AGENDA

CITY OF HOUSTON • CITY COUNCIL June 1, 2022

MAYOR SYLVESTER TURNER	B. B	CONTROLLER CHRIS B. BROWN
OTEVEOTER TORRES	DISTRICT COUNCIL MEMBERS	OF II CO D. DICOVII
Amy Peck		Tiffany D. Thomas
District A		District F
Tarsha Jackson		Greg Travis
District B		District G
Abbie Kamin		Karla Cisneros
District C		District H
Carolyn Evans-Shab	pazz Our II O	Robert Gallegos
District D		District I
Dave Martin	AN ROSHEDS	Edward Pollard
District E		District J
W - 8	Martha Castex-Tatum	8/
	District K	
and lo	AT-LARGE COUNCIL MEMBERS	
Mike Knox	Street, Street	Michael Kubosh
Position 1		Position 3
David W. Robinso	1 70 50	Letitia Plummer
Position 2		Position 4
E B	Sallie Alcorn	8 0
	Position 5	

Marta Crinejo, Agenda Director

Pat Jefferson Daniel, 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 email us at speakers@houstontx.gov or weather permitting you may come to the Office of the City Secretary, City Hall Annex, Public Level.

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

AGENDA - COUNCIL MEETING Wednesday, June 1, 2022 - 9:00 AM Hybrid Consolidated Meeting (Virtual Public Speakers)

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Jackson

Due to health and safety concerns related to COVID-19, this meeting will offer the options to participate by videoconference or in-person. The meeting will be open to the public but restrictions regarding masks, allowable room capacity, and seating arrangements may be in place.

The public meeting location will be City Hall Council Chamber, 901 Bagby, 2nd Floor, Houston, Texas 77002. The Mayor, as presiding officer of City Council, and some Council Members will be physically present. Other Council Members may participate by videoconference in accordance with the provisions of Section 551.127 of the Texas Government Code applicable to a governmental body that extends into three or more counties. The meeting will also be streamed as usual on the City's website (https://www.houstontx.gov/htv/index.html), Facebook site (https://www.facebook.com/pg/HoustonTelevision/videos/) and the municipal channel on public television.

Members of the public may also provide public comment during the public session portion of the meeting at (936) 755-1521; Conference ID# 922 530 007#. Details for signing up to speak in-person or virtually are posted at https://www.houstontx.gov/council/meetingsinfo.html.

9:00 AM - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 AM - PUBLIC SPEAKERS

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

SP06-01-2022

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBER 1

 RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a Residential Parking Permit Area in the 1300 block of Moy St. Park, 5100-5200 blocks of Allen, 100 block of Avondale (south side), 2200 block of Whitney, 5300 block of Rose, 3100-3200 blocks of Reba and in the 2000 block of Converse - DISTRICTS C -KAMIN and G - HUFFMAN

ACCEPT WORK - NUMBER 2

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$897,690.00 and acceptance of work on contract with HANCOCK POOL SERVICES, INC for construction services in connection with Denver Harbor Pool Renovation - 0.05% under the original contract amount - <u>DISTRICT H - CISNEROS</u>

PURCHASING and TABULATION OF BIDS - NUMBER 3

3. XYLEM DEWATERING SOLUTIONS, INC for approval of spending authority through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the purchase of Submersible Trash Pumps for Houston Public Works - \$344,263.50 - Enterprise Fund

ORDINANCES - NUMBERS 4 through 24

- **4.** ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; authorizing certain transfers; making other provisions related to the subject; containing a repealer and a severability clause
- ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2023, including provisions for future adjustment to certain fund balances; making various amendments to the proposed budgets; authorizing certain transfers; re-designating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability
 - This item should only be considered after passage of Item 4 above
- **6.** ORDINANCE ratifying the adoption of the Fiscal Year 2023 Annual Budgets raising more revenue from Ad Valorem (Property) Taxes due to increased property valuations and the addition of property to the tax roll than in Fiscal Year 2022; setting an effective date **This item should only be considered after passage of Item 5 above**
- 7. ORDINANCE approving and authorizing payment to Houston Recovery Center LGC for full Fiscal Year 2023 operating expenses pursuant to an Interlocal Agreement between the City of Houston and HOUSTON RECOVERY CENTER LGC
 This item should only be considered after passage of Item 5 above
- 8. ORDINANCE approving and authorizing payment to Houston Forensic Science Center, Inc for full Fiscal Year 2023 Operating Expenses pursuant to first Interlocal Agreement between City and HOUSTON FORENSIC SCIENCE CENTER, INC This item should only be considered after passage of Item 5 above
- 9. ORDINANCE declaring a land of approximately 0.2600 acre located at 800 Studemont Street, identified as Parcel No. SY22-093, and known as Studemont Spaceway, as surplus; approving and authorizing Purchase and Sale Agreement for said land between City of Houston, Texas, as seller, and BKR MEMORIAL, LLC, as Buyer DISTRICT H CISNEROS
- 10. ORDINANCE approving and authorizing Professional Services Contract between the City of

