. In addition, special meetings may be held in accordance with such rules as the board may provide. A quorum of the directors of the board shall consist of such number of members, being not less than a majority thereof, as may be specified in the corporate bylaws of the board.

Sec. 32-212. Removal of members.

In addition to the removal provisions of the certificate of formation and the by-laws approved by city council, parks board members may be removed by the ~~city council~~ mayor for the following causes:

(1) Four consecutive absences from regular monthly meetings of the park board.

(2) Failure to abstain in any vote~~s~~ or activity~~ies~~ of the parks board, where a direct or indirect conflicts of interest ~~are,~~ is or may be involved.

(3) Failure to obtain or keep in force a fidelity bond.

(4) For conduct, whether or not resulting in a conviction, ~~which~~ that impairs the ability of the member to carry out his parks board duties.

Sec. 32-213. Certificate of formation.

The city council hereby approves the form and substance of the proposed certificate of formation of the Houston Parks Board LGC, Inc. to be incorporated under the Texas Nonprofit Corporation Act. A copy of said certificate of formation is on file in the office of the city secretary. In the event of the dissolution of this corporation, the city shall succeed to the funds and assets of the corporation except to the extent that this may conflict with the conditions of a particular donation to the corporation.

Secs. 32-214--32-220. Reserved.

ARTICLE IX. PARK FOOD VENDORS

DIVISION 1. GENERALLY

Sec. 32-221. Purpose.

The purpose of this article is to establish procedures and standards by which persons may be ~~licensed~~ permitted to sell food from park food service establishments, ~~mobile food units~~ within certain city parks.

Sec. 32-222. Definitions.

As used in this article, the following terms and phrases shall have the following meanings:

Application means that form generally described in section 32-225 of this Code.

Central business district means the area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street and Heiner Street as projected and extended to Sabine Street. Parks abutting and fronting on the sections of streets which form the boundary of the area are included in the area.

Concession stand means a park food service establishment that operates in a fixed location and may include the use of any existing building or structure or the use of any temporary structure provided by the operator.

~~*Fall/winter season* means the time period beginning on October 1 of each calendar year and ending on March 31 of the next calendar year.~~

Food ~~is defined~~ has the meaning ascribed in section 20-18~~(13)~~ of this Code.

Food service establishment has the meaning set forth in section 20-18 of this Code.

Food truck means a food service establishment that is mounted on wheels, designed to be readily movable, and propelled by a motor.

~~*License* means a license granted under authority of this article.~~

Mobile food unit means a park food service establishment~~,~~ that is mounted on wheels, designed to be readily movable, and propelled solely by human power. A food truck shall not be considered a *mobile food unit*.

Packaged ~~is defined~~ has the meaning set forth in section 20-18~~(24)~~ of this Code.

Park or *parks* ~~is defined~~ has the meaning set forth in section 32-1~~(3)~~ of this Code.

Park food service establishment means a food service establishment operating within a park.

Permit means a permit granted under the authority of this article.

Roadway means that portion of a public street which is improved, designed, or ordinarily used for vehicular travel, exclusive of the curb, berm, esplanade, or shoulder. In the event that a public street includes two or more separate roadways, roadway means each such roadway separately.

Sidewalk means that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

~~*Spring/summer vending season* means the time period beginning on April 1 of each calendar year and ending on September 30 of the same calendar year.~~

~~*Unit* means a mobile food unit.~~

Vendor means a person ~~or entity which~~ who has been granted a ~~license~~ permit under this article~~,~~ and shall include that person's ~~or entity's~~ officers and employees.

Sec. 32-223. ~~Prohibited activity.~~ Permits required for park food service establishments.

(a) The director is authorized to issue permits for the operation of park food service establishments within parks.

~~(a)~~(b) It shall be unlawful for any person to erect, operate or maintain a ~~unit~~ park food service establishment in a park without first obtaining a ~~license~~ permit.

~~(b)~~(c) It is an affirmative defense to prosecution under this section that the person is maintaining or operating the ~~unit~~ park food service establishment under the authority of a concession contract approved by city council.

Sec. 32-224. Reserved. ~~Procedure for issuance of license.~~

~~The director as authorized to issue new licenses each vending season. The licensing procedure shall be as follows:~~

~~(a) In February and August of each year, the director shall publish a request for applications designating the city parks and the areas of those parks available for vending for the following vending season, the food that will be allowed to be sold in each area of each such park, and the number of potential vendors who will be allowed in each such park and soliciting applications from interested parties.~~

~~(b) Upon this designation and prior to March 1 and September 1 of each year, the director shall delineate the area of each of the parks which will be open and available for food vending purposes for the following vending season. Each such area shall be given a number and only one vendor per area will be licensed.~~

Sec. 32-225. Applications.

~~Between March 1 and March 15 and September 1 and September 15 of each year, the director will accept applications for the following vending season. Each interested person must file, at the office of the director, an application on forms prescribed by the director and must pay the nonrefundable filing fee established by city council. A separate application and filing fee will be required for each park area.~~ As a part of the application and proposal the applicant shall provide:

~~(a) The name, home and business (street) addresses and phone number of the applicant and the name, home and business (street) addresses of the owner of the food vending business and the unit to be used in such business, if other than the applicant;~~

~~(b) A description of the applicant if other than a natural person, including its legal status (i.e., corporation, partnership, etc.), and a general description of the type(s) of business the applicant operates;~~

~~(c) The name and street address (and mailing address, if different) of the registered agent for the service of process, if the applicant represents a corporation; or the names and street addresses (and mailing addresses, if different) of the officers or partners, if the applicant represents an association, partnership or other entity;~~

(~~d~~1) The name and street address (and mailing address, if different) of the operator, manager or other person responsible for the operation or supervision of the ~~unit~~ park food service establishment;

(~~e~~2) The name under which the ~~unit~~ park food service establishment will be operated;

(~~f~~3) A letter or letters from the health officer, by which the director certifies that, under ~~C~~chapter 20 of this Code, the applicant meets the requirement for a food dealer's permit and, if applicable, the mobile food unit meets the requirements for a mobile food ~~service~~ unit medallion;

(~~g~~4) A copy ~~or copies~~ of any certificate ~~or certificates~~ of insurance required to be provided;

(~~h~~5) A general description and proposed prices of all foods to be sold and the proposed hours of operation;

~~(i) A list and description of the type of preparation and storage equipment proposed to be used;~~

~~(j) A description of the type or types of advertising proposed to be used;~~

~~(k) A photograph or graphic representation accurately depicting the unit and a general written description of the unit;~~

(~~l~~6) The park and ~~numbered~~ description of the area in that park in which the applicant desires to operate his ~~unit~~ park food service establishment;

~~(m) The number of licenses currently held and the location of each;~~

~~(n) The street address or other location selected for night storage of the unit;~~

~~(o) A notarized statement that all statements and representations made as a part of the application are true and correct; and~~

(7) A map showing the proposed location of the specific site desired;

(8) The written permission of the director for the use of the site; and

(~~p~~9) Such other documentation or information as the director may reasonably require.

Sec. 32-226. Determination of qualified applicants.

Upon receipt of each application, the director shall examine its contents and determine whether the applicant is qualified for issuance of a ~~license~~ permit based on the following factors:

(~~a~~1) The application meets the requirements of this article;

(~~b~~2) The ~~unit~~ park food service establishment is in compliance with the ~~unit~~ food service establishment specifications set out in ~~section 20-22~~ chapter 20 of this Code and with all other applicable city ordinances;

(~~c~~3) Given the particular characteristics of the park in which the ~~unit~~ park food service establishment is to be operated, and of the pedestrian and vehicular traffic in the area, the operation of the proposed ~~unit~~ park food service establishment will not interfere with pedestrian or vehicular traffic in the park or with the public's use of the park;

(~~d~~4) Operation of the ~~unit~~ park food service establishment is not expected to obstruct vehicular or pedestrian travel upon any sidewalk or public street;

(~~e~~5) The products to be sold are not expected to cause or contribute to littering in the parks nor to annoy, through noxious odors or other means, the park's patrons; and

(~~f~~6) The ~~unit~~ park food service establishment and the equipment proposed to be used will be appropriate, suitable and aesthetically pleasing in that area of the park.

Sec. 32-227. Evaluation of applications.

The vendors to be issued ~~licenses~~ permits shall be selected by a comparison of the applications submitted for each area and park. The director may request the assistance of the health officer to evaluate these applications. If more than one qualified applicant has applied for a license to serve the same area of a park, the director shall choose from among the applicants based upon the following criteria:

(~~a~~1) Ability to contribute to the availability of a variety of foods for park patrons;

(~~b~~2) Ability to address consumer preferences for particular foods in a particular park or in parks generally;

(~~c~~3) Ability to engage in park vending activities for an optimum number of hours and days per week;

(~~d~~4) Ability to successfully operate a mobile food vending business and comply with the applicable ordinances of the city governing his activities and his ~~unit~~ park food service establishment based on his ability as determined from his financial resources and history and any experience in similar types of ventures; and

(~~e~~5) Ability to provide a reasonable and competitive price structure for the food proposed to be sold.

Based upon the information set out in the applications, the director shall rate each applicant's relative ability to meet the above criteria. The applicant receiving the highest overall rating shall be the applicant selected as the vendor for that area. The director may consider applicants who were not selected but were otherwise qualified, for areas of the same or other parks for which the city received no applications.

Sec. 32-228. Term of ~~license~~ permit.

(a) A ~~license~~ permit granted under this article shall be valid for ~~only one season~~ the time and day indicated on the permit. The ~~license~~ permit shall specify the foods permitted to be sold or distributed based on recommendations from the health officer.

(b) A ~~license~~ permit granted under this article ~~is a license for~~ constitutes a temporary and interruptible authorization for the use of a park or designated portion thereof in a manner consistent with the conditions upon which the permit has been granted. It is a privilege granted by the city not a right. It is not an exclusive ~~license~~ permit and does not and shall not be construed to convey any legal or equitable interest whatsoever to any part of the park.

(c) A ~~license~~ permit is issued in the vendor's name for a particular ~~unit~~ park food service establishment and designated area of a park and cannot be assigned, sold, lent, leased, or otherwise transferred even though the ownership of the ~~unit~~ park food service establishment may change.

Sec. 32-229. Reserved.

Sec. 32-230. Indemnification of city.

The vendor must agree, as a condition of his ~~license~~ permit, to indemnify and hold harmless the city, its officers and employees against any loss, liability or damage, including expenses and costs for bodily injury and for property damage sustained by any person as a result of the vendor's operation of a ~~unit~~ park food service establishment on public property.

Sec. 32-231. ~~License~~ Permit conditions.

(a) A ~~license~~ permit shall be subject to the following conditions and may be suspended or revoked for failure to comply with any one of them:

(~~a~~1) The vendor shall maintain the ~~unit~~ park food service establishment in good repair and keep it free from material defects that may present a hazard to life or property.

(~~b~~2) The vendor shall make the ~~unit~~ park food service establishment available for an inspection by the director or his representatives at any time while the ~~unit~~ park food service establishment is on park property. No notice from the director prior to such an inspection shall be required.

~~(c) The vendor shall thoroughly clean the unit and drain and flush the liquid waste tanks each day the unit is operated.~~

(~~d~~3) The vendor must comply with all other applicable state and city rules and regulations specifically including all food or health-related ordinances of the city and all state and federal food label~~l~~ing laws. The ~~unit~~ park food service establishment itself and the vendor and all of his employees must meet applicable requirements for the operation of ~~mobile food units and~~ food establishments as set out in ~~sections~~ chapter 20~~-22 and 20-37~~ of this Code at all times.

(~~e~~4) In addition to the marking requirements of Chapter 20 of this Code, each ~~unit~~ park food service establishment shall be clearly marked with the name and phone number of the owner of the ~~unit~~ park food service establishment and the phone number of the city's department of health and human services.

(~~f~~5) The vendor shall maintain adequate lighting in and around the ~~unit~~ park food service establishment to ensure that the ~~unit~~ park food service establishment may be easily seen at night. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any property contiguous or adjacent to the park. It shall not cause illumination beyond the boundaries of the park on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the park in excess of 0.5 foot candles. The illumination of any street from the ~~unit~~ park food service establishment shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that is could be mistaken for a traffic signal.

~~(g) The vendor shall not park or stop a unit within 20 feet of an entrance or exit to any building, or a hydrant, street light, curb, crosswalk, telephone booth, driveway, mailbox, transit stop, or any other public service facility even temporarily. In addition, a vendor shall not park or stop a unit within 20 feet of another unit.~~

(~~h~~6) A vendor may not obstruct ingress or egress to any other building, roadway, or pathway~~. The vendor shall not load or unload the unit or any food items while the unit or a vehicle transporting the unit is parked on a roadway. In no case shall a unit be positioned on a sidewalk so as to occupy more than 40 percent of the width of that sidewalk. In addition, all units shall comply with clearances required from structures to utility lines as provided in a nationally recognized building code~~.

(~~i~~7) The vendor shall not install, erect or maintain any signs on park property except those permitted on the ~~unit~~ park food service establishment itself.

(~~j~~8) The vendor shall not install any permanent improvement in a park.

(~~k~~9) During hours of operation under a permit, the ~~The~~ vendor shall serve, store and display his food on or in the ~~unit~~ park food service establishment itself and shall not use, set up or attach any crate, carton, rack, table or other device to increase the selling or display capacity of his ~~unit~~ park food service establishment.

(10) Outside hours of operation under a permit, the vendor shall not store any items, including food and/or equipment, within a park facility or upon park property.

(~~l~~11) The vendor shall not leave the ~~unit~~ park food service establishment open (unlocked) and unattended. If ~~the~~ a park food service establishment is left unattended, it may be shut down and towed, if applicable. The vendor shall then be liable for all reasonable removal, towing, and storage charges.

(~~m~~12) The vendor shall not operate the ~~unit~~ park food service establishment in the park between the hours of ~~2:00 a.m. and 5:00 a.m.~~ 11:00 p.m. and 7 a.m. ~~During this time, the unit shall be removed from park property.~~ or outside hours of operation under a permit.

(~~n~~13) The vendor shall not permit any electrical or mechanical sound to emanate beyond 20 feet from the ~~unit~~ park food service establishment.

~~(o) The vendor shall operate only within his assigned area of the park. The vendor shall avoid positioning the unit so as to damage or destroy any park property and shall not allow the unit to touch, lean against or be affixed temporarily or permanently to any building, structure, tree, or shrubbery.~~

(~~p~~14) The vendor shall not operate the ~~unit~~ park food service establishment in a fashion that creates a traffic hazard or increases traffic congestion or delay.

(~~q~~15) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a vendor to temporarily move from a location, such vendor shall not operate from or remain at such location. For the purpose of this subdivision, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

(~~r~~16) The vendor shall update and supplement the information provided as a part of his application to ensure that it remains true and correct at all times.

(~~s~~17) The vendor shall have his ~~license~~ permit available ~~on the unit~~ at all times while the ~~unit~~ park food service establishment is in operation and shall present the ~~license~~ permit upon request. In addition, the vendor shall have in his possession satisfactory proof or documentation detailing the origin or source of all foods being held, stored, offered for sale, sold, distributed or given away. Those records shall be ~~stored on the unit at all times and~~ available for review upon request.

~~(t) The vendor shall operate the unit in the park at least two days each calendar week.~~

(~~u~~18) The vendor shall comply with all rules promulgated by the director and shall refrain from operating the ~~unit~~ park food service establishment during certain days or in certain areas if so requested by the director.

(~~v~~19) The vendor shall not use the ~~unit~~ park food service establishment or permit anyone else to use the ~~unit~~ park food service establishment to sell distribute or give away any foods other than those specifically approved by the director, in writing, at the time the ~~license~~ permit is issued. The vendor is not authorized to and shall not sell any non-food items without the written consent of the director.

(~~w~~20) The vendor shall maintain records of daily gross sales, purchases, and expenses of or from the ~~unit~~ park food service establishment and those records shall be available for inspection by the director upon request. ~~These records need not be available on the unit itself.~~

(~~x~~21) The vendor shall be responsible for supervising the conduct of its patrons and employees.

(~~y~~22) The vendor and his employees shall wear clean outer garments and shall refrain from smoking on park property and eating during working hours.

(~~z~~23) The vendor shall furnish good, prompt, courteous, and efficient service to its patrons. At no time shall a vendor hawk his merchandise or shout at or otherwise annoy park patrons in an effort to encourage them to purchase his merchandise.

(~~aa~~24) The vendor shall keep the area within 25 feet of the ~~unit~~ park food service establishment clean and free of litter at all times. The vendor's litter receptacle ~~on the unit~~ shall be emptied regularly in other than a public receptacle. The litter receptacle shall be kept covered with a tight fitting lid when not in continuous use.

(~~bb~~25) The vendor shall not use any park facilities including utility outlets, for operating or cleaning the ~~unit~~ park food service establishment or its appurtenances with the exception of electrical service which may be approved in advance at the option of the director. The vendor and his employees may use available restroom facilities for their personal use.

~~(cc) The vendor shall not make any structural alteration of the unit without giving 30 days' advance written notice to the city.~~

(~~dd~~26) The vendor shall provide a cash bond or a bond with the vendor as principal and a corporate bonding company licensed to do business in the state as surety in the amount of $2,500.00 to cover the costs of repair or replacement of any city property, the damage or destruction of which was caused directly or indirectly by the vendor. This bond shall be duly executed by the vendor and a corporate surety company licensed to do business in the State of Texas and shown on the most recent edition of the United States Treasury Circular 570 as having an "underwriting limitation" at least as great as the penal sum of the bond. The vendor may substitute a cash deposit or comprehensive public liability insurance for property damage in the amount

of $2,500.00. The city shall be named as an additional insured on the policy and the policy shall include a provision to the effect that the city will be notified in writing by the insurance company ten days prior to a cancellation, nonrenewal, or material change in the policy. In the case of nonrenewal or cancellation, the vendor shall then have five days to replace the coverage or the vendor's ~~license~~ permit shall be deemed revoked without further action on the part of the city.

