

AGENDA

CITY OF HOUSTON ■ CITY COUNCIL FEBRUARY 21 & 22, 2017

MAYOR
SYLVESTER TURNER

CONTROLLER
CHRIS B. BROWN

DISTRICT COUNCIL MEMBERS

Brenda Stardig
District A

Steve Le
District F

Jerry Davis
District B

Greg Travis
District G

Ellen R. Cohen
District C

Karla Cisneros
District H

Dwight A. Boykins
District D

Robert Gallegos
District I

Dave Martin
District E

Mike Laster
District J

Larry V. Green
District K

AT-LARGE COUNCIL MEMBERS

Mike Knox
Position 1

Michael Kubosh
Position 3

David W. Robinson
Position 2

Amanda K. Edwards
Position 4

Jack Christie D.C.
Position 5

Marta Crinejo Director - City Council Agenda

Anna Russell City Secretary

In accordance with the Texas Open Meetings Act the agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 901 Bagby.

The agenda may be accessed via the Internet at

<http://houston.novusagenda.com/agendapublic/>. Copies of the agenda are available in the Office of the City Secretary in the City Hall Annex, Public Level at no charge. To receive the agenda by mail, send check or money order for \$52.00 for a one year subscription, made payable to the City of Houston to the attention of the City Secretary, P.O. Box 1562, Houston, Texas 77251.

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, February 21, 2017 - 1:00 AM

City Hall - Second Floor - City Hall

PRESENTATIONS

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

Council Member Green

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

SP022117

RECESS

RECONVENE

WEDNESDAY - February 22, 2017 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBER 1

1. CONFIRMATION of the appointment or reappointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for terms to end March 1, 2019:
Position 11 - **BRIE KELMAN**, reappointment

ACCEPT WORK - NUMBER 2

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$324,742.00 and acceptance of work on contract with **MCKENNA CONTRACTING, INC** for Playground Fall Surface Replacements - 10% over the original contract amount and within the approved 10% contingency - **DISTRICTS C - COHEN; D - BOYKINS; E - MARTIN; F - LE; H - CISNEROS; I - GALLEGOS; J - LASTER and K - GREEN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 6

3. **CASCO INDUSTRIES, INC** for Wearable Advanced Sensor Platform (WASP™) for the Houston Fire Department - \$79,146.00 - Fire Training Academy Special Revenue Fund
4. **STEWART & STEVENSON POWER PRODUCTS, LLC** for Detroit Diesel Replacement Parts & Repair Services for the Fleet Management Department - 3 Years with two one-year options \$1,066,487.70 - Fleet Management Fund
5. **FISHER SCIENTIFIC COMPANY L.L.C. ("Fisher HealthCare")** for two QuantStudio Dx Real-Time PCR Instrument Packages for the Houston Health Department - \$250,901.50 - Grant Fund
6. **HELI-TECH, INC** for Helicopter Components Overhaul/Exchange Services for the Houston Police Department - 3 Years with two one-year options - \$902,177.22 - General Fund

RESOLUTIONS - NUMBER 7

7. RESOLUTION confirming support for the proposed development as affordable rental housing of certain properties, each located in the extraterritorial jurisdiction of the City of Houston, Texas or having been annexed into the City of Houston only for limited purposes, and the submittal of applications for housing tax credits for such developments

ORDINANCES - NUMBERS 8 through 24

8. **ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to off-street parking and loading
9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of: (1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street; (2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street; and (3) two sanitary sewer easements, all out of the John Austin Survey, Houston, Harris County, Texas; abandoning the streets and easements to Studemont Venture, L.P., abutting owner, in

consideration of its payment of \$94,012.00 to the City and the conveyance to the City of a 60-foot-wide right-of-way easement for, and construction of, the extension of Summer Street - **DISTRICT C - COHEN**

10. ORDINANCE approving and authorizing a Sponsored Research Agreement between the City and the **UNIVERSITY OF HOUSTON** for the development of a Clostridium difficile and carbapenem-resistant Enterbacteriaceae Surveillance Network; providing a maximum contract amount \$140,137.00 - Grant Fund
11. ORDINANCE appropriating \$32,000.00 out of Parks and Recreation Dedication Fund and \$10,000.00 out of Parks Special Revenue Fund to cover the due diligence costs for six parcels of land to be transferred to the City of Houston, to be used by the Parks and Recreation Department, from the Houston Parks Board - **DISTRICTS B - DAVIS; D - BOYKINS; E - MARTIN; H - CISNEROS and K - GREEN**
12. ORDINANCE appropriating \$100,000.00 out of Fire Consolidated Construction Fund (4500); approving and authorizing purchase of approximately 29,720 square feet of land located at 1616 West Little York Road, Houston, Harris County, Texas, at a Harris County Delinquent Property Tax Sale, for use by the Houston Fire Department - **DISTRICT B - DAVIS**
13. ORDINANCE approving and authorizing submission of an application for grant assistance to the **OFFICE OF THE TEXAS GOVERNOR CRIMINAL JUSTICE DIVISION (CJD) FY 17 INTERNET CRIMES AGAINST CHILDREN TASK FORCE**: Houston Metropolitan, Tx - Legislative Funding - Personnel Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
14. ORDINANCE approving and authorizing Parking Agreement between **SP PLUS CORPORATION, as Licensor**, and the City of Houston, Texas, as Licensee, for spaces at 1600 Smith Street, Houston, Texas, for use by the Houston Police Department - 3 Years with an extended term of two years - \$945,000.00 - General Fund - **DISTRICT I - GALLEGOS**
15. ORDINANCE appropriating \$20,000,000 out of Airports Improvement Fund as an additional appropriation for Construction Management and Reimbursement Agreement between the City of Houston and **UNITED AIRLINES, INC** (Contract No. 76261 approved by Ordinance No. 2015-269) related to Terminal B City project components of the Terminal B Redevelopment Program for the Houston Airport System (Project No. 831); de-appropriating \$32,944,000 out of HAS Consolidated 2011 AMT Construction Fund from said agreement between the City of Houston and **UNITED AIRLINES, INC**, and re-appropriating \$32,944,000 from the Airports Improvement Fund to said agreement; amending Ordinance No. 2015-269 to provide a maximum contract amount - **DISTRICT B - DAVIS**
16. ORDINANCE amending a program under the **TEXAS PROPERTY ASSESSED CLEAN ENERGY ("PACE") ACT OF 2013**; amending Ordinance No. 2015-1040 to authorize the Director of Administration and Regulatory Affairs to make future amendments

17. ORDINANCE approving and authorizing Interlocal Contract between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** relating to the Citywide App for Mobile Dispatch Services
18. ORDINANCE appropriating \$8,332,989 out of City of Houston, Texas Tax Increment Funds for **REINVESTMENT ZONES NUMBERS ONE (LAMAR TERRACE ZONE), TWO (MIDTOWN ZONE), THREE (MAIN STREET/MARKET SQUARE ZONE), FIVE (MEMORIAL HEIGHTS ZONE), SIX (EASTSIDE ZONE) SEVEN (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE), EIGHT (GULFGATE ZONE), NINE (SOUTH POST OAK ZONE), TWELVE (CITY PARK ZONE), and THIRTEEN (OLD SIXTH WARD ZONE)**, City of Houston, Texas for payment of affordable housing costs, payments to **HOUSTON INDEPENDENT SCHOOL DISTRICT**, and payments to certain redevelopment authorities as provided herein
19. ORDINANCE appropriating \$147,909.29 out of Tax Increment Funds for Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) and Reinvestment Zone Number Twenty-Five, City of Houston, Texas (Hiram Clarke/Fort Bend Zone) for payments to certain redevelopment authorities as provided herein
20. ORDINANCE awarding contract to **LEVEL ONE LLC** for Mail Processing Services for Utility Water Bills for the Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$3,662,939.55 - Enterprise and Dedicated Drainage & Street Renewal Funds
21. ORDINANCE awarding contract to **YES AMERICA NOW, INC dba YES AMERICA ENTERPRISES** for Street Sweeping Services, Downtown for Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$1,310,262.00 - Stormwater Fund
22. ORDINANCE appropriating \$105,125.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for T.C. Jester Reconstruction from Washington Avenue to IH-10 (Approved by Ordinance No. 2014-0620, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT C - COHEN**
23. ORDINANCE appropriating \$738,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **AMANI ENGINEERING, INC** for Small Diameter Water Line Work Order Contracts for Extensions, Upcoming Water Line Projects and Above Grade Crossings (Approved by Ordinance No. 2015-0574); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
24. ORDINANCE granting to **ROBERT W. WATSON dba F. B. PORT-A-CAN, A Texas Sole Proprietorship**, 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 - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM CONSENT AGENDA

MATTERS HELD - NUMBERS 25 through 29

25. RECEIVE nominations for Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term

DELAYED BY MOTION #2017-92, 2/8/17

This was Item 24 on Agenda of February 8, 2017

26. RESOLUTION confirming support to the proposed development as affordable rental housing of certain properties, each located in the City of Houston, Texas, or to the submittal of applications for housing tax credits for such developments

This was a portion of Item 10 on Agenda of February 15, 2017

27. RESOLUTION confirming no objection to the proposed development as affordable rental housing of certain properties, each located in the City of Houston, Texas, or to the submittal of applications for housing tax credits for such developments

TAGGED BY COUNCIL MEMBER BOYKINS AND MARTIN

This was a portion of Item 10 on Agenda of February 15, 2017

28. ORDINANCE approving the issuance of bonds by the Uptown Development Authority - **DISTRICTS C - COHEN; G - TRAVIS and J - LASTER**

TAGGED BY COUNCIL MEMBER TRAVIS

This was Item 22 on Agenda of February 15, 2017

29. ORDINANCE approving and authorizing second amendment to the Power Purchase Agreement for Installed Capacity, Energy and Environmental Attributes between the City of Houston, **SOLAIREHOLMAN 1 LLC**, and **RELIANT ENERGY RETAIL SERVICES LLC** (Approved by Ordinance No. 2015-1120); amending Ordinance No. 2015-1120 to increase the maximum contract amount - \$124,677,893 - Central Service Revolving Fund

TAGGED BY COUNCIL MEMBER KNOX

This was Item 23 on Agenda of February 15, 2017

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Boykins 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: 2/21/2017

Item Creation Date:

SP022117

Agenda Item#:

ATTACHMENTS:

Description	Type
SP022117	Signed Cover sheet

*CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR – TUESDAY
FEBRUARY 21, 2017 – 2:00 PM*

NON-AGENDA

2 MIN	2 MIN	2 MIN
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MR. JAKE A. KUSHNER – 3143 Fairhope St. – 77025 – 832-668-5209 – Houston Bike Plan

3 MIN	3 MIN	3 MIN
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MS. REGINA GARCIA – 2425 University Blvd. – 77005 – No Phone - Houston Bike Plan

MR. BIJAN MERRIKH – 9142 Scranton – 77075 – 281-838-2602 – Water leak

MS. MARLENE HERNANDEZ – 1508 Truxillo – 77004 – 832-943-6981 – Loud music and trespassing on private property

MR. ART SMITH – 5309 Sonora – 77020 – 832-258-5776 – Unfair justice in the City of Houston

MR. J. CHRISTOPHER ANDERSON – 8001 Dandy St. – 77016 – 713-293-2999 – Triple 7 Ranch

MR. WILLIAM BEAL – 10 Remington Ln. – 77005 – No Phone – Will appear to express personal opinion

PREVIOUS

1 MIN	1 MIN	1 MIN
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PRESIDENT JOSEPH CHARLES – P. O. Box 524373 - 77052 – 346-203-6873 – M/imposter S/Turner c/mental disorders-conspiracies-assassination w/h-chronicle-e/article-o/u.s.-p/j Charles

MS. DEBORAH ELAINE ALLEN – P. O. Box 263252 – 77027 – 713-264-0127 – Police brutality

MS. DARLENE HOSEA-KING – 6642 Hirondel – 77087 – 832-892-3278 – Follow-up from last week



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

Item Creation Date: 1/31/2017

MYR ~ 2017 Houston Archaeological & Historical Commission
Memo 1-31-2017

Agenda Item#: 1.

Summary:

CONFIRMATION of the appointment or reappointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for terms to end March 1, 2019:

Position 11 - **BRIE KELMAN**, reappointment

Position 13 - **BEN KOUSH**, appointment

Background:

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from February 8, 2017, 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, 2019. The following positions expired effective 3/1/2017:

Position	Member	Nominated by
Position 11	Brie Kelman	CM Cohen
Position 13	Reuben Maverick Welsh, III	CM Gallegos

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District C, District D, District E, District F, District H, District
I, District J, District K

Item Creation Date: 2/6/2017

25PARK288- Accept Work - McKenna Contracting, Inc. -
Playground Fall Surface Replacements - WBS No. F-000708-
0009-4

Agenda Item#: 2.

Summary:

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$324,742.00 and acceptance of work on contract with **MCKENNA CONTRACTING, INC** for Playground Fall Surface Replacements - 10% over the original contract amount and within the approved 10% contingency - **DISTRICTS C - COHEN; D - BOYKINS; E - MARTIN; F - LE; H - CISNEROS; I - GALLEGOS; J - LASTER and K - GREEN**

Background:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$324,742.00 or 10% over the original contract amount, accept the work and authorize final payment to McKenna Contracting, Inc. for construction services in connection with the Playground Fall Surface Replacements at the following parks for the Houston Parks and Recreation Department:

PROJECT LOCATIONS:

Park Name	Address	District	Key Map
Jester (T.C.) Parkway	4201 TC Jester Blvd. 77018	C	451M
Memorial Park	6501 Memorial Dr. 77007	C	492F
Beverly Hills Park	10201 Kingspoint 77075	D	576S
Edgewood Park	5803 Bellfort 77033	D	534X
Hill (E.P.) Park	4800 Gloryland 77033	D	533V
Peggy Park	4101 Almeda Rd. 77004	D	493X
Greenwood Park	602 Beresford St. 77015	E	497A
Rodriguez (Sylvan) Park	1201 Clear Lake City Blvd. 77062	E	617G
Boone Road Park	7700 Boone Rd. 77072	F	529K
Hackberry Park	7777 S. Dairy Ashford 77072	F	528M
Melrose Park	1000 Canino Rd. 77076	H	413T
Couturier (Silo)	7000 Elexman 77020	I	405N

Gutierrez (Siro) Park	7900 Flaxman 77029	H	493N
Proctor Plaza Park	803 W Temple St. 77009	H	453X
Stude Park	1031 Stude 77009	H	493B
Woodland Park	212 Parkview 77009	H	493C
Spotts Park	401 S. Heights Blvd. 77007	H	493J
Ingrando Park	7302 Keller St. 77012	I	535E
Sharpstown Park	6600 Harbor Town 77036	J	530F
Haviland Park	11600 Haviland 77035	K	570H
Townwood Park	3403 Simsbrook 77045	K	572P
Windsor Village Park	1441 Croquet 77085	K	571P

PROJECT DESCRIPTION: The project removed the existing fall surface material, filter fabric and drainage layer and replaced with new engineered wood fiber, filter fabric, gravel drainage layer and wear mats at 21 park sites.

CONTRACT COMPLETION AND COST: The contractor completed the project within 142 days: the original contract time of 120 days, plus 22 days approved by Change Orders. The final cost of the project including Change Orders is \$324,742.00, an increase of \$29,522.00 over the original contract amount.

PREVIOUS CHANGE ORDERS: Change Order 1-2 removed concrete footings and asphalt pavement within the playground at Proctor Plaza Park; supplied additional engineered wood fiber at Boone Road Park, Melrose Park, Memorial Park, Peggy Park, Sharpstown Park, Stude Park, Windsor Village Park and Woodland Park; and removed and disposed of soil covering weep holes around the playgrounds at Gutierrez Park, Greenwood Park, Edgewood Park, Hill (E.P.) Park and Boone Road Park.

M/W/SBE PARTICIPATION: No M/W/SBE goal was established for this project because the construction cost did not exceed the threshold of \$1M required for a goal-oriented contract as authorized by §15-82 of the Code of Ordinances.

Prior Council Action:

Ordinance No. 2015-0927, Dated September 30, 2015

Amount of Funding:

Amount and Source of Funding: No Additional Funding Required

Previous Funding:

\$ 295,220.00 Parks and Recreation Dedication Fund (4035)

\$ 29,522.00 Parks Consolidated Construction Fund (4502)

\$ 324,742.00 Total Funding

Contact Information:

Jacquelyn L. Nisby

Phone: 832-393-8023

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date:

H26138 - Wearable Advanced Sensor Platform (WASP™) - MOTION

Agenda Item#: 3.

Summary:

CASCO INDUSTRIES, INC for Wearable Advanced Sensor Platform (WASP™) for the Houston Fire Department - \$79,146.00 - Fire Training Academy Special Revenue Fund

Background:

S17-H26138 - Approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of \$79,146.00 for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and the Chief Procurement Officer recommend that City Council approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of **\$79,146.00** and that authorization be given to issue a purchase order to **Casco Industries, Inc.** for the Houston Fire Department.

This procurement will include 100 Wearable Advanced Sensor Platforms (WASP™) that provide instructors at the firefighter academy or incident commanders on scene with mission-essential situational, real-time awareness of both physiological status and location/tracking of personnel to aid in decision making.

During firefighter training the cadets are exposed to extreme hazards. The WASP™ provides a tool for trainers to track the location of team members to improve situational awareness and potentially shorten the time needed for a team to rescue a downed cadet.

WASP™ addresses two critical problems identified on the InterAgency Board's (IAB) R&D Priority List: Emergency Responder Body-Worn Integrated Electronics System Development and 3D Tracking of Personnel.

The Globe WASP System is only available from Globe Manufacturing Company, LLC who has developed this system for the emergency response community with assistance from the United States Army RDECOM. Casco Industries, Inc. is the exclusive Authorized Dealer for products manufactured by Globe Manufacturing Company, LLC for the State of Texas.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) "a procurement of items that are available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies" of the Texas Local Government Code for exempted 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 for this purchase.

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014 1078

stated in the Financial Policy Ord. 2014-1078.

Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Amount of Funding:

\$79,146.00

Fire Training Academy Special Revenue Fund (2210)

Contact Information:

NAME:	DEPARTMENT/ DIVISION	PHONE
Cynthia Vargas, Assistant Chief	HFD	(832) 394-6926
Martin King, Division Manager	FIN/SPD	(832) 393-8705
Murdock Smith, Sr. Procurement Specialist	FIN/SPD	(832) 393-8725

ATTACHMENTS:

Description

OBO Document
RCA#H26138-Casco Industries, Inc.
HFD Signed RCA

Type

Backup Material
Signed Cover sheet
Signed Cover sheet



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

**Goal Modification
Request Form**

1. Date: 1/20/2017 2. Requesting Department: Houston Fire 3. Solicitation Number: S17-S26023
4. Solicitation Name: Physiological Status Monitors 5. Estimated Dollar Amount: \$ 79,146.00
6. Description of Solicitation (*Attach Specifications/Supporting Documents*): Purchase Physiological Status Monitors (PSM)
to track physical status of personnel training & deployed in Personal Protective Ensemble operating in extreme situations

PLEASE INDICATE WHETHER A PREVIOUS CONTRACT EXISTED FOR THIS SOLICITATION.

- A. Previous Contract (if any): Yes ☐ No ☒ B. Previous Contract #: _____ 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 MWBE 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: Supplies to be purchased direct from manufacture

- C. Detailed Explanation for Waiver Reason: _____
Buying patented products direct from manufacturer; Supplies will be dropped shipped to the Houston Fire Training Academy

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: _____
C. Did the Department explore opportunities for using certified firms? Yes ☐ No ☐
D. Please explain how the Department explored opportunities for using certified firms: _____
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 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 Request Form and submit with this form.

4. GOAL REVISION AFTER ADVERTISEMENT

A. I am requesting a **revision** of the MWBE Goal that has already been advertised: Yes ☐ No ☒

B. Original Goal: _____ C. New Proposed Goal: _____ D. Advertisement Date: _____

E. Will Project be Re-Advertised: Yes ☐ No ☐ F. Estimated Dollar Amount: \$ _____

G. Detailed reason for request: _____

Concurrence:

Requesting Department Initiator

1-20-17
Date

Department Director or Designee

1/20/17
Date

FOR OBO OFFICE USE ONLY:

APPROVED:

	1/24/17	SOLE SOURCE	W-714
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: 2/21/2017

ALL

Item Creation Date:

H26138 - Wearable Advanced Sensor Platform (WASP™) - MOTION

Agenda Item#:

Background:

S17-H26138 - Approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of \$79,146.00 for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and the Chief Procurement Officer recommend that City Council approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of **\$79,146.00** and that authorization be given to issue a purchase order to **Casco Industries, Inc.** for the Houston Fire Department.

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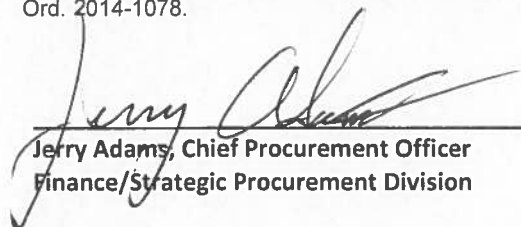
This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) "a procurement of items that are available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies" of the Texas Local Government Code for exempted 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 for this purchase.

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.


Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Amount of Funding:

\$79,146.00

Fire Training Academy Special Revenue Fund (2210)

Contact Information:

NAME:	DEPARTMENT/ DIVISION	PHONE
Cynthia Vargas, Assistant Chief	HFD	(832) 394-6926
Martin King, Division Manager	FIN/SPD	(832) 393-8705
Murdock Smith, Sr. Procurement Specialist	FIN/SPD	(832) 393-8725

ATTACHMENTS:

Description

OBO Document

Type

Backup Material

2/3/2017

**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date: 2/21/2017

ALL

Item Creation Date:

H26138 - Wearable Advanced Sensor Platform (WASP™) - MOTION

Agenda Item#:

Background:

S17-H26138 - Approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of \$79,146.00 for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and the Acting Chief Procurement Officer recommend that City Council approve the sole source purchase of the Wearable Advanced Sensor Platform (WASP™) in the total amount of **\$79,146.00** and that authorization be given to issue a purchase order to **Casco Industries, Inc.** for the Houston Fire Department.

This procurement will include 100 Wearable Advanced Sensor Platforms (WASP™) that provide instructors at the firefighter academy or incident commanders on scene with mission-essential situational, real-time awareness of both physiological status and location/tracking of personnel to aid in decision making.

During firefighter training the cadets are exposed to extreme hazards the WASP™ provides a tool for trainers to track the location of team members to improve situational awareness and potentially shorten the time needed for a team to rescue a downed cadet.

WASP™ addresses two critical problems identified on the InterAgency Board's (IAB) R&D Priority List: Emergency Responder Body-Worn Integrated Electronics System Development and 3D Tracking of Personnel.

The Globe WASP System is only available from Globe Manufacturing Company, LLC who has developed this system for the emergency response community with assistance from the United States Army RDECOM. Casco Industries, Inc. is the exclusive Authorized Dealer for products manufactured by Globe Manufacturing Company, LLC for the State of Texas.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) "a procurement of items that are available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies" of the Texas Local Government Code for exempted 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 for this purchase.

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.

Kelly Dowe, Acting Chief Procurement Officer
Finance/Strategic Procurement Division


Department Approval Authority

Amount of Funding:**\$79,146.00**

Fire Training Academy Special Revenue Fund (2210)

Contact Information:

NAME:	DEPARTMENT/ DIVISION	PHONE
Cynthia Vargas, Assistant Chief	HFD	(832) 394-6926
Martin King, Division Manager	FIN/SPD	(832) 393-8705
Murdock Smith, Sr. Procurement Specialist	FIN/SPD	(832) 393-8725

ATTACHMENTS:**Description****OBO Document****Type**

Backup Material

Sole Source Justification

Fair Campaign

Form B

Affidavit of Ownership

Budgeting Information

Backup Material

Backup Material

Backup Material

Backup Material

Financial Information



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 12/22/2016

S25793 - Detroit Diesel Replacement Parts & Repair Services- MOTION

Agenda Item#: 4.

Summary:

STEWART & STEVENSON POWER PRODUCTS, LLC for Detroit Diesel Replacement Parts & Repair Services for the Fleet Management Department - 3 Years with two one-year options \$1,066,487.70 - Fleet Management Fund

Background:

Formal Bids Received for S40-S25793 - Approve an award to Stewart & Stevenson Power Products LLC in an amount not to exceed \$1,066,487.70 for Detroit Diesel replacement parts and repair services for the Fleet Management Department.

Specific Explanation:

The Director of the Fleet Management department and the Chief Procurement Officer recommend that City Council approve an award to **Stewart & Stevenson Power Products LLC** on its low bid meeting specifications in an amount not to exceed **\$1,066,487.70** for Detroit Diesel 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 month term with two one-year options**. The award consists of price lists for various Detroit Diesel replacement parts; which includes but is not limited to belt tensioners, fuel check valves, transfer pumps, water pumps, EGR coolers, starting motors, solenoids, oxygen sensors, wiring harnesses, fuel injectors, fuel pumps, reconditioned engines, and engine blocks. These materials will be used by the FMD to repair and maintain equipment with Detroit Diesel engines citywide. This award also includes a **\$217,582.50** labor component for the repair of equipment that cannot be performed by City maintenance personnel.

This is a price list and line item award. Relative to the price list, the best discount which determines the low bid for a price is the 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 recommendation is for the total estimated expenditures projected over the awarded term based on the low bid submitted for the representative samples.

The project was advertised in accordance with the State of Texas Bid Laws. Five prospective bidders downloaded the solicitation document from SPD's e-bidding website and three bids were received as outlined below:

Stewart & Stevenson Power Products LLC.: Award on its low bid meeting specifications for Groups 1 thru 5 in an amount not to exceed \$1,066,487.70.

Company

1. World Wide Parts & Equipment, Inc.
2. **Stewart & Stevenson Power Products LLC**
3. D.W. Industries, Inc.

Sample Pricing & Line Item

- | |
|--|
| \$217,317.60 (Did Not Meet Specifications/Higher Unit Price) |
| \$229,893.65 |
| \$239,071.90 |

This item will replace Emergency Purchase Order Item No. 22, approved by Council Motion No. 2016-0348, passed July 13, 2016.

M/WBE Participation:

Zero-percentage goal document approved by the Office of Business Opportunity.

Hire Houston First:

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

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.

Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Estimated Spending Authority			
DEPARTMENT	FY2017	OUT YEARS	TOTAL
Fleet Management	\$213,300.00	\$853,187.70	\$1,066,487.70

Prior Council Action:

CM #2016-0348, passed July 13, 2016.

Amount of Funding:

\$1,066,487.70 - Fleet Management Fund (1005)

Contact Information:

Jedediah Greenfield	FMD	(832) 393-6910
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:

Description

RCA#S25793-Stewart & Stevenson

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 12/22/2016

S25793 - Detroit Diesel Replacement Parts & Repair Services-MOTION

Agenda Item#: 3.

Background:

Formal Bids Received for S40-S25793 - Approve an award to Stewart & Stevenson Power Products LLC in an amount not to exceed \$1,066,487.70 for Detroit Diesel replacement parts and repair services for the Fleet Management Department.

Specific Explanation:

The Director of the Fleet Management department and the Chief Procurement Officer recommend that City Council approve an award to **Stewart & Stevenson Power Products LLC** on its complete bid to specification in an amount not to exceed **\$1,066,487.70** for Detroit Diesel 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 month term with two one-year options**. The award consists of price lists for various Detroit Diesel replacement parts; which includes but is not limited to belt tensioners, fuel check valves, transfer pumps, water pumps, EGR coolers, starting motors, solenoids, oxygen sensors, wiring harnesses, fuel injectors, fuel pumps, reconditioned engines, and engine blocks. These materials will be used by the FMD to repair and maintain equipment with Detroit Diesel engines citywide. This award also includes a **\$217,582.50** labor component for the repair of equipment that cannot be performed by City maintenance personnel.

This is a price list and line item award. Relative to the price list, the best discount which determines the low bid for a price is the 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 recommendation is for the total estimated expenditures projected over the awarded term based on the low bid submitted for the representative samples.

The project was advertised in accordance with the State of Texas Bid Laws. Five prospective bidders downloaded the solicitation document from SPD's e-bidding website and three bids were received as outlined below:

Stewart & Stevenson Power Products LLC: Award on its low bid meeting specifications for Groups 1 thru 5 in an amount not to exceed \$1,066,487.70.

<u>Company</u>	<u>Sample Pricing & Line Item</u>
1. World Wide Parts & Equipment, Inc.	\$217,317.60 (Did Not Meet Specifications/Higher Unit Price)
2. Stewart & Stevenson Power Products LLC	\$229,893.65
3. D.W. Industries, Inc.	\$239,071.90

This item will replace Emergency Purchase Order Item No. 22, approved by Council Motion No. 2016-0348, passed July 13, 2016.

M/WBE Participation:

Zero-percentage goal document approved by the Office of Business Opportunity.

Hire Houston First:

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

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.


Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Estimated Spending Authority			
DEPARTMENT	FY2017	OUT YEARS	TOTAL
Fleet Management	\$213,300.00	\$853,187.70	\$1,066,487.70

Prior Council Action:

CM #2016-0348, passed July 13, 2016.

Amount of Funding:

\$1,066,487.70 - Fleet Management Fund (1005)

2/6/2017

Contact Information:

Jedediah Greenfield	FMD	(832) 393-6910
Desiree Heath	SPD	(832) 393-8742
Jeff Meekins	SPD	(832) 393-8743

ATTACHMENTS:**Description**MWBE DocsFair CampaignForm BDelinquent TaxBid TabBudget Form AOrdinanceCM2016-0348**Type**

Backup Material

Backup Material

Backup Material

Backup Material

Backup Material

Financial Information

Backup Material

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/9/2017

N26115 - Two QuantStudio Dx Real-Time PCR Instrument
Packages - MOTION

Agenda Item#: 5.

Summary:

FISHER SCIENTIFIC COMPANY L.L.C. ("Fisher HealthCare") for two QuantStudio Dx Real-Time PCR Instrument Packages for the Houston Health Department - \$250,901.50 - Grant Fund

Background:

S78-N26115 – Approve the sole source purchase two (2) QuantStudio Dx Real-Time PCR Instrument Packages for a total amount not to exceed \$250,901.50 for the Houston Health Department (HHD).

Specific Explanation:

The Director of the Houston Health Department (HHD) and the Chief Procurement Officer recommended that the City Council approve this purchase to furnish, deliver and install two (2) QuantStudio Dx Real-Time PCR Instrument Packages for the total amount not to exceed **\$250,901.50** for the Houston Health Department (HHD) and the authorization be given to issue a purchase order to **Fisher Scientific Company L.L.C ("Fisher HealthCare")**.

The main purpose of purchasing these instrument packages is to operate a center within the HHD for the detection of bioterrorism, emerging and re-emerging diseases such as MERS-CoV, Ebola and Zika using CDC Laboratory Response Network (LRN) testing protocols. The purchase, delivery, installation and training for these instruments were recommended and approved using 2017 LRN/EBOLA grant funds. **The grant period ends June 30, 2017 and represents the deadline for installation after purchase.** Meeting this deadline is required in order to prevent the grant purchase from being disallowed. These instrument packages are to be direct-shipped to and installed at HHD's Laboratory Services facility at 2252 Holcombe Blvd, Houston, TX 77030.

The Applied Biosystems QuantStudio Dx Real Time PCR instrument with SDS software is a real-time nucleic acid amplification and detection system that measures nucleic acid signals from reversed transcribed RNA and converts them to comparative quantitative readouts using fluorescent detection of dual-labeled hydrolysis probes. The QuantStudio Dx is to be used only by technologists trained in laboratory techniques and procedures as well as on use of the analyzer.

The supplier will provide a one-year manufacturer's warranty for each instrument plus seven-years extended manufacturer warranty for each instrument on all labor, materials and workmanship. The supplier shall have fifteen (15) calendar days to complete the work on this project upon receipt of the notice to proceed. The life expectancy of this instrument is about 8 years.

Fisher Scientific Company LLC is the sole manufacturer, supplier, distributor and vendor of the Applied Biosystems QuantStudio DX Real-Time PCR Instrument in the United State.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) “a procurement of items that are available from only one source because of patents, copyrights, secrete processes, or natural monopolies” of the Texas Local Government Code for exempt procurements.

Hire Houston First:

This procurement is exempt from the City’s Hire Houston First Ordinance that promotes economic opportunity for Houston businesses and supports job creation. The bid was not solicited because the department is utilizing a sole source contractor for the purchase.

MWBE Goal:

_MWBE Zero Percentage Goal Document approved by the Office of Business Opportunity

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

Jerry Adams, Interim Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Amount of Funding:

\$250,901.50

Federal State Local – Pass Through Fund (5030)

Contact Information:

NAME:	DEPARTMENT/DIVISIO	PHONE NO
Stephen Williams, Director	HHD	(832) 393-5001
Martin King, Division Manager	FIN/SPD	(832) 393-8705
Katie Moore, Procurement Specialist	FIN/SPD	(832) 393-8710

ATTACHMENTS:

Description

RCA#N26115-Fisher Scientific
OBO Waiver

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/9/2017

N26115 - Two QuantStudio Dx Real-Time PCR Instrument Packages - MOTION

Agenda Item#: 2.

Background:

S78-N26115 – Approve the sole source purchase two (2) QuantStudio Dx Real-Time PCR Instrument Packages for a total amount not to exceed \$250,901.50 for the Department of Health and Human Services.

Specific Explanation:

The Director of the Houston Health Department (HHD) and the Chief Procurement Officer recommended that the City Council approve this purchase to furnish, deliver and install two (2) QuantStudio Dx Real-Time PCR Instrument Packages for the total amount not to exceed **\$250,901.50** for the Department of Health and Services and the authorization be given to issue a purchase order to **Fisher Scientific Company L.L.C ("Fisher HealthCare")**.

The main purpose of purchasing these instrument packages is to operate a center within the HHD for the detection of bioterrorism, emerging and re-emerging diseases such as MERS-CoV, Ebola and Zika using CDC Laboratory Response Network (LRN) testing protocols. The purchase, delivery, installation and training for these instruments were recommended and approved using 2017 LRN/EBOLA grant funds. **The grant period ends June 30, 2017 and represents the deadline for installation after purchase.** Meeting this deadline is required in order to prevent the grant purchase from being disallowed. These instrument packages are to be direct-shipped to and installed at HHD's Laboratory Services facility at 2252 Holcombe Blvd, Houston, TX 77030.

The Applied Biosystems QuantStudio Dx Real Time PCR instrument with SDS software is a real-time nucleic acid amplification and detection system that measures nucleic acid signals from reversed transcribed RNA and converts them to comparative quantitative readouts using fluorescent detection of dual-labeled hydrolysis probes. The QuantStudio Dx is to be used only by technologists trained in laboratory techniques and procedures as well as on use of the analyzer.

The supplier will provide a one-year manufacturer's warranty for each instrument plus seven-years extended manufacturer warranty for each instrument on all labor, materials and workmanship. The supplier shall have fifteen (15) calendar days to complete the work on this project upon receipt of the notice to proceed. The life expectancy of this instrument is about 8 years.

Fisher Scientific Company LLC is the sole manufacturer, supplier, distributor and vendor of the Applied Biosystems QuantStudio DX Real-Time PCR Instrument in the United State.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) "a procurement of items that are available from only one source because of patents, copyrights, secrete processes, or natural monopolies" of the Texas Local Government Code for exempt procurements.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance that promotes economic opportunity for Houston businesses and supports job creation. The bid was not solicited because the department is utilizing a sole source contractor for the purchase.

MWBE Goal:

M/WBE Zero Percentage Goal Document approved by the Office of Business Opportunity

Fiscal Note:

Funding for this item is included in the FY2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.


Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Amount of Funding:

\$250,901.50

Federal State Local – Pass Through Fund (5030)

Contact Information:

NAME:	DEPARTMENT/DIVISIO	PHONE NO
Stephen Williams, Director	HHD	(832) 393-5001
Martin King, Division Manager	FIN/SPD	(832) 393-8705
Katie Moore, Procurement Specialist	FIN/SPD	(832) 393-8710

ATTACHMENTS:**Description****Type**Affidavit of Ownership

Backup Material

Form A (Fair Campaign Ordinance)

Backup Material

Form B (Fair Campaign Ordinance)

Backup Material

Funding Information - Attachment A

Financial Information

OBO Waiver

Backup Material

Delinquent Tax Report

Backup Material

N26115 - Two QuantStudio Dx Real-Time PCR Instrument
Packages - Grant Funding Verification-BM

Backup Material



CITY OF HOUSTON
OFFICE
OF
BUSINESS OPPORTUNITY

Goal Modification
Request Form

1. Date: 01/03/2017 2. Requesting Department: HEALTH 3. Solicitation Number: PR#10224944

4. Solicitation Name: QUANTSTUDIO DX 96W FAST US IVD 5. Estimated Dollar Amount: \$ 250,901.50

6. Description of Solicitation (attach specifications/supporting documents):

Please see attachments

PLEASE INDICATE WHETHER A PREVIOUS CONTRACT EXISTED FOR THIS SOLICITATION.

A. Previous contract (if any): Yes ☐ No ☒ B. Previous contract number: N/A

C. Goal on last contract N/A D. Was goal met? Yes ☐ No ☒

E. If goal was not met, what percentage did the vendor achieve? N/A %

F. Why wasn't goal achieved?

N/A

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: This is a sole source procurement.

C. Detailed explanation for Waiver Reason:

The equipment will be shipped directly from the manufacturer with installation to be completed by the vendor, the only company authorized to provide this service. This procurement does not allow the opportunity for any divisible work element to be performed by an MWBE participant.

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: N/A

C. Did the Department explore opportunities for using certified firms? Yes ☐ No ☒

D. Please explain how the department explored opportunities for using certified firms:

N/A

E. Please explain why the Department did not explore opportunities for using certified firms:

The vendor has satisfied the City of Houston's criteria as a sole source provider of the equipment and service.



CITY OF HOUSTON
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**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: N/A C. Proposed new goal: N/A D. Advertisement date: N/A

E. Will the project be re-advertised? Yes ☐ No ☒ F. Estimated dollar amount: \$ N/A

G. Detailed reason for request:

N/A

Concurrence:

W H Matthews 1-3-17
Requesting Department Initiator Date

Myra M. Smith 1/3/16
Department Director or Designee Date

FOR OBO OFFICE USE ONLY:

APPROVED:

<u>Janet Hurley</u>	<u>1/4/17</u>	<u>Sole Source</u>	<u>W-700</u>
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: 2/21/2017

ALL

Item Creation Date: 1/9/2017

S26025 - Helicopter Components Overhaul/Exchange
Services - MOTION

Agenda Item#: 6.

Summary:

HELI-TECH, INC for Helicopter Components Overhaul/Exchange Services for the Houston Police Department - 3 Years with two one-year options - \$902,177.22 - General Fund

Background:

Sole Bid Received for S21-S26025 - Approve an award to Heli-Tech, Inc. in an amount not to exceed \$902,177.22 for helicopter components overhaul/exchange services for the Houston Police Department.

Specific Explanation:

The Chief of the Houston Police Department and Chief Procurement Officer recommend that City Council approve an award to **Heli-Tech, Inc.** on its sole bid in an amount not to exceed **\$902,177.22** for helicopter components overhaul/exchange services for the Houston Police Department (HPD). 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 covers the overhaul/exchange of what is known in the industry as helicopter "rotables" which need to be rotated at frequent intervals. The line item award consists of helicopter components, such as, main and tail rotor transmissions, main rotor swash plates, pitch controls, overrunning clutches, landing gear dampers, and one-way locks to be used in the department's Air Support Division for MD369/500/600/900 series helicopters housed at William P. Hobby Airport. This award also includes a **\$52,500.00** labor component for repair of equipment that cannot be performed by City personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Heli-Tech, Inc. is certified by the Federal Aviation and Administration and its repair facility in Panama City, FL are approved as an authorized maintenance repair center by the agency.

M/WBE:

Zero-Percentage Goal document approved by the Office of Business Opportunity.

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, Heli-Tech, Inc. does not meet the requirements for HHF designation; no HHF firms were within three percent.

Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.

Jerry Adams, Chief Procurement Officer
Authority
Finance/Strategic Procurement Division

Departmental Approval

Estimated Spending Authority

Department	FY17	Out Years	Total
Police	\$180,435.44	\$721,741.78	\$902,177.22

Amount of Funding:

\$902,177.22 General Fund (1000)

Contact Information:

Winfred Arnic 713-308-1700
Desiree Heath 832-393-8742
Lena Farris 832-393-8735

ATTACHMENTS:

Description

Type

S26025 MWBE ZERO PERCENT APPROVED Backup Material

RCA#S26025-Heli-Tech, inc. Signed Cover sheet



CITY OF HOUSTON
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of
BUSINESS OPPORTUNITY

Goal Modification Request Form

1. Date: 1-4-2017 2. Requesting Department: Police 3. Solicitation Number: S26025
4. Solicitation Name: Helicopter, Components Overhaul and/or Exchange for HPD 5. Estimated Dollar Amount: \$ 902,177.22

6. Description of Solicitation (attach specifications/supporting documents):
This project is for helicopter component overhaul/exchange parts and the associated labor necessary to keep helicopters operating smoothly and effectively.

PLEASE INDICATE WHETHER A PREVIOUS CONTRACT EXISTED FOR THIS SOLICITATION.

A. Previous contract (if any): Yes ☒ No ☐ B. Previous contract number: S21-S24223/S-4600011665

C. Goal on last contract 0% D. Was goal met? Yes ☒ No ☐

E. If goal was not met, what percentage did the vendor achieve? _____ %

F. Why wasn't goal achieved?

MWBE Waiver Approved by QBO.

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:

The specifications in the agreement for items being purchased were reviewed to determine if there was any divisible work. Bidders on the parts and labor must be certified by the Federal Aviation and Administration and its repair facilities to be approved as an authorized maintenance center by the agency. At this time, there are no MWBE's that have received such certification. As a result, supply awards in the past have been granted a 0% MWBE goal.

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: _____

C. Did the Department explore opportunities for using certified firms? Yes ☒ No ☐

D. Please explain how the department explored opportunities for using certified firms:

E. Please explain why the Department did not explore opportunities for using certified firms:



CITY OF HOUSTON
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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

8-4-17
Date

Department Director or Designee

FOR 1-4-17
Date

FOR OBO OFFICE USE ONLY:

APPROVED:

	1/29/16	Non-Divisible	W-641
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: 2/14/2017

ALL

Item Creation Date: 1/9/2017

S26025 - Helicopter Components Overhaul/Exchange Services - MOTION

Agenda Item#: 9.

Summary:

Background:

Sole Bid Received for S21-S26025 - Approve an award to Heli-Tech, Inc. in an amount not to exceed \$902,177.22 for helicopter components overhaul/exchange services for the Houston Police Department.

Specific Explanation:

The Chief of the Houston Police Department and Chief Procurement Officer recommend that City Council approve an award to Heli-Tech, Inc. on its sole bid in an amount not to exceed \$902,177.22 for helicopter components overhaul/exchange services for the Houston Police Department (HPD). 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 covers the overhaul/exchange of what is known in the industry as helicopter "rotables" which need to be rotated at frequent intervals. The line item award consists of helicopter components, such as, main and tail rotor transmissions, main rotor swash plates, pitch controls, overrunning clutches, landing gear dampers, and one-way locks to be used in the department's Air Support Division for MD369/500/600/900 series helicopters housed at William P. Hobby Airport. This award also includes a **\$52,500.00** labor component for repair of equipment that cannot be performed by City personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Heli-Tech, Inc. is certified by the Federal Aviation and Administration and its repair facility in Panama City, FL are approved as an authorized maintenance repair center by the agency.

M/WBE:

Zero-Percentage Goal document approved by the Office of Business Opportunity.

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, Heli-Tech, Inc. does not meet the requirements for HHF designation; no HHF firms were within three percent.

Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.


Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Departmental Approval Authority

Estimated Spending Authority

Department	FY17	Out Years	Total
Police	\$180,435.44	\$721,741.78	\$902,177.22

Amount of Funding:

\$902,177.22 General Fund (1000)

Contact Information:

Winfred Arnic 713-308-1700
Desiree Heath 832-393-8742
Lena Farris 832-393-8735

ATTACHMENTS:

Description

S26025 MWBE ZERO PERCENT APPROVED
S26025 RCA funding sheet

Type

Backup Material
Financial Information

2/6/2017



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

Item Creation Date: 2/14/2017

HCD17-14 Resolution of Support for TDHCA 9% Housing Tax Credit
Application in ETJ

Agenda Item#: 7.

Summary:

RESOLUTION confirming support for the proposed development as affordable rental housing of certain properties, each located in the extraterritorial jurisdiction of the City of Houston, Texas or having been annexed into the City of Houston only for limited purposes, and the submittal of applications for housing tax credits for such developments

Background:

A Resolution of Support for an application in the Extraterritorial Jurisdiction (ETJ) of the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The development is listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

In 2013, the Texas Legislature dramatically changed the HTC program to give cities the discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing bodies may choose to provide a Resolution of Support for 17 points for proposed sites within their jurisdictions (including the City's Extraterritorial Jurisdiction – ETJ). Projects located in the ETJ receive one-half of the points from the City's resolution and one-half from the County's resolution.

Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization, (b) community feedback regarding the significant unmet housing need for large families, (c) the City's interest in renovating older affordable housing properties, and (d) the importance to the City, TDHCA and local housing advocates to provide housing in areas with low poverty rates and quality schools, HCDD has developed criteria that evaluates numerous factors related to the proposed development and surrounding community. Among the elements being evaluated are:

1. Location in the Community Revitalization Areas (including CRA Outreach Areas)
2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
4. Low poverty area
5. Zoned to quality schools

Based on these criteria, as well as other factors related to area characteristics and amenities, HCDD recommends a Resolution of Support for the project listed below.

Council

Development Name	Development Address	Developer	District	County
Crosby Plaza Apartments	6616 FM 2100	Christian Szymczak	ETJ	Harris

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017.

Contact Information:

Roxanne Lawson

Phone: 832.394.6307

ATTACHMENTS:

Description	Type
Coversheet	Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

Item Creation Date: 2/14/2017

HCD17-14 Resolution of Support for TDHCA 9% Housing Tax
Credit Application in ETJ

Agenda Item#:

Summary:

A RESOLUTION CONFIRMING SUPPORT FOR THE PROPOSED DEVELOPMENT AS AFFORDABLE RENTAL HOUSING OF CERTAIN PROPERTIES, EACH LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HOUSTON, TEXAS OR HAVING BEEN ANNEXED INTO THE CITY OF HOUSTON ONLY FOR LIMITED PURPOSES, AND THE SUBMITTAL OF APPLICATIONS FOR HOUSING TAX CREDITS FOR SUCH DEVELOPMENTS

Background:

A Resolution of Support for an application in the Extraterritorial Jurisdiction (ETJ) of the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The development is listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

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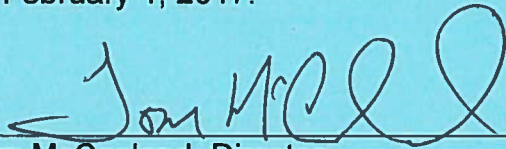
Among the elements being evaluated are:

1. Location in the Community Revitalization Areas (including CRA Outreach Areas)
2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
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Crosby Plaza Apartments	6616 FM 2100	Christian Szymczak	ETJ	Harris

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017.



Tom McCasland, Director

Contact Information:

Roxanne Lawson
832.394.6307



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

Item Creation Date:

PLN- Ch. 26 Changes (Off-Street Parking)

Agenda Item#: 8.

Summary:

ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to off-street parking and loading

Background:

The Planning and Development Department (P&D) recommends City Council adopt an ordinance amending Chapter 26, Article VIII of the Code of Ordinances, which regulates off-street parking. The amendments will do the following:

- Provide greater flexibility by increasing the allowable distance for 100% of off-site parking spaces from 250 feet to 500 feet;
- Further support high-capacity transit facilities by allowing a 20% reduction in the required number of parking spaces for residential uses located along a transit corridor;
- Support neighborhood businesses with greater flexibility by allowing the Director of Planning and Development to administratively approve a reduction of up to five parking spaces for a new addition or modification to an existing business through a transparent public process with notice provided to adjacent property owners (within 800') and 30 day public comment period;
- Clarify the application process by requiring a calendar of submittal dates for parking related applications;
- Require the Director to publish a list of example bike rack styles that meet the requirements of Chapter 26;
- Improve off-street parking code enforcement by clarifying that the Planning and Development Department Director is authorized to enforce off-street parking requirements;
- Capture cost of service by authorizing fees for administrative modifications and public notification performed by P&D in accordance with the provisions of Chapter 26; and
- Correct a typographical error in the definition of Neighborhood Restaurant.

The amendments were posted on the P&D web page for over six weeks. The public provided comments using an online comment form and the Houston Planning Commission held a public hearing September 29, 2016. The draft amendments were revised based on comments received. The updated amendments were presented to Planning Commission on December 1, 2016. The Commission heard public comment on December 1 and December 15 before voting to forward the amendments to City Council for consideration on December 15, 2016.

Patrick Walsh, P.E
Director
Planning and Development Department

cc: Anna Russell, City Secretary
Ronald C. Lewis, City Attorney

Contact Information:

Brian Crimmins, Chief of Staff- (832) 393-6533

ATTACHMENTS:

Description

cover sheet
Summary of Changes

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

Item Creation Date:

PLN- Ch. 26 Changes (Off-Street Parking)

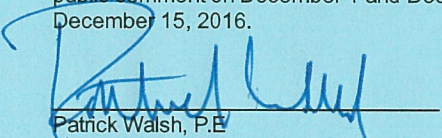
Agenda Item#:

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- Clarify the application process by requiring a calendar of submittal dates for parking related applications;
- Require the Director to publish a list of example bike rack styles that meet the requirements of Chapter 26;
- Improve off-street parking code enforcement by clarifying that the Planning and Development Department Director is authorized to enforce off-street parking requirements;
- Capture cost of service by authorizing fees for administrative modifications and public notification performed by P&D in accordance with the provisions of Chapter 26; and
- Correct a typographical error in the definition of Neighborhood Restaurant.

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Patrick Walsh, P.E.
Director
Planning and Development Department

cc: Anna Russell, City Secretary
Ronald C. Lewis, City Attorney

Contact Information:

Brian Crimmins, Chief of Staff- (832) 393-6533

Summary of Proposed Changes to Chapter 26: The Off-Street Parking Ordinance

Document Date: 02.08.2017

- Expand the maximum allowable distance for a business to have all of its off-site parking from 250' to 500' away from the property.
- Create an administrative modification process that would allow the director to approve a reduction of up to five parking spaces for a new addition or modification to an existing business.

Key Points:

- Establish a transparent public process with notice provided to adjacent property owners (within 800') and 30 day public comment period.
 - The director must determine the proposal has sufficient parking to meet demand caused by addition and that there will not be substantial spillover parking into adjacent properties and streets (within 800').
 - A project that was previously granted a parking variance by the Planning Commission is not eligible for the administrative modification reduction.
 - Information on all approved administrative modifications will be posted on the Planning & Development Department website.
- Improve the notification requirements.

Key Points:

- Expand the notification area for adjacent property owners for parking variances from a 500' radius to an 800'.
 - Change the date by which a notification letter for a parking variance request must be sent out to adjacent property owners from 10 days before the commission meeting to 20 days before the meeting.
 - Change the date by which a notification sign for a parking variance request must be posted on a property from 10 days before the commission meeting to 20 days before the meeting.
 - Remove labor intensive notification requirements for applicant and replace with streamlined staff lead process.
- Clarify that tandem parking is prohibited except when the tandem parking spaces are reserved for use by the occupants of the same residential unit.
 - Clarify bicycle rack design standards and require the director to keep a list of bicycle rack styles that meet the requirements.
 - Establish a process for the Planning Commission to consider and establish an annual calendar for submittal dates and corresponding commission meeting dates for all application types in the Off-Street Parking Ordinance.
 - Clarify that the director is authorized to enforce the parking ordinance.
 - Fix a typo in the definition of a Neighborhood Restaurant.
 - Clarify fee language to allow for collection of notification fee and investigate fee for unpermitted work. [Both fees are currently authorized by City Council for Chapter 42]



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District C

Item Creation Date: 2/2/2017

20DOB093/Abandonment and sale of Court Street/SY14-079A

Agenda Item#: 9.

Summary:

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of: (1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street; (2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street; and (3) two sanitary sewer easements, all out of the John Austin Survey, Houston, Harris County, Texas; abandoning the streets and easements to Studemont Venture, L.P., abutting owner, in consideration of its payment of \$94,012.00 to the City and the conveyance to the City of a 60-foot-wide right-of-way easement for, and construction of, the extension of Summer Street - **DISTRICT C - COHEN**

Background:

SUBJECT: Abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-079D, SY14-079E, SY14-132, and AY14-116**

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-079D, SY14-079E, SY14-132, and AY14-116**

SPECIFIC EXPLANATION: By Motion 2014-0816, City Council authorized the abandonment and sale of: 1) Court Street, from Hicks Street north to the south right-of-way line of proposed Summer Street and 2) Wichman Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all located within the C.F. Court Subdivision, out of the John Austin Survey, A-1. After the motion passed the description of the requested abandonment and sale portion of Court Street was changed to a more accurate description and two sanitary sewer easement sales parcels were added to the transaction, as reflected in the

subject. The applicant, Studemont Venture, L.P., [Capcor Studemont, LLC, (Josh Aruh, Managing Partner) General Partner], acquired Carlos R. and Maria A. Harvey's abutting property (Parcel SY14-132) after the motion passed. Studemont Venture, L.P., plans to develop its property and the subject abandonment areas as multi-family housing and mixed-use commercial.

Studemont Venture, L.P., has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Studemont Venture, L.P.:

Parcel SY14-079A

17,098 square feet of street easement	\$900,010.00 (R)
Valued at \$53.17 per square foot at 99%	

Parcel SY14-079B

12,952 square feet of street easement	\$681,771.00 (R)
Valued at \$53.17 per square foot at 99%	

Parcel SY14-132

1,020 square feet of street easement	\$35,707.00 (R)
Valued at \$35.36 per square foot at 99%	

Plus the depreciated value of street pavement	\$29,205.00
---	-------------

TOTAL ABANDONMENTS AND SALE FROM THE GENERAL FUND	<u>\$1,646,693.00</u>
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Studemont Venture, L.P., will convey to the City:

Parcel AY14-116

50,953 square feet of street easement	\$2,682,079.00 (R)
Valued at \$53.17 per square foot at 99%	

TOTAL CONVEYANCE TO THE GENERAL FUND (NET GAIN TO THE CITY OF \$1,035,386.00)	<u>\$2,682,079.00</u>
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The City will abandon and sell to Studemont Venture, L.P.:

Parcel SY14-079D

2,572 square feet of sanitary sewer easement	\$67,693.00 (R)
Valued at \$53.17 per square foot at 99% x 50%	

Parcel SY14-079E

1,000 square feet of sanitary sewer easement	\$26,319.00 (R)
Valued at \$53.17 per square foot at 99% x 50%	

TOTAL ABANDONMENTS AND SALE FROM THE ENTERPRISE FUND	<u>\$94,012.00</u>
---	---------------------------

In exchange, Studemont Venture, L.P., will pay:

Cash	\$94,012.00
------	-------------

TOTAL CASH	<u>\$94,012.00</u>
TO THE ENTERPRISE FUND	

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1.