- Houston and THE METHODIST HOSPITAL OF HOUSTON d/b/a HOUSTON METHODIST for Human Cadaver Based Simulation Training for Houston Fire Department; providing a maximum contract amount 3 Years with 2 one-year options \$222,792.00 General Fund
- 11. ORDINANCE approving and authorizing first amendment to agreement for Moving and Storage of Household Goods between City of Houston and APMS OF HOUSTON, LLC dba ALL POINTS MOVING AND STORAGE for the Houston Housing and Community Development Department
- 12. ORDINANCE approving and authorizing second amendment to Contract between the City of Houston and AIR PRODUCTS AND CHEMICALS, INC. (Approved by Ordinance No. 2014-0534) for Operation and Maintenance of the Pure Oxygen Plant at 69th Street Wastewater Treatment Facility to extend Contract term for Houston Public Works
- 13. ORDINANCE appropriating \$176.606.190.86 out of City of Houston, Texas Tax Increment Funds for REINVESTMENT ZONES 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), TEN (LAKE HOUSTON ZONE), ELEVEN (GREATER GREENSPOINT ZONE), TWELVE (CITY PARK ZONE), THIRTEEN (OLD SIXTH WARD ZONE), FOURTEEN (FOURTH WARD ZONE), FIFTEEN (EAST DOWNTOWN ZONE), SIXTEEN (UPTOWN ZONE), SEVENTEEN (MEMORIAL CITY ZONE), EIGHTEEN (FIFTH WARD ZONE), NINETEEN (UPPER KIRBY ZONE), TWENTY (SOUTHWEST HOUSTON ZONE), TWENTY-ONE (HARDY/NEAR NORTHSIDE ZONE), TWENTY-TWO (LELAND WOODS ZONE), TWENTY-THREE (HARRISBURG ZONE), TWENTY-FOUR (GREATER HOUSTON ZONE), TWENTY-FIVE (HIRAM CLARKE FORT BEND ZONE), TWENTY-SIX (SUNNYSIDE ZONE) and TWENTY-SEVEN (MONTROSE ZONE), for payment of Affordable Housing Costs, payment of Administrative Expenses, payment of Project Costs, and payments to certain Redevelopment Authorities as provided herein
- 14. ORDINANCE appropriating \$66,118,127.72 out of Tax Increment Funds for REINVESTMENT ZONES ONE, (LAMAR TERRACE ZONE), TWO (MIDTOWN ZONE), THREE (MAIN STREET/MARKET SQUARE ZONE), SIX (EASTSIDE ZONE), SEVEN (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE), EIGHT (GULFGATE ZONE), NINE (SOUTH POST OAK ZONE), TEN (LAKE HOUSTON ZONE), ELEVEN (GREATER GREENSPOINT ZONE), TWELVE (CITY PARK ZONE), THIRTEEN (OLD SIXTH WARD ZONE), FOURTEEN (FOURTH WARD ZONE), FIFTEEN (EAST DOWNTOWN ZONE), SIXTEEN (UPTOWN ZONE), and EIGHTEEN (FIFTH WARD ZONE), for Affordable Housing, Administrative Expenses, payments to Houston Independent School District and Humble Independent School District for Educational Facilities, and payments to certain Redevelopment Authorities as provided herein
- **15.** ORDINANCE establishing a twenty-foot-wide Utility Corridor situated in the L. Moore Survey, Abstract No. 51, Harris County, Texas **DISTRICT D EVANS-SHABAZZ**
- 16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located between Lots 27-44, Block 8, and Lots 1-18, Block 9, of the Rosslyn Addition, in the Joseph Bays Survey, Abstract 127, Harris County, Texas; abandoning the street portion to RES-Bingle Partners, L.P., the abutting property owner, in consideration of its cash payment to the City in the amount of \$141,020.00, and other good and valuable consideration <u>DISTRICT</u> C KAMIN
- 17. ORDINANCE authorizing the sale of 4,786 square feet of City fee owned land, located in the Richard Williams Survey, Abstract Number 660, Montgomery County, Texas; selling the property to Montgomery County, Texas as a part of a widening project for Ford Road in the Porter area between Highway 59 and West Lake Houston Parkway, in consideration of its payment to the City in the amount of \$15,815.00 and other good and valuable consideration

- 18. ORDINANCE approving and authorizing the North Canal High Flow Diversion Channel Project Cost Share Interlocal Agreement between City of Houston and HARRIS COUNTY FLOOD CONTROL DISTRICT for the Phase I and Phase II North Canal High Flow Diversion Channel Project <u>DISTRICTS C KAMIN and H CISNEROS</u>
- 19. ORDINANCE appropriating \$843,990.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing professional engineering services contract between City of Houston and RPS INFRASTRUCTURE, INC for Groundwater Reduction Plan Conversion Waterlines Group C; providing funding for CIP Cost Recovery financed by the Water & Sewer System Consolidated Construction Fund DISTRICT B JACKSON
- 20. ORDINANCE approving and authorizing Second Amendment to Professional Engineering Services Contract between City of Houston and HR GREEN, INC for DR15 SWAT 4A Northside/Northline Drainage and Paving Improvements (Approved by Ordinance No. 2017-0843, as amended) <u>DISTRICT H CISNEROS</u>
- 21. ORDINANCE approving and authorizing Second Amendment to Professional Engineering Services Contract between City of Houston and R.G. MILLER ENGINEERS, INC for DR15 SWAT 12A Bonita Gardens Drainage and Paving Improvements (Approved by Ordinance No. 2017-0844, as amended) DISTRICTS B JACKSON and H CISNEROS
- 22. ORDINANCE appropriating \$21,862,944.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BOYER, INC** for Lift Station Renewal and Replacement East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore; Water and Sewer System Consolidated Construction Fund City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS E MARTIN and I GALLEGOS**
- 23. ORDINANCE appropriating \$7,914,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to BRH-GARVER CONSTRUCTION, LLC for Lift Station Renewal and Replacement Package II; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, contingency and testing services DISTRICT A PECK
- 24. ORDINANCE appropriating \$2,601,309.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to SPECIALIZED MAINTENANCE SERVICES, INC for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM CONSENT AGENDA

MATTERS HELD - NUMBER 25

25. REVIEW on the Record and make determination relative to the appeal from the decision of the Sign Administration, on denial of an On Premise Sign at 7007 Gulf Freeway, filed by Stephanie Stewart, on behalf of Chick-Fil-A

TAGGED BY COUNCIL MEMBER POLLARD

This was Item 34 on Agenda of May 25, 2022

MATTERS TO BE PRESENTED BY COUNCIL - Council Member Gallegos 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.