~~(ee) The director is hereby authorized to promulgate such additional rules as he deems necessary or appropriate from time to time based on circumstances peculiar to an individual park or to ensure safe and efficient operation of a unit. This authorization includes the authority to impose additional insurance requirements in such amounts as the director may deem necessary. All such rules shall be in writing, shall be on file in the city secretary's office and shall be available to the public upon request from the office of the director. This authorization also includes the authority to temporarily suspend a vendor's license during a major event scheduled for a park during a vending season.~~

(b) A permit for a mobile food unit shall be subject to the following additional conditions and may be suspended or revoked for failure to comply with any one of them:

(1) The vendor shall thoroughly clean the mobile food unit and drain and flush the liquid waste tanks each day the mobile food unit is operated.

(2) The mobile food unit itself and the vendor and all of his employees must meet requirements for the operation of mobile food units and food establishments as set out in sections 20-22 and 20-37 of this Code at all times.

(3) The vendor shall maintain adequate lighting in and around the mobile food unit to ensure that the mobile food unit may be easily seen at night. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any property contiguous or adjacent to the park. It shall not cause illumination beyond the boundaries of the park on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the park in excess of 0.5 footcandles. The illumination of any street from the mobile food unit shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that is could be mistaken for a traffic signal.

(4) The vendor shall not park or stop a mobile food unit within 20 feet of an entrance or exit to any building, or a hydrant, street light, curb, crosswalk, telephone booth, driveway, mailbox, transit stop, or any other public service facility even temporarily. In addition, a vendor shall not park or stop a mobile food unit within 20 feet of another mobile food unit.

(5) The vendor shall not load or unload the mobile food unit or any food items while the mobile food unit or a vehicle transporting the mobile food unit is parked on a roadway. In no case shall a mobile food unit be positioned on a sidewalk so as to occupy more than 40 percent of the width of that sidewalk. In addition, all mobile food units shall comply with clearances required from structures to utility lines as provided in a nationally recognized building code.

(6) The vendor shall remove the mobile food unit from park property between the hours of 11:00 p.m. and 7:00 a.m. and during any time not covered by the permit.

(7) The vendor shall operate only within his assigned area of the park. The vendor shall avoid positioning the mobile food unit so as to damage or destroy any park property and shall not allow the mobile food unit to touch, lean against or be affixed temporarily or permanently to any building, structure, tree, or shrubbery.

(8) The director is hereby authorized to promulgate such additional rules as he deems necessary or appropriate from time to time based on circumstances unique to an individual park or to ensure safe and efficient operation of a unit. This authorization includes the authority to impose additional insurance requirements in such amounts as the director may deem necessary. All such rules shall be in writing, shall be on file in the city secretary's office and shall be available to the public upon request from the office of the director. This authorization also includes the authority to temporarily suspend a vendor's permit.

Sec. 32-232. Enforcement.

(a) Notwithstanding the other provisions of this article, whenever the director or the health officer finds an unsanitary or other unhealthful or unsafe condition in the operation of a unit, he may issue a written notice to the vendor citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the ~~license~~ permit is immediately suspended, and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the director, shall be afforded a hearing within ten days after the issuance of that order.

(b) The director may suspend or revoke a ~~license~~ permit for failure to observe any of the conditions listed in section 32-231. Prior to such suspension or revocation the director shall give ten days' written notice to the vendor of his violation of or his failure to observe a general condition as set out above. If the vendor requests a hearing prior to the expiration of that ten-day notice period, the director shall hold a hearing to determine if the ~~license~~ permit should be suspended or revoked. The vendor may present evidence in his own behalf if he so desires. The director's decision in regard to suspension or revocation shall be final. If the vendor fails to request such a hearing, the suspension or revocation

shall become effective upon the expiration of the ten-day notice period. If a ~~license~~ permit granted under this article is suspended or revoked, the vendor shall not operate the unit on park property thereafter. A vendor whose ~~license~~ permit has been suspended or revoked may apply for a ~~license~~ permit the following vending season.

(c) All notices required or permitted under this article shall be in writing and shall be deemed delivered upon email notification, personal delivery or three days after deposit in a United States Postal Service post office or receptacle with proper postage affixed and addressed to the vendor at the address provided by the vendor (the applicant's name and street address) in his application for a ~~license~~ permit.

(d) In the event that the health officer issues a notice of violation of any law or ordinance to a vendor in connection with the operation of or any condition related to the unit or the vendor's operation, including a violation of this article, the health officer shall immediately notify the director. Conversely, if the director is notified of or becomes aware of any condition or occurrence which may constitute a violation of this article or of any food or health-related statute or ordinance, the director shall immediately notify the health officer. Copies of all inspection reports, prepared by the health officer, on units ~~licensed~~ permitted hereunder shall be promptly forwarded to the director.

(e) Suspension, revocation, or expiration of a vendor's good dealer's permit or mobile food service unit medallion shall result in the immediate suspension of the ~~license~~ permit granted hereunder without further action on the part of the city. Such suspension shall remain in effect until the vendor's food dealer's permit and mobile food service unit medallion are restored. The notice provisions of section 32-232(c) shall not be applicable to suspension of a ~~license~~ permit under this subsection.

(f) In addition, a ~~license~~ permit shall be revocable without liability therefor if the director finds that a public necessity or emergency exists requiring an immediate revocation of the ~~license~~ permit and termination of operation of the unit for the remainder of a vending season. In that case the director shall provide written notice to the vendor as promptly as possible. This notice shall state the reason or reasons emergency revocation is or was required. Notice under this clause shall constitute an exception to the notice provisions of section 32-232(c).

Sec. 32-233. Fees.

~~License~~ Permit fees for ~~mobile food~~ units shall be established by the city council. The schedule of fees approved under this provision shall be included in the city fee schedule.

Secs. 32-234--32-239. Reserved.

~~ARTICLE X. MOTORIZED MOBILE VENDORS~~

DIVISION 2. FOOD TRUCKS

Sec. 32-240. ~~License – Required~~ Operation.

(a) It shall be unlawful for any person to operate a ~~motorized mobile vending unit~~ food truck in any ~~city~~ park. ~~without obtaining a motorized mobile vendor's license in accordance with the provisions of this article. For purposes of this article, "city park" includes all land and roadways in any park of the city as defined in subsection 32-1(3) of the Code.~~

(b) It shall be an affirmative defense to prosecution under this section that the actor is:

(1) Operating under a special event permit issued pursuant to chapter 25 of this Code;

(2) Operating under a contract awarded pursuant to the city's procurement procedures set forth in chapter 15 of this Code; or

(3) Operating under the authority of a concession contract authorized pursuant to section 32-8(b) of this Code.

Sec. 32-241. ~~Same--Application; contents; issuance; term.~~

~~(a) A person desiring to obtain a motorized mobile vendor's license for a vehicle must apply in writing to the director upon the form promulgated by the director. The director shall issue a license to the applicant upon:~~

~~(1) Filing by the applicant of the completed application form;~~

~~(2) Payment to the city of the required license fee for the initial term of the license; and~~

~~(3) Satisfactory proof by the applicant that he has obtained all other necessary licenses or permits required by the city under chapter 20 (Food and Drugs) of the Code.~~

~~(b) Each license issued pursuant to this division shall be valid for six months after date of issuance. Any person wishing to renew his license must re-apply in accordance with subsection (a) above.~~

~~Sec. 32-242.~~ Authority of the director to promulgate rules

The director is authorized to promulgate additional rules and regulations regarding the permitting and operation of ~~motorized food vending units~~food trucks in city parks. The

promulgation of such rules and regulations shall conform to the provisions of subsection 32-5(a) of the Code.

ARTICLE X. RESERVED

Sec. 32-242. Reserved.

ARTICLE XI. MILLER THEATRE ADVISORY BOARD

Sec. 32-243. Creation of advisory board.

There is hereby created the Miller Theatre Advisory Board, whose members shall be appointed by the mayor, subject to confirmation by the city council. The director ~~of the department of parks and recreation~~ shall serve as executive secretary to the board but shall not be a member of the board and shall not have a vote. ~~A representative of the Cultural Arts Council of Houston (CACH)~~ The Houston Arts Alliance (HAA) shall select~~ed by CACH,~~ a representative to ~~shall~~ be an ex officio member of the board ~~and shall not have a vote nor be considered a member for purposes of establishing a quorum~~. Additionally, ~~a representative to be selected~~ from time to time, the Hermann Park Conservancy shall select a representative to ~~by the Houston Parks Board shall~~ be an ex officio member of the board~~;~~, ~~who~~ neither of these representative ex officio members shall have a vote or be considered a member for the purpose of establishing a quorum.

Sec. 32-244. Positions and terms of board.

(a) There shall be 21 voting members of the Miller Theatre Advisory Board, each of whom must reside within the limits of the city and shall be appointed by the mayor and approved by city council. The term of each member shall be for four years and shall continue until a successor has been appointed and confirmed. Terms shall be staggered. An appointment made to fill a vacancy caused by the death or resignation of a board member shall be for the balance of the term of the position.

~~(b) Five of the positions shall be filled by mayoral appointment of persons employed by or otherwise representing Rice University, Texas Southern University, the University of Houston, the Houston Independent School District, and the South Main Center Association.~~

(~~c~~b) The initial appointments shall be made for staggered terms, with seven members being appointed for four-year terms, seven members being appointed for three-year terms, and seven members being appointed for two-year terms, with consideration being given to the number of years, if any, an individual served on the Miller Theatre Advisory Council.

Sec. 32-245. Assistance of city departments.

Through the director, the directors of other city departments shall provide requested assistance to the board. The city attorney shall provide requested legal representation and services to the board.

Sec. 32-246. Members to serve without pay.

Members of the board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered ~~which~~ that have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest.

Sec. 32-247. Organization of the board.

The board shall elect from their membership a chairman, a vice-chairman, a secretary and a treasurer to serve for one year commencing on January 1 and ending on December 31, or until a successor shall have been elected and installed. The board must adopt such administrative procedures as are necessary to accomplish the purposes set out in this article.

Sec. 32-248. Purposes.

The purposes of the Miller Theatre Advisory Board shall be:

(1) ~~To receive~~ Receipt and manage ment of an annual allocation from the ~~cultural arts council of Houston~~ city in support of performances at the Miller Outdoor Theatre. Applicants for such support will be reviewed and auditioned as necessary.

(2) Management and distribution of funds for Miller Outdoor Theatre performances in accordance with an approved schedule of performances.

(3) Solicitation of funds, gifts, and bequests for Miller Outdoor Theatre performances, programs, and facilities.

(4) Management, investment, and oversight of funds, gifts, and bequests donated to Miller Outdoor Theatre.

~~(5) Organization and management of a volunteer group for the operations of Miller Outdoor Theatre and its performances and operations~~.

~~(6) Operation and maintenance of Miller Outdoor Theatre Concession facility, remitting to the city five percent of the gross proceeds from such operations. The balance of net proceeds from such operation shall be spent solely for the benefit of the theatre and/or its programs.~~

Sec. 32-249. Additional powers of board.

(a) The board may cooperate with any trust created for similar purpose or purposes. However, the board has no authority to commit city funds, property, personnel, or services.

(b) The board may contract for financial management and investment services, paying reasonable fees therefor from solicited funds, gifts, bequests, ~~and/~~or income therefrom, provided the board shall exclude from provision of such payment those solicited funds, gifts, bequests ~~and/~~or income the donor of which made provisions contrary to such use.

(c) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds donated directly to the board, provided purchases and improvements to the Miller Outdoor Theatre shall be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.

(d) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds received from any trust created specifically for the benefit of the board when such trust specifically grants such sole authority to the board, provided purchases and improvements to the Miller Outdoor Theatre shall be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.

Sec. 32-250. Financial records of board.

The financial books and records of the board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed or engaged by the city. Further, as a condition of the acceptance of funds or the cooperation described in sections 32-248 and 32-249 of this Code, the board must provide annual audited financial statements.

Sec. 32-251. Annual report.

The board shall make an annual report to the mayor, ~~and~~ city council, and the director.

Sec. 32-252. Removal of board members.

Board members may be removed by the ~~city council~~ mayor for the following causes:

(1) Four consecutive absences from regular monthly meetings of the board.

(2) Failure to abstain in votes or activities of the board~~,~~ where a direct or indirect conflict~~s~~ of interest ~~are~~ is or may be involved.

(3) ~~For c~~Conduct, whether within or without board activities, which impairs the ability of the member to discharge his board duties.

Secs. 32-253--32-260. Reserved.

ARTICLE XII. HOUSTON YOUTH RECREATION PROGRAMS STANDARDS OF CARE

DIVISION 1. GENERALLY

Sec. 32-261. Definitions.

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

Assistant director means ~~a~~ an assistant director of the parks and recreation department of the city, or the assistant director's designee.

Parent means a parent or guardian who has legal custody and authority to enroll a child in a youth recreation program.

Participant means a youth (ages ~~five~~5-13) whose parent or guardian has completed all required registration procedures and has been determined to be eligible for a youth recreation program.

Program manual means the notebook of policies, procedures, forms, and organizational and programming information relevant to a youth recreation program.

Program site means the area or facilities where a youth recreation program is held.

Program staff means the person or persons who have been hired or have volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of a youth recreation program. This definition includes recreation facility managers, program managers, recreation supervisors, recreation specialists, and recreation assistants.

Site manager means a recreation facility manager, program manager, or recreation supervisor.

Youth recreation programs mean the department programs consisting of the after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.

Sec. 32-262. Organization.

(a) The governing body of the youth recreation programs is the city council.

(b) Implementation of the youth recreation program standards of care is the responsibility of the assistant director and program staff.

(c) The standards of care, as provided in this division, shall apply to the department's ~~after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day~~ youth recreation programs.

(d) Each program site will have a current copy of the standards of care available for the public and the staff.

(e) Parents of participants will be provided a copy of the standards of care prior to the start of a youth recreation program, preferably during the registration process. Parents will be informed that a youth recreation program is not licensed by the state and that the youth recreation program is not a child-care facility.

(f) Criminal background checks will be conducted on prospective program staff. If results of a criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment in a youth recreation program:

(1) A felony or a misdemeanor classified as an offense against a person or family;

(2) A felony or a misdemeanor classified as public indecency;

(3) A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(4) Any offense involving moral turpitude; or

(5) Any offense that would potentially put the city at risk.

Sec. 32-263. Inspection, monitoring, and enforcement.

(a) A site manager of a program site will ensure compliance with the standards of care and will prepare a monthly inspection report.

(b) Inspection reports will be sent to the assistant director for review.

(c) The assistant director will review the report and establish deadlines and criteria for compliance with the standards of care.

(d) The assistant director will make visual inspections of youth recreation programs based on the following schedule:

(1) An after school enrichment program site will be inspected monthly. This may be scheduled or unscheduled.

(2) The summer enrichment program will be inspected twice during its summer schedule.

(e) A complaint regarding enforcement of the standards of care will be directed to the site manager. The site manager will be responsible for taking the necessary steps to resolve the complaint. The site manager will record complaints regarding enforcement of the standards of care and their resolution. Serious complaints regarding enforcement of the standards of care will be forwarded to the assistant director for review and resolution.

(f) The assistant director will make an annual report to the director on the overall status of the youth recreation programs and their operation relative to compliance with the adopted standards of care.

Sec. 32-264. Enrollment.

Before a child can become a youth recreation program participant, a parent must sign a registration form that contains:

(1) The child's name, age, address, and home telephone number;

(2) Emergency contact names and telephone numbers;

(3) The child's doctor's name and telephone number; and

(4) A liability waiver.

Sec. 32-265. Suspected child abuse.

(a) Program staff will report suspected child abuse in accordance with the Texas Family Code.

(b) Program staff will receive basic training related to child abuse prevention and reporting.

Secs. 32-266--32-270. Reserved.

DIVISION 2. STAFFING QUALIFICATIONS AND TRAINING

Sec. 32-271. Recreation facility manager qualifications.

(a) Recreation facility managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation facility managers should possess the following combination of experience and training:

(1) Two years of experience in recreation facility operations.

(2) An associate's degree in physical education, art or a related field.

Sec. 32-272. Program manager qualifications.

(a) Program managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Program managers should possess the following combination of experience and training:

(1) Two years of experience coordinating and managing community programs and activities.

(2) An associate's degree in business administration, management, physical education, art or a related field.

Sec. 32-273. Recreation supervisor qualifications.

(a) Recreation supervisors will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation supervisors should possess the following combination of experience and training:

(1) An associate's degree in education, recreation, physical education, art or a related field.

(2) Two years of experience in recreation or education.

Sec. 32-274. Reserved.

Sec. 32-275. Recreation specialist qualifications.

(a) Recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation specialists should possess the following combination of experience and training:

(1) Three months of experience in recreation, ~~or~~ education or a related field.

(2) An associate's degree in physical education, art or a related field.

Sec. 32-276. Recreation assistant qualifications.

(a) Recreation assistants will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation assistants should possess the following combination of experience and training:

(1) Three months of experience in recreation, education or a related field.

(2) A high school diploma or GED certificate.

Sec. 32-277. Training and orientation.

(a) The department is responsible to provide training and orientation to program staff in working with participants and for specific job responsibilities. The assistant director will provide each program site with a program manual.

(b) Program staff should be familiar with the standards of care for youth recreation programs as adopted by city council.

(c) Program staff should be familiar with a youth recreation program's policies including discipline, guidance, and release of participants.

(d) Program staff will be trained in appropriate procedures to handle emergencies.

(e) Program staff will be trained in areas including city, department, and youth recreation program policies and procedures, recreation activities organization, safety issues, program organization, and other areas as required by an assigned youth recreation program.

(f) Program staff will be required to sign an acknowledgment that they have received the required training.

Secs. 32-278--32-280. Reserved.

DIVISION 3. OPERATIONS

Sec. 32-281. Staff-participant ratio.

In a youth recreation program, the standard ratio of participants to staff is 25 to 1, based on average daily attendance. For a field trip, the standard ratio of participants to staff is 10 to 1, based on average daily attendance.

Sec. 32-282. Discipline.

(a) Program staff will implement discipline and guidance in a consistent manner based on the best interests of participants.

(b) There will be no cruel treatment or harsh punishment.

(c) Program staff will use brief, supervised, separation (time out) from the group if necessary.