Prior Council Action:

Council Motion 2014-0816 (8/20/2014)

Contact Information:

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

Dale A. Rudick, P.E., Director
Department of Public Works and Engineering

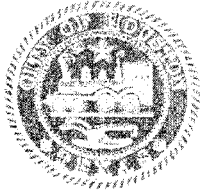
ATTACHMENTS:

Description

Signed RCA
GIMS
Labeled Aerial

Type

Signed Cover sheet
Backup Material
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District C

Item Creation Date: 2/2/2017

20DOB093/Abandonment and sale of Court Street/SY14-079A

Agenda Item#:

Background:

SUBJECT: Abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-079D, SY14-079E, SY14-132, and AY14-116**

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-079D, SY14-079E, SY14-132, and AY14-116**

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Studemont Venture, L.P., has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

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Plus the depreciated value of street pavement	\$29,205.00
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TOTAL ABANDONMENTS AND SALE FROM THE GENERAL FUND	<u>\$1,646,693.00</u>
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TOTAL CONVEYANCE	<u>\$2,682,079.00</u>
-------------------------	------------------------------

**TO THE GENERAL FUND
(NET GAIN TO THE CITY OF \$1,035,386.00)**

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1,000 square feet of sanitary sewer easement \$26,319.00 (R)
Valued at \$53.17 per square foot at 99% x 50%

**TOTAL ABANDONMENTS AND SALE
FROM THE ENTERPRISE FUND** **\$94,012.00**

In exchange, Studemont Venture, L.P., will pay:

Cash \$94,012.00

**TOTAL CASH
TO THE ENTERPRISE FUND** **\$94,012.00**

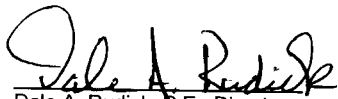
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Prior Council Action:

Council Motion 2014-0816 (8/20/2014)

Contact Information:

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



Dale A. Rudick, P.E., Director
Department of Public Works and Engineering

ATTACHMENTS:

Description

Council Motion 2014-0816

Labeled Aerial

GIMS

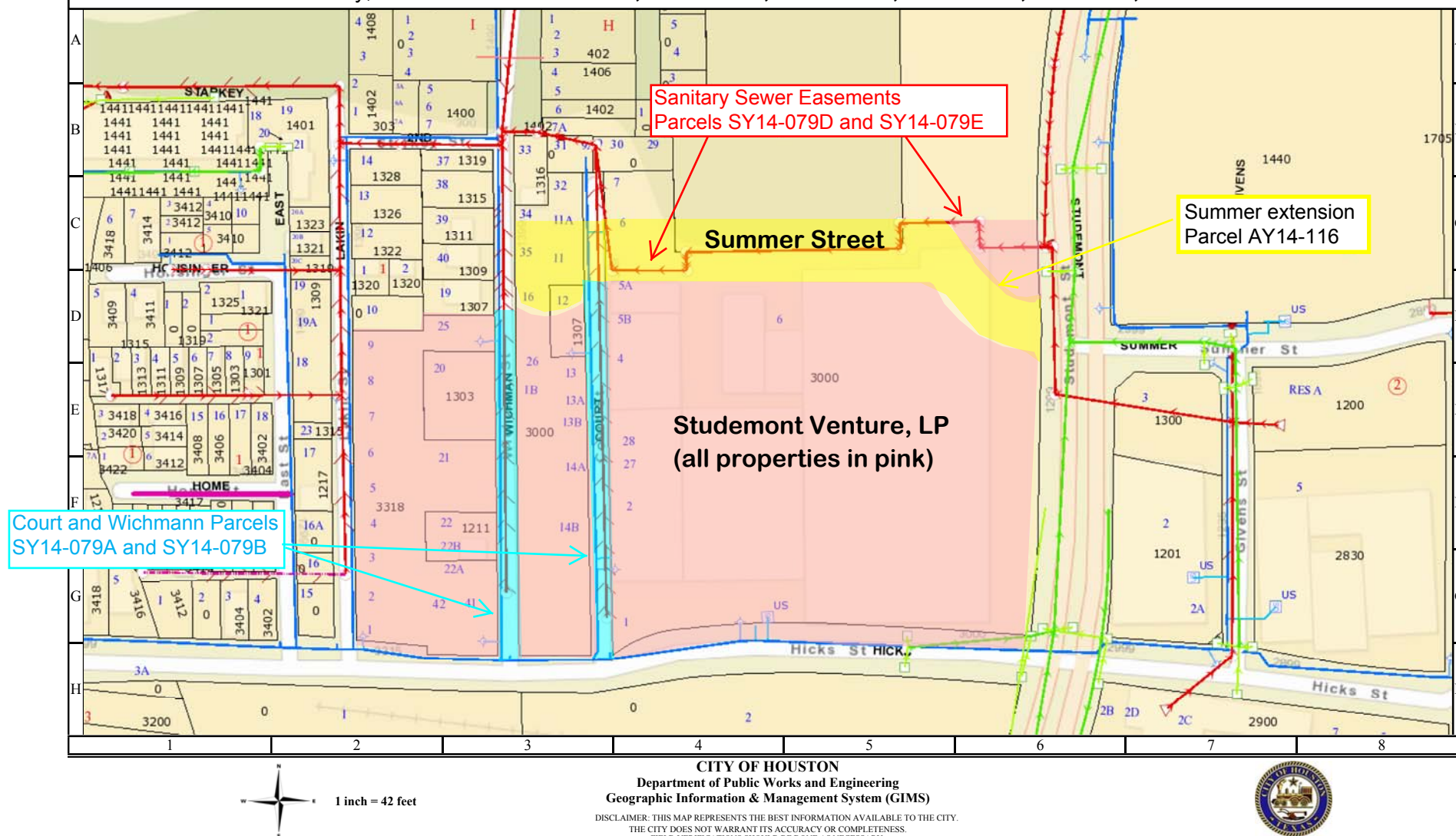
Type

Ordinance/Resolution/Motion

Backup Material

Backup Material

Abandonment and sale of: 1) Court Street, from Hicks Street north to the north right-of-way line of proposed Summer Street, 2) Wichmann (aka Wichman) Street, from Hicks Street north to the south right-of-way line of proposed Summer Street, and 3) two sanitary sewer easements, in exchange for conveyance of a 60-foot-wide right-of-way easement for and construction of the extension of Summer Street, all out of the John Austin Survey, A-1. **Parcels SY14-079A, SY14-079B, SY14-079D, SY14-079E, SY14-132, and AY14-116**

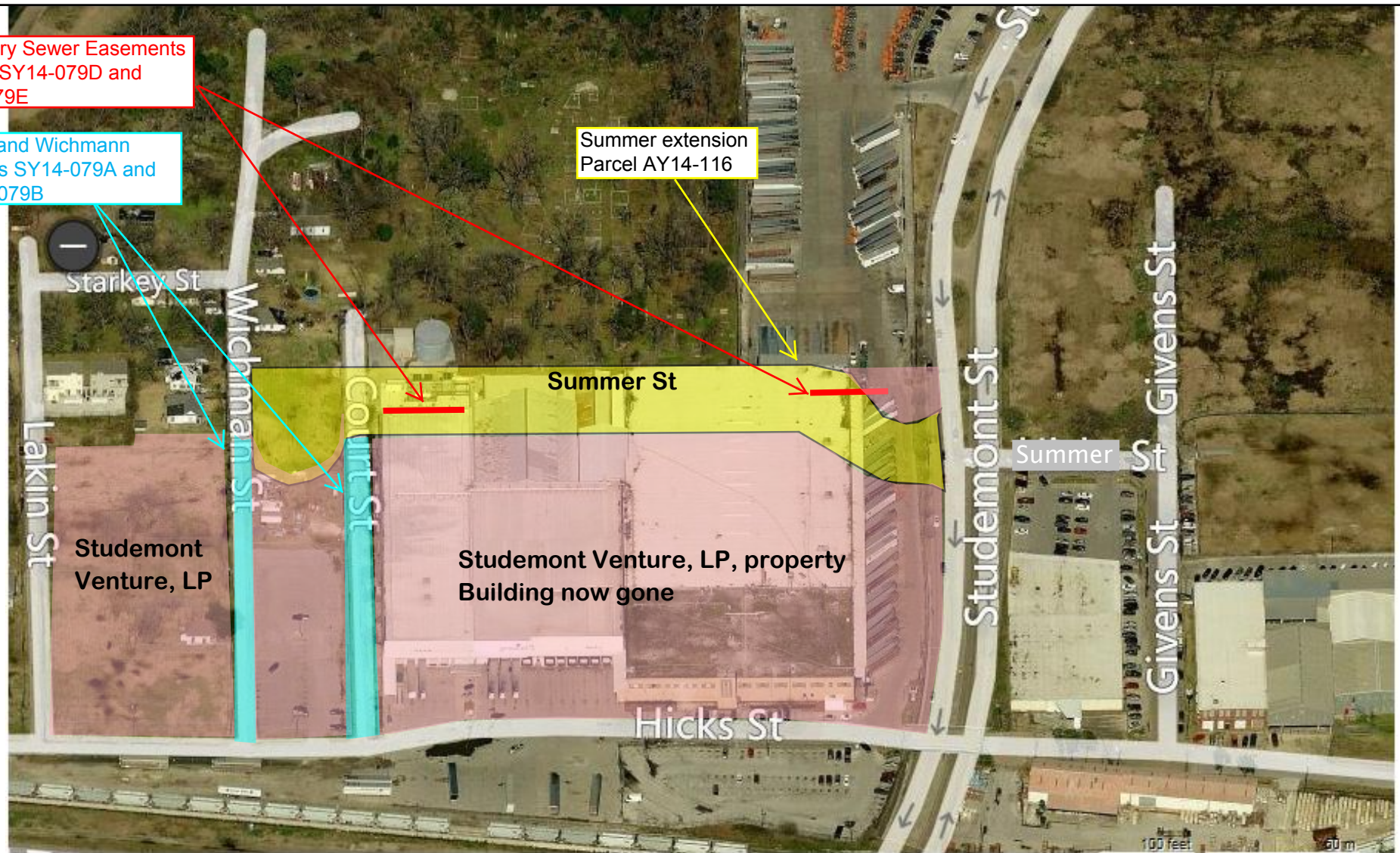


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2 Sanitary Sewer Easements
Parcels SY14-079D and
SY14-079E

Court and Wichmann
Parcels SY14-079A and
SY14-079B

Summer extension
Parcel AY14-116





CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/27/2017

HHD - UH C. diff and CRE Surveillance Network

Agenda Item#: 10.

Summary:

ORDINANCE approving and authorizing a Sponsored Research Agreement between the City and the **UNIVERSITY OF HOUSTON** for the development of a *Clostridium difficile* and carbapenem-resistant Enterbacteriaceae Surveillance Network; providing a maximum contract amount \$140,137.00 - Grant Fund

Background:

The Houston Health Department (HHD) requests City Council approval of an ordinance approving and authorizing an agreement between the City and the University of Houston on behalf of its College of Pharmacy (UH COP) to develop a *Clostridium difficile* (C. diff) and carbapenem-resistant Enterbacteriaceae (CRE) surveillance network. The effective date of the contract is the date of countersignature by the City Controller and will continue through June 30, 2017.

C. diff is a bacterium that causes inflammation of the colon. CREs are a family of germs that are difficult to treat because they have high levels of resistance to antibiotics. According to the Center for Disease Control and Prevention, healthcare acquired infections affect 5-10% of hospitalized patients and results in approximately 99,000 deaths per year. Antibiotics and similar drugs, together called antimicrobial agents, have been used for the last 70 years to treat infectious diseases. Since the 1940s, these drugs have greatly reduced illness and death from infectious diseases. However, these drugs have been used so widely and for so long that the infectious organisms the antibiotics are designed to treat have adapted, making the drugs less effective.

Under this agreement, UH COP will:

- 1) Develop a *Clostridium difficile* (C. diff.) and carbapenem-resistant Enterobacteriaceae (CRE) surveillance network for hospitals in Houston;
- 2) Provide subject matter expertise to assist with matters relating to data collection and analysis to HHD;
- 3) Develop a working protocol for routine collection of CRE and C. diff samples from hospitals;
- 4) Provide letters of support and routine sample collection from at least 10 Houston area hospitals that are interested in participating and can submit samples; and
- 5) Submit reports as required by agreement.

Prior Council Action:

N/A

Amount of Funding:

Total Contract Amount - \$140,137.00

Federal Fund – Fund 5000

Contact Information:

Kathy Barton - Telephone: 832-393-5045

Cell: 713-826-5801


ATTACHMENTS:**Description**

RCA

Type

Signed Cover sheet

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving and authorizing an agreement between the City and the University of Houston on behalf of its College of Pharmacy (UH COP) to develop a <i>Clostridium difficile</i> (C. diff) and carbapenem-resistant Enterbacteriaceae (CRE) surveillance network.		Category #9	Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Houston Health Department		Origination Date 01/24/2017	Agenda Date	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Kathy Barton - Telephone: 832-393-5045; 713-826-5801		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary): Approval of an ordinance authorizing an agreement between the City and the University of Houston on behalf of its College of Pharmacy (UH COP) develop a <i>Clostridium difficile</i> (C. diff) and carbapenem-resistant Enterbacteriaceae (CRE) surveillance network; providing a maximum contract amount.				
Amount of Funding: Total Contract Amount - \$140,137.00 Federal Fund - Fund 5000			Finance Department:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: The Houston Health Department (HHD) requests City Council approval of an ordinance approving and authorizing an agreement between the City and the University of Houston on behalf of its College of Pharmacy (UH COP) to develop a <i>Clostridium difficile</i> (C. diff) and carbapenem-resistant Enterbacteriaceae (CRE) surveillance network. The effective date of the contract is the date of countersignature by the City Controller and will continue through June 30, 2017.				
<p>C. diff is a bacterium that causes inflammation of the colon. CREs are a family of germs that are difficult to treat because they have high levels of resistance to antibiotics. According to the Center for Disease Control and Prevention, healthcare acquired infections affect 5-10% of hospitalized patients and results in approximately 99,000 deaths per year. Antibiotics and similar drugs, together called antimicrobial agents, have been used for the last 70 years to treat infectious diseases. Since the 1940s, these drugs have greatly reduced illness and death from infectious diseases. However, these drugs have been used so widely and for so long that the infectious organisms the antibiotics are designed to treat have adapted, making the drugs less effective.</p> <p>Under this agreement, UH COP will:</p> <ol style="list-style-type: none"> 1) Develop a <i>Clostridium difficile</i> (C. diff.) and carbapenem-resistant Enterobacteriaceae (CRE) surveillance network for hospitals in Houston; 2) Provide subject matter expertise to assist with matters relating to data collection and analysis to HHD; 3) Develop a working protocol for routine collection of CRE and C. diff samples from hospitals; 4) Provide letters of support and routine sample collection from at least 10 Houston area hospitals that are interested in participating and can submit samples; and 5) Submit reports as required by agreement. 				
cc: Finance Department Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
Finance Department		Other Authorization:		Other Authorization:



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District B, District D, District E, District H, District K

Item Creation Date: 1/25/2017

25RS196 - Ordinance appropriating funds for due diligence of land acquired by Houston Parks Board prior to transfer to the City of Houston

Agenda Item#: 11.

Summary:

ORDINANCE appropriating \$32,000.00 out of Parks and Recreation Dedication Fund and \$10,000.00 out of Parks Special Revenue Fund to cover the due diligence costs for six parcels of land to be transferred to the City of Houston, to be used by the Parks and Recreation Department, from the Houston Parks Board - **DISTRICTS B - DAVIS; D - BOYKINS; E - MARTIN; H - CISNEROS and K - GREEN**

Background:

SPECIFIC EXPLANATION: The Houston Parks Board purchased six parcels on behalf of and at the request of the Houston Parks and Recreation Department to increase green space at the following existing parks:

PARK	COUNCIL DISTRICT	PARK SECTOR	PARCEL NO.	PARCEL SIZE (acres)	TOTAL EXPANDED PARK ACRES
Trinity Gardens	B	4	BY17-054	0.45	5.55
Evella	B	17	BY17-057	0.23	0.46
Sunnyside	D	7	BY17-055	0.32	206.33
Lake Houston Wilderness	E	3	BY17-053	0.51	4,787.11
McCullough	H	1	BY17-052	0.9	1.30
South Main Estates	K	8	BY17-056	34.04	38.97

Prior to transfer and conveyance of the parcels to the City of Houston, the City shall survey the parcels and conduct environmental testing to determine if the parcels are suitable for the City's purposes.

The following is a breakdown of expected costs:

\$32,000.00 Survey
\$10,000.00 Title Policy
\$42,000.00 Estimated Total

Therefore, the General Services Department recommends that City Council appropriate \$42,000.00 to fund due diligence costs for the aforementioned properties acquired by the Houston Parks Board

to fund due diligence costs for the aforementioned properties acquired by the Houston Parks Board prior to the transfer and conveyance to the City of Houston.

CIP FISCAL NOTE: There is no estimated impact to the operating and maintenance costs as a result of this CIP project. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

Capital Project Information

See each attached Form A for a breakdown of capital costs.

OPERATING BUDGET FISCAL NOTE: Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

Amount of Funding:

\$32,000.00	Parks & Recreation Dedication Fund (4035)
<u>\$10,000.00</u>	Parks Special Revenue Fund (2100)
\$42,000.00	Total Funding

WBS No. F-000513-0027-2-01

WBS No. F-000513-0027-2-02

Contact Information:

Jacquelyn L. Nisby

Phone: **832-393-8023**

ATTACHMENTS:

Description

Map

RCA

Type

Backup Material

Signed Cover sheet



BENNINGTON

N

TRINITY GARDENS PARK

BENNINGTON

WILEYVALE

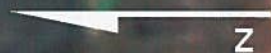
SHREVEPORT



EVELLA

EVELLA PARK

FONTINOT







LAKE HOUSTON PARK

PARK SECTOR 3





N

MCCULLOUGH PARK



N

NOVA TRAILS

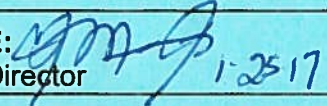


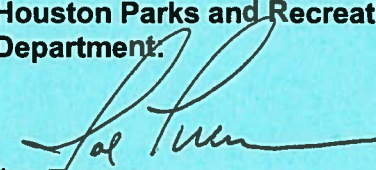
GEMSONG MEADOWS

PARKWAY MANOR

OREM

SOUTH MAIN ESTATES PARK

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

SUBJECT: Ordinance appropriating funds for due diligence of land acquired by Houston Parks Board prior to transfer to the City of Houston WBS No. F-000513-0027-2-01 WBS No. F-000513-0027-2-02			Page 1 of 2	Agenda Item	
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date		
DIRECTOR'S SIGNATURE:  C.J. Messiah, Jr., Interim Director		Council Districts affected: B,D,E,H,K			
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:			
RECOMMENDATION: Appropriate funds for the project.					
Amount and Source of Funding: \$32,000.00 Parks & Recreation Dedication Fund (4035) <u>\$10,000.00</u> Parks Special Revenue Fund (2100) \$42,000.00 Total Funding			Finance Budget:		
SPECIFIC EXPLANATION: The Houston Parks Board purchased six parcels on behalf of and at the request of the Houston Parks and Recreation Department to increase green space at the following existing parks:					
PARK	COUNCIL DISTRICT	PARK SECTOR	PARCEL NO.	PARCEL SIZE (acres)	TOTAL EXPANDED PARK ACRES
Trinity Gardens	B	4	BY17-054	0.45	5.55
Evella	B	17	BY17-057	0.23	0.46
Sunnyside	D	7	BY17-055	0.32	206.33
Lake Houston Wilderness	E	3	BY17-053	0.51	4,787.11
McCullough	H	1	BY17-052	0.9	1.30
South Main Estates	K	8	BY17-056	34.04	38.97
Prior to transfer and conveyance of the parcels to the City of Houston, the City shall survey the parcels and conduct environmental testing to determine if the parcels are suitable for the City's purposes.					
The following is a breakdown of expected costs:					
\$32,000.00 Survey					
<u>\$10,000.00</u> Title Policy					
\$42,000.00 Estimated Total					
Therefore, the General Services Department recommends that City Council appropriate \$42,000.00 to fund due diligence costs for the aforementioned properties acquired by the Houston Parks Board prior to the transfer and conveyance to the City of Houston.					
REQUIRED AUTHORIZATION CUIC ID# 25RS196					
General Services Department:  Humberto Bautista, P.E. Assistant Director		Houston Parks and Recreation Department:  Joe Turner Director			

Date	SUBJECT: Ordinance appropriating funds for due diligence of land acquired by Houston Parks Board prior to transfer to the City of Houston WBS No. F-000513-0027-2-01 WBS No. F-000513-0027-2-02	Originator's Initials RS	Page 2 of 2
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CIP FISCAL NOTE: There is no estimated impact to the operating and maintenance costs as a result of this CIP project. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

Capital Project Information

See each attached Form A for a breakdown of capital costs.

OPERATING BUDGET FISCAL NOTE: Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

CJM:HB:JLN:RS:rs

xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell, Lisa Johnson, Luci Correa



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District B

Item Creation Date: 1/30/2017

25DW24-Fire Station 67 Expansion-WBS#C-000180-0001-
2-01-02

Agenda Item#: 12.

Summary:

ORDINANCE appropriating \$100,000.00 out of Fire Consolidated Construction Fund (4500); approving and authorizing purchase of approximately 29,720 square feet of land located at 1616 West Little York Road, Houston, Harris County, Texas, at a Harris County Delinquent Property Tax Sale, for use by the Houston Fire Department - **DISTRICT B - DAVIS**

Background:

The Houston Fire Department (HFD) has been operating Fire Station No. 67, located at 1616 W. Little York Road, since 1971. The fire station was last renovated in 2000. To maintain excellence in service coverage for increased population growth, Fire Station No.67 is undergoing a major renovation and expansion, which includes converting the fire station to include "drive-through" access for the emergency vehicles.

To accommodate the renovation and expansion, HFD desires to purchase three tracts located adjacent to the fire station for the construction of a driveway on the east side of the facility. The new driveway will allow emergency vehicles to safely transition from the roadway to the rear of the facility, instead of backing into the service bays; thereby eliminating traffic congestion and reducing danger to firefighters.

The three tracts will be available for purchase via a Harris County delinquent property tax sale. According to Harris County Appraisal District records, the three tracts consist of 29,720 SF collectively, with a market value of \$54,308.00. The estimated minimum bid for the tracts will be \$45,300.00 with maximum bids of \$96,500.00.

The following is a breakdown of expected costs:

\$96,500.00	Maximum purchase bid price
2,500.00	Environmental Site Assessment
1,000.00	Title Policy
<u>\$100,000.00</u>	Estimated Total

CIP FISCAL NOTE: There are no operating or maintenance costs associated with this acquisition.

Capital Project Information: See attached Form A for a breakdown of capital costs.

Amount of Funding:**\$100,000.00**

Fire Consolidated Construction Fund (4500)

Contact Information:

Jacquelyn L. Nisby

Phone: 832-393-8023**ATTACHMENTS:****Description**

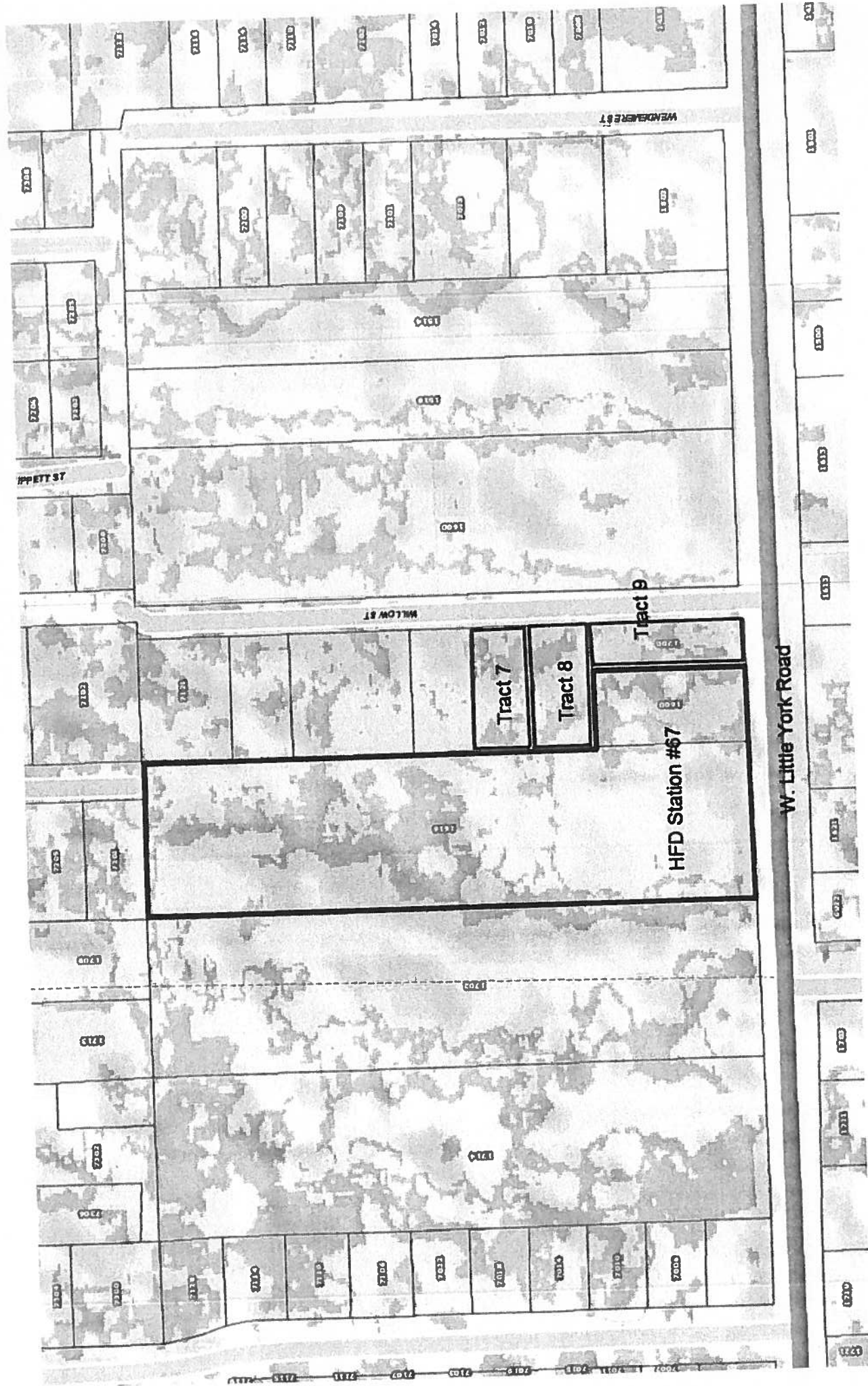
Map

RCA (revised)

Type

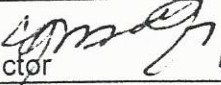


Backup Material

Signed Cover sheet



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the purchase of real property at a Harris County Delinquent Property Tax Sale for the Houston Fire Department		Page 1 of 1	Agenda Item								
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date								
DIRECTOR'S SIGNATURE:  C. J. Messiah, Jr., Interim Director 4/23/17		Council District affected: B									
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:									
RECOMMENDATION: Approve and authorize the purchase of three tracts at a Harris County Delinquent Property Tax Sale for the Houston Fire Department, and appropriate funds.											
Amount and Source of Funding: \$100,000.00 – Fire Consolidated Construction Fund (4500)		Finance Budget:									
<p>SPECIFIC EXPLANATION: The Houston Fire Department (HFD) has been operating Fire Station No. 67, located at 1616 W. Little York Road, since 1971. The fire station was last renovated in 2000. To maintain excellence in service coverage for increased population growth, Fire Station No.67 is undergoing a major renovation and expansion, which includes converting the fire station to include "drive-through" access for the emergency vehicles.</p> <p>To accommodate the renovation and expansion, HFD desires to purchase three tracts located adjacent to the fire station for the construction of a driveway on the east side of the facility. The new driveway will allow emergency vehicles to safely transition from the roadway to the rear of the facility, instead of backing into the service bays; thereby eliminating traffic congestion and reducing danger to firefighters.</p> <p>The three tracts will be available for purchase via a Harris County delinquent property tax sale. According to Harris County Appraisal District records, the three tracts consist of 29,720 SF collectively, with a market value of \$54,308.00. The estimated minimum bid for the tracts will be \$45,300.00 with maximum bids of \$96,500.00.</p> <p>The following is a breakdown of expected costs:</p> <table><tr><td>\$96,500.00</td><td>Maximum purchase bid price</td></tr><tr><td>2,500.00</td><td>Environmental Site Assessment</td></tr><tr><td>1,000.00</td><td>Title Policy</td></tr><tr><td>\$100,000.00</td><td>Estimated Total</td></tr></table> <p>CIP FISCAL NOTE: There are no operating or maintenance costs associated with this acquisition.</p> <p>Capital Project Information: See attached Form A for a breakdown of capital costs.</p> <p>CJM:HB:JLN:DW:dw xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby, Mark Donovan</p>				\$96,500.00	Maximum purchase bid price	2,500.00	Environmental Site Assessment	1,000.00	Title Policy	\$100,000.00	Estimated Total
\$96,500.00	Maximum purchase bid price										
2,500.00	Environmental Site Assessment										
1,000.00	Title Policy										
\$100,000.00	Estimated Total										
REQUIRED AUTHORIZATION		CUIC ID# 25 DW 24									
General Services Department:  Humberto Bautista, P.E. Assistant Director		Houston Fire Department:  Samuel Peña Fire Chief									



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date:

HPD - FY 2017 Internet Crimes Against Children Task Force
Grant

Agenda Item#: 13.

Summary:

ORDINANCE approving and authorizing submission of an application for grant assistance to the **OFFICE OF THE TEXAS GOVERNOR CRIMINAL JUSTICE DIVISION (CJD) FY 17 INTERNET CRIMES AGAINST CHILDREN TASK FORCE**: Houston Metropolitan, Tx - Legislative Funding - Personnel Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

Background:

The Houston Police Department (HPD) is requesting an ordinance be approved authorizing the submission of a grant application and acceptance of funding from the Office of the Governor Criminal Justice Division (CJD) FY17 Internet Crimes Against Children (ICAC) Task Force: Houston Metropolitan, TX – Legislative Funding – Personnel program. If approved, this will be the 6th year of HPD receiving grant funding for its ICAC program.

As the designated ICAC lead agency, HPD has applied for \$934,859.00 for a 24-month program - from March 1, 2017 through February 28, 2019. HPD is the coordinating agency for this grant and works in conjunction with other law enforcement agencies who participate in the ICAC Task Force.

The grant will fund the ICAC Task Force to increase the number of arrests of persons who victimize children through sexual exploitation on the internet, rescue additional child victims of sexual exploitation and prevent further abuse, and increase the community awareness of internet safety through outreach and education programs. The grant does not require a cash match or in-kind contribution.

HPD also requests City Council to authorize the Chief of Police or his designee to act as the City's representative with the authority to sign the original award, accept and expend all subsequent awards for the purpose of this grant assistance program, and to apply for and accept all subsequent awards, if any, not to exceed five years pertaining to this program without further City Council action with approval of the City Attorney.