Meeting Date: 6/1/2022

Item Creation Date:

SP06-01-2022

Agenda Item#:

ATTACHMENTS: Description

SP06-01-2022

Type

Signed Cover sheet

CITY COUNCIL CHAMBER – HYBRID MEETING – WEDNESDAY JUNE 1, 2022 – 9:30 AM

AGENDA

	AGENDA	
3 MIN	3 MIN	3 MIN
	NON-AGENDA	
2 MIN	2 MIN	2 MIN
3 MIN	3 MIN	3 MIN
ANTHONY PHAN – 1212 Perry St.	– 77002 – 281-794-3357 – HPD – (In Per	rson)
VINCENT COLBERT – 2656 S. Lo Person)	op West, #225 – 77054 – 713-728-4617 – 8	Systemic issues in the City – (In
JEROME ARMSTRONG – 6914 Th	nornwild Rd. – Missouri City, TX – 77489	- Water bill - (Teleconference)
TRAVON NEAL – 7035 Bellfort St.	. – 77087 – 662-270-2159 – Housing voucl	her/Voting – (In Person)
	PREVIOUS	
1 MIN	1 MIN	1 MIN
GEORGE LaBLANCHE – 12806 So Hwy. 288 – (In Person)	outhspring Dr. – 77047 – 832-901-5109 – I	llegal dumping/Access to
MADWEDWADDO 5767 D 1 1	C. 77022 922 004 0477 I C	(I - D)

MARY EDWARDS – 5767 Belmark St. – 77033 – 832-996-0677 – Letter from Lawyer – (**In Person**)

ILY MONTOYA-RIVAS – 9390 FM 1960 Bypass West – Humble, TX – 77338 – 832-795-6272 – Eviction – (**In Person**)



Meeting Date: 6/1/2022 District C, District G Item Creation Date: 5/5/2022

ARA - Residential Permit Parking (2)

Agenda Item#: 1.

Summary:

RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a Residential Parking Permit Area in the 1300 block of Moy St. Park, 5100-5200 blocks of Allen, 100 block of Avondale (south side), 2200 block of Whitney, 5300 block of Rose, 3100-3200 blocks of Reba and in the 2000 block of Converse - **DISTRICTS C - KAMIN and G - HUFFMAN**

Background:

The Administration and Regulatory Affairs Department recommends that the following proposed areas be designated as a Residential Permit Parking (RPP) area and that a valid permit be required for onstreet parking at the times of day and days of the week specified below.

RPP# 072721-22-350

- 1300 block of Moy St. Park and 5100 5200 blocks of Allen
- Days/Times: Wednesday Sunday, 10 PM 5 AM, tow-away zone

RPP# 102121-24-360

- 100 block of Avondale, south side
- Days/Times: Monday Sunday, 5 PM 11 PM, tow-away zone

RPP# 113021-24-358

- 2200 block of Whitney
- Days/Times: Wednesday Sunday, 11 PM 5 AM, tow-away zone

RPP# 011322-22-359

- 5300 block of Rose
- Days/Times: Wednesday Sunday, 10 PM 5 AM, tow-away zone

RPP# 022822-23-361

- 3100 3200 blocks of Reba
- Days/Times: Monday Friday, 7 AM 9 AM, tow-away zone

RPP# 022822-24-362

- 2000 block of Converse
- Days/Times: Wednesday Sunday, 11 PM 5 AM, tow-away zone

Chapter 26, Section 26-311 of the City of Houston's Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 196 permit parking areas have been designated.

The Administration and Regulatory Affairs and Houston Public Works reviewed the applications and held a virtual public hearing on May 3, 2022, to discuss and ensure any outstanding issues with the proposed area were satisfactorily resolved within the community. The required public hearing notice was sent to all addresses within a 200 ft. boundary of the requested zone as well and the Super Neighborhood Council.

Fiscal Note

There is no impact to the fiscal budget and no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Departmental Approval Authority:

Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Contact Information:

Maria Irshad Phone: (832) 393-8643 Naelah Yahya Phone: (832) 393-8530

ATTACHMENTS:

Description Type

Coversheet (revised) Signed Cover sheet



Meeting Date: 6/1/2022 District C, District G Item Creation Date: 5/5/2022

ARA - Residential Permit Parking (2)

Agenda Item#: 31.

Summary:

RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a Residential Parking Permit Area in the 1300 block of Moy St. Park, 5100-5200 blocks of Allen, 100 block of Avondale (south side), 2200 block of Whitney, 5300 block of Rose, 3100-3200 blocks of Reba and in the 2000 block of Converse - **DISTRICTS C - KAMIN** and **DISTRICT G - HUFFMAN**

Background:

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There is no impact to the fiscal budget and no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Departmental Approval Authority:

DocuSigned by:

Tina Paez, Director Administration & Regulatory Affairs Department Other Authorization

Contact Information:

Maria Irshad Phone: (832) 393-8643 Naelah Yahya Phone: (832) 393-8530

ATTACHMENTS:

Description	Туре
5.6.2022 Residential Permit Parking cover sheet signed	Signed Cover sheet
pj23911_Moy_St_Pk_layout_2	Backup Material
pj25150_Whitney_layout	Backup Material
pj25153_Rose_layout	Backup Material
pj25216_Avondale_layout	Backup Material
pj25234_Reba_layout	Backup Material
pj25235_Converse_layout	Backup Material
pj25332_Moy_Allen_Layout	Backup Material
pj25334_Avondale_Layout	Backup Material
pj25335_Whitney_Layout	Backup Material
pj25337_Converse_Layout	Backup Material
pj25338_Reba_Layout	Backup Material



Meeting Date: 6/1/2022 District H Item Creation Date: 4/21/2022

25PARK385– Accept Work – Hancock Pool Services, Inc.-Denver Harbor Pool Renovation

Agenda Item#: 2.