(d) As necessary, program staff will initiate discipline reports to the parent(s) of participants. A parent will be asked to sign a participant discipline report~~s~~ to indicate ~~they have~~ that the parent has been advised about specific problems or incidents.

(e) A sufficient number and/or severe nature of discipline reports may result in a participant being suspended from a youth recreation program.

(f) A participant will be removed from the program site as soon as possible in instances of danger to other participants or program staff.

Sec. 32-283. Programming.

(a) Program staff will provide cultural, educational, and recreational programs for participants according to their ages, interests, and abilities. The activities will be appropriate to the health, safety, and well-being of participants. The activities also will be flexible and promote the emotional, social, and mental growth of participants.

(b) Program staff will attempt to provide indoor and outdoor time periods to include:

(1) Alternating active and passive activities;

(2) Opportunity for individual, small, and large group activities; and

(3) Outdoor time each day, as weather permits, based upon room availability and weather conditions.

(c) Program staff will be attentive and considerate of the participant's safety on field trips and during any transportation provided by a youth recreation program.

(d) During field trips, program staff will have emergency contact information for each participant.

(e) Program staff will have a written list of the participants in the group and should check the roll before departure to and from the destination.

(f) Program staff will have first aid supplies available on field trips.

Sec. 32-284. Communication.

A program site will have a telephone to allow a program site to be contacted by program staff. A program site will have access to a telephone for use in contacting program staff or making emergency telephone calls. At a program site, the site manager will post the following telephone numbers adjacent to a telephone accessible to program staff:

(1) City ambulance or emergency medical services;

(2) Houston Police Department;

(3) Houston Fire Department;

(4) Department administrative office; and

(5) Telephone numbers and address of the program site.

Sec. 32-285. Transportation.

(a) Before a participant can be transported to and from city sponsored activities, a registration/waiver form, completed and signed by a parent of the participant, will be filed with the department.

(b) First aid supplies will be available in a youth recreation program vehicle used to transport participants.

(c) Seatbelts will be worn, if provided.

(d) Participants will be oriented to expected behavior and safety rules.

Secs. 32-286--32-290. Reserved.

DIVISION 4. FACILITY STANDARDS

Sec. 32-291. Safety.

(a) Program staff will inspect program sites weekly checking for sanitation and safety concerns that might affect the health and safety of participants.

(b) Buildings, grounds and equipment on a program site will be inspected, cleaned, repaired and maintained to protect the health and safety of participants.

(c) Program site equipment and supplies will be safe for use of participants

(d) Program staff will have first aid supplies available at a program site in a designated location, during transportation, and for the duration of any off-site activity.

Sec. 32-292. Fire.

(a) In case of fire, danger of fire, explosion or other emergency, program staff's first priority is to evacuate participants to a pre-designated safe area.

(b) A program site will have an annual fire inspection, and the resulting report will detail any safety concerns observed and recommend deadlines and criterion for compliance.

(c) A program site will have at least one fire extinguisher readily available to all program staff. The fire extinguisher will be inspected monthly by the site manager. Program staff will be trained in the proper use of a fire extinguisher.

(d) Fire drills will be initiated at program sites based on the following schedule:

(1) *After school enrichment program*—Once every three months; and

(2) *Summer enrichment program*—Once during each program.

Sec. 32-293. Health.

(a) *Illness or injury.*

(1) A participant who is considered to be a health or safety concern to other participants or program staff will not be admitted to a youth recreation program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and program staff.

(3) Program staff will follow emergency procedures for injured participants or for participants with symptoms of an acute illness.

(b) *Toilet facilities.*

(1) A program site will have toilets located and equipped so participants can use them independently and program staff can monitor as needed.

(2) An adequate number of lavatories will be provided.

(c) *Sanitation.*

(1) An indoor program site will have adequate light, ventilation, air conditioning, and heat.

(2) A program site will have an adequate supply of water, and water will be supplied to the participants in a safe and sanitary manner.

Secs. 32-294--32-299. Reserved.

ARTICLE XIII. BUFFALO BAYOU PARK

Sec. 32-300. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ~~ascribed~~ assigned to them in this section.

BBP means the Buffalo Bayou Partnership, a Texas non-profit corporation, or its permitted successor under that certain Construction, Operation and Maintenance Agreement approved by City of Houston, Texas, Ordinance No. 2011-1166 (Dec. 14, 2011).

Buffalo Bayou Park means a publicly dedicated park adjacent to Buffalo Bayou and generally between Memorial Drive and Glenwood Cemetery on the north, Sabine Street on the east, Allen Parkway on the south, and Shepherd Drive on the west.

Sec. 32-301. Buffalo Bayou Park.

(a) The director delegates authority to BBP to permit special uses, including exhibits of art, in Buffalo Bayou Park. Such delegation of authority shall end upon BBP's written notice of rejection of such authority to the director.

(b) BBP shall have the right to grant consents for offering anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within Buffalo Bayou Park.

(c) Notwithstanding section 32-7(a) of this Code, revenues derived from Buffalo Bayou Park, including user fee revenues related to special events but excluding other revenues related to special events as defined in section 25-2 of the Code, shall be deposited in accounts managed by the BBP for the sole benefit of Buffalo Bayou Park.

(d) BBP shall have the authority of the director under section 32-8 of the Code to grant written consent for concessions in Buffalo Bayou Park.

(e) BBP shall have the authority of the director under section 32-10 of the Code with respect to the approving applications for and permitting the maintenance or adoption of natural areas in Buffalo Bayou Park.

(f) Skateboarding and scooters~~, rollerblading and skating~~ are prohibited in Buffalo Bayou Park with the exception of the Lee and Joe Jamail Skateboard Park and adjacent Skater's Alley.

(g) Swimming is prohibited in Buffalo Bayou Park.

(h) BBP shall have the authority of the director under article IX of this chapter with respect to mobile food units and~~ under article X of this chapter with respect to motorized mobile vendors~~ food trucks in Buffalo Bayou Park.

(i) BBP shall have the authority to designate (i) areas in Buffalo Bayou Park where a permit shall be required to conduct a special event, ~~and~~ (ii) restricted use areas in Buffalo Bayou Park where certain types of special events shall not be permitted, and (iii) the allowable frequency of special events. BBP shall cause maps of such areas to be prepared ~~of such areas~~ and made available in the offices of the director and the director of the mayor's office of special events.

(j) Solely with respect to Buffalo Bayou Park, BBP shall have the concurrent authority with the director of the mayor's office of special events to deny a permit pursuant to section 25-7 of the Code.

(k) Solely with respect to Buffalo Bayou Park and in addition to any deposit levied by the city, BBP may levy a security deposit to protect Buffalo Bayou Park from damage and BBP from unpaid services BBP may be required to provide to protect the park and public safety, with such security deposit paid to BBP.

(l) Solely with respect to Buffalo Bayou Park, BBP and the director of the mayor's office of special events shall establish insurance requirements and indemnification requirements for special uses, special events and other activities.

(m) Solely with respect to Buffalo Bayou Park, BBP and director of the mayor's office of special events shall be required to coordinate the schedules of special uses, special events and other activities.

(n) The provisions of this article XIII shall terminate when BBP is no longer under contract with the city for the operation of Buffalo Bayou Park.

City of Houston, Texas, Ordinance No. 2015-_____

AN ORDINANCE UPDATING AND AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PARKS AND RECREATION AND MAKING CONFORMING AMENDMENTS TO OTHER CHAPTERS OF THE CODE OF ORDINANCES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Chapter 32 of the City of Houston Code of Ordinances ("Code") contains the City's regulations applicable to the use and operation of City parks; and

WHEREAS, the Parks and Recreation Department ("HPARD") is responsible for the management, oversight, and implementation of the City's regulations concerning the use of City parks; and

WHEREAS, Chapter 32 of the Code contains permit-based regulatory programs aimed at promoting the use of City parks for their intended purposes while managing the use and access to City parks and park property to ensure maximum utility and enjoyment by the public; and

WHEREAS, HPARD has identified various provisions of Chapter 32 of the Code that are not consistent with current HPARD practices in the use and operation of City parks; and

WHEREAS, HPARD has determined that food trucks in the parks should be operated pursuant to a special events permit under Chapter 25 of the Code, a contract awarded pursuant to Chapter 15 of the Code, or a concession contract approved by City Council pursuant to Chapter 32 of the Code; and

WHEREAS, litigation demonstrated that Article III of Chapter 32 of the Code must be amended to provide specificity and clarity to the permit-based regulatory program concerning the issuance of permits for public gatherings; and

WHEREAS, HPARD recommends that City Council adopt the proposed amendments to Chapter 32 of the Code to:

(1) Provide the HPARD Director with additional authority and flexibility in regulating the use of City parks to ensure maximum utility and enjoyment of City parks while limiting or restricting unauthorized use of the parks; and

(2) Update Chapter 32 of the Code to reflect current practices in the administration and regulation of City parks consistent with current and emerging uses of City parks property; and

(3) Revise Article III of Chapter 32 of the Code to reinstitute a permit-based regulatory program authorizing the issuance of park use permits for Park Events; **NOW, THEREFORE,**

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

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

Section 2. That Chapter 32 of the Code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein.

Section 3. That the last sentence of Subsection (b) of Section 20-21.11 of the Code is hereby amended to read as follows:

> "Any sink required by this article for a mobile food unit used by a vendor who has been issued a permit under article IX of chapter 32 of this Code or for a fixed location mobile food unit shall be of an adequate size so as to permit the total immersion of all utensils used on the unit as determined by the health officer."

Section 4. That the definition of the term *licensed park vendor* in Subsection (a) of Section 20-22 of the Code is hereby replaced with the following revised definition:

> "*Licensed park vending unit* shall mean a mobile food unit used by a vendor who has been issued a permit under article IX of Chapter 32 of this Code."

Section 5. That the third sentence of Item (2) of Subsection (d) of Section 20-22 of the Code is hereby amended to read as follows:

> "The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for licensed park vending units and for fixed location mobile food units."

Section 6. That Subitem e of Item (7) of Subsection (d) of Section 20-22 of the Code is hereby amended to read as follows:

"e. Provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, within 100 feet of the mobile food unit. Dining areas or seating areas adjacent to fixed location mobile food units operating inside of an enclosed space such as a mall or lobby or licensed park vending units where the seating is provided by someone other than the mobile food unit operator and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable if approved by the health officer."

Section 7. That Subitem b of Item (1) of Subsection (e) of Section 20-22 of the Code is hereby amended to read as follows:

"b. Licensed park vending units shall return to the commissary at least once per day of operation for the performance of all servicing operations."

Section 8. That the third sentence of Subitem a of Item (4) of Subsection (f) of Section 20-22 of the Code is hereby amended to read as follows:

"Fixed location mobile food units authorized under this article and licensed park vending units shall be stored in the servicing area except while in operation for food service and during transport to and from the service building."

Section 9. That Item (3) of Section 25-7 of the Code is hereby amended to read as follows:

"(3) The special event organizer fails to obtain the consent required by section 32-5, 32-8, 32-32 or 32-301 of this Code, if applicable;"

Section 10. That the City Attorney is hereby authorized to direct the publisher of the Code to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance and also to make such changes to

the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 11. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2015.

APPROVED this ___ day of _____, 2015.

_____
Mayor of the City of Houston

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

_____
City Secretary

Prepared by Legal Dept. _____
NEK:jmb 12/1/2015 Assistant City Attorney
Requested by Joe Turner, Director, Parks and Recreation Department
L.D. File No. 0491500049001

EXHIBIT A

Chapter 32
PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

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

Department means the parks and recreation department of the city.

Director means the director of the department of parks and recreation of the city or the director's designee.

Members of the public shall include all persons other than (1) those engaged in park maintenance and construction under authority of the city, and (2) officers, employees, and agents of government while engaged in the performance of their duties of employment or office.

Parks means the various properties under the direction, control and supervision of the director pursuant to the authority granted in sections 32-4 and 32-5 of this Code.

Sec. 32-2. Department--Created.

There is hereby created and established the parks and recreation department of the city.

Sec. 32-3. Same--Director generally.

There is hereby created the office of director of the department of parks and recreation of the city. The director shall be the head of the department and shall be appointed by the mayor, subject to confirmation by the city council.

Sec. 32-4. General duties of director.

It shall be the duty of the director to direct, control and manage all parks, parkways, esplanades, trails, playgrounds and recreation buildings and other improvements on park and playground property belonging to or under the control of the city and such other grounds as may be placed under his control, from time to time, by the mayor and city council, and to direct the improvement and maintenance of all such properties.

Sec. 32-5. Authority of the director.

(a) The director shall have authority to promulgate written rules and regulations for the administration of the department and for the orderly management and use of parks by the public, provided that such regulations do not conflict with valid laws or ordinances. A copy of such rules and regulations shall be published on the city=s website and maintained for public inspection in the offices of the director and the city secretary.

(b) The director shall be authorized to contract with referees and sports field monitors for athletic contests and instructors for recreation classes. Fees paid to referees, sports field monitors, and recreation instructors shall be approved by the city council. No such referee, sports field monitor, or recreation instructor shall be considered an employee of the city.

(c) From time to time, city council may approve contracts with other entities for the operation or management of various parks or park facilities. These city council approved contracts shall be the governing rules and regulations for the specified parks or park facilities.

Sec. 32-6. Trees, shrubs and plants in public property.

(a) The director shall have authority and jurisdiction over all trees, shrubs and plants of any kind and character that are now or may hereafter be planted on or along the streets or other public places of the city, including all plantings of every kind and character lying outside of the property lines of privately owned property and as prescribed in chapter 33 of this Code.

(b) The director shall have the duty to:

(1) Direct, regulate and encourage the planting, culture and preservation of shade and ornamental trees and plants on the streets and public places of the city;

(2) Direct, regulate and encourage the pruning, spraying, cultivation and maintenance of such trees and plants, and to direct the time and method of pruning and trimming the same;

(3) Remove or cause to be removed any tree or plant, or other obstruction, that in his judgment, would interfere with the development of adjoining trees or plants or with the free use of the streets or sidewalks;

(4) Advise property owners with respect to the kinds of trees to plant or shrubbery desired on the particular street, and the method of planting the same;

(5) Take all such measures as may be deemed necessary or desirable to control all dangerous insects, pests and plant diseases that may affect trees or shrubbery on the streets or other public places in the city;

(6) Devise plans for the planting of trees on and along the streets between the curbs and property lines within the city, where trees may be desirable;

(7) Prescribe the character, kind, size, space and position of all trees so planted on or along public streets or other public places;

(8) Prevent the planting of trees, shrubs or other plants that are not in his judgment desirable; and

(9) Plant or cause to be planted such trees on or along such streets or other public places as the director may deem proper.

Sec. 32-7. Revenues from park operations.

(a) All revenues derived by the city in any manner from park user fees as defined in section 32-69 of this Code and from concession agreements authorized under section 32-8(b) (collectively denoted "park revenues"), except revenues received by the city from city park golf facilities as set out in subsection (b) of this section, shall be regularly remitted to the city controller with an accounting thereof. Unless otherwise expressly provided by ordinance or state law, park revenues shall be deposited in the Parks Special Revenue Fund to be used exclusively for repairs, replacement, and renovation of the department's revenue producing facilities and equipment and for maintenance and operation of the department's revenue producing facilities and activities, including the purchase of goods, supplies, and services for programs offered at the department's revenue producing facilities.

(b) One hundred percent of the revenues received by the city and derived from all city-owned golf facilities, whether operated by the city or private entities, including all related concession fees, shall be deposited into the Parks Golf Special Fund to be used exclusively for the maintenance, operation and improvements of any or all of such golf facilities.

Sec. 32-8. Concessions in parks.

(a) Except as otherwise specifically authorized in this Code, no person shall have the right to offer or promote anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within any park without first obtaining the written consent of the director as provided in this section.

(b) Consent, for the purpose of subsection (a) of this section, may be granted in writing by the director upon receipt of uniform standard fees, conditions and consent forms adopted therefor pursuant to section 32-69 of this Code, if the right is nonexclusive and of six months' duration or less. Any other consent shall be effective

only if granted by an express written contract therefor which has been executed by the mayor pursuant to an ordinance of the city specifically authorizing the execution thereof.

Sec. 32-9. Certain facilities to be managed by Houston First Corporation.

The city facilities known as Fish Plaza, Jones Plaza, Miller Outdoor Theater, Sesquicentennial Parks I and II, Sweeney Clock Triangle and Root Memorial Square shall be managed by Houston First Corporation. The provisions of this chapter shall be applicable to these facilities to the extent that they may constitute parks, but any duties and responsibilities placed upon the department and its director and employees hereunder shall, with respect to these facilities, be instead performed by Houston First Corporation. Nothing in this section shall be construed to affect the status of these facilities, and their mention in this section shall not be construed to dedicate the facilities as parks if they have not already been so dedicated.

Sec. 32-10. Maintenance or adoption of natural areas.

Any person desiring to maintain a "natural area," as provided in section 10-451(b)(10) of this Code, whether situated in a park or not, or desiring to adopt such an area that is located in a park, parkway, trail, esplanade, playground, or other property belonging to or under the control of the city, shall submit an application to the director, and obtain a permit for that purpose. As authorized in section 32-5 of this Code, the director shall promulgate rules and regulations for natural areas, which shall include, but not be limited to, permit procedures, a list of unacceptable plants, and maintenance requirements.

Sec. 32-11. Off-leash dog recreation areas.

(a) The director is authorized to designate parks or portions of parks as off-leash dog recreation areas in which persons may allow unleashed dogs to be at large. The director may promulgate rules and regulations as provided in section 32-5 of this Code for the operation of off-leash dog recreation areas, provided that any such regulations shall be reviewed and countersigned by the director of the department of administration and regulatory affairs with respect to animal regulation and care issues, including but not limited to:

(1) Security measures to assure that the unleashed dogs remain contained within the dog recreation area;

(2) Control of noise and other potential nuisances that might affect nearby land uses;

(3) Parasite control;

(4) Feces control within the dog recreation area and feces runoff from the dog recreation area; and

(5) Provisions for the exclusion of dogs that do not participate in compliance with the applicable regulations or that demonstrate aggressive behavior towards other dogs or persons.