Amount of Funding:

State: CJD (State-Grant Fund 5010)

\$934,859

HPD: Cash Match (General Fund 1000)

\$-----

HPD: In-Kind Match

\$-----

Total Project

\$934,859

Contact Information:

Sheryal Armstrong, Division Manager (713) 308-1700

Clifton Journet III, Executive Staff Analyst (713) 308-1779

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District I

Item Creation Date: 1/23/2017

25CF34 HPD 1600 Smith

Agenda Item#: 14.

Summary:

ORDINANCE approving and authorizing Parking Agreement between **SP PLUS CORPORATION, as Licensor**, and the City of Houston, Texas, as Licensee, for spaces at 1600 Smith Street, Houston, Texas, for use by the Houston Police Department - 3 Years with an extended term of two years - \$945,000.00 - General Fund - **DISTRICT I - GALLEGOS**

Background:

SPECIFIC EXPLANATION: The General Services Department recommends approval of a Parking Agreement with SP Plus Corporation for 350 parking spaces at the 1600 Smith Street Garage for HPD employees located at HPD Headquarters at 1200 Travis Street.

-

The proposed Agreement provides for an initial term of three years with an extended term of two years on the same terms and conditions. The parking fee is \$75 per parking space (\$26,250/month; \$315,000/year) during the initial term and \$80 per parking space (\$28,000/month; \$336,000/year) during the extended term.

-

The initial term will commence on the later of March 1, 2017 or the date of countersignature by the City Controller. Either party may terminate this Parking Agreement at any time, without cause or penalty, by providing twelve months prior written notice to the other party.

OPERATING BUDGET FISCAL NOTE: Funding for this item is included in the FY 2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

CJM:HB:JLN:CF:cf

xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby

Amount of Funding:

General Fund (1000)

\$105,000.00 (4 months) FY17

\$840,000.00 Out-going years

\$945,000.00 Total Initial Term

Contact Information:

Jacquelyn L. Nisby

Phone: 832-393-8023

ATTACHMENTS:

Description

RCA (executed)

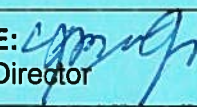
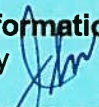


RCA Map 1600 Smith Garage 1-23-17

Type

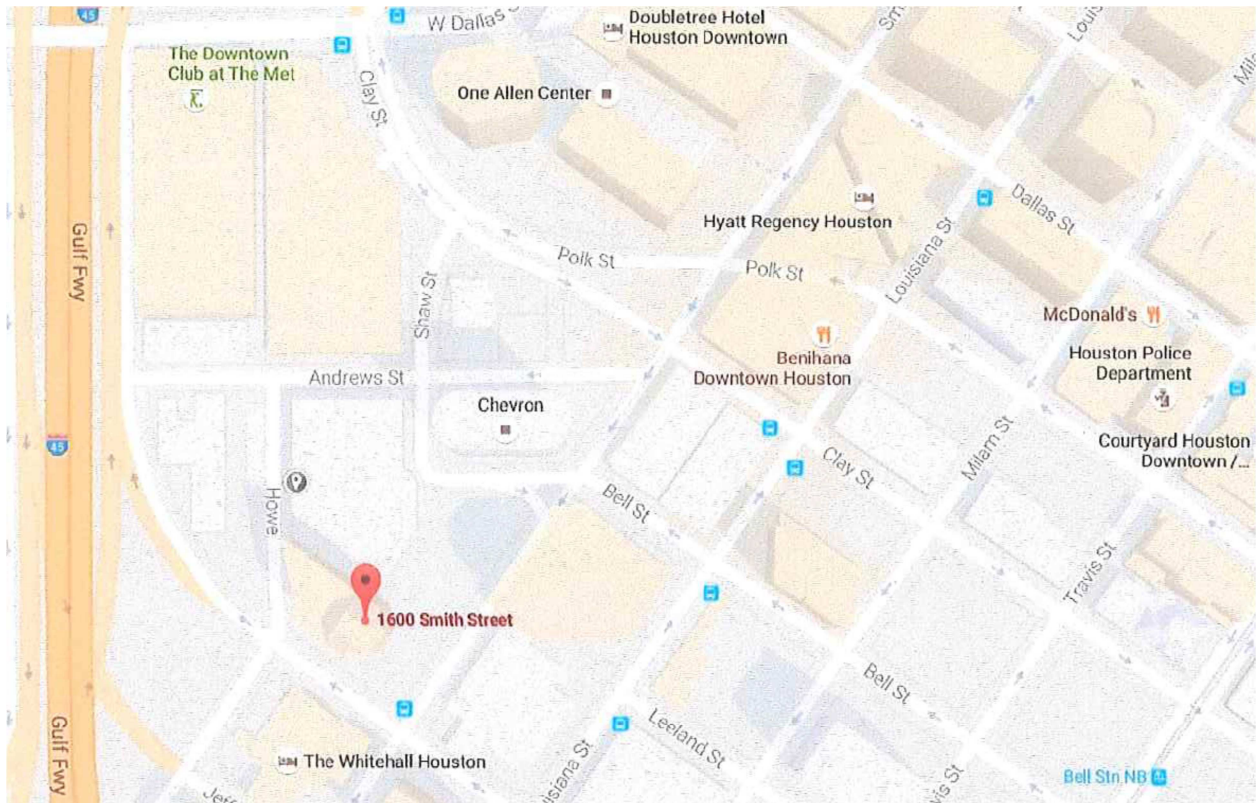
Signed Cover sheet

Backup Material

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

SUBJECT: Parking Agreement between SP Plus Corporation and the City of Houston at 1600 Smith Street for the Houston Police Department.		Page 1 of 1	Agenda Item
FROM (Department or other point of origin): General Services Department		Origination Date	Agenda Date
DIRECTOR'S SIGNATURE:  C. J. Messiah, Jr., Interim Director 1/23/17		Council District affected: 1	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Approve and authorize a Parking Agreement between SP Plus Corporation and the City of Houston at 1600 Smith Street for the Houston Police Department (HPD).			
Amount and Source of Funding: General Fund (1000) \$105,000.00 (4 months) FY17 <u>\$840,000.00</u> Out-going years \$945,000.00 Total Initial Term		Finance Budget:	
<p>SPECIFIC EXPLANATION: The General Services Department recommends approval of a Parking Agreement with SP Plus Corporation for 350 parking spaces at the 1600 Smith Street Garage for HPD employees located at HPD Headquarters at 1200 Travis Street.</p> <p>The proposed Agreement provides for an initial term of three years with an extended term of two years on the same terms and conditions. The parking fee is \$75 per parking space (\$26,250/month; \$315,000/year) during the initial term and \$80 per parking space (\$28,000/month; \$336,000/year) during the extended term.</p> <p>The initial term will commence on the later of March 1, 2017 or the date of countersignature by the City Controller. Either party may terminate this Parking Agreement at any time, without cause or penalty, by providing twelve months prior written notice to the other party.</p> <p>OPERATING BUDGET FISCAL NOTE: Funding for this item is included in the FY 2017 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.</p>			
CJM:HB:JLN:CF:cf xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby			
REQUIRED AUTHORIZATION		CUIC ID# 25 CF 34	
General Services Department:  Humberto Bautista, P.E. Assistant Director		Houston Police Department:  Art Acevedo Chief of Police	

1600 Smith Parking Garage, Houston, TX





CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District B

Item Creation Date: 1/23/2017

HAS – Construction Management and Reimbursement
Agreement (CMRA) Funding Change Request with United
Airlines

Agenda Item#: 15.

Summary:

ORDINANCE appropriating \$20,000,000 out of Airports Improvement Fund as an additional appropriation for Construction Management and Reimbursement Agreement between the City of Houston and **UNITED AIRLINES, INC** (Contract No. 76261 approved by Ordinance No. 2015-269) related to Terminal B City project components of the Terminal B Redevelopment Program for the Houston Airport System (Project No. 831); de-appropriating \$32,944,000 out of HAS Consolidated 2011 AMT Construction Fund from said agreement between the City of Houston and **UNITED AIRLINES, INC**, and re-appropriating \$32,944,000 from the Airports Improvement Fund to said agreement; amending Ordinance No. 2015-269 to provide a maximum contract amount - **DISTRICT B - DAVIS**

Background:

Enact an ordinance to approve an additional \$20,000,000 to the Construction Management and Reimbursement Agreement related to Terminal B City Project components of the Terminal B Redevelopment Program (Project 831) with United Airlines, Inc. and appropriate \$32,944,000 from the Airports Improvement Fund and de-appropriate the current funding of \$32,944,000 from the HAS Consolidated 2011 AMT Construction Fund. In addition, establish a maximum contract amount of \$105,000,000 to United Contract No. 76261.

SPECIFIC EXPLANATION:

On June 18, 2014, City Council approved a memorandum of ("MOA") with United Airlines ("United") that provided for construction of a new concourse located between Terminals B and C on the north side of the terminal complex at George Bush Intercontinental Airport/Houston. Under the MOA, the City was responsible for certain project components, primarily the aircraft apron and fuel hydrant systems, related to the new concourse but later determined it would be in the best interest of the City, airport operations, and the traveling public for United to implement the projects.

Accordingly, on April 1, 2015, City Council passed and adopted an Ordinance 2015-269 appropriating \$85,000,000 and entered into Contract No. 76261 with United. At that time, \$52,056,000 was appropriated from the Airport Improvement Fund (AIF) and \$32,944,000 was appropriated from the HAS Consolidated 2011 AMT Construction Fund, totaling \$85,000,000.

The original appropriation amount and scope for the project were established with the MOA, prior to establishing a specific design or receiving any bids for the work. It is now requested that City

Council approve an additional appropriation of \$20,000,000 from the Airports Improvement Fund to Contract 76261 and set the maximum contract amount at \$105,000,000. The increase is needed to cover higher costs associated with the demolition of existing concrete ramp areas, higher costs for concrete in the new aircraft apron area, and for the following items not foreseen in the original planning level scope of work:

- Chilled/hot water pipe relocation
- Bypass for the hydrant fueling system
- Airfield access gate relocation
- Roadway reconfiguration

The \$105 million total cost of the City's project components will be paid for by a combination of passenger facility charges and additional revenues collected through airline rates and charges. Additionally, a funding source change is requested to the original appropriation, involving the de-appropriation of certain funds (\$32,944,000 HAS Consolidated 2011 AMT Construction Fund) and the re-appropriation of such amount from the Airports Improvement Fund. This will free up commercial paper funding capacity for the Intercontinental Terminal Redevelopment Program (ITRP).

See Exhibit A attached for the current cost estimates per project component.

MWBE PARTICIPATION:

United Airlines has a Construction goal of 30% MWBE (23% Minority and 7% Women) and a Professional Services goal of 24% MWBE. As of January 9, 2017, United was achieving 32.55% (24% Minority and 8.55% Women) toward the 30% Construction goal and achieving 40% toward the 24% Professional Services MWBE goal.

FISCAL NOTE:

This contract was executed with the purpose of providing certain preconstruction, enabling, design and construction and project management services associated with the aforementioned projects. There is no impact to the FY17 Adopted Operating Budget for this item. Therefore, no fiscal note is required as stated in the Financial Policy Ord. 2014-1078.

CIP FISCAL NOTE:

No significant fiscal operating impact is anticipated as a result of this project.

Director's Signature: Chief Economic Development Officer's Signature:

Mario C. Diaz
Houston Airport System

Andy F. Icken
Office of the Mayor

Prior Council Action:

Ordinance No. 2015-269; April 1, 2015

PRIOR APPROPRIATIONS:

04/01/2015	\$52,056,000	Airports Improvement Fund
04/01/2015	\$11,111,000	HAS Consolidated 2011 AMT Construction Fund
04/01/2015	\$21,833,000	HAS Consolidated 2011 AMT Construction Fund

Amount of Funding:

A-0800.48 \$20,000,000 Airport Improvement Fund (8011)
A-0800.49 \$32,944,000 Airport Improvement Fund (8011)
A-0800.36 \$32,944,000 HAS Consld 2011 AMT Fund 8205 De-appropriate

Future reimbursements from the FAA AIP or new PFC applications could occur at a later date.

Contact Information:

Rhonda Arnold 281/233-1618
Ian Wadsworth 281/233-1682

ATTACHMENTS:**Description**

Coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District B

Item Creation Date: 1/23/2017

**HAS – Construction Management and Reimbursement Agreement
(CMRA) Funding Change Request with United Airlines**

Agenda Item#:

Background:

Enact an ordinance to approve an additional \$20,000,000 to the Construction Management and Reimbursement Agreement related to Terminal B City Project components of the Terminal B Redevelopment Program (Project 831) with United Airlines, Inc. and appropriate \$32,944,000 from the Airports Improvement Fund and de-appropriate the current funding of \$32,944,000 from the HAS Consolidated 2011 AMT Construction Fund. In addition, establish a maximum contract amount of \$105,000,000 to United Contract No. 76261.

SPECIFIC EXPLANATION:

On June 18, 2014, City Council approved a memorandum of agreement ("MOA") with United Airlines ("United") that provided for construction of a new concourse located between Terminals B and C on the north side of the terminal complex at George Bush Intercontinental Airport/Houston. Under the MOA, the City was responsible for certain project components, primarily the aircraft apron and fuel hydrant system, related to the new concourse but later determined it would be in the best interest of the City, airport operations, and the traveling public for United to implement the projects. Accordingly, on April 1, 2015, City Council passed and adopted an Ordinance 2015-269 appropriating \$85,000,000 and entered into Contract No. 76261 with United. At that time, \$52,056,000 was appropriated from the Airport Improvement Fund (AIF) and \$32,944,000 was appropriated from the HAS Consolidated 2011 AMT Construction Fund, totaling \$85,000,000.

The original appropriation amount and scope for the project were established with the MOA, prior to establishing a specific design or receiving any bids for the work. It is now requested that City Council approve an additional appropriation of \$20,000,000 from the Airports Improvement Fund to Contract 76261 and set the maximum contract amount at \$105,000,000. The increase is needed to cover higher costs associated with the demolition of existing concrete ramp areas, higher costs for concrete in the new aircraft apron area, and for the following items not foreseen in the original planning level scope of work:

- Chilled/hot water pipe relocation
- Bypass for the hydrant fueling system
- Airfield access gate relocation
- Roadway reconfiguration

The \$105 million total cost of the City's project components will be paid for by a combination of passenger facility charges and additional revenues collected through airline rates and charges. Additionally, a funding source change is requested to the original appropriation, involving the de-appropriation of certain funds (\$32,944,000 HAS Consolidated 2011 AMT Construction Fund) and the re-appropriation of such amount from the Airports Improvement Fund. This will free up commercial paper funding capacity for the Intercontinental Terminal Redevelopment Program (ITRP).

See Exhibit A attached for the current cost estimates per project component.

MWBE PARTICIPATION:

United Airlines has a Construction goal of 30% MWBE (23% Minority and 7% Women) and a Professional Services goal of 24% MWBE. As of January 9, 2017, United was achieving 32.55% (24% Minority and 8.55% Women) toward the 30% Construction goal and achieving 40% toward the 24% Professional Services MWBE goal.

FISCAL NOTE:

This contract was executed with the purpose of providing certain preconstruction, enabling, design and construction and project management services associated with the aforementioned projects. There is no impact to the FY17 Adopted Operating Budget for this item. Therefore, no fiscal note is required as stated in the Financial Policy Ord. 2014-1078.

CIP FISCAL NOTE:

Capital Project Information: See attached Form A

Director's Signature:

Mario C. Diaz
Houston Airport System

Chief Economic Development Officer's Signature:

Andy F. Icken
Office of the Mayor

Prior Council Action:

Ordinance No. 2015-269, April 1, 2015

Prior Appropriations:

04/01/2015	\$52,056,000	Airports Improvement Fund
04/01/2015	\$11,111,000	HAS Consolidated 2011 AMT Construction Fund
04/01/2015	\$21,833,000	HAS Consolidated 2011 AMT Construction Fund

Amount of Funding:

A-0800.48	\$20,000,000	Airport Improvement Fund (8011)
A-0800.49	\$32,944,000	Airport Improvement Fund (8011)
A-0800.36	\$32,944,000	HAS Consld 2011 AMT Fund (8205) De-appropriate

Future reimbursements from the FAA AIP or new PFC applications could occur at a later date.

Contact Information:

Rhonda Arnold	281/233-1618
Ian Wadsworth	281/233-1682



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 2/7/2017

ARA-PACE Ordinance Update

Agenda Item#: 16.

Summary:

ORDINANCE amending a program under the **TEXAS PROPERTY ASSESSED CLEAN ENERGY ("PACE") ACT OF 2013**; amending Ordinance No. 2015-1040 to authorize the Director of Administration and Regulatory Affairs to make future amendments

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance amending the City's Property Assessed Clean Energy (PACE) program to clarify the process for updating documents pertaining to the administration of the program.

City Council adopted an Ordinance creating a Houston Property Assessed Clean Energy program on November 4, 2015, in accordance with Section 399.008(a)(1) of the PACE Act. The ordinance that was adopted included the PACE Report and package of model or sample contracts and notices (attached).

PACE is a nationally-renowned, voluntary financing program that allows owners of commercial, industrial, and multi-family residential properties (with five or more dwelling units) to obtain low-cost, long-term loans for water conservation, energy-efficiency improvements, and distributed generation. In exchange for funds provided by a private lender to pay for the improvements, the property owner voluntarily requests that the local government place an assessment secured with a senior lien on the property until the assessment is paid in full. As PACE assessment payments are offset by the project's utility cost savings and the term of PACE assessments may extend up to the projected life of the improvement, improvements financed through a PACE program may generate positive cash flow upon completion without up-front, out-of-pocket costs to the property owner.

As of February 1, 2017, PACE programs are available in ten Texas counties (Brazos, Cameron, El Paso, Fort Bend, Hays, Hidalgo, Nueces, Travis, Williamson, and Willacy) and two cities (Houston and Dallas). The PACE program is administered by a non-profit, the Texas PACE Authority, at no cost to the City. For further information on the PACE program, see the PACE Report (attached) as approved by City Council November 4, 2015, or visit www.texaspaceauthority.org/houston-pace.

Change Requested:

Several entities have expressed interest in beginning PACE projects in Houston. However, model contract forms and notices need to be customized or updated based on the needs of each type of property owner. The PACE statute requires that a hearing be held for any proposed changes. In

addition, the City Attorney's office has determined that the current ordinance requires City Council approval – in addition to the public hearing – for any changes to the PACE program, including changes to the model contract forms and notices.

Accordingly, we are requesting approval to amend the ordinance to clarify that changes to documents, such as the model contract forms and notices, can be made administratively by the ARA Director, in consultation with the City Attorney, as long as no City funds are being spent.

As required by the statute, a public hearing was held on February 9, 2017 to allow the public to voice any concerns and share feedback about the proposed ordinance changes. No written or oral comments were received opposing the changes. Letters supporting the changes are attached.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham Phone:(832) 393-8503

ATTACHMENTS:

Description

2.7.2017 PACE Program Housekeeping
Amendment RCA

2.7.2017 PACE Hearing letters of support

2.3.2017 PACE Public Hearing Notice with
Documents

Type

Signed Cover sheet

Backup Material

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/22/2017

District All

Item Creation Date: 2/7/2017

ARA-PACE Program Housekeeping Amendment

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance amending the City's Property Assessed Clean Energy (PACE) program to clarify the process for updating documents pertaining to the administration of the program.

City Council adopted an Ordinance creating a Houston Property Assessed Clean Energy program on November 4, 2015, in accordance with Section 399.008(a)(1) of the PACE Act. The ordinance that was adopted included the PACE Report and package of model or sample contracts and notices (attached).

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As of February 1, 2017, PACE programs are available in ten Texas counties (Brazos, Cameron, El Paso, Fort Bend, Hays, Hidalgo, Nueces, Travis, Williamson, and Willacy) and two cities (Houston and Dallas). The PACE program is administered by a non-profit, the Texas PACE Authority, at no cost to the City. For further information on the PACE program, see the PACE Report (attached) as approved by City Council November 4, 2015, or visit www.texaspaceauthority.org/houston-pace.

Change Requested:

Several entities have expressed interest in beginning PACE projects in Houston. However, model contract forms and notices need to be customized or updated based on the needs of each type of property owner. The PACE statute requires that a hearing be held for any proposed changes. In addition, the City Attorney's office has determined that the current ordinance requires City Council approval – in addition to the public hearing – for any changes to the PACE program, including changes to the model contract forms and notices.

Accordingly, we are requesting approval to amend the ordinance to clarify that changes to documents, such as the model contract forms and notices, can be made administratively by the ARA Director, in consultation with the City Attorney, as long as no City funds are being spent.

As required by the statute, a public hearing was held on February 9, 2017 to allow the public to voice any concerns and share feedback about the proposed ordinance changes. No written or oral comments were received opposing the changes. Letters supporting the changes are attached.

Departmental Approval Authority:



**Tina Paez, Director
Administration & Regulatory
Affairs Department**

Other Authorization

Contact Information:

Lara Cottingham

Phone: (832) 393-8503



February 6, 2017

Ms. Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston
611 Walker, 13th Floor
Houston, TX 77002

RE: Public Hearing to Review Changes to Houston PACE Program Documents

Dear Ms. Paez:

Thank you for this opportunity to submit comments for the record in the Administrative and Regulatory Affairs (ARA) public PACE hearing scheduled for Thursday, February 9, 2017. CleanFund supports the proposed change to the ordinance and program documents.

CleanFund is the largest commercial PACE financing company in the United States. We were founded in 2009 currently have an active pipeline of Texas projects exceeding \$50,000,000. We have worked with many Administrators across the country and can say from our experience that the Texas PACE Authority has created a streamlined process that is both business and consumer friendly and ought to be a model for program administration across the country.

The amendment to the ordinance will allow the ARA in coordination with the City Attorney's Office and the Texas PACE Authority (TPA) to update the documents so long as the changes are consistent with the ordinance. This allows for the documents to be improved in the ordinary course of business without requiring the approval of the City Council. These technical and conforming changes are important to the program, and streamlining the process for keeping the documents current is good practice and an efficient use of City resources and the Council's time.

The proposed changes to the owner contract, lender contract, notice of assessment lien and lender consent documents include technical and conforming changes identified in the course of closing PACE projects in other regions. These document improvements benefit the City and all participating stakeholders. Finally, the document improvements provide a property owner using the PACE program the opportunity if they so wish to have an annual notice of the assessment lien in the coming year inserted in the envelope with a Houston municipal water bill.

We thank the City of Houston for establishing a PACE region and look forward to participating in the City's PACE program.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Kagan". The signature is fluid and cursive, with the first name "Joshua" being more prominent than the last name "Kagan".

Joshua Kagan
Vice President, CleanFund

Enterprise Realty Group, LLC

Ms. Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston
611 Walker, 13th Floor
Houston, TX 77002

Dear Ms. Paez:

RE: Public Hearing to Review Changes to Houston PACE Program Documents

Dear Ms. Paez:

Thank you for this opportunity to submit comments for the record in the Administrative and Regulatory Affairs (ARA) public PACE hearing scheduled for Thursday, February 9, 2017. Enterprise Realty Group, LLC and its owners supports the proposed change to the ordinance and program documents.

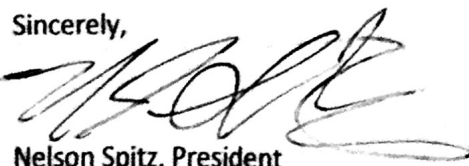
Enterprise Realty Group's principal has been advising Landlords of commercial real estate properties in the Houston area and throughout Texas for over 35 years. As an active committee member of EEB Houston, a project of US Business Council for Sustainable Development, I have volunteered a significant amount of time and energy to help launch a successful PACE program in Houston.

The amendment to the ordinance will allow the ARA in coordination with the City Attorney's Office and the Texas PACE Authority (TPA) to update the documents necessary, without requiring the approval of the City Council. These technical and conforming changes are important to the evolution of the program, and streamlining the process for keeping the documents is critical to the PACE initiative in Houston.

The proposed changes to the owner contract, lender contract, notice of assessment lien and lender consent documents include technical and conforming changes identified in the course of closing PACE projects in other regions. These document improvements benefit the City and all participating stakeholders. Finally, the document improvements provide a property owner using the PACE program the opportunity if they so wish to have an annual notice of the assessment lien in the coming year inserted in the envelope with a Houston municipal water bill.

We thank the City of Houston for establishing a PACE region and look forward to participating in the growth and acceleration of Houston's PACE program.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Spitz', is written over the typed name.

Nelson Spitz, President
Enterprise Realty Group, LLC.



Ms. Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston
611 Walker, 13th Floor
Houston, TX 77002

Dear Ms. Paez:

RE: Public Hearing to Review Changes to Houston PACE Program Documents

Dear Ms. Paez:

Thank you for this opportunity to submit comments for the record in the Administrative and Regulatory Affairs (ARA) public PACE hearing scheduled for Thursday, February 9, 2017. PACE Equity supports the proposed change to the ordinance and program documents.

PACE-Equity is a leading national PACE capital provider and project developer with offices in 17 cities across the United States, including Houston, Austin, Dallas and El Paso. Our team has extensive experience in creating, closing and funding PACE projects

We encourage your support of the amendment to the ordinance because it will allow better coordination with the City Attorney's Office and the Texas PACE Authority (TPA) to update the *documents allowing them to be improved* in the ordinary course of business without requiring the approval of the City Council. These technical and conforming changes are important to the program, and streamlining the process for keeping the documents current is good practice and an efficient use of City resources and the Council's time.

The proposed changes to the owner contract, lender contract, notice of assessment lien and lender consent documents include technical and conforming changes identified in the course of closing PACE projects in other regions. These document improvements benefit the City and all participating stakeholders. Finally, the document improvements provide a property owner using the PACE program the opportunity if they so wish to have an annual notice of the assessment lien in the coming year inserted in the envelope with a Houston municipal water bill. We thank the City of Houston for establishing a PACE region and look forward to participating in the City's PACE program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beau Engman", is written over a light blue horizontal line.

Beau Engman

EAE/be



Ms. Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston
611 Walker, 13th Floor
Houston, TX 77002

Dear Ms. Paez:

RE: Administrative and Regulatory Affairs (ARA) public PACE hearing (scheduled: 2-9-17)

Dear Ms. Paez:

Petros PACE Finance supports the proposed changes to the ordinance and program documents.

Petros PACE Finance is based in Texas and is a national leader in providing low-cost, long-term PACE financing to commercial property owners. Our clients in the Houston area are currently looking to lower their operating costs by implementing energy efficient upgrades to their properties (property types include: shopping malls, industrial facilities and office buildings.)

The amendment to the ordinance will allow the ARA, in coordination with the City Attorney's Office and the Texas PACE Authority (TPA), to update the contracts in a manner consistent with other programs throughout the State. This will allow document improvements in an ordinary course of business without requiring the approval of the City Council. It will also allow for the program to adjust to changes as it grows without delays in which could hurt property owners looking to utilize the program.

The proposed changes to the owner contract, lender contract, notice of assessment lien and lender consent documents include technical and conforming changes identified while closing PACE projects in other regions. These document improvements benefit the City and all participating stakeholders. The specific improvements provide a property owner, who utilizes PACE, the opportunity to have an annual notice inserted in the envelope with a Houston municipal water bill.

We thank the City of Houston for establishing a PACE region and look forward to participating in the City's PACE program.

Sincerely,

A handwritten signature in blue ink, appearing to read "MS" followed by a stylized flourish.

Mansoor Ghori



Ms. Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston
611 Walker, 13th floor
Houston, Texas 77002

Re: Public Hearing to review changes to Houston PACE Program Documents

Dear Ms. Paez:

I appreciate this opportunity to submit my comments for the record in the Administrative and Regulatory Affairs (ARA) public PACE hearing scheduled Thursday, February 9th, 2017. SuperGreen Solutions, The Woodlands supports the proposed changes to the ordinance and program documents.

SuperGreen Solutions, The Woodlands is a supplier of Energy Efficient products. PACE helps owners jump over the initial hurdle that stops most projects from being developed and completed the right way. The Houston PACE program gives us the opportunity to bring these products to the owners that would otherwise not be affordable up front and provide the savings in the long run.

Every action I have seen by the Texas PACE Authority has been done with transparency and purpose to bring the best, most cost efficient and effective system for all parties to benefit. The amendment to the ordinance will allow the ARA, in coordination with the City Attorney's Office and the Texas PACE Authority (TPA) to update the documents within the boundaries of the ordinance. This allows the documents to be improved for their functional use by the parties involved and not encumber the City Council's time and resources.

The proposed changes to the owner contract, lender contract, notice of assessment lien and lender consent documents include technical and conforming changes that were identified during the closing of PACE projects in other regions. These document improvements will benefit the City and all the participating parties. This will also allow the property owner the option to have the annual notice of the assessment lien in the coming year be inserted in with their Houston municipal water bill.

Thank you again for including this in the record as well as the City establishing a PACE region.