Summary:

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$897,690.00 and acceptance of work on contract with **HANCOCK POOL SERVICES**, **INC** for construction services in connection with Denver Harbor Pool Renovation - 0.05% under the original contract amount - **DISTRICT H - CISNEROS**

Background:

RECOMMENDATION: The General Services Department recommends approval of the final contract amount of \$897,690.00 and acceptance of work on a contract with Hancock Pool Services, Inc. for Denver Harbor Pool Renovation – 0.05% under the original contract amount.

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$897,690.00, accept the work and authorize final payment to Hancock Pool Services, Inc. for construction services in connection with Denver Harbor Pool Renovation, for the Houston Parks and Recreation Department.

PROJECT LOCATION: 6402 Market Street, Houston, TX 77020

PROJECT DESCRIPTION: The project scope removed existing slide, shade structures, showers, removed existing pool deck, and existing pool finishes; plugged existing piping in surge chamber and filled existing surge chamber with sand; saw cut and removed portions of pool structure; installed new filter, pumps, valves, and piping in equipment room; provided electrical wiring, conduit, and controls for new pumps; re-worked existing storage room in building to become new chemical storage room; installed new perimeter piping around pool, new water line and backflow preventer for pool area, new surge chamber and appurtenances, new pool suction and return fittings, new exterior showers and hose bibs for handicapped lifts, new deck drainage system; replaced portions of pool structure; added steps into pool structure; replaced pool deck; installed new plaster and tile in pool, new exterior showers, slide structure, handrails, ADA lifts, and shade structures.

White Oak Studio was the design consultant for this project.

CONTRACT COMPLETION AND COST: The contractor completed the project within 407 days: the original contract time of 180 days, plus 227 days approved by Change Orders. The final

cost of the project, including Change Orders, is \$897,690.00, a decrease of \$470.00 under the original contract amount.

PREVIOUS CHANGE ORDERS: Change Orders 1 and 2 added 18 pool perimeter skimmers, cut the pool beam to accommodate the skimmers, removed existing gutter cap, formed and poured cantilever coping, added soil under the pool shell, excavated four corners of the piping channel, added sixteen 8" Schedule 40 and eight 8" schedule 80 connections, added a rolling storage door to the pool mechanical room, added chemical treatments and flow meter, added noncompensable days due to inclement weather and supply chain issues.

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

WBS: F-000703-0022-4

DIRECTOR'S SIGNATURE/DATE:

C. J. Messiah, Jr. General Services Department

Kenneth Allen

Houston Parks and Recreation Department

Prior Council Action:

Ordinance No. 2020-767; September 9, 2020

Amount and Source of Funding:

No Additional Funding Required

Previous Funding

\$ 970,786.00 Parks Consolidated Construction Fund (4502)

Contact Information:

Enid M. Howard Council Liaison

Description

Phone: 832.393.8023

ATTACHMENTS:

Signed Coversheet (Revised)

Maps

Type

Signed Cover sheet **Backup Material**

Signed Cover sheet



Meeting Date: 5/24/2022

District H

Item Creation Date: 4/21/2022

25PARK385– Accept Work – Hancock Pool Services, Inc.- Denver Harbor Pool Renovation

Agenda Item#: 4.

Summary:

NOT A REAL CAPTION

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$897,690.00 and acceptance of work on contract with **HANCOCK POOL SERVICES**, **INC** for construction services in connection with Denver Harbor Pool Renovation - 0.05% under the original contract amount - **DISTRICT H - CISNEROS**

Background:

RECOMMENDATION: The General Services Department recommends approval of the final contract amount of \$897,690.00 and acceptance of work on a contract with Hancock Pool Services, Inc. for Denver Harbor Pool Renovation – 0.05% under the original contract amount.

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

WBS: F-000703-0022-4

DIRECTOR'S SIGNATURE/DATE:

(M)

5/19/2022

C. J. Messiah, Jr.

General Services Department

Kenneth Allen

Houston Parks and Recreation Department

Prior Council Action:

Ordinance No. 2020-767; September 9, 2020.

Amount and Source of Funding:

No Additional Funding Required

Previous Funding

\$ 970,786.00 Parks Consolidated Construction Fund (4502)

Contact Information:

Enid M. Howard

Council Liaison

Phone: 832.393.8023

ATTACHMENTS:

Description

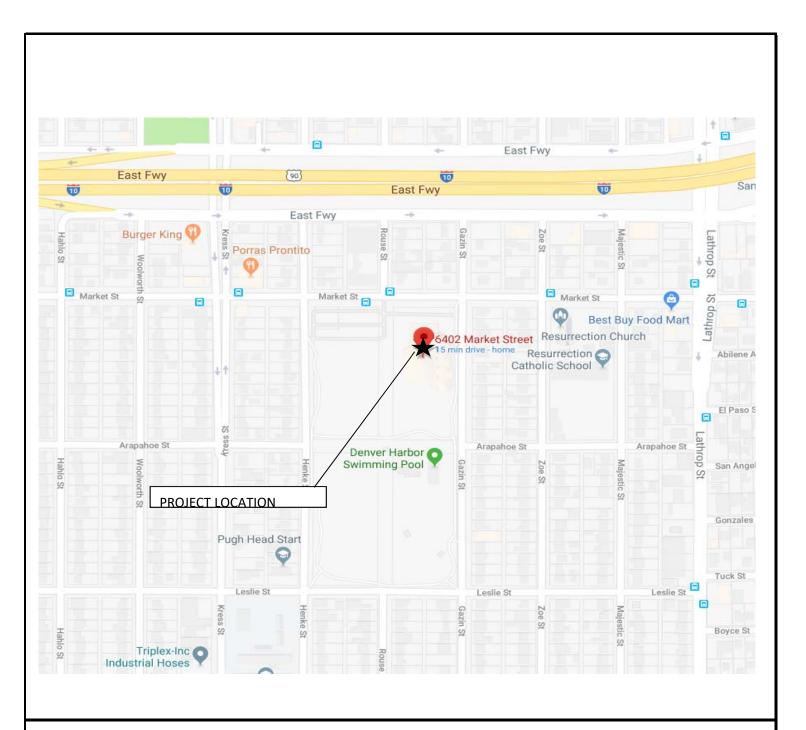
Prior RCA & Ordinance

<u>Maps</u>

Cert of Final Comp **OBO Document** Change Order Pool iLOG PayApp

Type

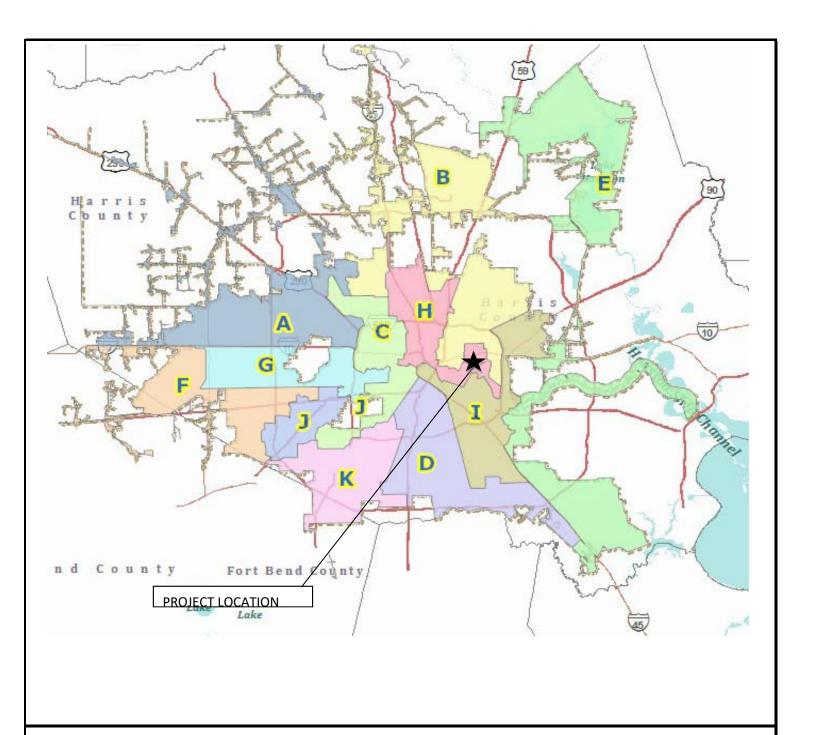
Signed Cover sheet **Backup Material Backup Material** Backup Material Financial Information **Backup Material Financial Information**



WBS # F-000703-0022-4

<u>Denver Harbor Pool Renovation</u> 6402 Market, Houston TX, 77020

COUNCIL DISTRICT "H" KEY MAP NO. 494-H



WBS # F-000703-0017-4

Denver Harbor Pool Renovation 6402 Market, Houston TX, 77020

KEY MAP NO. 494-H

COUNCIL DISTRICT "H"



Meeting Date: 5/24/2022

District H

Item Creation Date: 4/21/2022

25PARK385– Accept Work – Hancock Pool Services, Inc.- Denver Harbor Pool Renovation

Agenda Item#: 4.

Summary:

NOT A REAL CAPTION

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$897,690.00 and acceptance of work on contract with **HANCOCK POOL SERVICES**, **INC** for construction services in connection with Denver Harbor Pool Renovation - 0.05% under the original contract amount - **DISTRICT H - CISNEROS**

Background:

RECOMMENDATION: The General Services Department recommends approval of the final contract amount of \$897,690.00 and acceptance of work on a contract with Hancock Pool Services, Inc. for Denver Harbor Pool Renovation – 0.05% under the original contract amount.

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$897,690.00, accept the work and authorize final payment to Hancock Pool Services, Inc. for construction services in connection with Denver Harbor Pool Renovation, for the Houston Parks and Recreation Department.

PROJECT LOCATION: 6402 Market Street, Houston, TX 77020

PROJECT DESCRIPTION: The project scope removed existing slide, shade structures, showers, removed existing pool deck, and existing pool finishes; plugged existing piping in surge chamber and filled existing surge chamber with sand; saw cut and removed portions of pool structure; installed new filter, pumps, valves, and piping in equipment room; provided electrical wiring, conduit, and controls for new pumps; re-worked existing storage room in building to become new chemical storage room; installed new perimeter piping around pool, new water line and backflow preventer for pool area, new surge chamber and appurtenances, new pool suction and return fittings, new exterior showers and hose bibs for handicapped lifts, new deck drainage system; replaced portions of pool structure; added steps into pool structure; replaced pool deck; installed new plaster and tile in pool, new exterior showers, slide structure, handrails, ADA lifts, and shade structures.

White Oak Studio was the design consultant for this project.

CONTRACT COMPLETION AND COST: The contractor completed the project within 407 days: the original contract time of 180 days, plus 227 days approved by Change Orders. The final cost of the project, including Change Orders, is \$897,690.00, a decrease of \$470.00 under the original contract amount.

PREVIOUS CHANGE ORDERS: Change Orders 1 and 2 added 18 pool perimeter skimmers, cut the pool beam to accommodate the skimmers, removed existing gutter cap, formed and poured cantilever coping, added soil under the pool shell, excavated four corners of the piping channel, added sixteen 8" Schedule 40 and eight 8" schedule 80 connections, added a rolling storage door to the pool mechanical room, added chemical treatments and flow meter, added non-compensable days due to inclement weather and supply chain issues.