(b) Dogs within off-leash dog recreation areas shall not be subject to impoundment for being or running at large as otherwise provided in chapter 6 of this Code provided that such dogs, while in the designated off-leash dog recreational areas, must remain under the immediate personal supervision and command of their owner or handler. It is a defense to prosecution under any provision of chapter 6 of this Code relating to being or running at large of a dog that the dog and its owner or handler were in a designated off-leash dog recreation area of a park.

Secs. 32-12--32-24.Reserved.

ARTICLE II. USE OF PARKS

Sec. 32-25. Alcohol.

The director may promulgate rules and regulations as provided in section 32-5 of this Code relating to the possession or consumption of any alcoholic beverages while in the parks. Nothing in this section limits the director's authority to promulgate rules and regulations relating to the sale or distribution of alcoholic beverages by city-authorized vendors, park permittees, and concessionaires operating within the parks.

Sec. 32-26. Playing of musical instruments.

Without the express written permission of the director, it shall be unlawful for any person to play any musical instrument or use any sound amplification equipment in violation of the applicable provisions of chapter 30 of this Code within the parks other than for his own enjoyment, provided that such person shall not thereby encroach upon the use and enjoyment of the parks by others.

Sec. 32-27. Glass bottles and containers prohibited.

Without the express written permission of the director, it shall be unlawful for any person to bring into or upon the parks, or have in his possession while therein or thereupon any glass receptacle, including but not limited to, glass bottles, glass jars, drinking glasses and glass containers of any kind. This provision shall not apply to baby bottles, baby food jars, glass lined vacuum bottles and glass lined picnic beverage coolers.

Sec. 32-28. Camping.

(a) For purposes of this article, the term *camp* or *camping* means the erection of a tent or the use of other materials, including but not limited to, sleeping bags, bedrolls, blankets, sheets, tarps, cardboard, or other materials, to provide sleeping quarters for temporary human habitation.

(b) It shall be unlawful for any person to camp in any area of the parks. This section shall not apply to persons camping in areas designated for overnight camping pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code.

Sec. 32-29. Parking and driving vehicles.

(a) It shall be unlawful for any person to park any vehicle on park property except in areas designated for such purpose.

(b) It shall be unlawful for any person to drive or propel any vehicle over or through the parks, except along or upon park roads or to drive or propel along or over any park road any heavily laden vehicle or vehicle carrying merchandise, goods, material or rubbish, or any moving van or truck. This section shall not apply to golf carts operated upon golf course cart paths or bikes and personal assistance mobility devices operated upon designated park roads authorized for such use by the director. For purposes of this subsection, *personal assistance mobility device* means any mobility device powered by batteries or fuel or other engine that is used by an individual with mobility impairment.

Sec. 32-30. Riding or driving animals.

It shall be unlawful for any person to ride or to drive any horse or other animal over or through the parks, except along and upon the designated bridle paths and driveways.

Sec. 32-31. Injuring, etc., animals, fowl or fish.

It shall be unlawful for any person to tease, annoy, injure, catch, or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal in the parks.

Sec. 32-32. Erecting structures, bill posting, etc.

It shall be unlawful for any person to place, erect, or attach any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in the parks, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure in the parks unless authorized by rule or regulation promulgated pursuant to section 32-5 of this Code.

Sec. 32-33. Walking, standing or sitting on borders, flower beds, etc.

It shall be unlawful for any person to walk, stand or sit on any border, flower bed, monument, vase, fountain, railing or fence in the parks.

Sec. 32-34. Hunting and firearms.

It shall be unlawful for any person to hunt any animal or shoot, fire, display, or discharge any air-gun, paint-ball gun, pistol, shotgun, rifle, or other firearm or archery arrow in, on, along or across the parks; provided however, the director may authorize hunting for wildlife management purposes in Lake Houston Wilderness Park during designated seasons and times according to state law and the regulations of the Texas Parks and Wildlife Department. The provisions of this section shall not apply to designated target ranges and other areas of the parks approved for such use by the director. The provisions of this section are cumulative of all applicable state laws concerning the regulation of firearms by municipalities.

Sec. 32-35. Fishing.

It shall be unlawful for any person to catch fish within the parks. It shall be an affirmative defense to prosecution under this section that the actor is:

(1) Fishing in an area of Lake Houston, Lake Houston Wilderness Park, Cullinan Park Oyster Creek, or Keith Weiss Park in which fishing is permitted under this Code; or

(2) Twelve years of age or less or 65 years of age or more and is fishing in any body of water which has been designated for fishing by children and elderly persons by regulations promulgated by the director pursuant to section 32-5 of this Code.

Sec. 32-36. Playing baseball, football, etc.

It shall be unlawful for any person to play any game of baseball, football, golf, cricket, lacrosse, polo, soccer, hockey or other game of like character in the parks, except at the places set apart and designated as grounds therefor.

Sec. 32-37. Canoeing or boating on lakes.

(a) It shall be unlawful for any person to place any canoe, kayak, raft, boat, or vessel of any type or description upon the waters of any lake or pond upon the parks except Lake Houston. This section shall not apply to model or toy boats that are not designed or intended for human transportation or to any recreational project sponsored by the department and supervised by its employees or representatives or, in accordance with subsection (b), canoeing or kayaking in Cullinan Park, Lake Houston Wilderness Park, or Keith Wiess Park that is conducted in compliance with the director's rules and regulations.

(b) The director may by rules and regulations adopted under section 32-5 of this Code authorize canoeing for individual and family pleasure in Cullinan Park, Lake Houston Wilderness Park, or Keith Wiess Park. Without limitation, the rules and regulations shall be intended to preserve the park as a place of beauty and

peacefulness and shall not authorize motorized canoes or kayaks, canoe or kayak rentals, or concessions or competitive canoeing or kayaking activities.

Sec. 32-38. Compliance with law is condition of use of parks and playgrounds.

(a) Any person may use the parks for any lawful purpose; provided however, the use of the parks shall be subject to compliance with all applicable provisions of this Code and state and federal law.

(b) The director, all other employees of the department, and members of the City of Houston Police Department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. It shall be unlawful for any person who, upon receiving such notice, fails to depart from any such property or building.

Sec. 32-39. Exemptions.

The provisions of this article shall not be construed to apply to workmen of the city and its agents and contractors in the lawful discharge of their respective duties.

Sec. 32-40. Violations declared nuisance.

It shall be unlawful for any person to neglect or refuse to comply with any provision of this article. Additionally, any neglect or refusal to comply with any provision of this article shall be deemed a nuisance and may be abated in the manner provided by law and by the ordinances of the city for abatement of nuisances.

Sec. 32-41. Park hours--Generally.

(a) With the exception of overnight camping areas designated by the director, Parks and park facilities shall be open to members of the public between the hours of 6:00 a.m. and 11:00 p.m. unless other public use or visitation hours have been posted for such park or park facility pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code or permitted in writing by the director in accordance with article III of this chapter.

(b) It shall be unlawful for any person to remain within any park or park facility outside the hours designated or permitted for its use who fails to leave immediately after being requested to do so.

(c) Nothing in this section shall be construed to prohibit the use of sidewalks, roadways, parkways, trails, streets, or esplanades for vehicular or pedestrian traffic outside of designated park hours unless such use is prohibited pursuant to section 26-91 of this Code. The director is authorized to designate interior sidewalks, roadways, parkways, trails, streets and esplanades that are dedicated for park use and serve park areas only.

Secs. 32-42--32-58.Reserved.

ARTICLE III. PARK EVENTS

Sec. 32-59. Park use permit required.

(a) Park use permits are required for certain activities so that parks personnel can limit or eliminate activities that would tend to damage the park or are likely to create an atmosphere that would discourage use of the park for its intended purpose or, if not limited via regulatory controls or eliminated, would allow one person or group to monopolize any portion of a park, park road, or other park property to the exclusion of others. Pursuant to section 32-5 of this Code, the director shall identify and may from time to time amend the designation of any portion of a park, park road, or park property wherein any conduct authorized by this article or other proposed use inconsistent with the use of the park, park road, or park property for its intended purposes is strictly prohibited.

(b) Notwithstanding the regulatory provisions of this article and other applicable provisions of this Code incorporated by reference herein, nothing in this article shall be construed to prevent members of the public from assembling in parks for the purpose of engaging in lawful activities without holding a permit pursuant to the terms of this article.

Sec. 32-60. Definitions.

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

Park event means:

(1) Any group activity or organized event involving more than 30 people, including but not limited to picnics, parties, family, church, community or school events, or other similar activities; or

(2) Any group activity or organized event involving fewer than 30 people that involves the reservation or temporary exclusive use of a designated areas of a park, park road, or other park property.

Permittee means a person in receipt of a park use permit.

Park use permit means written authorization from the director for the use of a park, park road, or other park property to conduct a park event.

Sec. 32-61. Park event—park use permit required.

(a) Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to conduct a park event without first having secured a park use permit.

(b) Notwithstanding any other provision of this article, any request to conduct a park event that is of a size and nature requiring the significant provision or coordination of city services shall require a special event permit pursuant to chapter 25 of this Code.

(c) The provisions of this article shall be cumulative of all applicable rules and regulations promulgated pursuant to section 32-5 of this Code.

Sec. 32-62. Park event areas.

(a) In each park, the director shall maintain a map or general description of each area in that park designated for park event use. Complete lists of the parks with designated areas shown thereon shall be maintained in the offices of the director and the city secretary. The use of any other portion of a park, park road or other park property for a park event is strictly prohibited unless expressly authorized in writing by the director.

(b) Use of the designated areas for park events shall be on a first-come, first-served basis, unless a permit for a specific area has been issued. The director shall cause all completed written applications received pursuant to section 32-63 of this Code to be immediately time stamped upon their actual receipt by his office. The first in time shall be the first in right, provided that if two or more conflicting applications are received simultaneously, then the precedence shall be determined by an impartial means of chance.

Sec. 32-63. Application for park use permit.

An applicant for a park use permit shall make written application to the director setting forth the following information:

(1) The date of application;

(2) The proposed area desired to be used to conduct the park event;

(3) The date and time period for use of the proposed area;

(4) The name, address and phone number of the applicant;

(5) The name of the person reserving the park, park road, or other park property;

(6) The estimated attendance;

(7) The type or purpose of the function;

(8) The type of sound system or amplified sound equipment to be used, if any;

(9) The special effects or features to be utilized, if any; for example, hot air balloons, gun salutes (blanks only), fireworks, bands, moonwalks, petting zoos, or portable stages;

(10) Whether the function sponsored is for profit or nonprofit;

(11) Whether goods will be sold or fees charged; and

(12) Any other information required by the director.

Sec. 32-64. Review; issuance; denial of park use permit.

The director shall review each application to ensure the proposed park event complies with all applicable provisions of this chapter. Upon reviewing the application, the director shall:

(1) Issue a park use permit if the applicant has satisfied all applicable requirements of this chapter; or

(2) Deny the issuance of the park use permit if:

a. The proposed designated area has been previously reserved;

b. The proposed designated area is not one in which park events are authorized pursuant to subsection (a) of section 32-62 of this Code.

c. The applicant refuses to pay any applicable fees imposed by the city pursuant to section 32-69 of this Code;

d. The applicant refuses to obtain a concession consent pursuant to section 32-8 of this Code, if applicable;

e. The size, nature, or duration of the proposed park event is inappropriate for the proposed designated area or will substantially interrupt the safe and orderly movement of traffic, or police, fire or ambulance emergency equipment on streets adjacent to, running through or around the park;

f. The proposed park event would be disruptive to or incompatible with or cause an adverse effect on the use and enjoyment of the designated area by others;

g. The proposed designated area is not suitable because of landscaping, planting or other environmental conditions reasonably likely to be harmed or damaged by the proposed event;

h. The proposed designated area is not suitable because it is a specialized area designated for a particular use (i.e. the zoo, a swimming pool, or golf course);

i. The application contains a material falsehood or misrepresentation;

j. The proposed park event is of a size and nature requiring the applicant to obtain a special event permit;

k. The proposed park event consists of conduct prohibited by law;

l. The applicant refuses to comply with conditions imposed by the director to ensure that public property is not damaged and the comfort, convenience, safety, and welfare of the public is not disturbed; or

m. The applicant fails or refuses to comply with any other applicable law or directive of the director.

Sec. 32-65. Procedure upon denial of park use permit.

If the director denies the issuance of a park use permit, the director shall notify the applicant of the denial, the reason therefor, and the applicant's right to appeal pursuant to section 32-67 of this Code, by letter mailed to the applicant at the applicant's address stated on the park use permit application or by electronic mail at an email address provided by the applicant. If the denial is based upon subitems b, d, e, f, g, or h of item (2) of section 32-64 of this Code, the director shall advise the applicant of alternative designated areas, if any, capable of accommodating the proposed park event.

Sec. 32-66. Park use permit contingent upon approved traffic or security precautions.

If the director, after consulting with the police chief, determines the proposed park event may reasonably be expected to result in injury to persons or property, or create a riot or disturbance detrimental to the health, safety and welfare of the public, the director shall require traffic or security precautions be taken to permit the use of the authorized designated area. In such case, the director may issue the park use permit upon condition that the applicant must submit a written traffic or security proposal and obtain the director's approval thereof prior to the proposed park event. The director shall not consider the content of expression or overall subject matter of the proposed park event in determining whether the provision of any traffic or security proposal shall be required. The traffic or security proposal shall be subject to review, approval and appeal in the same manner as a park use permit application under this article.

Sec. 32-67. Appeal of denial or revocation of park use permit.

(a) The decision of the director is final unless appealed under this section. A park use permit applicant may appeal the denial or revocation of a park use permit by filing a written request for a hearing with the director within ten business days of the date of receipt of the denial. A hearing shall be conducted within ten business days of the receipt of such request before a hearing officer appointed by the director.

(b) In each proceeding before the hearing officer, the burden shall be upon the park use permit applicant to demonstrate that he has satisfied all requisites of this article, including all rules and regulations promulgated by the director regarding the issuance of park use permits, and is therefore in good standing to receive the requested park use permit. Any such hearing shall be conducted under rules established by the director consistent with the nature of the proceedings. The hearing officer shall render a written decision on the matter within five business days after the date of the hearing and immediately provide a copy of the decision to the park use permit applicant. The decision shall be final and shall exhaust the park use permit applicant's administrative remedies.

(c) If the time requirements set forth in this section appear inadequate to resolve the appeal prior to the proposed date of park event, the burden shall be upon the park use permit applicant to expedite any filings required and to request that the hearing officer conduct the hearing and render a written decision in a timely manner. The park use permit applicant's request for an expedited hearing shall be granted, and the hearing officer's written decision shall be issued in a timely manner if reasonable under the circumstances.

Sec. 32-67.1. Duties of permittee.

(a) It shall be the duty of every permittee to:

(1) Obey all laws and terms and conditions of the park use permit;

(2) Clean the area used at the conclusion of the park event and restore the area and property used to the same condition as existed prior to the park event; and

(3) Reimburse the department for any expenses incurred, including the cost of labor, to clean, restore, and make any necessary repairs to park property and equipment damaged during the park event.

(b) The director may impose a cleaning or security deposit in an amount sufficient to cover the costs, including staff time, of cleaning, restoring, and repairing park property in the event park property is damaged during the park event.

(c) This provision shall be cumulative of any rules and regulations the department already has in place.

Sec. 32-68. Transfers, refunds.

The director, subject to the approval of the mayor and city council, may establish rules and regulations pursuant to section 32-5 of this Code relating to refunds. No refund shall be made except as authorized pursuant thereto. Permits may not be assigned or transferred under any circumstances.

Sec. 32-69. Park user fees.

(a) Fees and charges for park concessions, rentals, vending licenses and permits, park use permits, admissions, golf and tennis, as well as athletics and recreation classes sponsored by department (collectively denoted "park user fees") shall be established by the city council. The schedule of fees approved under this provision shall be included in the city fee schedule. A copy of the schedule of park user fees shall be maintained for public inspection both in the office of the city secretary and the office of the director.

(b) It shall be the responsibility of the director to submit to the city council, as appropriate, revisions to the schedule of park user fees. The city council may act upon any such submittal by motion.

(c) In the event a participation or admission fee is charged by any person for any activity using park grounds or facilities, then the user fee applicable thereto shall be the park user fee established by city council, if any, plus the current percentage approved by the mayor and city council of the gross revenue derived from participation and admission fees. The director shall require the use of consecutively numbered admission tickets, recording cash registers or other reasonable methods to ensure accurate accounting of receipts and revenues derived from such activities.

(d) Park facilities shall be made available for use as election day polling places in accordance with the applicable provisions of Subchapter B, Chapter 43 of the Texas Election Code.

(e) The director, by regulation, shall establish uniform procedures relating to reservations, deposits and the manner for paying park user fees.

(f) The director may waive park user fees for any city-sponsored or cosponsored function or event. For purposes of this subsection, the director is authorized to declare city sponsorship.

Sec. 32-70. Voluntary contributions.

In the event voluntary contributions are given to or received by a permittee in connection with any use of the parks facilities or other function conducted within the parks, the fees in section 32-69(c) shall be applicable, whether or not the contributions are wholly voluntary, requested as a condition of admission to or participation in the function conducted, or for the provision of any goods or services.

Secs. 32-71--32-85.Reserved.

ARTICLE IV. MUNICIPAL GOLF COURSES

Sec. 32-86. Supervision.

The city's municipal golf courses shall be under the direction and supervision of the director, who shall have and exercise jurisdiction and control over the grounds and properties of such golf courses.

Sec. 32-87. Maintenance.

The director shall be charged with the duty of maintaining and keeping in good repair all of the grounds of the city's golf courses.

Secs. 32-88--32-115. Reserved.

ARTICLE V. RESERVED

Secs. 32-116--32-145. Reserved.

ARTICLE VI. THE HOUSTON ZOO

Sec. 32-146. Established.

There is hereby established a permanent and official name for the fenced off area located in Hermann Park, such area having been re-established by Ordinance No. 2002-574, passed June 26, 2002, and used as a public zoo. The aforementioned public zoo area shall be known as The Houston Zoo.

Sec. 32-147. Official address.