Sincerely,

Michael O'Brien
SuperGreen Solutions, The Woodlands
27630 Interstate I-45 North,
Conroe, Texas 77385
281 686-2380
Mike.Obrien@SuperGreenSolutions.com
www.SuperGreenSolutions/the-woodlands-tx

Public Meeting Notice

What: Public Hearing to review changes to Houston PACE Program Documents

When: Thursday, February 9, 2017; 4:00 PM

Where: Administration & Regulatory Affairs Department
Oak Conference Room – 13th Floor
611 Walker Street
Houston, TX 77002

The proposed document changes as well as information on the Houston PACE Program area available at www.greenhoustontx.gov/pace.

For more information, contact:

Charlene Heydinger, President,
Houston PACE Administrator
Texas PACE Authority
512-469-6184
Charlene.Heydinger@KeepPACE.org



Lara Cottingham, Deputy Assistant Director
City of Houston
Administration & Regulatory Affairs Department
832-393-8503
Email: Lara.Cottingham@houstontx.gov



City of Houston, Texas Ordinance No. _____

AN ORDINANCE AMENDING A PROGRAM UNDER THE TEXAS PROPERTY ASSESSED CLEAN ENERGY (“PACE”) ACT OF 2013; AMENDING ORDINANCE NO. 2015-1040 TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION AND REGULATORY AFFAIRS TO MAKE FUTURE AMENDMENTS; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, the City Council adopted Ordinance No. 2015-1040 establishing a Houston Property Assessed Clean Energy (“Houston PACE”) program on November 4, 2015, in accordance with Section 399.008(a)(3) of the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the “PACE Act”);

WHEREAS, the Final Report and its exhibits containing model contracts and notices were approved by City Council and incorporated into Ordinance No. 2015-1040;

WHEREAS, the Director of Administration and Regulatory Affairs Department (“Director”) now finds the need to amend the model contracts and notices, and anticipates the future need to make additional changes as circumstances require; and

WHEREAS, the Director held a public hearing on _____, February ___, 2017, at _____ p.m., at 611 Walker Street, 13th Floor, Houston, Texas 77002, at which the public could and did comment on the proposed amended model contracts and notices available for inspection.

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

Section 1. The City Council hereby approves and adopts the revised model contracts and notices, which are attached hereto and incorporated herein by this reference, as exhibits to the Final Report on Houston PACE prepared in accordance with Tex. Local Gov’t Code Sec. 399.009 and amended in accordance with Tex. Local Gov’t Code Sec. 399.008. The Director shall make the amended Final Report available to the public on the City’s website.

Section 2. Section 9 of **Ordinance No. 2015-1040** is amended to read as follows:

The Director may amend any aspect of the model contracts and notices in consultation with the City Attorney’s Office so long as the changes are consistent with the ordinance and statute. The Director may amend any aspect of the Houston PACE program, including the model contracts and notices, after holding a public hearing, unless the change requires the expenditure of funds, in which case the City Council must approve the change and appropriate the funds.

Section 3. 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 _____, 20____.

APPROVED this ____ day of _____, 20____.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. _____)
(JPC/jpc 01/27/2017) Senior Assistant City Attorney
(Requested by Tina Paez, Director, Administration and Regulatory Affairs Department)
(L.D. File No.: 037160019001)

STATE OF TEXAS §
COUNTY OF _____ §

pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment on the Property to repay the financing of such Qualified Improvements.

E. The financing of such Qualified Improvements will be provided to Property Owner by [REDACTED] (“**Lender**”), a qualified lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act and by the PACE Program (the “**Lender Contract**”). Lender will be responsible for all servicing duties other than those specifically undertaken by Local Government in the Lender Contract.

THEREFORE, Local Government hereby gives notice to the public pursuant to Section 399.013 of the PACE Act that it has imposed an assessment on the Property in the amount of \$ [REDACTED], as set forth on Exhibit C attached hereto, which together with all interest, fees, penalties, costs and other sums due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the “**Financing Documents**”) is herein referred to as the “**Assessment**”.

Pursuant to Section 399.014 of the PACE Act,

1. The Assessment, including interest and any penalties, costs, or fees accrued thereon,
 - (i) is a first and prior lien on the Property from the date that this Notice of Contractual Assessment Lien is recorded in the Official Public Records of [REDACTED] County, Texas, until such Assessment, interest, penalties, costs, and fees are paid in full; and
 - (ii) such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act.
2. The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of: (i) a property tax lien, or (ii) the lien for any past due portion of the Assessment. Additionally, in the event of a sale or transfer of the Property by Property Owner (excluding a transfer as part of a foreclosure sale for a past due portion of the Assessment), the obligations under the Financing Documents, including, without limitation, any unpaid installments of the Assessment then due and owing and the portion of the Assessment that has not yet become due, will be transferred to the succeeding owner without recourse on Local Government or Authorized City Representative.
3. After this Notice of Contractual Assessment Lien is recorded in the real property records of the county in which the Property is located as provided under Section 399.013 of the PACE Act, the lien created by the Assessment may not be contested on the basis that the improvement is not a “qualified improvement” or the project is not a “qualified project”, as such terms are defined in Section 399.002 of the PACE Act and the PACE Program.

EXECUTED on _____, _____.

LOCAL GOVERNMENT:
CITY OF HOUSTON, TEXAS

By: _____

Name: _____

Title: _____

AUTHORIZED REPRESENTATIVE
Pursuant to Tex. Local Gov't Code §399.006(b)

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF _____ §

 This Notice of Contractual Assessment Lien pursuant to Property Assessed Clean Energy
Act was acknowledged before me on _____, _____
by _____, _____, on behalf
of _____, Texas.

_____(print name)

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT B

QUALIFIED IMPROVEMENTS

EXHIBIT C
ASSESSMENT

Assessment Payment Schedule

Assessment Total:

Payment Schedule:

Project Completion Date:

[illegible]

PACE LENDER CONTRACT

THIS PROPERTY ASSESSED CLEAN ENERGY (“PACE”) LENDER CONTRACT (the “**Lender Contract**”) is made as of the [REDACTED] day of [REDACTED], [REDACTED], by and between the City of Houston, Texas (“**Local Government**”) a home-rule municipality, and [REDACTED] (“**Lender**”).

RECITALS

A. The Property Assessed Clean Energy Act (“**PACE Act**”), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government’s jurisdiction within which an authorized representative of the local government may enter into written contracts with the record owners of commercial, industrial, agricultural, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to Ordinance No. 2015-1040 dated November 4, 2015, adopted by the Houston City Council (the “**PACE Program**”), and has designated the Texas Property Assessed Clean Energy Authority (“**Authorized City Representative**”) as the representative authorized to enter into the Assessment, Owner Contract and Lender Contract described herein, and has designated the entire territory within the City of Houston city-limits and its extra-territorial jurisdiction as a region (“**Region**”) within which the **Authorized City Representative** and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner’s property pursuant to the PACE Program.

C. Pursuant to Application number [REDACTED], [REDACTED] (“**Property Owner**”) has applied to Local Government to participate in the PACE Program with respect to certain real property located at [REDACTED], [REDACTED], Texas (the “**Property**”) by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the Property as “qualified improvements”, as defined in Section 399.002 of the PACE Act (the “**Qualified Improvements**”). The installation or modification of such Qualified Improvements on the Property will be a “qualified project” as defined in Section 399.002 of the PACE Act (the “**Project**”).

D. Property Owner and Local Government have entered into a written contract as required by Section 399.005 of the PACE Act, a copy of which is attached hereto as Exhibit A and made a part hereof (the “**Owner Contract**”), in which Property Owner has requested that Local Government impose an assessment (the “**Assessment**”) on the Property as set forth in the Notice Of Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be

filed in the in the Official Public Records of [REDACTED] County, Texas (the “**Notice of Contractual Assessment Lien**”), a copy of which is attached to the Owner Contract as Exhibit A, to repay the financing of such Qualified Improvements. The Property, Qualified Improvements and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. Financing for the Project (the “**Financing**”) will be provided to Property Owner by Lender in accordance with financing documents described in, or copies of which are included as, Exhibit B attached hereto and made a part hereof (the “**Financing Documents**”). Such Financing includes only those costs and fees for which an assessment may be imposed under the PACE Act. This Lender Contract is entered into between Local Government and Lender as required by Section 399.006(c) of the PACE Act to provide for repayment of the Financing secured by the Assessment.

F. As required by Section 399.010 of the PACE Act, Property Owner notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of the Owner Contract of Property Owner’s intention to participate in the PACE Program. The written consent of each mortgage lien holder to the Assessment was obtained prior to the date of the Owner Contract, as shown by the copy of such consent(s) attached as Exhibit B to the Owner Contract.

AGREEMENT

The parties agree as follows:

1. Maintenance and Enforcement of Assessment. Lender agrees to provide the Financing for the Project in the total amount of \$[REDACTED], according to the terms set out in the Financing Documents attached hereto as Exhibit B. In consideration for the Financing provided or to be provided by Lender for the Project, and subject to the terms and conditions of this Lender Contract, Local Government agrees to maintain and continue the Assessment for the benefit of Lender until the Financing, all contractual interest, any prepayment premium, additional penalties and interest imposed by the Lender under the Financing Documents according to the Financing Documents, and any statutory penalties, interest, attorney’s fees, or costs accrued in the event of default are paid in full. Local Government will not release the Assessment until which time Lender notifies Local Government that all amounts owing have been paid in full. Local Government shall not sell, assign or transfer the Assessment or the assessment lien against the Property to any third party without the prior written consent of the Lender. Local Government agrees to enforce the assessment lien against the Property for the benefit of Lender in the event of a default by Property Owner in accordance with the provisions set forth in Section 6. Local Government shall have no obligation to repurchase the assessment and no liability to Lender should there be a default or an event of default in the payment thereof or should there be any other loss or expense suffered by Lender or under any other circumstances.

2. Installments. The Assessment, including the amount financed and contractual interest, is due and payable to Lender in installments as set forth in the Notice of Contractual Assessment Lien and Financing Documents. The Assessment shall include: (1) an application fee

paid by Property Owner to Authorized City Representative at loan closing, and (2) a recurring administration fee paid by Property Owner, collected by the Lender, and remitted to the Authorized City Representative within thirty (30) days of receipt by Lender. The amounts due to the Authorized City Representative are identified in Exhibit B hereto. As required by Section 399.009(a)(8) of the PACE Act, the period during which such installments are payable does not exceed the useful life of the Project. When the Assessment together with any prepayment premium, and/or default penalties and interest, if any, has been paid in full, Local Government's and the Lender's rights under this Lender Contract will cease and terminate, except for rights under Sections 17, 18, and 19. Upon notice from Lender that all amounts owing have been paid in full, Local Government will execute a release of the Assessment. Thereafter, the Authorized City Representative will record the release. Interest and penalties in the event of default are explicitly authorized by Section 399.014(d) of the PACE Act.

3. Assignment of Right to Receive Installments. Lender will have the right to assign or transfer the right to receive the installments of the Assessment, provided all of the following conditions are met:

(a) The assignment or transfer is made to a qualified lender, which may be one of the following:

(1) Any federally insured depository institution such as a bank, savings bank, savings and loan association and federal or state credit union;

(2) Any insurance company authorized to conduct business in one or more states;

(3) Any registered investment company, registered business development company, or a Small Business Administration small business investment company;

(4) Any publicly traded entity; or

(5) Any private entity that:

(i) Has a minimum net worth of \$5 million;

(ii) Has at least three years' experience in business or industrial lending or commercial real estate lending (including multifamily lending), or has a lending officer that has at least three years' experience in business or industrial lending or commercial real estate lending;

(iii) Can provide independent certification as to availability of funds; and

(iv) Has the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts

(b) Property Owner and Authorized City Representative are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the payment schedule included in the Financing Documents; and

(c) The assignee or transferee of the right to receive the installments executes an explicit written assumption of all of Lender's obligations under this Lender Contract.

Upon written notice to Property Owner and Authorized City Representative of an assignment or transfer of the right to receive the installments that meets all of these conditions, the assignor shall be released of all of the obligations of the Lender under this Lender Contract accruing after the date of the assignment and all of such obligations shall be assumed by and transferred to the assignee. Any attempt to assign or transfer the right to receive the installments of the Assessment that does not meet all of these conditions is void.

4. Financing Responsibility. Lender assumes full responsibility for determining the financial ability of the Property Owner to repay the Financing and for advancing the funds as set forth in the Financing Documents and performing Lender's obligations and responsibilities thereunder.

5. Lien Priority and Enforcement. As provided in the Owner Contract and Section 399.014 of the PACE Act:

(a) Delinquent installments of the Assessment incur interest and penalties in the same manner and in the same amount as delinquent property taxes, viz., a delinquent installment incurs a penalty of 6% of the amount of the installment for the first calendar month it is delinquent plus 1% for each additional month or portion of a month the installment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an installment delinquent on July 1 incurs a total penalty of 12% of the amount of the delinquent installment without regard to the number of months it has been delinquent. A delinquent installment also accrues interest at the rate of 1% for each month or portion of a month the installment remains unpaid. Statutory penalties and statutory interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment. Additional interest at any default rate imposed by Lender pursuant to the Financing Documents, along with any other fees and charges that become due pursuant to the Financing Documents may be assessed by Lender and retained by Lender.

(b) The Assessment, together with any penalties and interest thereon,

(1) is a first and prior lien against the Property from the date on which the Notice of Contractual Assessment Lien is filed in the Official Public Records of [REDACTED] County, as provided by Section 399.014 of the PACE Act, until the Assessment and any penalties and interest are paid; and

(2) such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act.

(c) The lien created by the Assessment runs with the land, and any portion of the Assessment that has not yet become due is not eliminated by foreclosure of a property tax lien, according to Section 399.014(b) of the PACE Act. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner without recourse on Local Government or the Authorized City Representative. Furthermore, recourse on selling or transferring Property Owner shall only be for any unpaid installments of the Assessment that became due during Property Owner's period of ownership. The new Property Owner takes the property subject to the lien, the Assessment and this Owner Contract and may not vary any of their terms.

(d) In the event of a default by Property Owner in payment of the installments called for by the Financing Documents, the lien created by the Assessment will be enforced by Local Government in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a local government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(e) In a suit to collect a delinquent installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees in the amount of 15% of the total amount of the delinquent installment, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax. Lender shall be entitled to any additional sums due to it under the Financing Documents in connection with a suit to collect a delinquent installment of the Assessment.

(f) After written notice of the Assessment is recorded in the real property records of the county in which the Property is located as provided under Section 399.013 of the PACE Act, the lien created by the Assessment may not be contested on the basis that the improvement is not a "qualified improvement" or the project is not a "qualified project", as such terms are defined in Section 399.002 of the PACE Act.

6. Servicing and Enforcement of Assessment.

(a) Servicing. The Assessment payments will be billed, collected, received, and disbursed in accordance with the procedures set out in the Financing Documents. Lender will be responsible for all servicing duties other than those specifically undertaken by Local Government in this Lender Contract.

☐ Notices (Optional – only applies if checked). Local Government agrees to send an annual notice of assessment to the Property Owner with a utility bill each year there is an Assessment balance. This notification may be listed with other charges, or appear alone as a separate insert.

(b) Remittances. Each of the parties covenants and agrees to promptly remit to the other party any payments incorrectly received by such party with respect to the Assessment after the execution of this Lender Contract.

(c) Default and Enforcement. In the event of a default in payment of any installment of the Assessment as specified in the Financing Documents, Lender agrees to take at least the following steps to collect the delinquent installment:

(1) Mail a written notice of delinquency and demand for payment to the Property Owner by both certified mail, return receipt requested, and first class mail; and

(2) Mail a second notice of delinquency to the Property Owner by both certified mail, return receipt requested, and first class mail at least 30 days after the date of the first notice if the delinquency is continuing.

If the Property Owner fails to cure the delinquency within 30 days after the mailing of the second notice of delinquency, the Lender or its designated servicer may notify the Authorized City Representative who will certify to the Local Government in writing of a default by the Property Owner, and upon receipt of such certification and after doing its own due diligence, Local Government will enforce the assessment lien for the benefit of Lender pursuant to Tex. Local Gov't Code Sec. 399.014(c), in the same manner as a property tax lien against real property may be enforced, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(d) Final Payment and Release. When the Assessment has been satisfied and paid in full, together with all interest and prepayment premiums, if any, provided under the Financing Documents and all costs, fees, penalties, and interest applicable under the PACE Act and payable to Lender or Local Government, Local Government's rights under the Owner Contract will cease and terminate. Upon notice from Lender that all amounts owing have been paid in full, Local Government will execute a release of the Assessment and the Owner Contract. Thereafter, the Authorized City Representative will record the Release.

(e) Limitations on Local Government's Actions. Without the prior written consent of Lender, Local Government will not enter into any amendment or modification of or deviation from the Owner Contract. Local Government will not institute any legal action with respect to the Owner Contract, the Assessment, or the assessment lien without the prior written request of Lender.

(f) Limitations of Local Government's Obligations. Local Government undertakes to perform only such duties as are specifically set forth in this Lender Contract, and no implied duties on the part of Local Government are to be read into this Lender Contract. Local Government will not be deemed to have a fiduciary or other similar relationship with Lender. Local Government may request written instructions for action from Lender and refrain from taking action until it receives satisfactory written instructions. Local Government will have no liability to any person for following such instructions, regardless of whether they are to act or refrain from acting.

(g) Costs. In order to comply with Article II, Section 19 and 19a of the City of Houston's Charter and Article XI, Section 5 of the Texas Constitution, no provisions

of this Lender Contract will require Local Government to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder.

7. Lender's Warranties and Representations. With respect to this Lender Contract, Lender hereby warrants and represents that on the date on which Lender executes this Lender Contract:

(a) Lender is a qualified lender under the PACE Program, as defined in paragraph 3(a) above, and is fully qualified under the PACE Program to enter into this Lender Contract and the Financing Documents;

(b) Lender has independently and without reliance upon Local Government conducted its own credit evaluation, reviewed such information as it has deemed adequate and appropriate, and made its own analysis of the Owner Contract, the Project, and Property Owner's financial ability to perform the financial obligations set out in the Financing Documents; and

(c) Lender has not relied upon any investigation or analysis conducted by, advice or communication from, or any warranty or representation by Local Government or any agent or employee of Local Government, express or implied, concerning the financial condition of the Property Owner or the tax or economic benefits of an investment in the Assessment.

8. Written Contract Required by the PACE Act. This Lender Contract constitutes a written contract between Local Government and Lender, as required under Section 399.006 (c) of the PACE Act.

9. Construction and Definitions. This Lender Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein, and not otherwise defined herein, shall have the meanings ascribed to them in: (1) the Notice of Contractual Assessment Lien, (2) the Owner Contract, (3) the PACE Program, and/or (4) the PACE Act.

10. Binding Effect. This Lender Contract is binding upon and shall inure to the benefit of the parties hereto and their respective heirs, representatives, successors, and assigns.

11. Notices. All notices and other communications required or permitted hereunder shall be in writing and mailed by certified mail, return receipt requested, addressed to the other party at the address stated below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Lender Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Lender Contract constitutes the entire agreement between the parties with respect to the subject matter hereof and shall not be amended or altered in any manner except by a document in writing executed by both parties.

14. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

15. Counterparts. This Lender Contract may be executed in any number of counterparts, each counterpart may be delivered originally or by electronic transmission, all of which when taken together shall constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

16. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and contractual interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the “usury limit”). If the total amount of interest payable to Local Government and Lender exceeds the usury limit, interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Lender Contract.

17. Certification. Local Government certifies that the PACE Program has been duly adopted and is in full force and effect on the date of this Lender Contract. Property Owner has represented to Lender and Local Government that the Project is a “qualified project” as defined in the PACE Program and Section 399.002 of the PACE Act. The Assessment has been imposed on the Property as a lien in accordance with the PACE Owner Contract and the PACE Act. Local Government has not assigned or transferred any interest in the Assessment or the PACE Owner Contract.

18. Release. LENDER AGREES TO AND SHALL RELEASE THE LOCAL GOVERNMENT, ITS AUTHORIZED CITY REPRESENTATIVE, AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE “CITY”) FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THIS CONTRACT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY’S SOLE OR CONCURRENT NEGLIGENCE AND/OR THE CITY’S STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY.

19. No Personal Liability. Pursuant to Section 399.019 of the PACE Act, the Lender acknowledges that the members of the governing body and employees of the Local Government, and board members, executives, employees, and contractors of any third-party who enters into a contract with the Local Government to provide administrative services for the PACE Program are not personally liable as a result of exercising any rights or responsibilities under the PACE Program or any agreement in furtherance of the PACE Program.

20. Inspection and Audits. To the extent allowed by laws applicable to Lender, City representatives may perform, or have performed, audits and inspections of Lender’s books and records related to compliance with this Lender Contract. Lender shall keep its books and records

available for this purpose for at least three (3) years after this Lender Contract terminates. This provision does not affect the applicable statute of limitations.

21. No Tax Debt. Lender agrees to comply with the No Debt Ordinance in Sections 15-121 et seq. of the Houston City Code of Ordinances. It is expressly understood for the purposes of this Lender Contract that the term “Debt”, as defined in Section 15-122, does not include any debt acquired through the process of foreclosure but is limited to property (1) owned by or registered to the Lender on the certified Harris County tax roll and (2) is used for transacting business of the Lender, its lessees, representatives or agents.

22. Construction Terms. If this Lender Contract includes requirements related to construction of the Project and disbursement of Financing, such requirements are set forth in Exhibit C attached hereto and incorporated herein by reference. Such requirements may include, among other things, (1) the disbursement schedule and (2) any holdback amount to be funded following verification of final project completion.

EXECUTED effective as of _____, 20__.

LENDER:



By: _____

Name: _____

Title: _____

Address: _____

LOCAL GOVERNMENT:

By: _____
AUTHORIZED CITY REPRESENTATIVE
Pursuant to Tex. Local Gov't Code §399.006(b)

Name: _____

Title: _____

Address: _____

EXHIBIT 3

EXHIBIT A

OWNER CONTRACT

EXHIBIT B
FINANCING DOCUMENTS

Assessment Payment Schedule

Assessment Total:
Payment Frequency:
Interest Rate:

Payment Date	Total Payment	Principal Paid	Interest Paid	Administration Fee	Remaining Balance

(Attach Loan Agreement and other documents constituting the Financing Documents)

Financing Documents

Document Title	Parties	Date Executed

EXHIBIT C

CONSTRUCTION TERMS

[if applicable]

Date	Draw down Amount	Purpose

LENDER CONSENT TO PACE ASSESSMENT

Property Owner: _____
Mailing address: _____
Local Government: City of Houston, Texas
Mailing Address: _____
Lender: _____
Mailing Address: _____
Property: The Real Property located in _____ County, Texas, as more fully described in Exhibit A
Street Address of
Property: _____
Maximum Amount
of Assessment
Authorized: _____

RECITALS

Lender has made one or more loans to Property Owner secured by that Deed of Trust or Security Agreement (the “**Deed of Trust**”) dated _____ recorded in Volume ____, Page ____, under Instrument No. _____ of the Real Property Records of _____ County, Texas, securing the indebtedness described therein. The Deed of Trust, the notes creating the debts secured by the Deed of Trust, and all other loan agreements and other documents relating to the debt and Deed of Trust are referred to as the “**Loan Documents**.”

Property Owner desires to enter into an agreement (the “**PACE Agreement**”) with the Local Government to impose an assessment (the “**Assessment**”) to repay the financing of a qualified project under Texas Local Government Code Chapter 399 (the “**PACE Act**”). The terms of the Assessment are set out in the PACE Agreement between the Local Government and Property Owner and are summarized in Exhibit B attached hereto and made a part hereof by reference. The Assessment will constitute a lien against the Property with the same priority status of any other ad valorem tax.

Texas Local Government Code Chapter 399 requires that the Lender: (i) be given notice of the Property Owner’s intention to participate in a program under the PACE Act on or before the 30th day before the date the PACE Assessment is executed, and (ii) provide written consent to the Assessment prior to the Property Owner and Local Government executing the PACE Agreement.

AGREEMENT

1. Lender hereby consents to the Assessment and the PACE Agreement and agrees that Property Owner shall not be in default under the Loan Documents because it enters into the PACE Agreement or the financing documents referenced therein, or because the Property is subject to the Assessment imposed against the Property pursuant to the PACE Agreement.
2. Lender hereby also agrees that, pursuant to Texas Local Government Code Section 399.014, the Assessment will constitute a lien against the Property from and after the date on which the notice of contractual assessment is recorded and that such lien will have the same priority status as a lien for any ad valorem tax. In no circumstances will the amount owing on the Assessment be accelerated on account of a payment default or for any other reason. Any proceeding to enforce the lien shall be limited to collection of the amount then currently due with respect to the Assessment, together with past-due interest, past-due fees and costs of collection as permitted under the PACE Act and Texas Tax Code, as they are amended from time-to-time.
3. Property Owner and Lender agree that the amount of the Assessment shall not exceed the Maximum Amount of Assessment Authorized, as specified above, without the consent of Lender.

EXECUTED effective as of _____, 20_____.

PROPERTY OWNER:

By: _____

Name: _____

Title: _____

STATE OF TEXAS

COUNTY OF _____

IF PERSON: Before me on this day personally appeared _____ (Property Owner), proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he / she executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this ____ day of _____, _____.

IF CORPORATION: This instrument was acknowledged before me on this _____ day of _____, _____ by _____ (Officer), _____ (Title) of _____ (Property Owner) a _____ (state of incorporation) entity, on behalf of said entity.

[SEAL]

Notary Public, State of Texas

LENDER:

By: _____

Name: _____

Title: _____

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on this _____ day of _____, _____
by _____ (Officer), _____ (Title) of
_____ (Lender) a _____ (state of incorporation) entity, on
behalf of said entity.

[SEAL]

Notary Public, State of Texas

PACE OWNER CONTRACT

THIS PROPERTY ASSESSED CLEAN ENERGY (“PACE”) OWNER CONTRACT (“**Owner Contract**”) is made as of the [REDACTED] day of [REDACTED], [REDACTED], by and between the City of Houston, Texas (“**Local Government**”), a home-rule municipality, and [REDACTED] (“**Property Owner**”).

RECITALS

A. The Property Assessed Clean Energy Act (“**PACE Act**”), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government’s jurisdiction within which an authorized representative of the local government may enter into written contracts with the record owners of commercial, industrial, agricultural, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to Ordinance No. 2015-1040 dated November 4, 2015, adopted by the Houston City Council (the “**PACE Program**”), and has designated the Texas Property Assessed Clean Energy Authority (“**Authorized City Representative**”) as the representative authorized to enter into the Assessment, Owner Contract and Lender Contract described herein, and has designated the entire territory within the City of Houston city-limits and its extra-territorial jurisdiction as a region (“**Region**”) within which the **Authorized City Representative** and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner’s property pursuant to the PACE Program.

C. Property Owner is the legal and record owner of the qualified “real property,” as defined in Section 399.002 of the PACE Act, within the Region located at [REDACTED], [REDACTED], Texas (the “**Property**”).

D. Pursuant to Application number [REDACTED], Property Owner has applied to Local Government to participate in the PACE Program by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the Property as “qualified improvements”, as defined in Section 399.002 of the PACE Act (the “**Qualified Improvements**”). The installation or modification of such Qualified Improvements on the Property will be a “qualified project” as defined in Section 399.002 of the PACE Act (the “**Project**”). Property Owner has requested that Local Government enter into this Owner Contract pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment (the “**Assessment**”) on the Property as set forth in the Notice Of

Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be filed in the in the Official Public Records of [REDACTED], County, Texas (the “**Notice of Contractual Assessment Lien**”), a copy of which is attached hereto as Exhibit A and made a part hereof, to repay the financing of such Qualified Improvements. The Property, Qualified Improvements and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. The financing of such Qualified Improvements will be provided to Property Owner by [REDACTED] (“**Lender**”), a qualified lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act and by the PACE Program (the “**Lender Contract**”). The financing will include only those costs and fees for which an assessment may be imposed under the PACE Act. Local Government has agreed to maintain and continue the Assessment for the benefit of Lender until such financing is repaid in full and to release the Assessment upon notice from Lender of such payment, or foreclose the lien securing the Assessment for the benefit of Lender upon notice from Lender of a default by Property Owner.

F. As required by Section 399.010 of the PACE Act, Property Owner notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of this Owner Contract of Property Owner’s intention to participate in the PACE Program. The written consent of each mortgage holder to the Assessment was obtained prior to the date of this Owner Contract and is attached hereto as Exhibit B and made a part hereof.

AGREEMENT

The parties agree as follows:

1. Imposition of Assessment. In consideration for the financing advanced or to be advanced to Property Owner by Lender for the Project under the PACE Program pursuant to the Lender Contract, Property Owner hereby requests and agrees to the imposition by Local Government of the Assessment in the amount of \$[REDACTED], as set forth in the Notice of Contractual Assessment Lien, including all interest, fees, penalties, costs, and other sums due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the “**Financing Documents**”) which are described or listed on Exhibit C attached hereto and made a part hereof by reference. Property Owner promises and agrees to pay such amount and interest to Local Government, in care of or as directed by Lender, in satisfaction of the Assessment imposed pursuant to this Owner Contract and the PACE Act. Accordingly, Local Government hereby imposes the Assessment on the Property to secure the payment of such amount, in accordance with the requirements of the PACE Program and the provisions of the PACE Act.