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

WBS: F-000703-0022-4

DIRECTOR'S SIGNATURE/DATE:

CM 5/19/2022

C. J. Messiah, Jr.

General Services Department

DocuSigned by:

5/23/2022

Nenneth Allen

Houston Parks and Recreation Department

Prior Council Action:

Ordinance No. 2020-767; September 9, 2020.

Amount and Source of Funding:

No Additional Funding Required

Previous Funding

\$ 970,786.00 Parks Consolidated Construction Fund (4502)

Contact Information:

Enid M. Howard Council Liaison

Phone: 832.393.8023

ATTACHMENTS:

DescriptionPrior RCA & Ordinance

Maps

Cert of Final Comp
OBO Document

Change Order

Pool iLOG

PayApp

Type

Signed Cover sheet Backup Material Backup Material Backup Material Financial Information Backup Material Financial Information



Meeting Date: 6/1/2022 ALL

Item Creation Date: 1/20/2022

N31203 - Submersible Trash Pumps - MOTION (Xylem Dewatering Solutions, Inc.)

Agenda Item#: 3.

Summary:

XYLEM DEWATERING SOLUTIONS, INC for approval of spending authority through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the purchase of Submersible Trash Pumps for Houston Public Works - \$344,263.50 - Enterprise Fund

Background:

S38-N31203 – Approve Spending Authority in the total amount of \$344,263.50 for the purchase of submersible trash pumps from Xylem Dewatering Solutions, Inc. through the Houston-Galveston Area Council (H-GAC) for Houston Public Works.

Specific Explanation:

The Director of Houston Public Works (HPW) and the Chief Procurement Officer recommend that City Council approve spending authority for the purchase of submersible trash pumps through the interlocal agreement for cooperative purchasing with H-GAC in the total amount of \$344,263.50 for Houston Public Works, and that authorization be given to issue purchase, as needed, from the H-GAC contractor, **Xylem Dewatering Solutions**, **Inc.**

This is for the purchase of 2-inch submersible trash pumps. These submersible trash pumps are used at wastewater treatment plants and lift stations throughout the collection system. The pumps are used to operate chlorine analyzers to disinfect and dechlorinate wastewater. They operate in extreme corrosive conditions and must be replaced on a regular basis.

This recommendation is made pursuant to subsection 271.102(c) of the Texas Local Government Code, which provides that "a local government that purchases goods or services [from a cooperative purchasing program or organization] satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services."

MWBE Participation:

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

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Fiscal Note:

Funding for this item is included in the FY22 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division

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

Estimated Spending Authority			
Department	FY22	Out Years	Total
Houston Public Works	\$1,500.00	\$342,763.50	\$344,263.50

Amount and Source of Funding:

\$344,263.50 Water & Sewer System Operating Fund Fund 8300

Contact Information:

Name	Title	Dept./Division	Phone
Lena Farris	Purchasing Manager	FIN/SPD	832-393-8729
Jedediah Greenfield	Assistant Director	HPW/PFW	832-395-3754

ATTACHMENTS:

Description Type



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/13/2022

FIN - FY2023 Continuing Appropriation & Interim Spending

Agenda Item#: 4.

Summary:

ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; authorizing certain transfers; making other provisions related to the subject; containing a repealer and a severability clause

Background:

The City adopts a Continuing Appropriation and interim spending plan ordinance to be effective at the beginning of the fiscal year as the appropriation for the fiscal year budget until the General Appropriation is adopted later in the year. It is recommended that the FY2022 General Appropriation serve as the basis for the Continuing Appropriation and interim spending plan for City operations beginning July 1, 2022. Exceptions are noted with asterisk. It is requested that the following amounts be appropriated:

	RECOMMENDED APPROPRIATION / SPENDING
Fund	LIMITS
General Fund, Enterprise & Special Revenue Funds	
General Fund	2,643,225,298

General Fund, Enterprise & Special Revenue Funds		
General Fund	2,643,225,298	
Aviation Fund	478,017,047	
Convention and Entertainment Facilities	94,362,355	
Water and Sew er Operating Fund	1,059,750,959	
Combined Utility SystemOperating Fund	522,091,600	*
DDSRF - Drainage Charge Fund	112,713,400	*
DDSRF - Ad Valorem Tax Fund	105,830,100	
DDSRF - Metro ET AL	83,187,400	
StormWater Asset Forfeiture Fund	73,494,800 4,950,000	*
Auto Dealers Fund	8,723,144	
Bay ou Greenway 2020	1,219,198	
BARC Special Revenue	13,337,455	*
Building Inspection Fund Cable Television	102,489,400 4,455,096	•
Child Safety Fund	3,361,000	*
Contractors Responsibility Fund	1,204,793	*
Essential Public Health Services Fund	18,322,113	
Forensic Transition Special Fund	373,218	*
Health Special Revenue	8,270,494	
Historic Preservation Fund	474,800	*
Houston Emergency Center	29,900,840	
Houston TranStar	3,246,484	
Local Truancy Prevention and Diversion	872,021	
Laboratory Operations and Maintenance	566,850	
Maintenance Renewal and Replacement	30,115,757	
Municipal Court Bldg Security Fund	661,460	*
Municipal Court Technology Fee Fund	1,286,623	*
Municipal Jury Fund ParkHouston Special Revenue Fund	- 17.880.670	
Parks Golf Special Fund	7,139,382	
Parks Special Revenue Fund	3,025,952	
Planning & Development Special Revenue Fund	11,881,908	*
Police Special Services	10,933,199	*
Recycling Revenue Fund	3,985,963	
Special Waste Transportation and Inspection Fund	5,351,442	*
Swimming Pool Safety	1,938,122	
Tourism Promotion Special Revenue Fund	17,980,524	
		-

otal 5,486,618,867
* Proposed FY2023 Expenditure
Budget Numbers

RECOMMENDED
APPROPRIATION / SPENDING
LIMITS

 Enterprise Related Funds

 HAS-A IF Capital Outlay
 13,817,245

 Combined Utility SystemGen Pur Fund
 247,734,800

al 261,552,045 *Proposed FY 2023 Expenditure Budget Numbers

- Authorize spending for the Internal Service and Service Chargeback Funds to the extent of revenues generated within the funds.
- Approval of the Continuing Appropriation and interim spending plan ordinance for FY2023 is recommended.