The official Houston Zoo address for all purposes shall be 6200 Hermann Park Drive, Houston, Texas 77030.

Sec. 32-148. Operation of zoo.

The Houston Zoo shall be under the direction and management of a non-profit corporation as provided by contract from time to time.

Sec. 32-149. Reserved.

Sec. 32-150. Hours of operation.

The organization contracted to manage the Houston Zoo shall have the right to establish the days, times and conditions for the operation of the Houston Zoo.

Sec. 32-151. Entry onto zoo grounds at unauthorized time.

It shall be unlawful for any person to enter onto or upon the zoo grounds, for any purpose, at any time other than during those times during which the zoo is open to the public as designated in section 32-150 of this Code. This section shall not apply to properly authorized zoo personnel.

Sec. 32-152. Bringing animals onto zoo grounds.

It shall be unlawful for any person to bring any animal onto or upon the zoo grounds without permission from the zoo manager.

Sec. 32-153. Throwing, etc., items into animal confinement or keeping areas.

It shall be unlawful for any person to throw, roll, shove, push or in any other way cause the entrance into an area of animal confinement or keeping, of any stone, ball, or other physical object; provided however, that this provision shall be inapplicable to the foodstuffs specifically authorized in section 32-155 of this Code. This section shall not apply to authorized zoo personnel.

Sec. 32-154. Entering animal confinement areas.

It shall be unlawful for any person to enter any area wherein an animal or animals are being confined or restrained; provided however, this section shall not apply to the authorized contact areas within the children's zoo at such times when the said children's zoo is open to the public.

Sec. 32-155. Feeding animals.

Except in designated areas overseen by zoo staff and set aside for feeding animals with foodstuffs sold by the zoo, it shall be unlawful for any person to feed any animal, or place any object within an animal confinement or place of keeping or otherwise induce or permit any animal to ingest any food or object.

Sec. 32-156. Police department.

The police department shall have jurisdiction and authority to patrol upon the zoo grounds and enforce all ordinances pertaining to the zoo.

Secs. 32-157--32-170. Reserved.

ARTICLE VII. RESERVED

Secs. 32-171--32-200. Reserved.

ARTICLE VIII. HOUSTON PARKS BOARD LGC, INC.

Sec. 32-201. Creation; composition; appointment of members.

There is hereby created the Houston Parks Board LGC, Inc., a local government corporation of the City of Houston, hereinafter called "the parks board," which shall consist of 20 members who shall be appointed by the mayor, subject to confirmation by the city council. The director shall serve as a non-voting, ex-officio member of the parks board.

Sec. 32-202. Positions, term of members.

The members of the parks board shall be appointed to specific positions. The terms of office are as follows:

(1) The terms of office for Positions 1, 2, 3, 10, 13, 16, and 19 shall expire on January 1, 2007, and on the same date in each third successive year thereafter.

(2) The terms of office for Positions 4, 5, 6, 11, 14, 17, and 20 shall expire on January 1, 2006, and on the same date in each third successive year thereafter.

(3) The terms of office for Positions 7, 8, 9, 12, 15, and 18 shall expire on January 1, 2005, and on the same date in each third successive year thereafter.

(4) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and confirmed.

Sec. 32-203. Assistance by certain city departments.

The directors of the departments of planning and development, finance, administration and regulatory affairs, public works and engineering, general services, and parks and recreation and their staffs shall provide requested assistance to the parks board. The city attorney and his staff shall provide legal services and representation to the parks board.

Sec. 32-204. Compensation of members; conflicts of interest.

Members of the parks board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered that have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest, and officers and members of the

board shall not participate in any activity of the corporation in which they have or may have a conflict of interest.

Sec. 32-205. Organization.

The parks board shall organize by electing from their membership a chairman, a vice-chairman, a president, a vice president, a secretary, and a treasurer, each of whom shall hold office for one year or until a successor shall have been elected and qualified. In addition, the board may appoint one of its employees to act as an executive director and may appoint one of its employees to act as an assistant secretary. The board may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this article.

Sec. 32-206. Purposes.

The purposes of the parks board shall be to:

(1) Solicit funds, gifts, and bequests for park acquisitions, additions and improvements in the city.

(2) Review and make advisory recommendations to the mayor and city council on proposed park acquisitions, additions and improvements to be paid for within city funds.

(3) Review and make advisory recommendations on parks department matters submitted to it by the director or mayor and city council.

(4) Manage and invest and oversee the management and investment of solicited funds, gifts, and bequests donated for park purposes, including, but not limited to, the purchase or sale of real and personal property and of investments in bonds, notes, common stocks and securities of any kind whatsoever.

(5) Formulate and submit to the mayor and city council proposals for acquisitions, additions and improvements to parks from funds and assets held by the board or for its benefit in trust accounts, or invested by the board.

(6) Convey land to the city for park purposes upon conditions acceptable to the city.

(7) Lease land and improvements, and related fixtures, equipment, facilities and amenities, to or from the city for a term of years for park purposes upon conditions acceptable to the city.

(8) Acquire lands for new public parks and open spaces and develop, improve and install new and existing public parks and open spaces and related

fixtures, equipment, facilities and amenities within the city limits of the city and its extraterritorial jurisdiction.

(9) Perform any duties authorized by the certificate of formation or by-laws of the parks board as approved by city council.

Sec. 32-207. Additional powers.

(a) The parks board may cooperate with any trust created for a purpose similar to that of the board as set out in item (1) of section 32-206 of this Code. In addition, the board may contract for financial management and investment services and may pay the reasonable fees therefor from solicited funds, gifts, bequests and income therefrom, provided, the board shall exclude therefrom any solicited funds, gifts or bequests when payment of a financial management and investment service fee would be contrary to the provisions of the grant.

(b) The board may exercise its sole discretion in the application for park purposes of funds received from any trust created specifically for the benefit of the parks board when such trust specifically grants such sole authority to the board and from funds donated directly to the parks board, provided construction of public improvements on city-owned property shall be in compliance with the competitive bid laws of the state applicable to local government corporations.

(c) When using donated funds described in subsection (b) the parks board may negotiate the purchase of items for city parks, but any such item that might otherwise become a fixture or part of the realty shall be deemed to remain personalty and subject to removal at the discretion of the city council. The parks board shall have no authority to take any action that will create a lien on city-owned land. Park land, no matter how modified under this provision, shall remain subject to the discretion of the city council in directing another or different park use or in authorizing the construction of a permanent park improvement. The following list is illustrative of the types of items that the parks board may purchase, subject to the approval of the director:

(1) Playground equipment.

(2) Trees.

(3) Landscaping.

(4) Water meters and sprinkler systems.

(5) Shuffleboard courts.

(6) Playpads.

(7) Benches.

(8) Water fountains.

(9) Picnic benches.

(10) Hike and bike trails.

(11) Exer-trail with equipment.

(12) Fencing.

(13) Sidewalks.

(14) Sculptures.

(15) Fountains.

(16) Equipment used in recreational programs.

(17) Flower clock.

(18) Flag pole.

(19) Gazebo.

(d) Subject to the approval of the director, the board may seek removal of any trustee of a trust established to benefit the parks of the city by instituting appropriate action in the district court upon at least 90 days written notice (unless waived by the trustee) to such trustee. Any removal notice must be actually received by the trustee being removed and must contain the appointment of a successor trustee and the acceptance of the successor trustee endorsed on it. Any successor trustee appointed to act shall be a bank with trust powers or a trust company, either state or national, located in the city, with a combined capital and surplus of at least $20,000,000.00.

(e) To more fully and efficiently carry out the purposes of the parks board, the city hereby grants the parks board a general right of entry on the city's public parks, open spaces and other lands of the city, subject to the prior approval by the director of the projects, and the design and construction thereof, for which such right of entry may be exercised, which right of entry is revocable by the director in the event actions taken under the right of entry are inconsistent with the limits of the approval, if any.

(f) To more fully and efficiently carry out the purposes of the parks board, the city hereby grants the parks board some of the same powers and functions as a park board of trustees established under Chapter 306 of the Texas Local Government Code, as follows:

(1) Acquiring by gift, devise, or purchase, or improving or enlarging:

a. Land and buildings to be used for public parks, playgrounds, or historical museums; and

b. Land on which are located:

[1] Historic buildings or sites, or landmarks of statewide historical significance associated with historic events or personalities;

[2] Prehistoric ruins, burial grounds, or archaeological or paleontological sites; and

[3] Sites including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical buildings, markers, monuments, or other historical features.

c. Land described by the foregoing subitems a and b of this item (1) may be located inside or outside the boundaries of the city, but must be located inside the limits of the counties in which the city is located;

(2) Accepting and receiving from any person or entity, and having authority to expend, gifts of money or other things of value for the purpose of performing any function or authority conferred on the board by this chapter;

(3) Accepting and receiving from the city, and having authority to expend, funds appropriated by the city for the purpose of improving, equipping, and promoting recreational and other facilities under the board's development;

(4) Advertising the city's recreational advantages for the purpose of attracting visitors, tourists, residents, and other users of the public facilities developed by the board;

(5) Entering into a contract, lease, or other agreement connected with, incident to, or in any manner affecting the financing, construction, equipping, or promoting of facilities under its development. The board may execute and perform its powers and functions on land leased from others, subject to the approval of the director; and

(6) Carrying out such other lawful purposes as the parks board may deem necessary or appropriate in connection with the foregoing powers and functions to the extent consistent with directions of the director.

(g) The parks board, as a local government corporation, shall have the power to enter into long-term contracts with the city, within the authority of the city, and other entities as relevant, for any length of term it deems necessary or appropriate to more fully and efficiently carry out the purposes of the parks board.

Sec. 32-208. Financial records.

The financial books and records of the parks board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed by the city. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the parks board shall be open to inspection and audit.

Sec. 32-209. Annual financial report.

The parks board shall make an annual financial report to the city council.

Sec. 32-210. Fidelity bond.

Each parks board member shall furnish to the city a fidelity bond in the amount of $10,000.00, provided the premium therefor shall be paid by the city, and provided further this requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees by amendment thereto so as to authorize inclusion of the board members.

Sec. 32-211. Meetings.

The parks board shall hold regular meetings as established by the board's bylaws. In addition, special meetings may be held in accordance with such rules as the board may provide. A quorum of the directors of the board shall consist of such number of members, being not less than a majority thereof, as may be specified in the corporate bylaws of the board.

Sec. 32-212. Removal of members.

In addition to the removal provisions of the certificate of formation and the by-laws approved by city council, parks board members may be removed by the mayor for the following causes:

(1) Four consecutive absences from regular monthly meetings of the park board.

(2) Failure to abstain in any vote or activity of the parks board, where a direct or indirect conflicts of interest is or may be involved.

(3) Failure to obtain or keep in force a fidelity bond.

(4) For conduct, whether or not resulting in a conviction, that impairs the ability of the member to carry out his parks board duties.

Sec. 32-213. Certificate of formation.

The city council hereby approves the form and substance of the proposed certificate of formation of the Houston Parks Board LGC, Inc. to be incorporated under the Texas Nonprofit Corporation Act. A copy of said certificate of formation is on file in the office of the city secretary. In the event of the dissolution of this corporation, the city shall succeed to the funds and assets of the corporation except to the extent that this may conflict with the conditions of a particular donation to the corporation.

Secs. 32-214--32-220. Reserved.

ARTICLE IX. PARK FOOD VENDORS

DIVISION 1. GENERALLY

Sec. 32-221. Purpose.

The purpose of this article is to establish procedures and standards by which persons may be permitted to sell food from park food service establishments, within certain city parks.

Sec. 32-222. Definitions.

As used in this article, the following terms and phrases shall have the following meanings:

Application means that form generally described in section 32-225 of this Code.

Central business district means the area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street and Heiner Street as projected and extended to Sabine Street. Parks abutting and fronting on the sections of streets which form the boundary of the area are included in the area.

Concession stand means a park food service establishment that operates in a fixed location and may include the use of any existing building or structure or the use of any temporary structure provided by the operator.

Food has the meaning ascribed in section 20-18 of this Code.

Food service establishment has the meaning set forth in section 20-18 of this Code.

Food truck means a food service establishment that is mounted on wheels, designed to be readily movable, and propelled by a motor.

Mobile food unit means a park food service establishment that is mounted on wheels, designed to be readily movable, and propelled solely by human power. A food truck shall not be considered a *mobile food unit*.

Packaged has the meaning set forth in section 20-18 of this Code.

Park or *parks* has the meaning set forth in section 32-1 of this Code.

Park food service establishment means a food service establishment operating within a park.

Permit means a permit granted under the authority of this article.

Roadway means that portion of a public street which is improved, designed, or ordinarily used for vehicular travel, exclusive of the curb, berm, esplanade, or shoulder. In the event that a public street includes two or more separate roadways, roadway means each such roadway separately.

Sidewalk means that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

Vendor means a person who has been granted a permit under this article and shall include that person's officers and employees.

Sec. 32-223. Permits required for park food service establishments.

(a) The director is authorized to issue permits for the operation of park food service establishments within parks.

(b) It shall be unlawful for any person to erect, operate or maintain a park food service establishment in a park without first obtaining a permit.

(c) It is an affirmative defense to prosecution under this section that the person is maintaining or operating the park food service establishment under the authority of a concession contract approved by city council.

Sec. 32-224. Reserved.

Sec. 32-225. Applications.

As a part of the application and proposal the applicant shall provide:

(1) The name and street address (and mailing address, if different) of the operator, manager or other person responsible for the operation or supervision of the park food service establishment;

(2) The name under which the park food service establishment will be operated;

(3) A letter or letters from the health officer, by which the director certifies that, under chapter 20 of this Code, the applicant meets the requirement for a food dealer's permit and, if applicable, the mobile food unit meets the requirements for a mobile food unit medallion;

(4) A copy of any certificate of insurance required to be provided;

(5) A general description and proposed prices of all foods to be sold and the proposed hours of operation;

(6) The park and description of the area in that park in which the applicant desires to operate his park food service establishment;

(7) A map showing the proposed location of the specific site desired;

(8) The written permission of the director for the use of the site; and

(9) Such other documentation or information as the director may reasonably require.

Sec. 32-226. Determination of qualified applicants.

Upon receipt of each application, the director shall examine its contents and determine whether the applicant is qualified for issuance of a permit based on the following factors:

(1) The application meets the requirements of this article;

(2) The park food service establishment is in compliance with the food service establishment specifications set out in chapter 20 of this Code and with all other applicable city ordinances;

(3) Given the particular characteristics of the park in which the park food service establishment is to be operated, and of the pedestrian and vehicular traffic in the area, the operation of the proposed park food service establishment will not interfere with pedestrian or vehicular traffic in the park or with the public's use of the park;

(4) Operation of the park food service establishment is not expected to obstruct vehicular or pedestrian travel upon any sidewalk or public street;

(5) The products to be sold are not expected to cause or contribute to littering in the parks nor to annoy, through noxious odors or other means, the park's patrons; and

(6) The park food service establishment and the equipment proposed to be used will be appropriate, suitable and aesthetically pleasing in that area of the park.

Sec. 32-227. Evaluation of applications.

The vendors to be issued permits shall be selected by a comparison of the applications submitted for each area and park. The director may request the assistance of the health officer to evaluate these applications. If more than one qualified applicant has applied for a license to serve the same area of a park, the director shall choose from among the applicants based upon the following criteria:

(1) Ability to contribute to the availability of a variety of foods for park patrons;

(2) Ability to address consumer preferences for particular foods in a particular park or in parks generally;

(3) Ability to engage in park vending activities for an optimum number of hours and days per week;

(4) Ability to successfully operate a mobile food vending business and comply with the applicable ordinances of the city governing his activities and his park food service establishment based on his ability as determined from his financial resources and history and any experience in similar types of ventures; and

(5) Ability to provide a reasonable and competitive price structure for the food proposed to be sold.

Based upon the information set out in the applications, the director shall rate each applicant's relative ability to meet the above criteria. The applicant receiving the highest overall rating shall be the applicant selected as the vendor for that area. The director may consider applicants who were not selected but were otherwise qualified, for areas of the same or other parks for which the city received no applications.

Sec. 32-228. Term of permit.

(a) A permit granted under this article shall be valid for the time and day indicated on the permit. The permit shall specify the foods permitted to be sold or distributed based on recommendations from the health officer.

(b) A permit granted under this article constitutes a temporary and interruptible authorization for the use of a park or designated portion thereof in a manner consistent with the conditions upon which the permit has been granted. It is a privilege granted by the city not a right. It is not an exclusive permit and does not and shall not be construed to convey any legal or equitable interest whatsoever to any part of the park.

(c) A permit is issued in the vendor's name for a particular park food service establishment and designated area of a park and cannot be assigned, sold, lent, leased, or otherwise transferred even though the ownership of the park food service establishment may change.

Sec. 32-229. Reserved.

Sec. 32-230. Indemnification of city.

The vendor must agree, as a condition of his permit, to indemnify and hold harmless the city, its officers and employees against any loss, liability or damage, including expenses and costs for bodily injury and for property damage sustained by any person as a result of the vendor's operation of a park food service establishment on public property.

Sec. 32-231. Permit conditions.

(a) A permit shall be subject to the following conditions and may be suspended or revoked for failure to comply with any one of them:

(1) The vendor shall maintain the park food service establishment in good repair and keep it free from material defects that may present a hazard to life or property.

(2) The vendor shall make the park food service establishment available for an inspection by the director or his representatives at any time while the park food service establishment is on park property. No notice from the director prior to such an inspection shall be required.

(3) The vendor must comply with all other applicable state and city rules and regulations specifically including all food or health-related ordinances of the city and all state and federal food labeling laws. The park food service establishment itself and the vendor and all of his employees must meet applicable requirements for the operation of food establishments as set out in chapter 20 of this Code at all times.

(4) In addition to the marking requirements of Chapter 20 of this Code, each park food service establishment shall be clearly marked with the name and phone number of the owner of the park food service establishment and the phone number of the city's department of health and human services.