2. Maintenance and Enforcement of Assessment. In consideration for Lender’s agreement to advance financing to Property Owner for the Project pursuant to the Financing Documents, Local Government agrees to maintain and continue the Assessment on the Property for the benefit of Lender until the Assessment, including all interest, fees, penalties, costs, and other sums due under and/or authorized by the PACE Act, PACE Program and the Financing Documents are paid in full, and to release the Assessment upon notice from Lender of such payment. Local Government agrees to undertake reasonable efforts to enforce the Assessment

against the Property for the benefit of Lender in the event of a default by Property Owner. Interest and penalties in the event of default are explicitly authorized by Section 399.014(d) of the PACE Act.

- ☐ Notices (Optional – only applies if checked). Local Government agrees to send an annual notice of assessment to the Property Owner with a utility bill each year there is an Assessment balance. This notification may be listed with other charges, or appear alone as a separate insert.

3. Installments. The Assessment, including the amount financed and contractual interest, is due and payable in installments as set forth in the Notice of Contractual Assessment Lien and the Financing Documents. The Assessment shall include: (1) an application fee paid by Property Owner to Authorized City Representative at loan closing, and (2) a recurring administration fee paid by Property Owner, collected by the Lender, and remitted to the **Authorized City Representative** within thirty (30) days of receipt by Lender. The amounts due to the Authorized City Representative are identified in Exhibit C hereto. As required by Section 399.009(a) (8) of the PACE Act, the period during which such installments are payable does not exceed the useful life of the Project. When the Assessment together with any prepayment premium, and default penalties and interest, if any, has been paid in full, Local Government's and the Owner's rights under this Owner Contract will cease and terminate, except for rights under Sections 17, 18, 19, 20 and 21. Upon notice from Lender that all amounts owing have been paid in full, Local Government will execute a release of the Assessment. Thereafter, the Authorized City Representative will record the release.

4. Assignment of Right to Receive Installments. Lender will have the right to assign or transfer the right to receive the installments of the financing secured by the Assessment, provided all of the following conditions are met:

- (a) The assignment or transfer is made to a qualified lender as defined in the Lender Contract;
- (b) Property Owner and **Authorized City Representative** are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the payment schedule included in the Notice of Contractual Assessment Lien and the Financing Documents; and
- (c) The assignee or transferee of the right to receive the payments executes an explicit written assumption of all of Lender's obligations under Lender Contract.

Upon written notice to Property Owner and **Authorized City Representative** of an assignment or transfer of the right to receive the installments that meets all of these conditions, the assignor shall be released of all of the obligations of the Lender under such Lender Contract accruing after the date of the assignment assumed by and transferred to such assignee or transferee and all of such obligations shall be assumed by and transferred to the assignee. Any attempt to assign or transfer the right to receive the installments that does not meet all of these conditions is void.

5. Lien Priority and Enforcement. Pursuant to Section 399.014 of the PACE Act,

(a) Delinquent installments of the Assessment will incur interest and penalties in the same manner and in the same amount as delinquent property taxes, viz., a delinquent installment incurs a penalty of 6% of the amount of the installment for the first calendar month it is delinquent plus 1% for each additional month or portion of a month the installment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an installment delinquent on July 1 incurs a total penalty of 12% of the amount of the delinquent installment without regard to the number of months it has been delinquent. A delinquent installment will also accrue interest at the rate of 1% for each month or portion of a month that the installment remains unpaid. Statutory penalties and statutory interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment. Additional interest at any default rate imposed by Lender pursuant to the Financing Documents, along with any other fees and charges that become due pursuant to the Financing Documents may be assessed by Lender and retained by Lender.

(b) The Assessment, together with any penalties and interest thereon,

(1) is a first and prior lien against the Property from the date on which the Notice of Contractual Assessment Lien is filed in the Official Public Records of [REDACTED] County as provided by Section 399.014 of the PACE Act, until the financing secured by the Assessment and any penalties and interest are paid; and

(2) such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act.

(c) The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of: (i) a property tax lien, or (ii) the lien for any past due portion of the Assessment. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner without recourse on Local Government. Furthermore, recourse on the selling or transferring Property Owner shall only be for any unpaid installments of the Assessment that became due during Property Owner's period of ownership. The new Property Owner takes the property subject to the lien, the Assessment and this Owner Contract and may not vary any of their terms.

(d) In the event of a default by Property Owner in payment of the installments called for by the Financing Documents, the lien created by the Assessment will be enforced by Local Government in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a local government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(e) In a suit to collect a delinquent installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees in

the amount of 15% of the total amount of the delinquent installment, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax. Lender shall be entitled to any additional sums due to it under the Financing Documents in connection with a suit to collect a delinquent installment of the Assessment.

(f) After written notice of the Assessment is recorded in the real property records of the county in which the Property is located as provided under Section 399.013 of the PACE Act, the lien created by the Assessment may not be contested on the basis that the improvement is not a “qualified improvement” or the project is not a “qualified project”, as such terms are defined in Section 399.002 of the PACE Act.

6. Written Contract Required by PACE Act. This Owner Contract constitutes a written contract for the Assessment between the Property Owner and Local Government as required by Section 399.005 of the PACE Act. The Notice of Contractual Assessment Lien will be recorded in the Official Public Records of [REDACTED] County as notice of the contractual Assessment, in accordance with the requirements of Section 399.013 of the PACE Act.

7. Qualified Improvements. Property Owner agrees that all improvements purchased, constructed and/or installed through financing obtained pursuant to this Owner Contract shall be permanently affixed to the Property and will transfer with the Property to the transferee in the event of and sale or assignment of the Property. Property Owner further agrees that all improvements shall comply with local construction and fire codes, and provide copies of all permits associated with or required by the improvements to the Authorized City Representative within 30 days of receipt.

8. Water or Energy Savings. For so long as the Assessment encumbers the Property, Property Owner agrees on or before January 31st of each year, to report to Authorized City Representative the water or energy savings realized through the Project in accordance with the reporting requirements established by the Local Government.

9. Construction and Definitions. This Owner Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein, and not otherwise defined herein, shall have the meanings ascribed to them in: (1) the PACE Program, and/or (2) the PACE Act.

10. Binding Effect. This Owner Contract inures to the benefit of Local Government and is binding upon Property Owner, its heirs, successors, and assigns.

11. Notices. All notices and other communications required or permitted by this Owner Contract shall be in writing and mailed by certified mail, return receipt requested, addressed to the other party at its address shown below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Owner Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Owner Contract constitutes the entire agreement between Local Government and Property Owner with respect to the subject matter hereof and may not be amended or altered in any manner except by a document in writing executed by both parties.

14. Further Assurances. Property Owner further covenants and agrees to do, execute and deliver, or cause to be done, executed, and delivered all such further acts for implementing the intention of this Owner Contract as may be reasonably necessary or required.

15. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

16. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and contractual interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the “usury limit”). If the total amount of interest payable to Local Government and Lender exceeds the usury limit, the interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Owner Contract.

17. Counterparts. This Owner Contract may be executed in any number of counterparts, each counterpart may be delivered originally or by electronic transmission, all of which when taken together shall constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

18. Costs. In order to comply with Article II, Section 19 and 19a of the City of Houston’s Charter and Article XI, Section 5 of the Texas Constitution, no provisions of this Owner Contract will require Local Government to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder.

19. Release. PROPERTY OWNER AGREES TO AND SHALL RELEASE THE LOCAL GOVERNMENT, ITS AUTHORIZED CITY REPRESENTATIVE, AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE “CITY”) FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THIS CONTRACT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY’S SOLE OR CONCURRENT NEGLIGENCE AND/OR THE CITY’S STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, AND EVEN IF THE INJURY, DEATH, DAMAGE OR LOSS IS CAUSED BY THE CITY’S WRONGFUL OR NEGLIGENCE ENFORCEMENT OF THE ASSESSMENT OR FORECLOSURE.

20. Indemnification. TO THE MAXIMUM EXTENT ALLOWED BY LAW, PROPERTY OWNER SHALL INDEMNIFY AND HOLD LOCAL GOVERNMENT, AUTHORIZED CITY REPRESENTATIVE, AND THEIR RESPECTIVE AFFILIATES,

EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS (EACH SUCH PERSON HEREIN REFERRED TO AS AN "INDEMNITEE") ABSOLUTELY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES INCURRED BY OR IMPOSED UPON OR ALLEGED TO BE DUE OF INDEMNITEE IN CONNECTION WITH THE EXECUTION OR DELIVERY OF THIS CONTRACT, THE NOTICE OF CONTRACTUAL ASSESSMENT LIEN, THE FINANCING DOCUMENTS, AND ANY OTHER DOCUMENT OR ANY OTHER AGREEMENT OR INSTRUMENT CONTEMPLATED HEREBY OR THEREBY, THE PERFORMANCE BY THE PARTIES HERETO OF THEIR RESPECTIVE OBLIGATIONS HEREUNDER OR THEREUNDER, THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY, OR, IN THE CASE OF ANY INDEMNITEE, THE ADMINISTRATION OF THIS CONTRACT AND ANY OTHER AGREEMENTS RELATED TO THE PROJECT.

21. No Personal Liability. Pursuant to Section 399.019 of the PACE Act, the Property Owner acknowledges that the members of the governing body and employees of the Local Government, and board members, executives, employees, and contractors of any third-party who enters into a contract with the Local Government to provide administrative services for the PACE Program are not personally liable as a result of exercising any rights or responsibilities under the PACE Program or any agreement in furtherance of the PACE Program.

22. Inspection and Audits. City representatives may perform, or have performed, (a) audits of Property Owner's books and records, and (b) inspections of all places where Qualified Improvements are undertaken in connection with this Owner Contract. Property Owner shall keep its books and records available for this purpose for at least three (3) years after this Owner Contract terminates. This provision does not affect the applicable statute of limitations.

23. No Tax Debt. THE PROPERTY OWNER AGREES TO COMPLY WITH THE NO DEBT ORDINANCE IN SECTIONS 15-121 ET SEQ. OF THE HOUSTON CITY CODE OF ORDINANCES DURING THE TERM OF THIS OWNER CONTRACT.

24. Construction Terms. If the Lender Contract includes requirements related to construction of the Project and disbursement of Financing, such requirements are set forth in Exhibit D attached hereto and incorporated herein by reference. Such requirements may include, among other things, (1) the disbursement schedule and (2) any holdback amount to be funded following verification of final project completion.

EXECUTED effective as of _____, 20__.

PROPERTY OWNER:



By:_____

Name: _____

Title: _____

Address: _____

LOCAL GOVERNMENT:

By: _____
AUTHORIZED CITY REPRESENTATIVE
Pursuant to Tex. Local Gov't Code §399.006(b)

Name: _____

Title: _____

Address: _____

EXHIBIT A

NOTICE OF CONTRACTUAL ASSESSMENT LIEN
PURSUANT TO
PROPERTY ASSESSED CLEAN ENERGY ACT

EXHIBIT B

MORTGAGE HOLDER(S) CONSENT

EXHIBIT C
FINANCING DOCUMENTS

Assessment Payment Schedule

Assessment Total:
Payment Frequency:
Interest Rate:

Payment Date	Total Payment	Principal Paid	Interest Paid	Administration Fee	Remaining Balance

(Attach Loan Agreement and other documents constituting the Financing Documents)

Financing Documents

Document Title	Parties	Date Executed

EXHIBIT D

CONSTRUCTION TERMS

[if applicable]

Date	Draw down Amount	Purpose



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 2/7/2017

ARA-ILA with METRO for Arro Contract

Agenda Item#: 17.

Summary:

ORDINANCE approving and authorizing Interlocal Contract between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** relating to the Citywide App for Mobile Dispatch Services

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve and authorize an interlocal agreement between the City of Houston and the Metropolitan Transit Authority of Harris County (METRO) allowing METRO to join the City's contract with Arro for mobile dispatch services.

In October 2016, City Council approved a contract with Arro to provide mobile citywide vehicle-for-hire dispatch services for Houston vehicles-for-hire. METRO is interested in integrating the transit trip planning and e-ticketing features with the Arro platform as one means of addressing the first-mile/last-mile barriers that affect potential transit riders.

Under Section 791.025 of the State Interlocal Cooperation Act, a local government may contract with other local governments to purchase goods and services. Such interlocal agreement satisfies the requirement of the local government to seek competitive bids for the purchase of such goods and services. By entering into an interlocal agreement with the City, METRO would be allowed to contract with Arro for services through the contract between the City and Arro.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Lara Cottingham Phone:(832) 393-8503

Kathryn Bruning Phone: (832) 394-9414

ATTACHMENTS:

Description

2.7.2017 ILA with METRO for Arro Contract
RCA

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/22/2017

District All

Item Creation Date: 2/7/2017

ARA-ILA with METRO for Arro Contract

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve and authorize an interlocal agreement between the City of Houston and the Metropolitan Transit Authority of Harris County (METRO) allowing METRO to join the City's contract with Arro for mobile dispatch services.

In October 2016, City Council approved a contract with Arro to provide mobile citywide vehicle-for-hire dispatch services for Houston vehicles-for-hire. METRO is interested in integrating the transit trip planning and e-ticketing features with the Arro platform as one means of addressing the first-mile/last-mile barriers that affect potential transit riders.

Under Section 791.025 of the State Interlocal Cooperation Act, a local government may contract with other local governments to purchase goods and services. Such interlocal agreement satisfies the requirement of the local government to seek competitive bids for the purchase of such goods and services. By entering into an interlocal agreement with the City, METRO would be allowed to contract with Arro for services through the contract between the City and Arro.

Departmental Approval Authority:

**Tina Paez, Director
Administration & Regulatory
Affairs Department**

Other Authorization

Contact Information:

Lara Cottingham

Phone: (832) 393-8503

Kathryn Bruning

Phone: (832) 394-9414



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/30/2017

MYR - HISD TIRZ Appropriation \$8,332,989

Agenda Item#: 18.

Summary:

ORDINANCE appropriating \$8,332,989 out of City of Houston, Texas Tax Increment Funds for **REINVESTMENT ZONES NUMBERS ONE (LAMAR TERRACE ZONE), TWO (MIDTOWN ZONE), THREE (MAIN STREET/MARKET SQUARE ZONE), FIVE (MEMORIAL HEIGHTS ZONE), SIX (EASTSIDE ZONE) SEVEN (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE), EIGHT (GULFGATE ZONE), NINE (SOUTH POST OAK ZONE), TWELVE (CITY PARK ZONE), and THIRTEEN (OLD SIXTH WARD ZONE)**, City of Houston, Texas for payment of affordable housing costs, payments to **HOUSTON INDEPENDENT SCHOOL DISTRICT**, and payments to certain redevelopment authorities as provided herein

Background:

SUBJECT: Ordinance appropriating \$8,332,989 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.

RECOMMENDATION: (Summary)

City Council approve an ordinance appropriating \$8,332,989 in tax increment revenue payments made by HISD and authorizing the transfer of tax increment revenues to various TIRZ funds and the redevelopment authorities pursuant to the City's Interlocal Agreements with HISD and the TIRZs.

SPECIFIC EXPLANATION:

The appropriation of \$8,332,989 results from tax increment payments received in the City's Fiscal Year 2017 from HISD for transfer to the various TIRZs.

As shown in the attached spreadsheet, \$208,718 will be transferred to the City's Affordable Housing Fund; \$6,946,829 will be paid to HISD for Educational Facilities Project Costs, \$1,112,706 will be paid to the Midtown Redevelopment Authority and \$64,736 will be paid to the South Post Oak Redevelopment Authority for their affordable housing programs.

All tri-party agreements and creation documents can be found on the following website:
<http://www.houstontx.gov/ecodev/>

cc: Marta Crinejo, Agenda Director

Anna Russell, City Secretary
Ronald C. Lewis, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2016-117, 2/16/16; Ord. No. 2015-1214, 12/15/2015

Amount of Funding:

No funding required

Contact Information:

Gwendolyn F. Tillotson

Phone: (832) 393-0937

ATTACHMENTS:

Description

Type

RCA HISD TIRZ Appropriation 8,332,989

Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance appropriating \$8,332,989 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.

Category #

Page
1 of 1

Agenda Item#

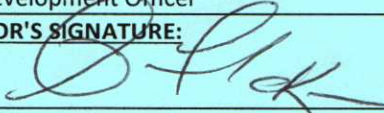
FROM: (Department or other point of origin):

Andrew F. Icken
Chief Development Officer

Origination Date

Agenda Date

DIRECTOR'S SIGNATURE:



Council Districts affected:
All

For additional information contact:

Gwendolyn F. Tillotson

Phone: (832) 393-0937

Date and identification of prior authorizing Council Action:

Ord. No. 2016-117, 2/16/16; Ord. No. 2015-1214, 12/15/2015

RECOMMENDATION: (Summary)

City Council approve an ordinance appropriating \$8,332,989 in tax increment revenue payments made by HISD and authorizing the transfer of tax increment revenues to various TIRZ funds and the redevelopment authorities 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 \$8,332,989 results from tax increment payments received in the City's Fiscal Year 2017 from HISD for transfer to the various TIRZs.

As shown in the attached spreadsheet, \$208,718 will be transferred to the City's Affordable Housing Fund; \$6,946,829 will be paid to HISD for Educational Facilities Project Costs, \$1,112,706 will be paid to the Midtown Redevelopment Authority and \$64,736 will be paid to the South Post Oak Redevelopment Authority for their affordable housing programs.

All tri-party agreements and creation documents can be found on the following website:

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cc: Marta Crinejo, Agenda Director

Anna Russell, City Secretary

Ronald C. Lewis, City Attorney

Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/30/2017

MYR - TIRZ 23 & 25 Appropriating \$147,909.29

Agenda Item#: 19.

Summary:

ORDINANCE appropriating \$147,909.29 out of Tax Increment Funds for Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) and Reinvestment Zone Number Twenty-Five, City of Houston, Texas (Hiram Clarke/Fort Bend Zone) for payments to certain redevelopment authorities as provided herein

Background:

SUBJECT: Ordinance appropriating \$112,927.76 in tax increment revenue to the Harrisburg Redevelopment Authority and \$34,981.53 in tax increment revenue to the Hiram Clarke Redevelopment Authority on behalf of Tax Increment Reinvestment Zone Number 23 and Tax Increment Reinvestment Zone Number 25, pursuant to the Tri-Party Agreement.

RECOMMENDATION: (Summary)

City Council approve an ordinance appropriating \$112,927.76 in tax increment revenue to the Harrisburg Redevelopment Authority and \$34,981.53 in tax increment revenue to the Hiram Clarke Redevelopment Authority on behalf of Tax Increment Reinvestment Zones 23 and 25 respectively, pursuant to the Tri-Party Agreement.

SPECIFIC EXPLANATION:

On June 17, 2015, City Council approved Ordinance 2015-0562, which established an Agreement between the City, the Harrisburg Redevelopment Authority and the Harrisburg Zone ("Tri-Party Agreement").

On December 16, 2015, City Council approved Ordinance 2015-1277, which established an Agreement between the City, the Hiram Clarke Redevelopment Authority, and the Hiram Clarke Zone ("Tri-Party Agreement").

Pursuant to the Tri-Party Agreement, the Authority would establish a Revenue Fund in which tax increments received by the City on behalf of the Zone will be deposited. The City now seeks to appropriate tax increment revenue currently held by the City to the Authorities:

Tri-Party Ordinance	TIRZ	Fund	Redevelopment Authority	Amount of Appropriation
2015-0562	23	7571	Harrisburg	112,927.76
2015-1277	25	7582	Hiram Clarke	34,981.53

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Ronald C. Lewis, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 2013–0051, 10/16/13;
Ord. No. 2015-0562, 06/17/15;
Ord. No. 2013-0708, 08/07/13;
Ord. No. 2015-1277, 12/16/2015

Contact Information:

Gwendolyn F. Tillotson
Phone: (832) 393-0937

ATTACHMENTS:

Description

Type

RCA TIRZ 23 & 25 Appropriation 112,927.76

Signed Cover sheet

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance appropriating \$112,927.76 in tax increment revenue to the Harrisburg Redevelopment Authority and \$34,981.53 in tax increment revenue to the Hiram Clarke Redevelopment Authority on behalf of Tax Increment Reinvestment Zone Number 23 and Tax Increment Reinvestment Zone Number 25, pursuant to the Tri-Party Agreement.

Category #

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1 of 1

Agenda Item#

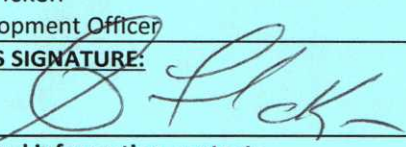
FROM: (Department or other point of origin):

Andrew F. Icken
Chief Development Officer

Origination Date

Agenda Date

DIRECTOR'S SIGNATURE:



Council Districts affected:
All

For additional information contact:

Gwendolyn F. Tillotson

Phone: (832) 393-0937

Date and identification of prior authorizing Council Action:
Ord. No. 2013 – 051, 10/16/13; Ord. No. 2015-562, 6/17/15; Ord. No. 2013-0708, 8/07/13; Ord. No. 2015-1277, 12/16/2015

RECOMMENDATION: (Summary)

City Council approve an ordinance appropriating \$112,927.76 in tax increment revenue to the Harrisburg Redevelopment Authority and \$34,981.53 in tax increment revenue to the Hiram Clarke Redevelopment Authority on behalf of Tax Increment Reinvestment Zones 23 and 25 respectively, pursuant to the Tri-Party Agreement.

Amount of Funding: No Funding Required

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

SPECIFIC EXPLANATION:

On June 17, 2015, City Council approved Ordinance 2015-0562, which established an Agreement between the City, the Harrisburg Redevelopment Authority and the Harrisburg Zone ("Tri-Party Agreement").

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2015-1277	25	7582	Hiram Clarke	34,981.53

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Ronald C. Lewis, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 11/8/2016

L25787 - Mail Processing Services for Utility Water Bills - ORDINANCE

Agenda Item#: 20.

Summary:

ORDINANCE awarding contract to **LEVEL ONE LLC** for Mail Processing Services for Utility Water Bills for the Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$3,662,939.55 - Enterprise and Dedicated Drainage & Street Renewal Funds

Background:

Formal Bids Received for L25787 – Approve an ordinance awarding a contract to Level One LLC on its low bid meeting specifications in an amount not to exceed \$3,662,939.55 for mail processing services for utility water bills for the Department of Public Works and Engineering.

Specific Explanation:

The Director of the Department of Public Works and Engineering and the Acting Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract, with two one-year options** to **Level One LLC** on its low bid meeting specifications for mail processing services for utility water bills in an amount not to exceed **\$3,662,939.55** for the Department of Public Works and Engineering.

This project was advertised in accordance with the requirements of the State of Texas bid laws. There were a total of 38 prospective bidders that downloaded the solicitation document from the Strategic Procurement Division's e-bidding website, and as a result, three bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. QuestMark Information Management, Inc.	\$2,968,610.59 (Did Not Meet Specifications)
2. Level One LLC	\$3,662,939.55
3. HOV Services Inc.	\$4,864,106.68

This scope of work requires the contractor to provide all personnel, management, supervision, labor, materials, equipment, and incidentals necessary to process and mail utility bills on a daily basis or as required. Additional services will include document management, which provides electronic capture, storage, collaboration, retrieval, and delivery of the documents stored in their archive repository.

M/WBE Participation:

The invitation to bid was issued as a goal-oriented contract with a 11% M/WBE participation level. Level One LLC has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Bayside Printing Company	Bill Stock	\$402,923.35	11%

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 Level One LLC will provide health benefits to covered eligible employees in compliance with City policy.

Hire Houston First:

The proposed contract requires compliance with the City's "Hire Houston First" ordinance that promotes economic opportunity for Houston Businesses and support job creation. In this case the proposed contractor Level One LLC does not meet the requirements of HHF designation.

Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance 2014-1078.

Kelly Dowe, Acting Chief Procurement Officer
Signature
Finance/Strategic Procurement Division

Department Approval Authority

Estimated Spending Authority			
DEPARTMENT	FY2017	OUT YEARS	TOTAL
Public Works and Engineering	\$244,195,97	\$3,418,743.58	\$3,662,939.55

Amount of Funding:

\$3,586,684.55 – Water and Sewer System Operating Fund (8300)

\$76,255.00 – Dedicated Drainage & Street Renewal Fund (2310)

\$3,662,939.55 - TOTAL

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Brian Blum, Division Manager	PWE	(832) 395-2717
Richard Morris, Division Manager	FIN/SPD	(832) 393-8736
Elnora Williams, Sr. Procurement Specialist	FIN/SPD	(832) 393-0209

ATTACHMENTS:**Description**

RCA#L25787-Level One, Inc

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/14/2017

ALL

Item Creation Date: 11/8/2016

L25787 - Mail Processing Services for Utility Water Bills - ORDINANCE

Agenda Item#: 2.

Summary:

NOT REAL CAPTION

Approve an ordinance awarding a contract to **LEVEL ONE LLC** on its low bid meeting specifications in an amount not to exceed \$3,662,939.55 for mail processing services for utility water bills for the Department of Public Works and Engineering.

Background:

Formal Bids Received for L25787 – Approve an ordinance awarding a contract to Level One LLC on its low bid meeting specifications in an amount not to exceed \$3,662,939.55 for mail processing services for utility water bills for the Department of Public Works and Engineering.

Specific Explanation:

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Hire Houston First:

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Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance 2014-1078.



Kelly Dowe, Acting Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority			
DEPARTMENT	FY2017	OUT YEARS	TOTAL
Public Works and Engineering	\$244,195.97	\$3,418,743.58	\$3,662,939.55

Amount of Funding:

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\$3,662,939.55 - TOTAL

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Brian Blum, Division Manager	PWE	(832) 395-2717
Richard Morris, Division Manager	FIN/SPD	(832) 393-8736
Elнора Williams, Sr. Procurement Specialist	FIN/SPD	(832) 393-0209

ATTACHMENTS:**Description**

RCA#L25787-Level One LLC

Form A (Fair Campaign Ordinance)

Form B (Fair Campaign Ordinance)

MWBE Subcontracting Terms

POP Documents

Funding Information Spreadsheet

Tax Report

L25787 funding Information

PWE SignOff

Type

Signed Cover sheet

Backup Material

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Financial Information

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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/12/2017

L26020 - Street Sweeping Services, Downtown -ORDINANCE

Agenda Item#: 21.

Summary:

ORDINANCE awarding contract to **YES AMERICA NOW, INC dba YES AMERICA ENTERPRISES** for Street Sweeping Services, Downtown for Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$1,310,262.00 - Stormwater Fund

Background:

Formal Bids Received for S10-L26020 – Approve an ordinance awarding a contract to Yes America Now, Inc. DBA Yes America Enterprises in an amount not to exceed \$1,310,262.00 for street sweeping services, downtown for the Department of Public Works and Engineering.

Specific Explanation:

The Director of Department of Public Works and Engineering (PWE) and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract with two one-year options** to **Yes America Now, Inc. DBA Yes America Enterprises** on its low bid meeting specifications for street sweeping services, downtown in the total amount not to exceed **\$1,310,262.00** for the Department of Public Works and Engineering.

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

<u>Company</u>	<u>Total Amount</u>
1. Yes America, Inc. DBA Yes America Enterprises	\$1,310,262.00
2. Elite Waste & Construction Services, LLC	\$1,514,124.00

The scope of work requires the Contractor to provide all labor, materials, equipment, safety, insurance, transportation, and permits necessary to perform all operations in connection with weekly sweeping of City streets within the designated areas of downtown Houston, to include regular route sweeping, emergency response sweeping, and special event sweeping for an annual approximate coverage of 6,552 curb miles. Additionally, Contractor is required to maintain and submit a monthly log showing monthly activity indicating the dates, times, route, streets, and miles swept.

M/WBE Participation:

This invitation to bid was issued as a goal-oriented contract with a 7% goal for M/WBE participation level. Yes America Now, Inc. DBA Yes America Enterprises has designated the below-named companies as its certified M/WBE subcontractors:

Name	Type Work	Amount	Percentage
Atlantic Petroleum & Mineral Resources, Inc.	Diesel and Gas Services	\$65,513.10	5%
D.H. Tire, Inc.	Tire Repair and Replacement	\$26,205.24	2%

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, Yes America Now, Inc. DBA Yes America Enterprises 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' ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, Yes America Now, Inc. DBA Yes America Enterprises is a designated HHF company, but they were the successful awardee without application of the HHF preference.

Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.

Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division	Department Approval Authority Signature
--	--

Estimated Spending Authority:

DEPARTMENT	FY17	OUT YEARS	TOTAL
Public Works and Engineering	\$100,000.00	\$1,210,262.00	\$1,310,262.00

Amount of Funding:

\$1,310,262.00

Stormwater Fund (2302)

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Brian Blum, Interim-Assistant Director	PWE	832.395.2717
Richard Morris, Division Manager	FIN/SPD	832.393.8736
Greg Hubbard, Sr. Procurement Specialist	FIN/SPD	832.393-8748

ATTACHMENTS:

Description

Signed Cover Sheet

OBO Sign-off MWBE Goal Reduction

Type

Signed Cover sheet

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/12/2017

L26020 - Street Sweeping Services, Downtown -ORDINANCE

Agenda Item#:

Summary:

ORDINANCE awarding contract to **YES AMERICA NOW, INC dba YES AMERICA ENTERPRISES** for Street Sweeping Services, Downtown for Department of Public Works & Engineering; providing a maximum contract amount - 3 Years with two one-year options - \$1,310,262.00 - Stormwater Fund

Background:

Formal Bids Received for S10-L26020 – Approve an ordinance awarding a contract to Yes America Now, Inc. DBA Yes America Enterprises in an amount not to exceed \$1,310,262.00 for street sweeping services, downtown for the Department of Public Works and Engineering.

Specific Explanation:

The Director of Department of Public Works and Engineering (PWE) and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract with two one-year options** to **Yes America Now, Inc. DBA Yes America Enterprises** on its low bid meeting specifications for street sweeping services, downtown in the total amount not to exceed **\$1,310,262.00** for the Department of Public Works and Engineering.

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

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The scope of work requires the Contractor to provide all labor, materials, equipment, safety, insurance, transportation, and permits necessary to perform all operations in connection with weekly sweeping of City streets within the designated areas of downtown Houston, to include regular route sweeping, emergency response sweeping, and special event sweeping for an annual approximate coverage of 6,552 curb miles. Additionally, Contractor is required to maintain and submit a monthly log showing monthly activity indicating the dates, times, route, streets, and miles swept.

M/WBE Participation:

This invitation to bid was issued as a goal-oriented contract with a 7% goal for M/WBE participation level. Yes America Now, Inc. DBA Yes America Enterprises has designated the below-named companies as its certified M/WBE subcontractors:

<u>Name</u>	<u>Type Work</u>	<u>Amount</u>	<u>Percentage</u>
Atlantic Petroleum & Mineral Resources, Inc.	Diesel and Gas Services	\$65,513.10	5%
D.H. Tire, Inc.	Tire Repair and Replacement	\$26,205.24	2%

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, Yes America Now, Inc. DBA Yes America Enterprises 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' ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, Yes America Now, Inc. DBA Yes America Enterprises is a designated HHF company, but they were the successful awardee without application of the HHF preference.

Fiscal Note:

Funding for this item is included in the FY17 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policy Ord. 2014-1078.


Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority Signature

Estimated Spending Authority:

DEPARTMENT	FY17	OUT YEARS	TOTAL
Public Works and Engineering	\$100,000.00	\$1,210,262.00	\$1,310,262.00

Amount of Funding:

\$1,310,262.00

Stormwater Fund (2302)

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Brian Blum, Interim-Assistant Director	PWE	832.395.2717
Richard Morris, Division Manager	FIN/SPD	832.393.8736
Greg Hubbard, Sr. Procurement Specialist	FIN/SPD	832.393-8748

ATTACHMENTS:

Description

Signed Cover Sheet
OBO Sign-off MWBE Goal Reduction
MWBE NOI
Form-A
Form-B
Drug Policy
Drug Forms, Exhibits E-G
Ownership Form
TX Secretary of State
Pay or Play Forms 1-2
Hire Houston First
Tax Log
COI-Endorsements
Ethics Form-1295
RCA Funding Form L26020
FI-Signed Contract L26020
SAP Funding Information
ordin
SAP Funding PWE Budget vs Actual

Type

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



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

**Goal Modification
Request Form**

1. Date: 9/01/2016 2. Requesting Department: PWE 3. Solicitation Number: TBD
4. Solicitation Name: Street Sweeping Services Downtown 5. Estimated Dollar Amount: \$ 1,540,000.00
6. Description of Solicitation (*Attach Specifications/Supporting Documents*): Street Sweeping Services for the Downtown city streets for the purpose of controlling dust and minimizing pollution.

PLEASE INDICATE WHETHER A PREVIOUS CONTRACT EXISTED FOR THIS SOLICITATION.

- A. Previous Contract (if any): Yes ☒ No ☐ B. Previous Contract #: 4600013704 C. Goal on Last Contract: 5%
- D. Was Goal Met? Yes ☒ No ☐ E. If goal was not met, what percentage did the vendor achieve? _____
- F. Why wasn't goal achieved: Contract just passed City Council 3/16/2016.

SELECT ONE TYPE OF GOAL MODIFICATION REQUEST FROM THE FOUR OPTIONS BELOW.

1. WAIVER

- A. I am requesting a waiver of the MWBE 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: _____

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: _____
- C. Did the Department explore opportunities for using certified firms? Yes ☐ No ☐
- D. Please explain how the Department explored opportunities for using certified firms: _____
- E. Please explain why the Department did not explore opportunities for using certified firms: _____

SEP 26 2016



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 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 Request Form and submit with this form.

4. GOAL REVISION AFTER ADVERTISEMENT

A. I am requesting a **revision** of the MWBE Goal that has already been advertised: Yes ☐ No ☐

B. Original Goal: _____ C. New Proposed Goal: _____ D. Advertisement Date: _____

E. Will Project be Re-Advertised: Yes ☐ No ☐ F. Estimated Dollar Amount: \$ _____

G. Detailed reason for request: _____

Concurrence:

Sam Mills
Requesting Department Initiator

9/06/2016
Date

W. J. Anthony
Department Director or Designee

9/07/2016
Date

FOR OBO OFFICE USE ONLY:

APPROVED:

<u>W. J. Anthony</u>	<u>10/4/16</u>		<u>W-131</u>
OBO Assistant Director or Designee	Date	OBO Reason	Tracking #

DENIED:

OBO Assistant Director or Designee	Date	OBO Reason	Tracking #



CITY OF HOUSTON
OFFICE
of
BUSINESS OPPORTUNITY

**Contract-Specific Goal
Request Form**

Purchasing & Professional Services

STEP 1: PROVIDE SOLICITATION / PROJECT INFORMATION.

1. Date: 9/2/2016 2. Department: PWE 3. Solicitation #: TBD
4. Solicitation /Project Name: STREET SWEEPING SERVICES DOWNTOWN 6. Contract Value: \$1,540,000.00
5. Description of Project: Street Sweeping Services for Downtown city streets for the purpose of controlling dust & dirt.

STEP 2: CALCULATE CONTRACT-SPECIFIC GOAL.

Please see Instructions for assistance with calculations.

A	B	C	D	E	F	G	H
Work Element Description	NAICS Code	Cost for Each Work Element	% Cost of Contract	# of MWBE Firms (B2G)	# of All Firms	MWBE Availability	Goal % for Work Element
Street Sweeping Services	488490 ✓	\$ 1,463,000.00	95.00%	3	43	6.98%	6.63%
Fuel Services	424710	\$ 46,200.00	3.00%	1	52	1.92%	0.06%
Tire Services	441310	\$ 30,800.00	2.00%	1	497	0.20%	0.00% <i>J.M.</i>
							<i>0.02%</i>
Totals		\$ 1,540,000.00	100%				<i>6.71</i> 6.69% <i>J.M.</i>

STEP 3: PROVIDE GOAL CALCULATION INFORMATION FOR ITEMS # 7 - 10.

7. List method used to calculate # of All Firms in Column F: Census Bureau
8. Calculated Contract-Specific Goal (Column H): 6.69% 6.71 J.M.
9. If contract goal should be more or less than calculated Contract-Specific Goal, please explain further goal adjustments:

10. List Proposed Contract Goal: MWBE 5% 7% J.M.

STEP 4: SIGN AND DATE FORM.

D.R. Guernsey
Department Director / Designee

[Signature]
Signature

Asst. Director
Title

09/07/2016
Date

FOR OBO OFFICE USE ONLY:			
APPROVED:		DENIED:	
<u>[Signature]</u> OBO Assistant Director or Designee	<u>10/4/16</u> Date		
		OBO Assistant Director or Designee	Date



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

District C

Item Creation Date: 12/16/2016

20AZA21 Addtn'l Approp / Dannenbaum Engineering
Corporation

Agenda Item#: 22.

Summary:

ORDINANCE appropriating \$105,125.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for T.C. Jester Reconstruction from Washington Avenue to IH-10 (Approved by Ordinance No. 2014-0620, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT C - COHEN**

Background:

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Dannenbaum Engineering Corporation for T.C. Jester Reconstruction from Washington Avenue to IH-10. WBS No. N-100002-0001-3

RECOMMENDATION: Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Dannenbaum Engineering Corporation.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Plan (CIP) and is required to meet City of Houston design and safety standards and improve traffic mobility and drainage in the service area.

DESCRIPTION/SCOPE: This project consists of the design of approximately 2,400 linear feet of a 4-lane divided concrete roadway per Major Thoroughfare Freeway Plan (MTFP) standard. The proposed project improvements include the concrete roadways on T.C. Jester Boulevard with curbs, an underground storm sewer system, new inlets, sidewalks, streetlights, signals, and necessary underground utilities.

LOCATION: This project is generally bounded by IH-10 on the north, Washington Avenue on the south, Detering Street on the east and Asbury Street on the west. The project is located in Key Map Grid 492G.

PREVIOUS HISTORY AND SCOPE: The original Contract and additional appropriation were approved on June 18, 2014 by Ordinance No. 2014-0620 and October 14, 2015 by Ordinance No. 2015-0991, respectively. The scope of services under the original Contract consisted of Phase I -

Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services, and additional services. Under this Contract, the consultant has completed Phase I – Preliminary Engineering Design Services and is approximately at 90% completion on Phase II Final Design Services.

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: Additional funds are necessary to complete Phase II - Final Design revision for street and sanitary sewer configuration as a result of the public outreach meeting recommendations and new sanitary sewer design. The Additional Services include Phase II Drainage Model Analysis for inclusion of wider bike lanes on both sides of the street and redesign and utility conflict assessment for the relocation of the sanitary sewer line. The addition of Basic Services fee is \$68,280.00 and Additional Services fee is \$21,570.00.

The total requested appropriation is \$105,125.00 to be appropriated as follows: \$89,850.00 for contract services and \$15,275.00 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 and subsequent appropriations total \$599,872.00. The consultant has been paid \$363,591.40 (60.61%) to date. Of this amount, \$95,492.90 (26.26%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$689,722.00. The Consultant has met the M/WBE goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Paid Prior M/WBE Commitment		\$95,492.90	13.84%
Unpaid Prior M/WBE		\$85,013.30	12.33
	TOTAL	\$180,506.20	26.17

-
-
-
-
ESTIMATED FISCAL OPERATING IMPACT:

No significant Fiscal Operating impact is anticipated as a result of this project.

Dale A. Rudick, P.E., Director
Department of Public Works and Engineering

Prior Council Action:

Ordinance 2014-0620, dated 06/18/2014

Ordinance 2015-0991, dated 10/14/2015

Amount of Funding:

\$105,125.00 from Fund 4040 - METRO Projects Construction DDSRF.

Original and (previous) appropriation total of \$691,091.00 from Fund 4040 - METRO Projects Construction DDSRF.

Contact Information:

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

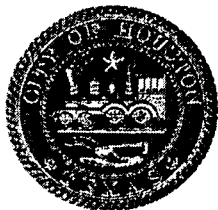
ATTACHMENTS:

Description

Signed Coversheet
Maps

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District C

Item Creation Date: 12/16/2016

20AZA21 Addtn'l Approp / Dannenbaum Engineering Corporation

Agenda Item#:

Background:

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Dannenbaum Engineering Corporation for T.C. Jester Reconstruction from Washington Avenue to IH-10. WBS No. N-100002-0001-3

RECOMMENDATION: Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Dannenbaum Engineering Corporation.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Plan (CIP) and is required to meet City of Houston design and safety standards and improve traffic mobility and drainage in the service area.

DESCRIPTION/SCOPE: This project consists of the design of approximately 2,400 linear feet of a 4-lane divided concrete roadway per Major Thoroughfare Freeway Plan (MTFP) standard. The proposed project improvements include the concrete roadways on T.C. Jester Boulevard with curbs, an underground storm sewer system, new inlets, sidewalks, streetlights, signals, and necessary underground utilities.

LOCATION: This project is generally bounded by IH-10 on the north, Washington Avenue on the south, Detering Street on the east and Asbury Street on the west. The project is located in Key Map Grid 492G.

PREVIOUS HISTORY AND SCOPE: The original Contract and additional appropriation were approved on June 18, 2014 by Ordinance No. 2014-0620 and October 14, 2015 by Ordinance No. 2015-0991, respectively. The scope of services under the original Contract consisted of Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services, and additional services. Under this Contract, the consultant has completed Phase I - Preliminary Engineering Design Services and is approximately at 90% completion on Phase II Final Design Services.

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: Additional funds are necessary to complete Phase II - Final Design revision for street and sanitary sewer configuration as a result of the public outreach meeting recommendations and new sanitary sewer design. The Additional Services include Phase II Drainage Model Analysis for inclusion of wider bike lanes on both sides of the street and redesign and utility conflict assessment for the relocation of the sanitary sewer line. The addition of Basic Services fee is \$68,280.00 and Additional Services fee is \$21,570.00.

The total requested appropriation is \$105,125.00 to be appropriated as follows: \$89,850.00 for contract services and \$15,275.00 for CIP Cost Recovery.

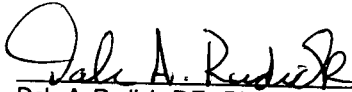
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.

MWBE INFORMATION: The MWBE goal established for this project is 24%. The original Contract amount and subsequent appropriations total \$599,872.00. The consultant has been paid \$363,591.40 (60.61%) to date. Of this amount, \$95,492.90 (26.26%) has been paid to MWBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$689,722.00. The Consultant has met the MWBE goal.

Name of Firms	Work Description	Amount	% of Total Contract
Paid Prior MWBE Commitment		\$95,492.90	13.84%
Unpaid Prior MWBE		\$85,013.30	12.33
	TOTAL	\$180,506.20	26.17

ESTIMATED FISCAL OPERATING IMPACT:

No significant Fiscal Operating impact is anticipated as a result of this project.



Dale A. Rudick, P.E., Director
Department of Public Works and Engineering

Prior Council Action:

Ordinance 2014-0620, dated 06/18/2014

Ordinance 2015-0991, dated 10/14/2015

Amount of Funding:

\$105,125.00 from Fund 4040 - METRO Projects Construction DDSRF.

Original and (previous) appropriation total of \$691,091.00 from Fund 4040 - METRO Projects Construction DDSRF.

Contact Information:

Ravi Kaleyatodi, P.E., CPM

Senior Assistant Director, Engineering Branch

Phone: (832) 395-2326

ATTACHMENTS:

Description

Maps

OBO

Form B

Ownership Information Form (doc 0455)

Tax Report

Pay for Play (POP 1-3)

Form 1295

Prior Council Action - prior RCA & Ordinance

SAP

Type

Backup Material

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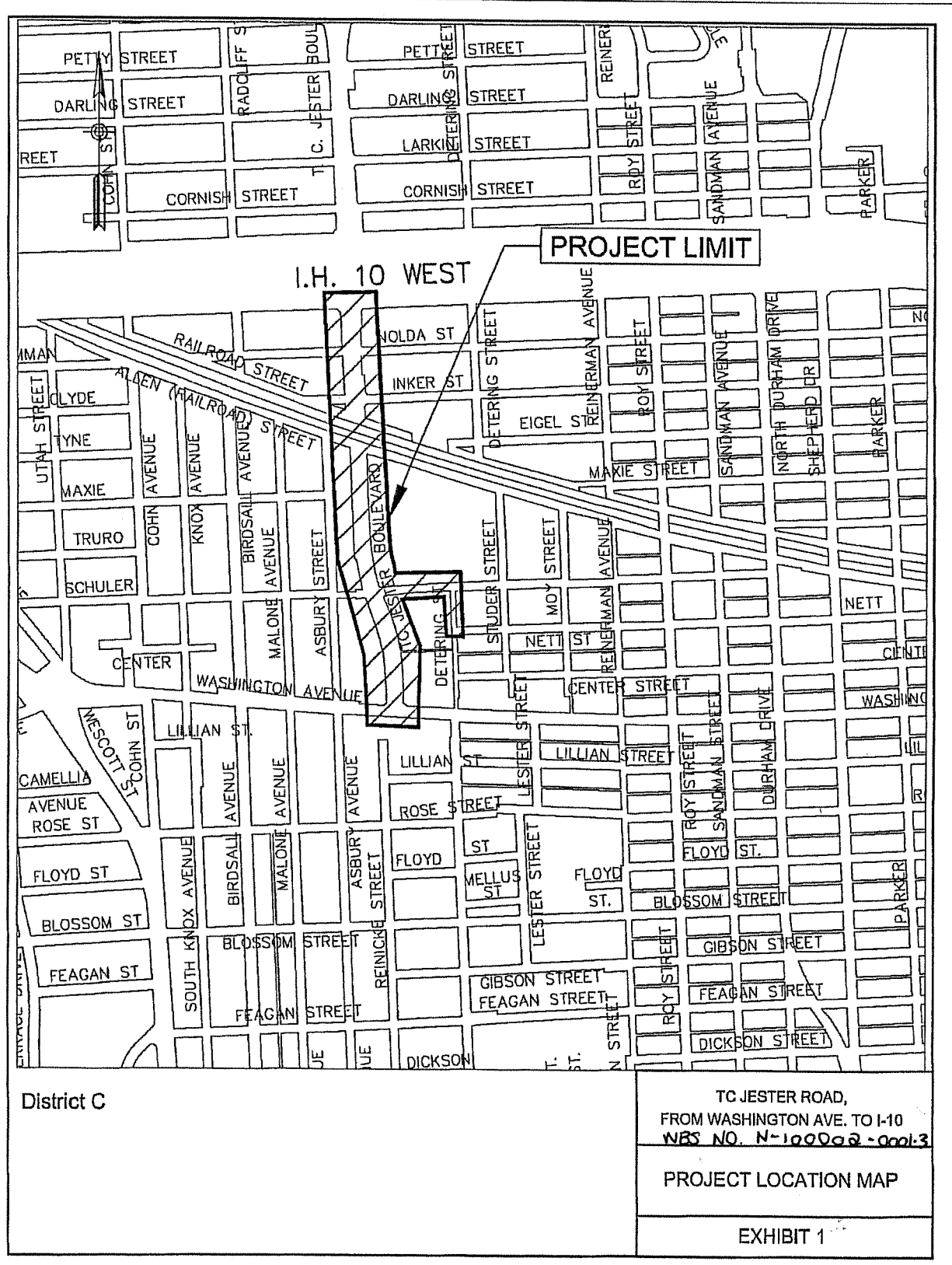
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Financial Information





CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 11/18/2016

20FA01 Addtn'l Approp / Amani Engineering, Inc.

Agenda Item#: 23.

Summary:

ORDINANCE appropriating \$738,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **AMANI ENGINEERING, INC** for Small Diameter Water Line Work Order Contracts for Extensions, Upcoming Water Line Projects and Above Grade Crossings (Approved by Ordinance No. 2015-0574); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

Background:

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Amani Engineering, Inc. for Small Diameter Water Line Work Order Contracts for Extensions, Upcoming Water Line Projects and Above Grade Crossings. WBS No. S-000700-0069-3. (WBS No. S-000020-0041-3.)

RECOMMENDATION: (Summary)

Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Amani Engineering, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the design of small diameter work order program. This program is required to meet engineering services for the design of small diameter water line extensions, above grade crossings and water line replacements in neighborhoods where the systems are inadequate.

DESCRIPTION/SCOPE: When requested by the Director, the engineer will provide engineering services for the design of 4-inch through 20-inch water lines and above grade crossings. Additionally, the engineer will develop construction documents for a construction work order.

LOCATION: The location of the project areas within the City will be determined by the Public Utilities Division.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on June 17, 2015 under Ordinance No. 2015-0574. The scope of services under the Original Contract, for services performed in the development of the base construction document, the engineer will be reimbursed on a time and material basis. The services performed by the engineer to design small diameter water lines on an as-needed basis for projects less than 5,000 linear feet will be reimbursed on a per-sheet

basis. When required by the Director, work performed on water lines greater than 5,000 linear feet will

basis. When required by the Director, work performed on water lines greater than 3,000 linear feet will involve phase I - preliminary design, phase II - final design and phase III - construction phase services and additional services. Additional services include, but not limited to, engineering services, surveying, geotechnical, traffic control and environmental design will be paid on a reimbursable basis subject to authorization by the Director. Under this Contract, the Consultant has been authorized to complete Basic Services and Additional Services for the amount of \$1,980,134.64 out of \$2,550,000.00. Additional funds are needed for upcoming work orders and above grade crossings.

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: The requested additional appropriation will be utilized for the development of the base construction documents and the engineer will be reimbursed on a time and material basis. Design services will be paid on a per sheet basis or the level of effort. Additional services such as surveying, geotechnical investigation, traffic control, environmental design and tree protection plans will be paid on a reimbursable basis subject to authorization by the Director.

The total requested appropriation is \$738,000.00 to be appropriated as follows: \$627,300.00 for contract services and \$110,700.00 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 contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE PARTICIPATION: The M/WBE goal established for this project is 24 %. The original Contract amount totals \$2,550,000.00. The consultant has been paid \$866,274.06 (33.97%) to date. Of this amount, \$240,178.71(27.73%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$3,177,300.00. The Consultant proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Paid Prior M/WBE Commitment		\$240,178.71	7.56%
Unpaid Prior M/WBE Commitment		\$384,728.97	12.11%
1. KIT Professionals, Inc.	Engineering and Design Support	\$105,000.00	3.30%
2. Apex-RBI, Inc., DBA Ratnala & Bahl, Inc.	Structural Engineering and Design Support	\$10,000.00	0.31%
3. United Engineers, Inc.	Survey, Engineering and Design Support	\$25,000.00	0.79%
TOTAL		\$764,907.68	24.07%

ESTIMATED FISCAL OPERATING IMPACT:

No significant Fiscal Operating impact is anticipated as a result of this project.

Dale A. Rudick, P.E. Director
Department of Public Works and Engineering

Prior Council Action:

Ordinance # 2015-0574 06/17/2015

Amount of Funding:

\$738,000.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund.

Original (previous) appropriation of \$2,932,500.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund.

Contact Information:

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

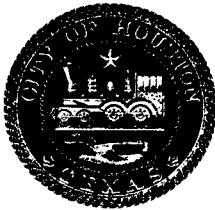
ATTACHMENTS:

Description

Signed RCA
Maps

Type

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Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date: 11/18/2016

20FA01 Addtn'l Approp / Amani Engineering, Inc.

Agenda Item#:

Background:

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Amani Engineering, Inc. for Small Diameter Water Line Work Order Contracts for Extensions, Upcoming Water Line Projects and Above Grade Crossings. WBS No. S-000700-0069-3. (WBS No. S-000020-0041-3.)

RECOMMENDATION: (Summary)

Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Amani Engineering, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the design of small diameter work order program. This program is required to meet engineering services for the design of small diameter water line extensions, above grade crossings and water line replacements in neighborhoods where the systems are inadequate.

DESCRIPTION/SCOPE: When requested by the Director, the engineer will provide engineering services for the design of 4-inch through 20-inch water lines and above grade crossings. Additionally, the engineer will develop construction documents for a construction work order.

LOCATION: The location of the project areas within the City will be determined by the Public Utilities Division.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on June 17, 2015 under Ordinance No. 2015-0574. The scope of services under the Original Contract, for services performed in the development of the base construction document, the engineer will be reimbursed on a time and material basis. The services performed by the engineer to design small diameter water lines on an as-needed basis for projects less than 5,000 linear feet will be reimbursed on a per-sheet basis. When required by the Director, work performed on water lines greater than 5,000 linear feet will involve phase I - preliminary design, phase II - final design and phase III - construction phase services and additional services. Additional services include, but not limited to, engineering services, surveying, geotechnical, traffic control and environmental design will be paid on a reimbursable basis subject to authorization by the Director. Under this Contract, the Consultant has been authorized to complete Basic Services and Additional Services for the amount of \$1,980,134.64 out of \$2,550,000.00. Additional funds are needed for upcoming work orders and above grade crossings.

SCOPE OF THIS ADDITIONAL APPROPRIATION AND FEE: The requested additional appropriation will be utilized for the development of the base construction documents and the engineer will be reimbursed on a time and material basis. Design services will be paid on a per sheet basis or the level of effort. Additional services such as surveying, geotechnical investigation, traffic control, environmental design and tree protection plans will be paid on a reimbursable basis subject to authorization by the Director.

The total requested appropriation is \$738,000.00 to be appropriated as follows: \$627,300.00 for contract services and \$110,700.00 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 contractor provides health benefits to eligible employees in compliance with City policy.

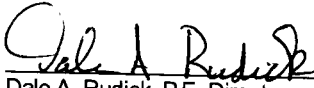
MWBE PARTICIPATION: The MWBE goal established for this project is 24 %. The original Contract amount totals \$2,550,000.00. The consultant has been paid \$866,274.06 (33.97%) to date. Of this amount, \$240,178.71(27.73%) has been paid to MWBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$3,177,300.00. The Consultant proposes the following plan to meet the MWBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Paid Prior MWBE Commitment		\$240,178.71	7.56%
Unpaid Prior MWBE Commitment		\$384,728.97	12.11%
1. KIT Professionals, Inc.	Engineering and	\$105,000.00	3.30%

2. Apex-RBI, Inc., DBA	Design Support		
Ratnala & Bahl, Inc.	Structural Engineering	\$10,000.00	0.31%
3. United Engineers, Inc.	and Design Support		
	Survey, Engineering	\$25,000.00	0.79%
	and Design Support		
	TOTAL	\$764,907.68	24.07%

ESTIMATED FISCAL OPERATING IMPACT:

No significant Fiscal Operating impact is anticipated as a result of this project.

on been

 Dale A. Rudick, P.E. Director
 Department of Public Works and Engineering

Prior Council Action:

Ordinance # 2015-0574 06/17/2015

Amount of Funding:

\$738,000.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund.

Original (previous) appropriation of \$2,932,500.00 from Fund No. 8500 – Water and Sewer System Consolidated Construction Fund.

Contact Information:

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

ATTACHMENTS:

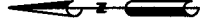
Description

Maps
 OBO
 Form B
 Ownership Information Form (Doc 00455)
 Tax Report
 Pay or Play
 Form 1295
 Prior Council Action
 SAP
 Original Contract

Type

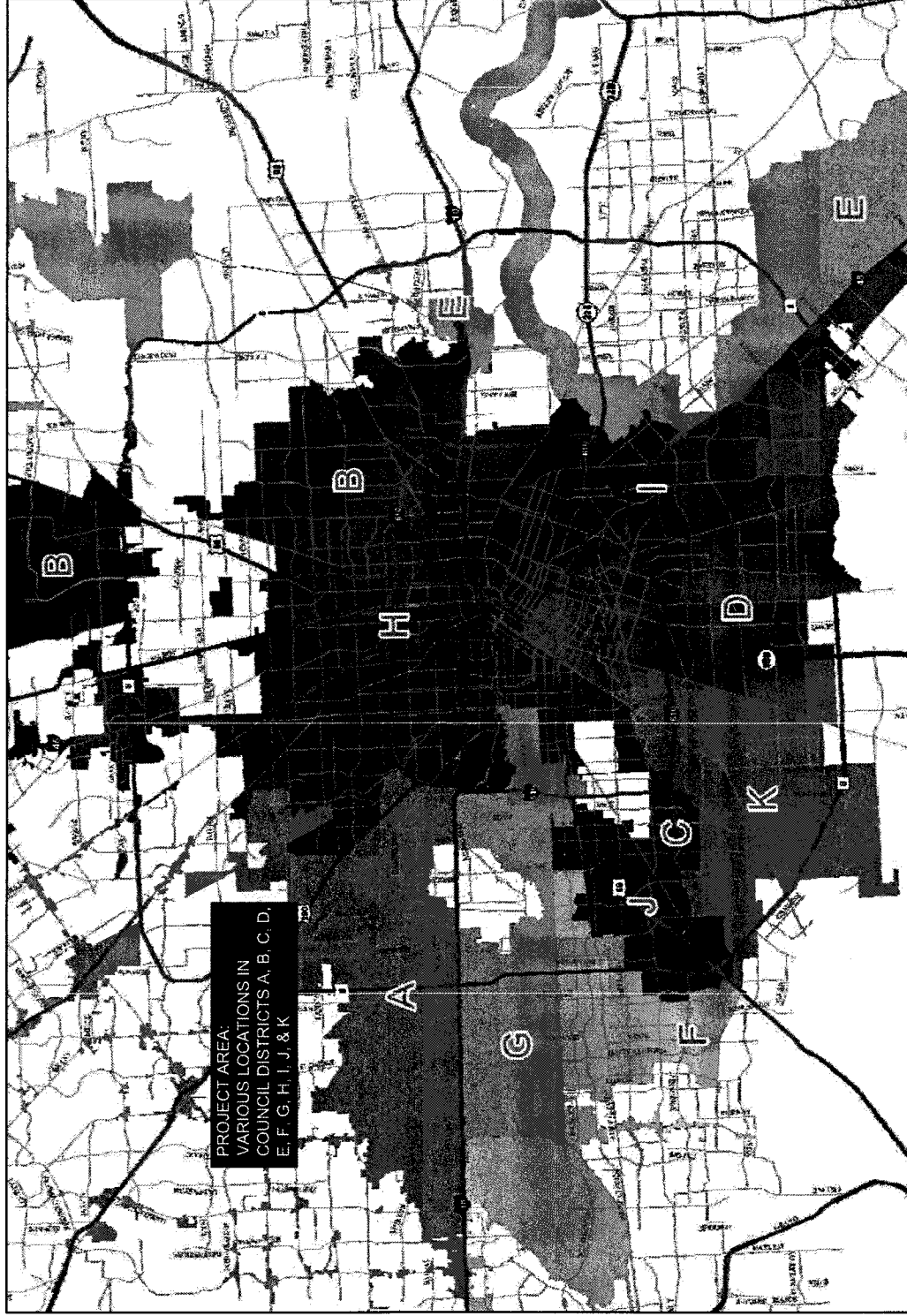
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 Financial Information
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DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING AND CONSTRUCTION DIVISION



COUNCIL MEMBERS:

- DISTRICT A - BRENDA STARDIG
- DISTRICT B - JERRY DAVIS
- DISTRICT C - ELLEN COHEN
- DISTRICT D - DWIGHT BOYKINS
- DISTRICT E - DAVE MARTIN
- DISTRICT F - STEVE LE
- DISTRICT G - GREG TRAVIS
- DISTRICT H - KARLA CISNEROS
- DISTRICT I - ROBERT GALLEGOS
- DISTRICT J - MIKE LASTER
- DISTRICT K - LARRY GREEN
- AT LARGE 1 - MIKE KNOX
- AT LARGE 2 - DAVID W. ROBINSON
- AT LARGE 3 - MICHAEL KUBOSH
- AT LARGE 4 - AMANDA EDWARDS
- AT LARGE 5 - JACK CHRISTIE



PROJECT AREA:
VARIOUS LOCATIONS IN
COUNCIL DISTRICTS A, B, C, D,
E, F, G, H, I, J, & K



CITY OF HOUSTON
WORK ORDER SMALL DIAMETER WATER LINE EXTENSIONS
WBS No. S-000700-0069-3



Amani Engineering, Inc.
• Engineers • Surveyors • Construction Managers

COUNCIL DISTRICT MAP

SCALE: NTS

DATE: 08/19/2016



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 2/6/2017

ARA-Robert W. Watson DBA F. B. Port-A-Can SWF

Agenda Item#: 24.