Tantri Emo Director of Finance

Contact Information:

William Jones, Deputy Director

Phone: 832-393-9080

ATTACHMENTS:

Description Type



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/13/2022

FIN - FY2023 Budget Ordinance

Agenda Item#: 5.

Summary:

ORDINANCE related to the Fiscal Affairs of the City; approving the Annual Budgets of the City of Houston, Texas, for Fiscal Year 2023, including provisions for future adjustment to certain fund balances; making various amendments to the proposed budgets; authorizing certain transfers; redesignating a Cash Reserve in the Fund Balance; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability

This item should only be considered after passage of Item 4 above

Background:

Beginning May 11, 2022, City Council's Budget and Fiscal Affairs Committee hosted a series of budget workshops to review and discuss the Fiscal Year 2023 operating budget. The budget was distributed to City Council on May 10, 2022, in accordance with the City Charter and the Texas Local Government Code. The expenditure operating budget for all funds totals approximately \$6.3 billion, which includes a General Fund expenditure budget of approximately \$2.7 billion.

The budget ordinance includes the following provisions:

- Approval for budget transfers of up to 5% of a "budget expenditure group" between departments within a fund;
- Approval of the incorporation in the Adopted Budget for FY2023, FY2022 and FY2021 information, and the adjustment of fund balances that may occur as a result;
- Approval to increase the budgets for the Aviation Revenue Fund, but only for transfer to the Airport Improvement Fund, in the event, and to the extent, of unanticipated revenue increases in the Fund as certified by the City Controller;
- Approval to increase the budgets for the Water and Sewer Operating Fund and the Combined Utility System Operating Fund, but only for transfer to the Combined Utility System General Purpose Fund in the event, and to the extent, of unanticipated revenue increases in the Fund as certified by the City Controller;
- Approval to increase the budgets in various Funds to the extent of unanticipated revenue increases in the Fund as certified by the City Controller;
- Approval to charge \$35.00 plus tax and postage per set for the purchase of the budget

document.

The budget totals include maintenance and operation expenditures, interfund transfers, and operating and capital reserves, as well as planned ending fund balances. The budget does not include the budgets for the Tax Increment Reinvestment Zones, which will be brought before City Council in a separate action. The Budget is available for review on the Internet, accessible through the City's home page located at https://www.houstontx.gov/budget/23budprop/index.html

The Fiscal Year 2023 Annual Operating Budget is recommended for approval as follows:

 ^{*} Attached are redlined pages of the budget providing adjustments and corrections.

Tantri Emo Director of Finance

Contact Information:

William Jones, Deputy Director

Phone: 832-393-9080

ATTACHMENTS:

Description Type



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/13/2022

FIN – ORDINANCE TO RATIFY THE INCREASE IN PROPERTY TAX REVENUES AS REFLECTED IN THE FY2023 OPERATING BUDGET

Agenda Item#: 6.

Summary:

ORDINANCE ratifying the adoption of the Fiscal Year 2023 Annual Budgets raising more revenue from Ad Valorem (Property) Taxes due to increased property valuations and the addition of property to the tax roll than in Fiscal Year 2022; setting an effective date **This item should only be considered after passage of Item 5 above**

Background:

After adoption of the budget ordinance, a second vote to ratify the increase in property tax revenues included in the budget must be taken as required by Section 102.007(c) of the Texas Local Government Code for budgets adopted after September 1, 2007;

"Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflect in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or vote to set the tax rate required by Chapter 26, Tax Code, or other law."

Chapter 102 of the Texas Local Government Code also sets out language to be included, verbatim, in any budget adopted after September 2013, and in the posted published notices of the related public hearing. Accordingly, the following statement has been included in the budget and in the required notices to comply with the law.

"This budget will raise more total property taxes than last year's budget by \$40,782,638 or 3.31% increase, and of that amount \$28,989,322 is tax revenue to be raised from new property added to the tax roll this year."

Approval of this item ratifying the increase in property tax revenues reflected in the budget, as required by State law, is recommended.

Director of Finance

Contact Information:

William Jones, Deputy Director Phone: 832-393-9080

ATTACHMENTS:

DescriptionTypeCaptionOther



Meeting Date: 6/1/2022

Item Creation Date:

FIN Houston Recovery Center

Agenda Item#: 7.

Summary:

ORDINANCE approving and authorizing payment to Houston Recovery Center LGC for full Fiscal Year 2023 operating expenses pursuant to an Interlocal Agreement between the City of Houston and HOUSTON RECOVERY CENTER LGC

This item should only be considered after passage of Item 5 above

Background:

The Finance Department (FIN) is requesting City Council to approve and authorize payments to Houston Recovery Center (HFC) Local Government Corporation (LGC). Funds for this payment are included in the City's General Government approved budget for FY2023.

On May 16, 2012, City Council approved Resolution 2012-14 which authorized the creation of the Houston Recovery Center LGC to operate and manage the Houston Recovery Center for Sobriety on behalf of the City of Houston. The HRC facility is an alternative to jail the inebriates. Instead, law enforcement officers will bring them to HRC facility where they will be kept for a minimum of eight hours for sobering purposes. The facility will provide triage, observation and necessary outpatient services which will enable staff to manage intoxication and ensure safe withdrawal for admitted individuals. Additionally, the HRC building will house the Houston Police Department Mental Health Unit and other community agencies to facilitate efforts in reducing substance abuse through intervention.