(5) The vendor shall maintain adequate lighting in and around the park food service establishment to ensure that the park food service establishment may be easily seen at night. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any property contiguous or adjacent to the park. It shall not cause illumination beyond the boundaries of the park on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the park in excess of 0.5 foot candles. The illumination of any street from the park food service establishment shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of

vehicular traffic. In addition, its design and color shall not be such that is could be mistaken for a traffic signal.

(6) A vendor may not obstruct ingress or egress to any other building, roadway, or pathway

(7) The vendor shall not install, erect or maintain any signs on park property except those permitted on the park food service establishment itself.

(8) The vendor shall not install any permanent improvement in a park.

(9) During hours of operation under a permit, the vendor shall serve, store and display his food on or in the park food service establishment itself and shall not use, set up or attach any crate, carton, rack, table or other device to increase the selling or display capacity of his park food service establishment.

(10) Outside hours of operation under a permit, the vendor shall not store any items, including food and/or equipment, within a park facility or upon park property.

(11) The vendor shall not leave the park food service establishment open (unlocked) and unattended. If a park food service establishment is left unattended, it may be shut down and towed, if applicable. The vendor shall then be liable for all reasonable removal, towing, and storage charges.

(12) The vendor shall not operate the park food service establishment in the park between the hours of 11:00 p.m. and 7 a.m. or outside hours of operation under a permit.

(13) The vendor shall not permit any electrical or mechanical sound to emanate beyond 20 feet from the park food service establishment.

(14) The vendor shall not operate the park food service establishment in a fashion that creates a traffic hazard or increases traffic congestion or delay.

(15) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a vendor to temporarily move from a location, such vendor shall not operate from or remain at such location. For the purpose of this subdivision, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

(16) The vendor shall update and supplement the information provided as a part of his application to ensure that it remains true and correct at all times.

(17) The vendor shall have his permit available at all times while the park food service establishment is in operation and shall present the permit upon request. In addition, the vendor shall have in his possession satisfactory proof or documentation detailing the origin or source of all foods being held, stored, offered for sale, sold, distributed or given away. Those records shall be available for review upon request.

(18) The vendor shall comply with all rules promulgated by the director and shall refrain from operating the park food service establishment during certain days or in certain areas if so requested by the director.

(19) The vendor shall not use the park food service establishment or permit anyone else to use the park food service establishment to sell distribute or give away any foods other than those specifically approved by the director, in writing, at the time the permit is issued. The vendor is not authorized to and shall not sell any non-food items without the written consent of the director.

(20) The vendor shall maintain records of daily gross sales, purchases, and expenses of or from the park food service establishment and those records shall be available for inspection by the director upon request.

(21) The vendor shall be responsible for supervising the conduct of its patrons and employees.

(22) The vendor and his employees shall wear clean outer garments and shall refrain from smoking on park property and eating during working hours.

(23) The vendor shall furnish good, prompt, courteous, and efficient service to its patrons. At no time shall a vendor hawk his merchandise or shout at or otherwise annoy park patrons in an effort to encourage them to purchase his merchandise.

(24) The vendor shall keep the area within 25 feet of the park food service establishment clean and free of litter at all times. The vendor's litter receptacle shall be emptied regularly in other than a public receptacle. The litter receptacle shall be kept covered with a tight fitting lid when not in continuous use.

(25) The vendor shall not use any park facilities including utility outlets, for operating or cleaning the park food service establishment or its appurtenances with the exception of electrical service which may be approved in advance at the option of the director. The vendor and his employees may use available restroom facilities for their personal use.

(26) The vendor shall provide a cash bond or a bond with the vendor as principal and a corporate bonding company licensed to do business in the state as surety in the amount of $2,500.00 to cover the costs of repair or replacement of any city property, the damage or destruction of which was caused directly or indirectly by the vendor. This bond shall be duly executed by the vendor and a corporate surety company licensed to do business in the State of Texas and shown on the most recent edition of the United States Treasury Circular 570 as having an "underwriting limitation" at least as great as the penal sum of the bond. The vendor may substitute a cash deposit or comprehensive public liability insurance for property damage in the amount of $2,500.00. The city shall be named as an additional insured on the policy and the policy shall include a provision to the effect that the city will be notified in writing by the insurance company ten days prior to a cancellation, nonrenewal, or material change in the policy. In the case of nonrenewal or cancellation, the vendor shall then have five days to replace the coverage or the vendor's permit shall be deemed revoked without further action on the part of the city.

(b) A permit for a mobile food unit shall be subject to the following additional conditions and may be suspended or revoked for failure to comply with any one of them:

(1) The vendor shall thoroughly clean the mobile food unit and drain and flush the liquid waste tanks each day the mobile food unit is operated.

(2) The mobile food unit itself and the vendor and all of his employees must meet requirements for the operation of mobile food units and food establishments as set out in sections 20-22 and 20-37 of this Code at all times.

(3) The vendor shall maintain adequate lighting in and around the mobile food unit to ensure that the mobile food unit may be easily seen at night. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any property contiguous or adjacent to the park. It shall not cause illumination beyond the boundaries of the park on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the park in excess of 0.5 footcandles. The illumination of any street from the mobile food unit shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that is could be mistaken for a traffic signal.

(4) The vendor shall not park or stop a mobile food unit within 20 feet of an entrance or exit to any building, or a hydrant, street light, curb, crosswalk, telephone booth, driveway, mailbox, transit stop, or any other public service facility even temporarily. In addition, a vendor shall not park or stop a mobile food unit within 20 feet of another mobile food unit.

(5) The vendor shall not load or unload the mobile food unit or any food items while the mobile food unit or a vehicle transporting the mobile food unit is parked on a roadway. In no case shall a mobile food unit be positioned on a sidewalk so as to occupy more than 40 percent of the width of that sidewalk. In addition, all mobile food units shall comply with clearances required from structures to utility lines as provided in a nationally recognized building code.

(6) The vendor shall remove the mobile food unit from park property between the hours of 11:00 p.m. and 7:00 a.m. and during any time not covered by the permit.

(7) The vendor shall operate only within his assigned area of the park. The vendor shall avoid positioning the mobile food unit so as to damage or destroy any park property and shall not allow the mobile food unit to touch, lean against or be affixed temporarily or permanently to any building, structure, tree, or shrubbery.

(8) The director is hereby authorized to promulgate such additional rules as he deems necessary or appropriate from time to time based on circumstances unique to an individual park or to ensure safe and efficient operation of a unit. This authorization includes the authority to impose additional insurance requirements in such amounts as the director may deem necessary. All such rules shall be in writing, shall be on file in the city secretary's office and shall be available to the public upon request from the office of the director. This authorization also includes the authority to temporarily suspend a vendor's permit.

Sec. 32-232. Enforcement.

(a) Notwithstanding the other provisions of this article, whenever the director or the health officer finds an unsanitary or other unhealthful or unsafe condition in the operation of a unit, he may issue a written notice to the vendor citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the director, shall be afforded a hearing within ten days after the issuance of that order.

(b) The director may suspend or revoke a permit for failure to observe any of the conditions listed in section 32-231. Prior to such suspension or revocation the director shall give ten days' written notice to the vendor of his violation of or his failure to observe a general condition as set out above. If the vendor requests a hearing prior to the expiration of that ten-day notice period, the director shall hold a hearing to determine if the permit should be suspended or revoked. The vendor may present evidence in his own behalf if he so desires. The director's decision in regard to

suspension or revocation shall be final. If the vendor fails to request such a hearing, the suspension or revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this article is suspended or revoked, the vendor shall not operate the unit on park property thereafter. A vendor whose permit has been suspended or revoked may apply for a permit the following vending season.

(c) All notices required or permitted under this article shall be in writing and shall be deemed delivered upon email notification, personal delivery or three days after deposit in a United States Postal Service post office or receptacle with proper postage affixed and addressed to the vendor at the address provided by the vendor (the applicant's name and street address) in his application for a permit.

(d) In the event that the health officer issues a notice of violation of any law or ordinance to a vendor in connection with the operation of or any condition related to the unit or the vendor's operation, including a violation of this article, the health officer shall immediately notify the director. Conversely, if the director is notified of or becomes aware of any condition or occurrence which may constitute a violation of this article or of any food or health-related statute or ordinance, the director shall immediately notify the health officer. Copies of all inspection reports, prepared by the health officer, on units permitted hereunder shall be promptly forwarded to the director.

(e) Suspension, revocation, or expiration of a vendor's good dealer's permit or mobile food service unit medallion shall result in the immediate suspension of the permit granted hereunder without further action on the part of the city. Such suspension shall remain in effect until the vendor's food dealer's permit and mobile food service unit medallion are restored. The notice provisions of section 32-232(c) shall not be applicable to suspension of a permit under this subsection.

(f) In addition, a permit shall be revocable without liability therefor if the director finds that a public necessity or emergency exists requiring an immediate revocation of the permit and termination of operation of the unit for the remainder of a vending season. In that case the director shall provide written notice to the vendor as promptly as possible. This notice shall state the reason or reasons emergency revocation is or was required. Notice under this clause shall constitute an exception to the notice provisions of section 32-232(c).

Sec. 32-233. Fees.

Permit fees for units shall be established by the city council. The schedule of fees approved under this provision shall be included in the city fee schedule.

Secs. 32-234--32-239. Reserved.

DIVISION 2. FOOD TRUCKS

Sec. 32-240. Operation.

(a) It shall be unlawful for any person to operate a food truck in any park.

(b) It shall be an affirmative defense to prosecution under this section that the actor is:

(1) Operating under a special event permit issued pursuant to chapter 25 of this Code;

(2) Operating under a contract awarded pursuant to the city's procurement procedures set forth in chapter 15 of this Code; or

(3) Operating under the authority of a concession contract authorized pursuant to section 32-8(b) of this Code.

Sec. 32-241. Authority of the director to promulgate rules

The director is authorized to promulgate additional rules and regulations regarding the permitting and operation of food trucks in city parks. The promulgation of such rules and regulations shall conform to the provisions of subsection 32-5(a) of the Code.

ARTICLE X. RESERVED

Sec. 32-242. Reserved.

ARTICLE XI. MILLER THEATRE ADVISORY BOARD

Sec. 32-243. Creation of advisory board.

There is hereby created the Miller Theatre Advisory Board, whose members shall be appointed by the mayor, subject to confirmation by the city council. The director shall serve as executive secretary to the board but shall not be a member of the board and shall not have a vote. The Houston Arts Alliance (HAA) shall select a representative to be an ex officio member of the board. Additionally, from time to time, the Hermann Park Conservancy shall select a representative to be an ex officio member of the board; neither of these representative ex officio members shall have a vote or be considered a member for the purpose of establishing a quorum.

Sec. 32-244. Positions and terms of board.

(a) There shall be 21 voting members of the Miller Theatre Advisory Board, each of whom must reside within the limits of the city and shall be appointed by the mayor and approved by city council. The term of each member shall be for four years and shall continue until a successor has been appointed and confirmed. Terms shall be staggered. An appointment made to fill a vacancy caused by the death or resignation of a board member shall be for the balance of the term of the position.

(b) The initial appointments shall be made for staggered terms, with seven members being appointed for four-year terms, seven members being appointed for three-year terms, and seven members being appointed for two-year terms, with

consideration being given to the number of years, if any, an individual served on the Miller Theatre Advisory Council.

Sec. 32-245. Assistance of city departments.

Through the director, the directors of other city departments shall provide requested assistance to the board. The city attorney shall provide requested legal representation and services to the board.

Sec. 32-246. Members to serve without pay.

Members of the board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered that have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest.

Sec. 32-247. Organization of the board.

The board shall elect from their membership a chairman, a vice-chairman, a secretary and a treasurer to serve for one year commencing on January 1 and ending on December 31, or until a successor shall have been elected and installed. The board must adopt such administrative procedures as are necessary to accomplish the purposes set out in this article.

Sec. 32-248. Purposes.

The purposes of the Miller Theatre Advisory Board shall be:

(1) Receipt and management of an annual allocation from the city in support of performances at the Miller Outdoor Theatre. Applicants for such support will be reviewed and auditioned as necessary.

(2) Management and distribution of funds for Miller Outdoor Theatre performances in accordance with an approved schedule of performances.

(3) Solicitation of funds, gifts, and bequests for Miller Outdoor Theatre performances, programs, and facilities.

(4) Management, investment, and oversight of funds, gifts, and bequests donated to Miller Outdoor Theatre.

Sec. 32-249. Additional powers of board.

(a) The board may cooperate with any trust created for similar purpose or purposes. However, the board has no authority to commit city funds, property, personnel, or services.

(b) The board may contract for financial management and investment services, paying reasonable fees therefor from solicited funds, gifts, bequests, or income therefrom, provided the board shall exclude from provision of such payment those solicited funds, gifts, bequests or income the donor of which made provisions contrary to such use.

(c) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds donated directly to the board, provided purchases and improvements to the Miller Outdoor Theatre shall be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.

(d) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds received from any trust created specifically for the benefit of the board when such trust specifically grants such sole authority to the board, provided purchases and improvements to the Miller Outdoor Theatre shall be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.

Sec. 32-250. Financial records of board.

The financial books and records of the board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed or engaged by the city. Further, as a condition of the acceptance of funds or the cooperation described in sections 32-248 and 32-249 of this Code, the board must provide annual audited financial statements.

Sec. 32-251. Annual report.

The board shall make an annual report to the mayor, city council, and the director.

Sec. 32-252. Removal of board members.

Board members may be removed by the mayor for the following causes:

(1) Four consecutive absences from regular monthly meetings of the board.

(2) Failure to abstain in votes or activities of the board where a direct or indirect conflict of interest is or may be involved.

(3) Conduct, whether within or without board activities, which impairs the ability of the member to discharge his board duties.

Secs. 32-253--32-260. Reserved.

ARTICLE XII. HOUSTON YOUTH RECREATION PROGRAMS STANDARDS OF CARE

DIVISION 1. GENERALLY

Sec. 32-261. Definitions.

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

Assistant director means an assistant director of the parks and recreation department of the city, or the assistant director's designee.

Parent means a parent or guardian who has legal custody and authority to enroll a child in a youth recreation program.

Participant means a youth (ages 5-13) whose parent or guardian has completed all required registration procedures and has been determined to be eligible for a youth recreation program.

Program manual means the notebook of policies, procedures, forms, and organizational and programming information relevant to a youth recreation program.

Program site means the area or facilities where a youth recreation program is held.

Program staff means the person or persons who have been hired or have volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of a youth recreation program. This definition includes recreation facility managers, program managers, recreation supervisors, recreation specialists, and recreation assistants.

Site manager means a recreation facility manager, program manager, or recreation supervisor.

Youth recreation programs mean the department programs consisting of the after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.

Sec. 32-262. Organization.

(a) The governing body of the youth recreation programs is the city council.

(b) Implementation of the youth recreation program standards of care is the responsibility of the assistant director and program staff.

(c) The standards of care, as provided in this division, shall apply to the department's youth recreation programs.

(d) Each program site will have a current copy of the standards of care available for the public and the staff.

(e) Parents of participants will be provided a copy of the standards of care prior to the start of a youth recreation program, preferably during the registration process. Parents will be informed that a youth recreation program is not licensed by the state and that the youth recreation program is not a child-care facility.

(f) Criminal background checks will be conducted on prospective program staff. If results of a criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment in a youth recreation program:

(1) A felony or a misdemeanor classified as an offense against a person or family;

(2) A felony or a misdemeanor classified as public indecency;

(3) A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(4) Any offense involving moral turpitude; or

(5) Any offense that would potentially put the city at risk.

Sec. 32-263. Inspection, monitoring, and enforcement.

(a) A site manager of a program site will ensure compliance with the standards of care and will prepare a monthly inspection report.

(b) Inspection reports will be sent to the assistant director for review.

(c) The assistant director will review the report and establish deadlines and criteria for compliance with the standards of care.

(d) The assistant director will make visual inspections of youth recreation programs based on the following schedule:

(1) An after school enrichment program site will be inspected monthly. This may be scheduled or unscheduled.

(2) The summer enrichment program will be inspected twice during its summer schedule.

(e) A complaint regarding enforcement of the standards of care will be directed to the site manager. The site manager will be responsible for taking the necessary steps to resolve the complaint. The site manager will record complaints regarding enforcement of the standards of care and their resolution. Serious complaints regarding enforcement of the standards of care will be forwarded to the assistant director for review and resolution.

(f) The assistant director will make an annual report to the director on the overall status of the youth recreation programs and their operation relative to compliance with the adopted standards of care.

Sec. 32-264. Enrollment.

Before a child can become a youth recreation program participant, a parent must sign a registration form that contains:

(1) The child's name, age, address, and home telephone number;

(2) Emergency contact names and telephone numbers;

(3) The child's doctor's name and telephone number; and

(4) A liability waiver.

Sec. 32-265. Suspected child abuse.

(a) Program staff will report suspected child abuse in accordance with the Texas Family Code.

(b) Program staff will receive basic training related to child abuse prevention and reporting.

Secs. 32-266--32-270. Reserved.

DIVISION 2. STAFFING QUALIFICATIONS AND TRAINING

Sec. 32-271. Recreation facility manager qualifications.

(a) Recreation facility managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation facility managers should possess the following combination of experience and training:

(1) Two years of experience in recreation facility operations.

(2) An associate's degree in physical education, art or a related field.

Sec. 32-272. Program manager qualifications.

(a) Program managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Program managers should possess the following combination of experience and training:

(1) Two years of experience coordinating and managing community programs and activities.

(2) An associate's degree in business administration, management, physical education, art or a related field.

Sec. 32-273. Recreation supervisor qualifications.

(a) Recreation supervisors will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation supervisors should possess the following combination of experience and training:

(1) An associate's degree in education, recreation, physical education, art or a related field.

(2) Two years of experience in recreation or education.

Sec. 32-274. Reserved.

Sec. 32-275. Recreation specialist qualifications.

(a) Recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation specialists should possess the following combination of experience and training:

(1) Three months of experience in recreation, education or a related field.

(2) An associate's degree in physical education, art or a related field.

Sec. 32-276. Recreation assistant qualifications.

(a) Recreation assistants will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation assistants should possess the following combination of experience and training:

(1) Three months of experience in recreation, education or a related field.

(2) A high school diploma or GED certificate.