Summary:

ORDINANCE granting to **ROBERT W. WATSON d b a F. B. PORT-A-CAN, A Texas Sole Proprietorship**, 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 - **FIRST READING**

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Robert W. Watson DBA F. B. Port-A-Can. 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 220 solid waste operator franchises. For FY 2017, the total solid waste franchise revenue to the City is projected to be \$7,541,152.

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

ATTACHMENTS:

Description

Type

2.7.2017 Robert W. Watson DBA F. B. Port-ACan
SWF RCA

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/22/2017

ALL

Item Creation Date: 2/6/2017

ARA- Robert W. Watson DBA F. B. Port-A-Can SWF

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to Robert W. Watson DBA F. B. Port-A-Can. 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 220 solid waste operator franchises. For FY 2017, the total solid waste franchise revenue to the City is projected to be \$7,541,152.

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: 2/21/2017

Item Creation Date: 1/13/2017

MYR ~ 2017 Houston Municipal Employees Pension System
Council Memo 1-13-17

Agenda Item#: 25.

Summary:

RECEIVE nominations for Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term

DELAYED BY MOTION #2017-92, 2/8/17

This was Item 24 on Agenda of February 8, 2017

Background:

Office of the Mayor

CITY OF HOUSTON

Anna Russell,

City Secretary

Marta Crinejo,

Agenda Director

From:

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from January 25, 2017, to receive nominations for Position 11 of the Houston Municipal Employees Pension System Board of Trustees. The three year term of the current vacant position expires June 1, 2017:

Position	Member	Nominated by
Position 11	Richard Badger/Vacant	CM Pennington

Nominees must have expertise in at least one of the following areas:

- Accounting, financial, pension, investment or actuarial.

DB/jsk

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

Item Creation Date: 1/24/2017

HCD17-07c TDHCA 9% Housing Tax Credit Applications in City of Houston

Agenda Item#: 26.

Summary:

RESOLUTION confirming support to the proposed development as affordable rental housing of certain properties, each located in the City of Houston, Texas, or to the submittal of applications for housing tax credits for such developments
This was a portion of Item 10 on Agenda of February 15, 2017

Background:

The Housing and Community Development Department (HCDD) recommends approval of a Resolution of Support for an application in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The developments are listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

In 2013, the Texas Legislature dramatically changed the HTC program to give cities the discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing bodies may choose to provide a Resolution of Support for 17 points for proposed HTC sites within their jurisdictions.

Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization, (b) community feedback regarding the significant unmet housing need for large families, (c) the City's interest in renovating older affordable housing properties, and (d) the importance to the City, TDHCA and local housing advocates to provide housing in areas with low poverty rates and quality schools, HCDD has developed criteria that evaluates numerous factors related to the proposed development and surrounding community. Among the elements being evaluated are:

1. Location in the Community Revitalization Areas (including CRA Outreach Areas)
2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
4. Low poverty area
5. Zoned to quality schools

Based on these criteria, as well as other factors related to area characteristics and amenities, HCDD recommends a Resolution of Support for the project listed below.

Development Name	Development Address	Developer	Council District	County
Holly Oak Seniors	29 Hollyoak Drive	Nathan Kelly	A	Harris

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017

Contact Information:

Roxanne Lawson
832.394.6307

ATTACHMENTS:

Description

Signed Coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District A

Item Creation Date: 2/16/2017

HCD17-15 Resolution of Support for 9% TDHCA Housing Tax Credit Application in City of Houston

Agenda Item#:

Background:

The Housing and Community Development Department (HCDD) recommends approval of a Resolution of Support for an application in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The developments are listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

In 2013, the Texas Legislature dramatically changed the HTC program to give cities the discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing bodies may choose to provide a Resolution of Support for 17 points for proposed HTC sites within their jurisdictions.

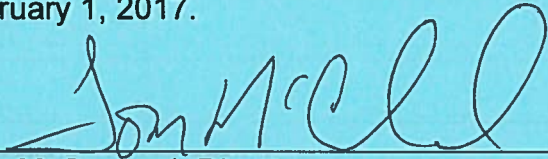
Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization, (b) community feedback regarding the significant unmet housing need for large families, (c) the City's interest in renovating older affordable housing properties, and (d) the importance to the City, TDHCA and local housing advocates to provide housing in areas with low poverty rates and quality schools, HCDD has developed criteria that evaluates numerous factors related to the proposed development and surrounding community. Among the elements being evaluated are:

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2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
4. Low poverty area
5. Zoned to quality schools

Based on these criteria, as well as other factors related to area characteristics and amenities, HCDD recommends a Resolution of Support for the project listed below:

Development Name	Development Address	Developer	Council District
Holly Oaks Seniors	29 Hollyoak Drive	Nathan Kelly	A

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017.



Tom McCasland, Director

Contact Information:

Roxanne Lawson
832.394.6307



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

Item Creation Date: 1/24/2017

HCD17-07c TDHCA 9% Housing Tax Credit Applications in City of Houston

Agenda Item#: 27.

Summary:

RESOLUTION confirming no objection to the proposed development as affordable rental housing of certain properties, each located in the City of Houston, Texas, or to the submittal of applications for housing tax credits for such developments

TAGGED BY COUNCIL MEMBER BOYKINS AND MARTIN

This was a portion of Item 10 on Agenda of February 15, 2017

Background:

The Housing and Community Development Department (HCDD) recommends approval of a Resolution of No Objection for two applications in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The developments are listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

In 2013, the Texas Legislature dramatically changed the HTC program to give cities the discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing bodies may choose to provide a Resolution of No Objection for 14 points for proposed HTC sites within their jurisdictions.

Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization, (b) community feedback regarding the significant unmet housing need for large families, (c) the City's interest in renovating older affordable housing properties, and (d) the importance to the City, TDHCA and local housing advocates to provide housing in areas with low poverty rates and quality schools, HCDD has developed criteria that evaluates numerous factors related to the proposed development and surrounding community. Among the elements being evaluated are:

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2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
4. Low poverty area
5. Zoned to quality schools

Based on these criteria, as well as other factors related to area characteristics and amenities, HCDD recommends a Resolution of No Objection for the two projects listed on the next page.

Development Name	Development Address	Developer	Council District	County
Holly Oak Seniors	29 Hollyoak Drive	Nathan Kelly	A	Harris
The Kirkway	N of ~10100 block of S Sam Houston Pkwy E	Ryan Hettig	D	Harris

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017

Contact Information:

Roxanne Lawson
832.394.6307

ATTACHMENTS:

Description

Cover Sheet

Type

Signed Cover sheet

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD17-07c

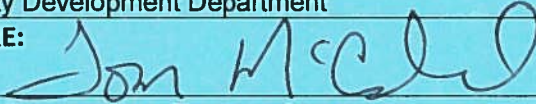
17 – No Objection

SUBJECT: A Resolution of No Objection for two applications in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA)

Category #**Page**
1 of 2**Agenda Item**
#**FROM:**

Tom McCasland, Director
Housing and Community Development Department

Origination Date
2/7/17

Agenda Date**DIRECTOR'S SIGNATURE:**

Council Districts affected:

For additional information contact: Roxanne Lawson
Phone: 832-394-6307

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

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

Amount of Funding:

None

Finance Budget:

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

No Funding Required

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD) recommends approval of a Resolution of No Objection for two applications in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA). The developments are listed below.

Even though numerous applications are submitted to TDHCA, the amount of available 9% HTCs is very limited. Only two to four developments are typically funded each year in Houston. It will not be known which, if any, of these projects will receive HTCs until the end of July 2017 when awards are announced at the TDHCA board meeting.

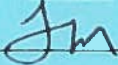
In 2013, the Texas Legislature dramatically changed the HTC program to give cities the discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing bodies may choose to provide a Resolution of No Objection for 14 points for proposed HTC sites within their jurisdictions.

Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization, (b) community feedback regarding the significant unmet housing need for large families, (c) the City's interest in renovating older affordable housing properties, and (d) the importance to the City, TDHCA and local housing advocates to provide housing in areas with low poverty rates and quality schools, HCDD has developed criteria that evaluates numerous factors related to the proposed development and surrounding community. Among the elements being evaluated are:

1. Location in the Community Revitalization Areas (including CRA Outreach Areas)
2. Three or four bedroom units that provide housing to large families
3. Renovation of an existing property (if the renovation is combined with an effort to deconcentrate poverty)
4. Low poverty area
5. Zoned to quality schools

Based on these criteria, as well as other factors related to area characteristics and amenities, HCDD recommends a Resolution of No Objection for the two projects listed on the next page.

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

Date 2/7/17	Subject: A Resolution of No Objection for two applications in the City of Houston for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA)	Originators Initials 	Page 2 of 2
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Development Name	Development Address	Developer	Council District	County
Holly Oak Seniors	29 Hollyoak Drive	Nathan Kelly	A	Harris
The Kirkway	N of ~10100 block of S Sam Houston Pkwy E	Ryan Hettig	D	Harris

The details of this request were presented to the Housing and Community Affairs Committee on February 1, 2017.

TM:RB

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



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017
District C, District G, District J
Item Creation Date: 2/7/2017

MYR - Uptown Development Authority Bond Issuance

Agenda Item#: 28.

Summary:

ORDINANCE approving the issuance of bonds by the Uptown Development Authority -
DISTRICTS C - COHEN; G - TRAVIS and J - LASTER
TAGGED BY COUNCIL MEMBER TRAVIS
This was Item 22 on Agenda of February 15, 2017

Background:

SUBJECT: An Ordinance approving the issuance of additional bonds by the Uptown Development Authority

RECOMMENDATION: (Summary)

That City Council adopt an Ordinance approving the issuance of bonds by the Uptown Development Authority to issue additional bonds up to \$65 million.

Specific Explanation:

By various prior ordinances, City Council has authorized the Uptown Development Authority ("Authority") to issue bonds or notes in an aggregate principal amount of up to \$155 million outstanding at any one time. The Authority currently has approximately \$140 million in bonds outstanding. To implement its Fiscal Year 2017-2021 City Council-approved Budget and Capital Improvement Plan, the Authority will need to obtain financing to fund its design and construction plans and will need to issue up to an additional \$65 million in bonds. In order to issue the additional \$65 million in bonds, the Authority must obtain City Council's approval of an increase of \$50 million in the total amount of bonds the Authority is authorized to issue.

Approval of this Ordinance will allow the Authority to issue up to an additional \$65 million in bonds to provide the capital needed to support redevelopment projects in Reinvestment Zone Number Sixteen (Uptown Zone), consisting primarily of Post Oak Boulevard transit projects and Memorial Park improvements.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
Ronald Lewis, City Attorney
Gary Dzierlenga, Senior Assistant City Attorney

Prior Council Action:

Ord. No. 1999-1341, 12/15/99; Ord. No. 2000-1060, 12/06/00; Ord. No. 2003-176, 2/19/03; Ord. No. 2007-320, 3/21/07; Ord. No. 2009-886, 9/23/09; Ord. No. 2013-471, 5/15/13

Amount of Funding:

N/A

Contact Information:

Gwendolyn F. Tillotson

Phone: (832) 393-0937


ATTACHMENTS:

Description

RCA Uptown DA Bond Issuance

Type

Signed Cover sheet

REQUEST FOR COUNCIL ACTION						
TO: Mayor via City Secretary		RCA #				
SUBJECT: An Ordinance approving the issuance of additional bonds by the Uptown Development Authority	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: C, J, G					
For additional information contact: Gwendolyn F. Tillotson Phone: (832) 393-0937		Date and identification of prior authorizing Council Action: Ord. No. 1999-1341, 12/15/99; Ord. No. 2000-1060, 12/06/00; Ord. No. 2003-176, 2/19/03; Ord. No. 2007-320, 3/21/07; Ord. No. 2009-886, 9/23/09; Ord. No. 2013-471, 5/15/13				
RECOMMENDATION: (Summary) That City Council adopt an Ordinance approving the issuance of bonds by the Uptown Development Authority to issue additional bonds up to \$65 million.						
Amount of Funding: N/A						
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)						
Specific Explanation: <p>By various prior ordinances, City Council has authorized the Uptown Development Authority ("Authority") to issue bonds or notes in an aggregate principal amount of up to \$155 million outstanding at any one time. The Authority currently has approximately \$140 million in bonds outstanding. To implement its Fiscal Year 2017-2021 City Council-approved Budget and Capital Improvement Plan, the Authority will need to obtain financing to fund its design and construction plans and will need to issue up to an additional \$65 million in bonds. In order to issue the additional \$65 million in bonds, the Authority must obtain City Council's approval of an increase of \$50 million in the total amount of bonds the Authority is authorized to issue.</p> <p>Approval of this Ordinance will allow the Authority to issue up to an additional \$65 million in bonds to provide the capital needed to support redevelopment projects in Reinvestment Zone Number Sixteen (Uptown Zone), consisting primarily of Post Oak Boulevard transit projects and Memorial Park improvements.</p>						
cc: Marta Crinejo, Agenda Director Anna Russell, City Secretary Ronald Lewis, City Attorney Gary Dzierlenga, Senior Assistant City Attorney						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">Other Authorization:</td> <td style="width: 33%; padding: 5px;">Other Authorization:</td> <td style="width: 33%; padding: 5px;">Other Authorization:</td> </tr> </table>				Other Authorization:	Other Authorization:	Other Authorization:
Other Authorization:	Other Authorization:	Other Authorization:				



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2017

ALL

Item Creation Date: 1/31/2017

FIN Solar Power Purchase Agreement Second Amendment

Agenda Item#: 29.

Summary:

ORDINANCE approving and authorizing second amendment to the Power Purchase Agreement for Installed Capacity, Energy and Environmental Attributes between the City of Houston, **SOLAIREHOLMAN 1 LLC**, and **RELIANT ENERGY RETAIL SERVICES LLC** (Approved by Ordinance No. 2015-1120); amending Ordinance No. 2015-1120 to increase the maximum contract amount - \$124,677,893 - Central Service Revolving Fund

TAGGED BY COUNCIL MEMBER KNOX

This was Item 23 on Agenda of February 15, 2017

Background:

On November 10, 2015, Ordinance No. 2015-1120, City Council awarded the 20-year PPA to Hecate Energy Brewster LLC (Hecate) and Reliant. The Ordinance set a maximum contract amount of \$79,603,078. Under the PPA, Hecate would supply the City of Houston with up to 30 MW of renewable solar energy from a facility in West Texas, near the city of Alpine. Hecate would deliver the solar energy commencing on or before December 15, 2016 to the City's current Retail Electric Provider (REP), Reliant. The REP would make arrangements for transmission of the solar energy from West Texas to the City's meters.

On January 13, 2016, Ordinance No. 2016-42, City Council approved the First Amendment that clarified several provisions to the agreement and clarified that the City was only purchasing 30 MW from a 50 MW solar power plant. Hecate also granted the City an exclusive option for an additional 20 MW of solar power at \$48.00 per MWh. The option expired on March 1, 2016.

Soon thereafter, on February 11, 2016, Hecate assigned the PPA to its partner SolaireHolman. The Hecate team remains involved in the solar plant's development.

Second Amendment:

The City will increase its purchase of solar power from 30 MW to 50 MW. All of the solar power will come from the same plant located outside of Alpine, Texas. SolaireHolman will sell, and the City agrees to buy, the solar power for \$44.68 per MWh, which translates to 4.468¢ per kilowatt hour (kWh). Accordingly, the current obligation to purchase 30 MW at \$48.00 per MWh (i.e. 4.800¢ per kWh) will be deleted and the City will be charged the new lower price for both the existing 30 MW and the additional 20 MW. The Finance Department estimates this reduction will save the City approximately \$1,956,067 per year for the 20-year term versus the current solar price. As before, the new price will not escalate or be adjusted during the 20-year delivery term. Furthermore, the

larger solar PPA will insulate the City from electricity price market volatility for 10.5% of the City's annual load.

This past Fall, SolaireHolman cautioned the City and Reliant that it may miss the Schedule Commercial Operation Date of December 15, 2016, due to equipment delivery delays and delays in American Electric Power's (AEP) construction of an interconnection between the new solar plant and its existing electrical grid. Per Section 3.5 of the PPA, SolaireHolman is accruing liquidated damages of \$200 per MW per day (i.e. \$6,000 per day) beginning on December 15, 2016. The Second Amendment moves the Schedule Commercial Operation Date to April 1, 2017. If SolaireHolman misses that date too, regardless of the reason, it will again owe the City liquidated delay damages under Section 3.5.

Moving the Schedule Commercial Operation Date to April 1, 2017, will have the effect of wiping out the liquidated damages that have already accrued. Therefore, SolaireHolman is also paying the City \$300,000 as a signing bonus under the Second Amendment. This amount represents 50 days of delay damages, which reflects SolaireHolman's reasonable estimate of when the solar plant will reach commercial operation.

Director of Finance and Chief Business Officer

Prior Council Action:

Ordinance No. 2016-42 Jan. 13, 2016

Ordinance No. 2015-1120 Nov.10, 2015

Amount of Funding:

\$124,677,893

Central Service Revolving Fund (Fund 1002)

FY2017 Amount- \$1,612,667

Out Years- \$123,065,226

Contact Information:

William Jones: (832) 393-9080

James Cargas: (832) 393-6255

ATTACHMENTS:

Description

Signed RCA

FAQs

Type

Signed Cover sheet

Backup Material

**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:

ALL

Item Creation Date: 1/31/2017

FIN Solar Power Purchase Agreement Second Amendment

Agenda Item#:

Summary:

ORDINANCE approving and authorizing a second amendment to the power purchase agreement for installed capacity, energy and environmental attributes between the City of Houston, **SOLAIREHOLMAN 1 LLC**, and **RELIANT ENERGY RETAIL SERVICES LLC** (approved by Ordinance No. 2015-1120); amending Ordinance No. 2015-1120 to increase the maximum contract amount; and declaring an emergency.

Background:

On November 10, 2015, Ordinance No. 2015-1120, City Council awarded the 20-year PPA to Hecate Energy Brewster LLC (Hecate) and Reliant. The Ordinance set a maximum contract amount of \$79,603,078. Under the PPA, Hecate would supply the City of Houston with up to 30 MW of renewable solar energy from a facility in West Texas, near the city of Alpine. Hecate would deliver the solar energy commencing on or before December 15, 2016 to the City's current Retail Electric Provider (REP), Reliant. The REP would make arrangements for transmission of the solar energy from West Texas to the City's meters.

On January 13, 2016, Ordinance No. 2016-42, City Council approved the First Amendment that clarified several provisions to the agreement and clarified that the City was only purchasing 30 MW from a 50 MW solar power plant. Hecate also granted the City an exclusive option for an additional 20 MW of solar power at \$48.00 per MWh. The option expired on March 1, 2016.

Soon thereafter, on February 11, 2016, Hecate assigned the PPA to its partner SolaireHolman. The Hecate team remains involved in the solar plant's development.

Second Amendment:

The City will increase its purchase of solar power from 30 MW to 50 MW. All of the solar power will come from the same plant located outside of Alpine, Texas. SolaireHolman will sell, and the City agrees to buy, the solar power for \$44.68 per MWh, which translates to 4.468¢ per kilowatt hour (kWh). Accordingly, the current obligation to purchase 30 MW at \$48.00 per MWh (i.e. 4.800¢ per kWh) will be deleted and the City will be charged the new lower price for both the existing 30 MW and the additional 20 MW. The Finance Department estimates this reduction will save the City approximately \$1,956,067 per year for the 20-year term versus the current solar price. As before, the new price will not escalate or be adjusted during the 20-year delivery term. Furthermore, the larger solar PPA will insulate the City from electricity price market volatility for 10.5% of the City's annual load.

This past Fall, SolaireHolman cautioned the City and Reliant that it may miss the Schedule Commercial Operation Date of December 15, 2016, due to equipment delivery delays and delays in American Electric Power's (AEP) construction of an interconnection between the new solar plant and its existing electrical grid. Per Section 3.5 of the PPA, SolaireHolman is accruing liquidated damages of \$200 per MW per day (i.e. \$6,000 per day) beginning on December 15, 2016. The Second Amendment moves the Schedule Commercial Operation Date to April 1, 2017. If SolaireHolman misses that date too, regardless of the reason, it will again owe the City liquidated delay damages under Section 3.5.

Moving the Schedule Commercial Operation Date to April 1, 2017, will have the effect of wiping out the liquidated damages that have already accrued. Therefore, SolaireHolman is also paying the City \$300,000 as a signing bonus under the Second Amendment. This amount represents 50 days of delay damages, which reflects SolaireHolman's reasonable estimate of when the solar plant will reach commercial operation.

Director of Finance and Chief Business Officer**Prior Council Action:**

Nov. 10, 2015 – Ordinance No. 2015-1120

Amount of Funding:

Fund 1002- \$124,677,893

FY2017 Amount- \$1,612,667

Out Years- \$123,065,226

Contact Information:

William Jones: (832) 393-9080
James Cargas: (832) 393-6255

ATTACHMENTS:**Description**Funding InformationOrdinanceReliant Energy Form 1295SolaireHolman Form 1295**Type**

Signed Cover sheet

Ordinance/Resolution/Motion

Backup Material

Backup Material

SECOND AMENDMENT TO SOLAR PURCHASE POWER AGREEMENT (PPA) FREQUENTLY ASKED QUESTIONS

1. Why More Solar?

Solar energy is one of the cleanest and most abundant renewable energy sources available in Texas. Displacing carbon generated energy with solar energy will improve air quality in Houston and Texas, as well as increase renewable generation capacity. While solar energy is intermittent, it is also predictable and reliable. The zero fuel cost of solar generation also allows generators, and their customers, to insulate themselves from energy market volatility.



The developer, SolaireHolman 1 LLC (SolaireHolman), originally received authorizations and conducted studies for a 50 megawatt (MW) solar power facility, but the City agreed to only purchase 30 MW in Nov. 2015 per the terms of the request for proposals. SolaireHolman was content to sell the additional 20 MW of solar power into the Electric Reliability Council of Texas (ERCOT) market receiving a variable price depending on market conditions. SolaireHolman has also always been willing to accept a discounted price for the extra 20 MW in exchange for avoiding such market volatility. In fact, SolaireHolman offered the City a temporary option on the additional 20 MW of solar in the First Amendment approved by Council on Jan. 13, 2016. However, it wasn't until recently that they offered a discount attractive to the City.

As with the initial 30 MW purchase, the additional 20 MW of solar power insulates a portion of the City's electricity budget from market volatility. There are still no price escalations or inflation adjustments during the 20-year term. And, as explained below, the overall contract price is reduced 8% and the City is receiving \$300,000 in signing bonuses.

2. What is the price of the additional 20 MW of solar?

The additional 20 MW of solar power is priced at \$39.98 per megawatt hour (MWh) – 20% lower than the existing 30 MW price. This translates to 3.998¢ per kilowatt hour (kWh) which is what people are accustomed to seeing on their electric bills.

3. What is the final contract price for all 50 MW of solar?

When the 20 MW price of \$39.98 per MWh and the existing 30 MW price of \$48.48 per MWh are blended together, the final resulting contract price is **\$44.68 per MWh (4.468¢ per kWh)**. This is 8% lower than the existing contract price. This new and lower price is contained in Section C of the Second Amendment (page 5).

4. What is the final blended price after Reliant adds the non-solar energy?



When this solar energy arrives at the City's meters, however, the final price paid will actually be even lower. The City's current retail electric provider (REP), Reliant Energy Retail Services LLC (Reliant) will transport the solar energy from the ERCOT West Zone to the Houston Zone and provide any electricity needed when the solar facility is not generating (i.e. evenings and cloudy days). Because the solar energy is produced during peak times, when the cost of energy is at its highest, most of the non-solar energy Reliant

will be supplying is off-peak energy, the least expensive energy available. For Fiscal Year 2017, Reliant has offered the City non-solar energy at \$30.34 per MWh (3.034¢ per kWh) under the City's separate existing retail agreement. Thus, for Fiscal Year 2017 the final blended price the City will be charged at the meter will be **\$33.77 per MWh (3.377¢ per kWh)** plus normal transportation and distribution charges. Although the solar energy price from SolaireDirect is fixed for 20 years, the non-solar price from the City's REP will move with the electricity market.

5. What percent of the City's electricity load would this contract represent after the Second Amendment?

The 50 MW of solar power represents approximately 10.5% of the City's total annual load.

6. Why is the scheduled commercial operation date moved from Dec. 15, 2016, to Apr. 1, 2017?

SolaireHolman began ordering equipment and hiring contractors soon after the power purchase agreement was signed on Nov. 13, 2015. In fact, they signed an interconnection agreement with the local distribution company to connect the solar facility with the grid several weeks earlier on Oct. 22, 2015. However, last summer the local distribution company, AEP Texas, informed SolaireHolman it was moving its anticipated completion date for connecting the solar facility to Feb. 11, 2017. More recently, AEP Texas again moved its interconnect date back to March 15, 2017.

SolaireHolman anticipates completing construction and reaching mechanical completion before Feb. 28, 2017. Once AEP Texas completes its interconnection on March 15, 2017, SolaireHolman will commence testing and synchronization. They anticipate receiving ERCOT approvals to commence generating no later than March 31, 2017.

7. What happens if SolaireHolman misses the new April 1, 2017 deadline?

Under Section 3.5 of the PPA, SolaireHolman must pay delay damages to the City of \$200 per MW per day after April 1, 2017. For the full 50 MW, that comes to \$10,000 per day in delay damages.

8. What about delay damages already accrued?

Although the delay in reaching commercial operation and delivery of solar energy to Reliant for redelivery to the City's meters was beyond SolaireHolman's control, they are still liable under the unamended PPA for delay damages for the original 30 MW in the amount of \$6,000 per day. The delay from Dec. 15, 2016 to Feb. 15, 2017 equals 62 days of damages accrued for a total of \$372,000 currently owed the City.

Once City Council approves the Second Amendment increasing the purchase of solar power to 50 MW and reducing the price to **\$44.68 per MWh (4.468¢ per kWh)**, the scheduled commercial operation date will change to April 1, 2017. This will have the impact of no longer making the solar facility's commencement of operations late and wipe out any accrued delay damages.

Therefore, SolaireHolman has agreed to pay the City a total of \$300,000 as a signing bonus for the Second Amendment. Half will be paid within three days of the Second Amendment becoming effective, and the other half will be paid on March 1, 2017.



[All pictures are from the actual facility being constructed 14 miles northeast of Alpine, Texas]