Sec. 32-277. Training and orientation.

(a) The department is responsible to provide training and orientation to program staff in working with participants and for specific job responsibilities. The assistant director will provide each program site with a program manual.

(b) Program staff should be familiar with the standards of care for youth recreation programs as adopted by city council.

(c) Program staff should be familiar with a youth recreation program's policies including discipline, guidance, and release of participants.

(d) Program staff will be trained in appropriate procedures to handle emergencies.

(e) Program staff will be trained in areas including city, department, and youth recreation program policies and procedures, recreation activities organization, safety issues, program organization, and other areas as required by an assigned youth recreation program.

(f) Program staff will be required to sign an acknowledgment that they have received the required training.

Secs. 32-278--32-280. Reserved.

DIVISION 3. OPERATIONS

Sec. 32-281. Staff-participant ratio.

In a youth recreation program, the standard ratio of participants to staff is 25 to 1, based on average daily attendance. For a field trip, the standard ratio of participants to staff is 10 to 1, based on average daily attendance.

Sec. 32-282. Discipline.

(a) Program staff will implement discipline and guidance in a consistent manner based on the best interests of participants.

(b) There will be no cruel treatment or harsh punishment.

(c) Program staff will use brief, supervised, separation (time out) from the group if necessary.

(d) As necessary, program staff will initiate discipline reports to the parent(s) of participants. A parent will be asked to sign a participant discipline report to indicate that the parent has been advised about specific problems or incidents.

(e) A sufficient number and/or severe nature of discipline reports may result in a participant being suspended from a youth recreation program.

(f) A participant will be removed from the program site as soon as possible in instances of danger to other participants or program staff.

Sec. 32-283. Programming.

(a) Program staff will provide cultural, educational, and recreational programs for participants according to their ages, interests, and abilities. The activities will be appropriate to the health, safety, and well-being of participants. The activities also will be flexible and promote the emotional, social, and mental growth of participants.

(b) Program staff will attempt to provide indoor and outdoor time periods to include:

(1) Alternating active and passive activities;

(2) Opportunity for individual, small, and large group activities; and

(3) Outdoor time each day, as weather permits, based upon room availability and weather conditions.

(c) Program staff will be attentive and considerate of the participant's safety on field trips and during any transportation provided by a youth recreation program.

(d) During field trips, program staff will have emergency contact information for each participant.

(e) Program staff will have a written list of the participants in the group and should check the roll before departure to and from the destination.

(f) Program staff will have first aid supplies available on field trips.

Sec. 32-284. Communication.

A program site will have a telephone to allow a program site to be contacted by program staff. A program site will have access to a telephone for use in contacting program staff or making emergency telephone calls. At a program site, the site manager will post the following telephone numbers adjacent to a telephone accessible to program staff:

(1) City ambulance or emergency medical services;

(2) Houston Police Department;

(3) Houston Fire Department;

(4) Department administrative office; and

(5) Telephone numbers and address of the program site.

Sec. 32-285. Transportation.

(a) Before a participant can be transported to and from city sponsored activities, a registration/waiver form, completed and signed by a parent of the participant, will be filed with the department.

(b) First aid supplies will be available in a youth recreation program vehicle used to transport participants.

(c) Seatbelts will be worn, if provided.

(d) Participants will be oriented to expected behavior and safety rules.

Secs. 32-286--32-290. Reserved.

DIVISION 4. FACILITY STANDARDS

Sec. 32-291. Safety.

(a) Program staff will inspect program sites weekly checking for sanitation and safety concerns that might affect the health and safety of participants.

(b) Buildings, grounds and equipment on a program site will be inspected, cleaned, repaired and maintained to protect the health and safety of participants.

(c) Program site equipment and supplies will be safe for use of participants

(d) Program staff will have first aid supplies available at a program site in a designated location, during transportation, and for the duration of any off-site activity.

Sec. 32-292. Fire.

(a) In case of fire, danger of fire, explosion or other emergency, program staff's first priority is to evacuate participants to a pre-designated safe area.

(b) A program site will have an annual fire inspection, and the resulting report will detail any safety concerns observed and recommend deadlines and criterion for compliance.

(c) A program site will have at least one fire extinguisher readily available to all program staff. The fire extinguisher will be inspected monthly by the site manager. Program staff will be trained in the proper use of a fire extinguisher.

(d) Fire drills will be initiated at program sites based on the following schedule:

(1) *After school enrichment program*—Once every three months; and

(2) *Summer enrichment program*—Once during each program.

Sec. 32-293. Health.

(a) *Illness or injury.*

(1) A participant who is considered to be a health or safety concern to other participants or program staff will not be admitted to a youth recreation program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and program staff.

(3) Program staff will follow emergency procedures for injured participants or for participants with symptoms of an acute illness.

(b) *Toilet facilities.*

(1) A program site will have toilets located and equipped so participants can use them independently and program staff can monitor as needed.

(2) An adequate number of lavatories will be provided.

(c) *Sanitation.*

(1) An indoor program site will have adequate light, ventilation, air conditioning, and heat.

(2) A program site will have an adequate supply of water, and water will be supplied to the participants in a safe and sanitary manner.

Secs. 32-294--32-299. Reserved.

ARTICLE XIII. BUFFALO BAYOU PARK

Sec. 32-300. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning assigned to them in this section.

BBP means the Buffalo Bayou Partnership, a Texas non-profit corporation, or its permitted successor under that certain Construction, Operation and Maintenance Agreement approved by City of Houston, Texas, Ordinance No. 2011-1166 (Dec. 14, 2011).

Buffalo Bayou Park means a publicly dedicated park adjacent to Buffalo Bayou and generally between Memorial Drive and Glenwood Cemetery on the north, Sabine Street on the east, Allen Parkway on the south, and Shepherd Drive on the west.

Sec. 32-301. Buffalo Bayou Park.

(a) The director delegates authority to BBP to permit special uses, including exhibits of art, in Buffalo Bayou Park. Such delegation of authority shall end upon BBP's written notice of rejection of such authority to the director.

(b) BBP shall have the right to grant consents for offering anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within Buffalo Bayou Park.

(c) Notwithstanding section 32-7(a) of this Code, revenues derived from Buffalo Bayou Park, including user fee revenues related to special events but excluding other revenues related to special events as defined in section 25-2 of the Code, shall be deposited in accounts managed by the BBP for the sole benefit of Buffalo Bayou Park.

(d) BBP shall have the authority of the director under section 32-8 of the Code to grant written consent for concessions in Buffalo Bayou Park.

(e) BBP shall have the authority of the director under section 32-10 of the Code with respect to the approving applications for and permitting the maintenance or adoption of natural areas in Buffalo Bayou Park.

(f) Skateboarding and scooters are prohibited in Buffalo Bayou Park with the exception of the Lee and Joe Jamail Skateboard Park and adjacent Skater's Alley.

(g) Swimming is prohibited in Buffalo Bayou Park.

(h) BBP shall have the authority of the director under article IX of this chapter with respect to mobile food units and food trucks in Buffalo Bayou Park.

(i) BBP shall have the authority to designate (i) areas in Buffalo Bayou Park where a permit shall be required to conduct a special event, (ii) restricted use areas in Buffalo Bayou Park where certain types of special events shall not be permitted, and (iii) the allowable frequency of special events. BBP shall cause maps of such areas to be prepared and made available in the offices of the director and the director of the mayor's office of special events.

(j) Solely with respect to Buffalo Bayou Park, BBP shall have the concurrent authority with the director of the mayor's office of special events to deny a permit pursuant to section 25-7 of the Code.

(k) Solely with respect to Buffalo Bayou Park and in addition to any deposit levied by the city, BBP may levy a security deposit to protect Buffalo Bayou Park from damage and BBP from unpaid services BBP may be required to provide to protect the park and public safety, with such security deposit paid to BBP.

(l) Solely with respect to Buffalo Bayou Park, BBP and the director of the mayor's office of special events shall establish insurance requirements and indemnification requirements for special uses, special events and other activities.

(m) Solely with respect to Buffalo Bayou Park, BBP and director of the mayor's office of special events shall be required to coordinate the schedules of special uses, special events and other activities.

(n) The provisions of this article XIII shall terminate when BBP is no longer under contract with the city for the operation of Buffalo Bayou Park.

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015

Item Creation Date:

MYR - Houston Civic Events Amendment

Agenda Item#: 79.

Summary:

ORDINANCE approving and authorizing Amended and Restated Interlocal Agreement between the City of Houston and **HOUSTON CIVIC EVENTS, INC**, a Local Government Corporation; adopting by reference certain findings in the agreement; authorizing certain disbursements
TAGGED BY COUNCIL MEMBERS LASTER, KUBOSH and STARDIG
This was Item 23 on Agenda of December 2, 2015

Background:

On November 12, 2014, City Council passed Resolution No. 2014-44, authorizing the creation of Houston Civic Events, Inc. (the "Corporation"), a local government corporation to, in part, manage, solicit, invest, and oversee the investment of solicited funds, gifts, donations and bequests for the use and benefit of the City in sponsoring special events and civic celebrations.

On Tuesday, February 24, 2015, the Corporation's Board unanimously approved an interlocal local agreement ("ILA") between the City of Houston and the Corporation. On April 15, 2015, Houston City Council unanimously approved Ordinance No. 2015-346, authorizing an ILA between the City of Houston and the Corporation. The current ILA contains a 10-year term and memorializes the terms and conditions of the disbursements the City distributes to the Corporation for special events specified by the City.

It is now recommended that City Council approve the Amended and Restated Interlocal Agreement, which conforms the ILA to similar agreements between the City and other local government corporations created by the City.

Contact Information:

Janice Evans
Chief Policy Officer
832.393.0800

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
MYR - Houston Civic Events Amendment RCA	Signed Cover sheet
Signed Amended and Restated HCE ILA Ordinance	Ordinance/Resolution/Motion

Houston Civic Events Amended & Restated ILA FINAL	Contract/Exhibit
Amended and Restated HCE ILA DRAFT	Contract/Exhibit

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

SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOUSTON AND HOUSTON CIVIC EVENTS, INC., A LOCAL GOVERNMENT CORPORATION; ADOPTING BY REFERENCE CERTAIN FINDINGS IN THE AGREEMENT; AUTHORIZING CERTAIN DISBURSEMENTS.		**Page 1 of 1**	**Agenda Item #**
FROM (Department or other point of origin): Mayor's Office	**Origination Date** 11/20/15	**Agenda Date**	
DIRECTOR=S SIGNATURE: Janice Evans, Chief Policy Officer		**Council District affected:** All	
For additional information contact: **Phone:** **832-393-0800**		**Date and identification of prior authorizing Council action:** 11/12/2014: Ordinance No. 2014-44 04/24/2015: Ordinance No. 2015-346	

RECOMMENDATION: (Summary)

That City Council adopt an ordinance approving and authorizing an Amended and Restated Interlocal Agreement between the City of Houston and Houston Civic Events, Inc., a Local Government Corporation and authorizing certain disbursements.

Amount and Source of Funding:

N/A

SPECIFIC EXPLANATION:

On November 12, 2014, City Council passed Resolution No. 2014-44, authorizing the creation of Houston Civic Events, Inc. (the "Corporation"), a local government corporation to, in part, manage, solicit, invest, and oversee the investment of solicited funds, gifts, donations and bequests for the use and benefit of the City in sponsoring special events and civic celebrations.

On Tuesday, February 24, 2015, the Corporation's Board unanimously approved an interlocal local agreement ("ILA") between the City of Houston and the Corporation. On April 15, 2015, Houston City Council unanimously approved Ordinance No. 2015-346, authorizing an ILA between the City of Houston and the Corporation. The current ILA contains a 10-year term and memorializes the terms and conditions of the disbursements the City distributes to the Corporation for special events specified by the City.

It is now recommended that City Council approve the Amended and Restated Interlocal Agreement, which brings this ILA in line with similar agreements between the City and other local government corporations created by the City.

Cc: Kelly Dowe, Finance Director

REQUIRED AUTHORIZATION		
Other Authorization:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date: 9/24/2015

20GK81 - Amend PES - Black & Veatch Corp.

Agenda Item#: 80.

Summary:

ORDINANCE appropriating $520,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract; approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **BLACK & VEATCH CORPORATION** for Update to Biosolids Management Plan (Approved by Ordinance No. 2012-0455, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

TAGGED BY COUNCIL MEMBER GREEN

This was Item 61 on Agenda of December 2, 2015

Background:

SUBJECT: First Amendment and an Additional Appropriation to Professional Engineering Services Contract between the City and Black & Veatch Corporation for Update to Biosolids Management Plan, WBS No. R-000265-0093-3.

RECOMMENDATION: (Summary) Approve First Amendment to the Professional Engineering Services Contract with Black & Veatch Corporation and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the wastewater treatment plant and sludge processing facility improvements program.

LOCATION: The project area is located city wide.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on May 16, 2012 under Ordinance No. 2012-0455. The scope of services under the Original Contract consisted of evaluating and updating the existing City of Houston Biosolids Management Plan, and developing best fit system alternatives for near-term and long-term biosolids handling. Updated Biosolids Management Plan draft report has been submitted.

SCOPE OF THIS AMENDMENT AND FEE: Under the scope of the First Amendment, the Engineer will develop a management plan for sludge produced at the City's drinking water facilities. The Engineer will also provide additional analysis of wastewater treatment facilities to assist in developing Biosolids Management Capital Improvement Project roadmap, detailed project scopes and associated construction costs. Basic Services Fee is based on cost of time and materials with not-to-exceed agreed upon amount. No Additional Services are currently

anticipated.

The total requested appropriation is $520,000.00 to be appropriated as follows: $451,634.00 for contract services and $68,366.00 for CIP Cost Recovery.

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

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original Contract amount totals $897,116.00. The consultant has been paid $844,602.00 (94.15%) to date. Of this amount, $182,374.00 (21.59%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to $1,348,750.00. The Consultant proposes the following plan to meet the M/WBE goal:

	Name of Firms	Work Description	Amount	% of Total Contract
	Paid Prior M/WBE Commitment		$182,374.00	13.52%
	Unpaid Prior M/WBE Commitment		$ 35,126.00	2.60%
1.	Zarinkelk Engineering Services, Inc.	Engineering Services	$108,400.00	8.04%
		TOTAL	**$325,900.00**	**24.16%**

Prior Council Action:
Ordinance #2012-0455, dated 05/16/2012

Amount of Funding:
$520,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

Original (previous) appropriations of $1,031,700.00 Water and Sewer System Consolidated Construction Fund No. 8500.

Contact Information:
Ravi Kaleyatodi, P.E., CPM
Phone: (832) 395-2326
Senior Assistant Director

ATTACHMENTS:

Description	Type
Signed RCA	Signed Cover sheet
SAP	Financial Information
PCA Ordinance 2012-0455	Backup Material
OBO	Backup Material
Map	Backup Material
Form B	Backup Material
First Amendment	Backup Material

Affidavit of Ownership	Backup Material
Ordinance	Ordinance/Resolution/Motion
Delinquent Tax Report	Backup Material

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
District E
Item Creation Date: 11/19/2015

20RS146 NEWPP Expansion

Agenda Item#: 81.

Summary:

ORDINANCE appropriating $3,288,000.00 from the Water & Sewer System Consolidated Construction Fund (Fund 8500); authorizing the transfer of $526,080.00 from Fund 8500 into the Public Works and Engineering Northeast Water Purification Plant Expansion (NEWPP) Construction Fund (Fund 8506) and approving expenditures of funds therefrom for services associated with the Northeast Water Purification Plant Expansion Project (the "Project"); de-appropriating $2,761,920.00 from the sum previously appropriated from Fund 8500 and appropriating same amount for the Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) for the Project; authorizing the funds expenditures from Fund 8505 for payment of services associated with the Project; providing funding for CIP Cost Recovery relating to the Project; providing funding for the stipends relating to the Project; approving and authorizing a Design-Build Agreement between the City and **HOUSTON WATERWORKS TEAM**, a joint venture between **CH2M HILL ENGINEERS, INC** and **CDM CONSTRUCTORS, INC** for the Northeast Water Purification Plant Expansion Project; providing a maximum contract amount - **DISTRICT E - MARTIN**

TAGGED BY COUNCIL MEMBERS STARDIG and CHRISTIE

This was Item 65 on Agenda of December 2, 2015

Background:

SUBJECT: Appropriate funds and approve Design-Build Agreement between the City and Houston Waterworks Team, a joint venture between CH2M-Hill Engineers, Inc. and CDM Constructors, Inc. (Waterworks) for the Northeast Water Purification Plant Expansion Project (NEWPP)
WBS No. S-000065-0002-3

RECOMMENDATION: (Summary)

An ordinance appropriating $3,288,000.00 from Water and Sewer System Consolidated Construction Fund (Fund 8500); authorizing the transfer of $526,080.00 from Fund 8500 into the Public Works and Engineering (PWE) Northeast Water Purification Plant Expansion (NEWPP) Construction Fund (Fund 8506) and approving expenditures of funds therefrom for services associated with the Northeast Water Purification Plant Expansion Project (the "Project"); de-appropriating $2,761,920.00 from the sum previously appropriated from Fund 8500 and appropriating same amount for the Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) for the Project; authorizing the funds expenditures from Fund 8505 for payment of services associated with the Project; providing funding for CIP Cost Recovery relating to the project; providing funding for the stipends relating to the Project; approving and authorizing a Design-Build

Agreement between the City and Houston Waterworks Team, a Joint Venture between CH2M-Hill Engineers, Inc. and CDM Constructors, Inc. for the Northeast Water Purification Plant Expansion Project; and providing a maximum amount of $3,288,000.00 for the Project.

PROJECT HISTORY: On February 18, 2015, the City entered into the Second Supplement(s) to Water Supply Contract(s) with West Harris County Regional Water Authority, the North Fort Bend Water Authority, the North Harris County Regional Water Authority, and the Central Harris County Regional Water Authority (Authorities) to increase treated water capacity at Northeast Water Purification Plant using the Design-Build procurement method authorized under Texas Government Code Chapter 2269, Subchapter H (Statue).

On March 20, 2015, in accordance with the Statute, Public Works and Engineering advertised a Request for Qualification. Three Joint Ventures (Waterworks, AB Houston Constructors JV, a joint venture of AECOM Infrastructure, Inc. and Overland Contracting, Inc.; Greater Houston Water Partners JV, a joint venture of Kiewit Infrastructure South Co. and M.R. Pittman Group LLC) responded timely to the RFQ and after evaluation by PWE personnel and Authorities representatives, all three firms were shortlisted to receive an RFP, issued on April 30, 2015.

Timely proposals were received from all three teams on October 27, 2015. After a responsiveness review of the proposals by representatives of City's Legal Department (and its outside counsel), PWE's Small Business Development Group, ARA's Risk Management Section, Office of Business Opportunity, City's outside financial advisor, and PWE's technical consultant for NEWPP, each proposal was submitted to a five member selection panel for evaluation. Individual selection panel members reviewed and evaluated each proposal independently followed by interviews by the selection panel and Authorities representatives, as observers. Following the interviews, the selection panel convened for a final evaluation and scoring of the proposals on a consensus basis.

The project was presented to the Transportation Technology and Infrastructure committee (TTI) on November 12, 2015.

A protest has been filed under the City's Procurement Manual by AB Houston Contractors JV. The filing of a protest does not operate as a stay to City Council action in relation to the awarding of a contract.

SPECIFIC EXPLANATION: This project is required to meet regulatory mandates of the Texas Commission on Environmental Quality and the Harris-Galveston Subsidence District Surface Water Conservation Plan. Under the Second Supplements, the City will be responsible for approximately 16% of the costs of NEWPP and the Authorities will be responsible for the remainder. It is intended that NEWPP be completed in two phases. The first phase to be substantially complete no later than August 31, 2021 for 80 million gallons of water per day and the second phase to be substantially complete no later than June 30, 2024 with an increased capacity for 240 million gallons of water per day.

LOCATION: This project is located on 12121 North Sam Houston Parkway East in Humble, Key Map grids 376 Z & 377 W.

DESCRIPTION/SCOPE OF CONTRACT AND FEE: The Design-Builder will provide services in two distinct phases; (i) Preliminary Services and (ii) Final Design and Construction Services. Preliminary Services consists of two sequential components; Preliminary Services Component-I

(basis of design) and Preliminary Services Component-II (design development).

Preliminary Services Component-I: The Design-Builder will develop Basis of Design and project cost estimate based upon the basis of design.

Preliminary Services Component-II: The Design-Builder will develop the project design to a level of detail sufficient for execution of the guaranteed maximum price (GMP) amendment for Final Design and Construction Services. The GMP will be developed, negotiated and presented to the council for approval prior to the completion of the Preliminary Services Component-II.

Final Design and Construction Services: Final Design and Construction Services encompass the Design-Builder's completion of the project design (final design), performance of construction, start-up, commissioning and testing services.

In accordance with Texas Government Code Section 2269.364, unsuccessful respondents are entitled to a stipend in amount equal to one half of one percent (0.5%) of the work product for preliminary engineering costs associated with the development of the proposal. The City offered and the two unsuccessful respondents agreed that stipend percentage would be applied to the selected Design-Builder proposed cost for the Preliminary Services Component-I services. In exchange for the payments, city may use any of the work product in the proposals.

The requested appropriation will be utilized to only perform Preliminary Services Component-I and to fund the cost of the Stipends. The fee for the Preliminary Services Component-I is a fixed sum of $2,834,000.00.

The total cost of this project is $3,288,000.00 to be appropriated as follows: $2,834,000.00 for contract
services, $28,340.00 to pay the Stipend and $425,660.00 for CIP Cost Recovery.

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

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	Amount	% of Contract
RPH Consulting Group, LLC	Technology Services	$155,160.00	5.47%
KIT Professionals, Inc.	Engineering Services	$138,712.00	4.89%
Briones Consulting & Engineering, LTD	Engineering Services	$124,864.00	4.41%
Isani Consultants, L.P.	Engineering Services	$120,690.00	4.26%
Geotest Engineering, Inc.	Geotechnical Services	$ 83,740.00	2.95%
IMS Engineers, Inc.	Engineering Services	$ 77,136.00	2.72%
Kalluri Group, Inc.	Engineering Services	$ 76,428.00	2.70%
Professional Environmental Engineers, Inc.	Environmental Services	$ 45,240.00	1.60%
Nathelyne A. Kennedy & Associates,	Engineering Services	$ 41,784.00	1.47%

L.P.			
Knudson LP	Landscape Design	$ 8,688.00	0.31%
	TOTAL	$872,442.00	30.78%

Prior Council Action:

Dated 02/18/2015; Ordinance No. 2015-0137, Ordinance No. 2015-0138, Ordinance No. 2015-0139, Ordinance No. 2015-0140

Amount of Funding:

Appropriation of total amount of $3,288,000.00 from Water and Sewer Consolidated Construction Fund (Fund 8500)
Transfer of $526,080.00 from Fund 8500 into PWE-NEWPP Construction Fund (Fund 8506).
Appropriation of $2,761,920.00 (84% of the total amount) for Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) within 60 days of approval of Ordinance by City Council.

Contact Information:

Jeffrey L. Benjamin, P.E.
(832)395-2677

ATTACHMENTS:

Description	Type
Signed RCA - final	Signed Cover sheet
TTI Agenda	Backup Material
POP	Backup Material
Form B	Backup Material
Form A	Backup Material
Prior Council Action 1	Backup Material
Prior Council Action 2	Backup Material
Prior Council Action 3	Backup Material
Prior Council Action 4	Backup Material
OBO 1	Backup Material
OBO 2	Backup Material
Delinquent Tax Report	Backup Material
Affidavit of Ownership	Backup Material
Map	Backup Material
SAP	Financial Information

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

SUBJECT: Appropriate funds and approve Design-Build Agreement between the City and Houston Waterworks Team, a joint venture between CH2M-Hill Engineers, Inc. and CDM Constructors, Inc. (Waterworks) for the Northeast Water Purification Plant Expansion Project (NEWPP) WBS No. S-000065-0002-3	**Page 1 of 3**	**Agenda Item #**

FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:**	**Agenda Date:**
DIRECTOR'S SIGNATURE: Dale A. Rudick Dale A. Rudick, P.E., Director	**Council District affected:** E	
For additional information contact: Jeffrey L. Benjamin, P.E. **Phone:** (832) 395-2677 Project Director	**Date and identification of prior authorizing Council action:** 02/18/2015; 2015-0137, 2015-0138, 2015-0139, 2015-0140	

RECOMMENDATION: (Summary)
An ordinance appropriating $3,288,000.00 from Water and Sewer System Consolidated Construction Fund (Fund 8500); authorizing the transfer of $526,080.00 from Fund 8500 into the Public Works and Engineering (PWE) Northeast Water Purification Plant Expansion (NEWPP) Construction Fund (Fund 8506) and approving expenditures of funds therefrom for services associated with the Northeast Water Purification Plant Expansion Project (the "Project"); de-appropriating $2,761,920.00 from the sum previously appropriated from Fund 8500 and appropriating same amount for the Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) for the Project; authorizing the funds expenditures from Fund 8505 for payment of services associated with the Project; providing funding for CIP Cost Recovery relating to the project; providing funding for the stipends relating to the Project; approving and authorizing a Design-Build Agreement between the City and Houston Waterworks Team, a Joint Venture between CH2M-Hill Engineers, Inc. and CDM Constructors, Inc. for the Northeast Water Purification Plant Expansion Project; and providing a maximum amount of $3,288,000.00 for the Project

Amount and Source of Funding: 11/19/2015
Appropriation of total amount of $3,288,000.00 from Water and Sewer Consolidated Construction Fund (Fund 8500)
Transfer of $526,080.00 from Fund 8500 into PWE-NEWPP Construction Fund (Fund 8506).
Appropriation of $2,761,920.00 (84% of the total amount) for Water Authorities Capital Contrib-NEWPP Fund (Fund 8505) within 60 days of approval of Ordinance by City Council.

PROJECT HISTORY: On February 18, 2015, the City entered into the Second Supplement(s) to Water Supply Contract(s) with West Harris County Regional Water Authority, the North Fort Bend Water Authority, the North Harris County Regional Water Authority, and the Central Harris County Regional Water Authority (Authorities) to increase treated water capacity at Northeast Water Purification Plant using the Design-Build procurement method authorized under Texas Government Code Chapter 2269, Subchapter H (Statue).

LTS # 15112 **CUIC ID# 20RS146**

Finance Department:	**Other Authorization:**	**Other Authorization:**
	Jun Chang Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	 Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division

PROJECT HISTORY (continued): On March 20, 2015, in accordance with the Statute, Public Works and Engineering advertised a Request for Qualification. Three Joint Ventures (Waterworks; AB Houston Constructors JV, a joint venture of AECOM Infrastructure, Inc. and Overland Contracting, Inc.; Greater Houston Water Partners JV, a joint venture of Kiewit Infrastructure South Co. and M.R. Pittman Group, LLC) responded timely to the RFQ and after evaluation by PWE personnel and Authorities representatives, all three firms were shortlisted to receive an RFP, issued on April 30, 2015.

Timely proposals were received from all three teams on October 27, 2015. After a responsiveness review of the proposals by representatives of City's Legal Department (and its outside counsel), PWE's Small Business Development Group, ARA's Risk Management Section, Office of Business Opportunity, City's outside financial advisor, and PWE's technical consultant for NEWPP, each proposal was submitted to a five member selection panel for evaluation. Individual selection panel members reviewed and evaluated each proposal independently followed by interviews by the selection panel and Authorities representatives, as observers. Following the interviews, the selection panel convened for a final evaluation and scoring of the proposals on a consensus basis.

The project was presented to the Transportation Technology and Infrastructure committee (TTI) on November 12, 2015.

A protest has been filed under the City's Procurement Manual by AB Houston Contractors JV. The filing of a protest does not operate as a stay to City Council action in relation to the awarding of a contract.

SPECIFIC EXPLANATION: This project is required to meet regulatory mandates of the Texas Commission on Environmental Quality and the Harris-Galveston Subsidence District Surface Water Conservation Plan. Under the Second Supplements, the City will be responsible for approximately 16% of the costs of NEWPP and the Authorities will be responsible for the remainder. It is intended that NEWPP be completed in two phases. The first phase to be substantially complete no later than August 31, 2021 for 80 million gallons of water per day and the second phase to be substantially complete no later than June 30, 2024 with an increased capacity for 240 million gallons of water per day.

LOCATION: This project is located on 12121 North Sam Houston Parkway East in Humble, Key Map grids 376 Z & 377 W.

DESCRIPTION/SCOPE OF CONTRACT AND FEE: The Design-Builder will provide services in two distinct phases; (i) Preliminary Services and (ii) Final Design and Construction Services. Preliminary Services consists of two sequential components; Preliminary Services Component-I (basis of design) and Preliminary Services Component-II (design development).

Preliminary Services Component-I: The Design-Builder will develop Basis of Design and project cost estimate based upon the basis of design.

Preliminary Services Component-II: The Design-Builder will develop the project design to a level of detail sufficient for execution of the guaranteed maximum price (GMP) amendment for Final Design and Construction Services. The GMP will be developed, negotiated and presented to the council for approval prior to the completion of the Preliminary Services Component-II.

Final Design and Construction Services: Final Design and Construction Services encompass the Design-Builder's completion of the project design (final design), performance of construction, start-up, commissioning and testing services.

In accordance with Texas Government Code Section 2269.364, unsuccessful respondents are entitled to a stipend in amount equal to one half of one percent (0.5%) of the work product for preliminary engineering costs associated with the development of the proposal. The City offered and the two unsuccessful respondents agreed that stipend percentage would be applied to the selected Design-Builder proposed cost for the Preliminary Services Component-I services. In exchange for the payments, city may use any of the work product in the proposals.

The requested appropriation will be utilized to only perform Preliminary Services Component-I and to fund the cost of the Stipends. The fee for the Preliminary Services Component-I is a fixed sum of $2,834,000.00.

The total cost of this project is $3,288,000.00 to be appropriated as follows: $2,834,000.00 for contract services, $28,340.00 to pay the Stipend and $425,660.00 for CIP Cost Recovery.

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

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	Amount	% of Contract
RPH Consulting Group, LLC	Technology Services	$155,160.00	5.47%
KIT Professionals, Inc.	Engineering Services	$138,712.00	4.89%
Briones Consulting & Engineering, LTD	Engineering Services	$124,864.00	4.41%
Isani Consultants, L.P.	Engineering Services	$120,690.00	4.26%
Geotest Engineering, Inc.	Geotechnical Services	$ 83,740.00	2.95%
IMS Engineers, Inc.	Engineering Services	$ 77,136.00	2.72%
Kalluri Group, Inc.	Engineering Services	$ 76,428.00	2.70%
Professional Environmental Engineers, Inc.	Environmental Services	$ 45,240.00	1.60%
Nathelyne A. Kennedy & Associates, L.P.	Engineering Services	$ 41,784.00	1.47%
Knudson LP	Landscape Design	$ 8,688.00	0.31%
	TOTAL	$872,442.00	30.78%

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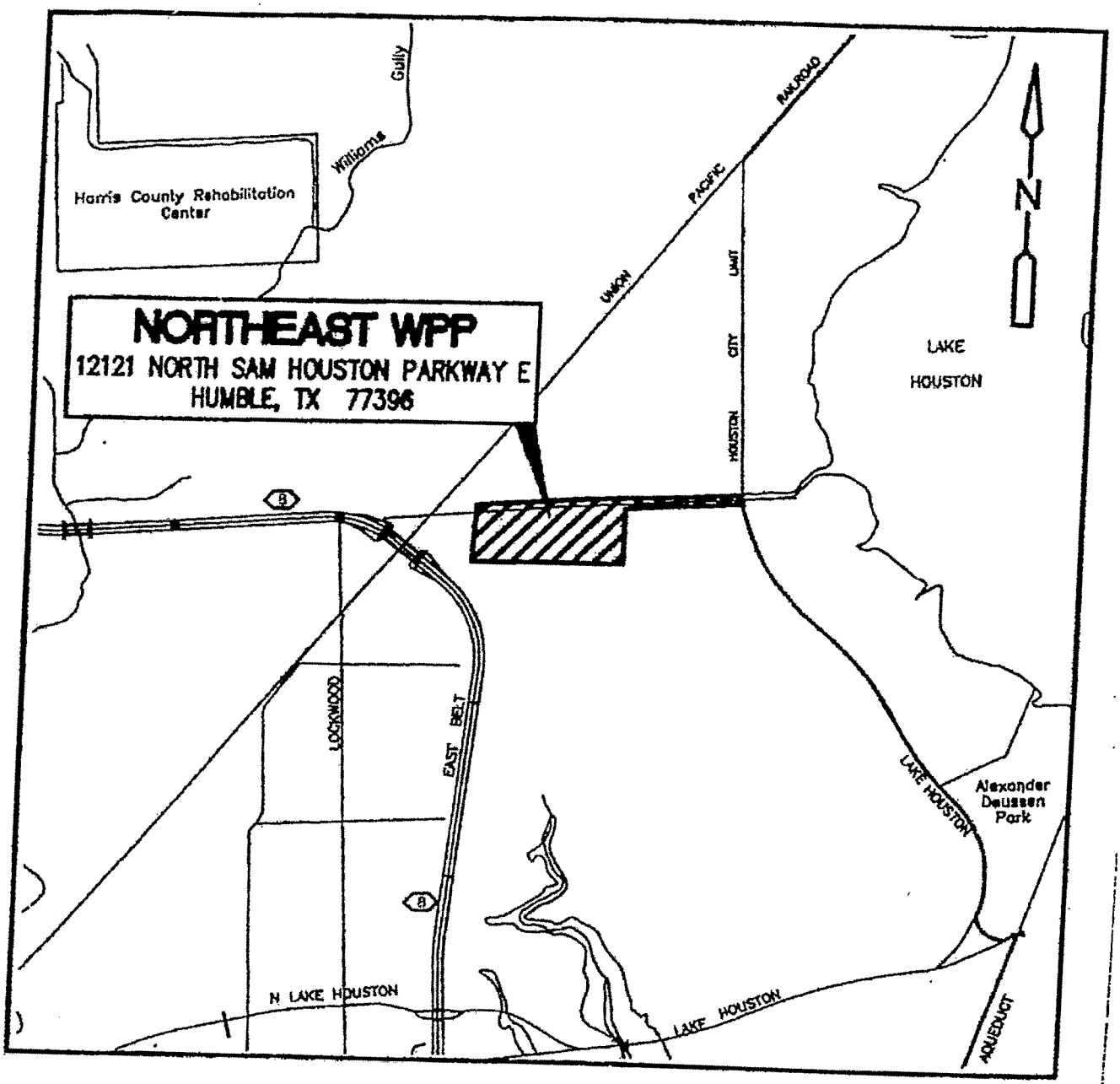

VICINITY MAP

NOT TO SCALE

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/8/2015
ALL
Item Creation Date:

HPD - FY2016 Environmental Surveillance Grant

Agenda Item#: 82.

Summary:

ORDINANCE approving and authorizing submission of an application for grant assistance from the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for the FY16/17 Environmental Surveillance Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department or his designee to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 89 on Agenda of December 2, 2015

Background:

The Houston-Galveston Area Council (H-GAC) provides state funding under the FY2016/2017 Solid Waste Grant Program. The primary purpose of this program is to support projects that will provide a direct and measureable effect on reducing the amount of solid waste going into regional landfills. The Houston Police Department's Environmental Investigations Unit will use the grant funds to expand their illegal dumping surveillance program to purchase surveillance equipment and disseminate promotional material to educate the public regarding illegal dumping. The anticipated award from H-GAC is $131,200, with an in-kind contribution of $25,00, for a total of $156,200. There is no cash match required from the City for this grant program.

Amount of Funding:

H-GAC Grant (5030) - $131,200
HPD In-Kind Match (2404) - $25,000
TOTAL $156,200

Contact Information:

Joseph A. Fenninger, CFO & Deputy Director - (713) 308-1770

ATTACHMENTS:

Description	Type
RCA	Signed Cover sheet
ORDINANCE	Ordinance/Resolution/Motion