To continue HRC operations for the full FY2023, the HRC requires funding of operating capital in the amount of \$1,723,811. Funds for this payment are included in the City's General Government approved budget for FY2023.

Fiscal Note:

Funding for this item will be included in the FY2023 Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Tantri Emo, Chief Business Officer / Director of Finance

Prior Council Action:

Ord. # 2012-208. 3/7/12

Res. # 2012-14, 5/16/12 Ord. # 2012-449, 5/16/12 Ord. # 2013-0069, 1/23/13 Ord. # 2013-0434, 5/8/13 Ord. # 2014-782, 8/13/14 Ord. # 2015-724, 7/29/15 Ord. # 2016-570, 7/14/16 Ord. # 2017*488, 7/11/17 Ord. # 2018-622, 8/7/18 Ord. # 2019-541, 7/16/19 Ord. # 2020-649, 7/22/20 Ord. # 2021-437, 6/2/21

Amount and Source of Funding:

\$1,723,811.00 General Fund Fund 1000

Contact Information:

Arif Rasheed, Deputy Director Finance Department **Phone:** (832) 393-9013

ATTACHMENTS:

Description

Coversheet (revised)

Type

Signed Cover sheet



Meeting Date: 6/1/2022

Item Creation Date:

FIN Houston Recovery Center

Agenda Item#: 7.

Summary:

ORDINANCE approving and authorizing payment to Houston Recovery Center LGC for full Fiscal Year 2023 operating expenses pursuant to an Interlocal Agreement between the City of Houston and HOUSTON RECOVERY CENTER LGC This item should only be considered after passage of Item 5 above

Background:

The Finance Department (FIN) is requesting City Council to approve and authorize payments to Houston Recovery Center (HFC) Local Government Corporation (LGC). Funds for this payment are included in the City's General Government approved budget for FY2023.

On May 16, 2012, City Council approved Resolution 2012-14 which authorized the creation of the Houston Recovery Center LGC to operate and manage the Houston Recovery Center for Sobriety on behalf of the City of Houston. The HRC facility is an alternative to jail the inebriates. Instead, law enforcement officers will bring them to HRC facility where they will be kept for a minimum of eight hours for sobering purposes. The facility will provide triage, observation and necessary outpatient services which will enable staff to manage intoxication and ensure safe withdrawal for admitted individuals. Additionally, the HRC building will house the Houston Police Department Mental Health Unit and other community agencies to facilitate efforts in reducing substance abuse through intervention.

To continue HRC operations for the full FY2023, the HRC requires funding of operating capital in the amount of \$1,723,811. Funds for this payment are included in the City's General Government approved budget for FY2023.

Fiscal Note:

Funding for this item will be included in the FY2023 Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Prior Council Action:

Ord. # 2012-208, 3/7/12 Res. # 2012-14, 5/16/12 Ord. # 2012-449, 5/16/12 Ord. # 2013-0069, 1/23/13 Ord. # 2013-0434, 5/8/13 Ord. # 2014-782, 8/13/14 Ord. # 2015-724, 7/29/15

Ord. # 2016-570, 7/14/16 Ord. # 2017*488, 7/11/17 Ord. # 2018-622, 8/7/18

Ord. # 2010-022, 0/7/10 Ord. # 2019-541, 7/16/19 Ord. # 2020-649, 7/22/20 Ord. # 2021-437, 6/2/21

Amount and Source of Funding:

\$1,723,811.00 General Fund Fund 1000

Contact Information:

Arif Rasheed, Deputy Director Finance Department **Phone:** (832) 393-9013 —ps Mdk

ATTACHMENTS:

Description

Type

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Caption
Financial Information
Proposed Budget
Target Letter
Ordinance (signed)

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Other
Financial Information
Financial Information
Backup Material
Ordinance/Resolution/Motion



Meeting Date: 6/1/2022

Item Creation Date:

FIN Houston Forensic Science Center

Agenda Item#: 8.

Summary:

ORDINANCE approving and authorizing payment to Houston Forensic Science Center, Inc for full Fiscal Year 2023 Operating Expenses pursuant to first Interlocal Agreement between City and **HOUSTON FORENSIC SCIENCE CENTER, INC**

This item should only be considered after passage of Item 5 above

Background:

The Finance Department (FIN) is requesting City Council to approve and authorizing payment to Houston Forensic Science Center, Inc (HFSC) Local Government Corporation (LGC).

In June 2012, City Council approved Resolution 2012-17 which authorized the creation of the Houston Forensic Science Center LGC to "provide the City with accurate and timely analysis of forensic evidence and related services." In February 2014, Council approved the first inter-local agreement between the City and HFSC. HFSC assumed the responsibility for and control of substantially all forensic operations formally managed by the Houston Police Department ("HPD").

The HFSC continues its initiatives to prevent backlogs, to reduce error rates, expand services (while minimizing outsourcing). Currently, improvements are in progress to streamline evidence submission and working with HPD to have officers handle narcotics evidence.

Fund 2213 was created in FY2014 for the transition of forensic operations from the Houston Police Department to the Houston Forensic Science Center. This fund covers City of Houston/Houston Police Department employees that provide services HFSC. HPD staff is paid through Fund 2213. They provide technical and analytical expertise in the identification of controlled substances, analysis of firearms, forensic serology, DNA testing, toxicology, computer forensics, latent prints, and crime scene services. They also manage and maintain proficiency testing, audits, certifications, inspections, and performance.

To continue HFSC operations for the full FY2023, the HFSC requires funding of operating capital in the total amount of \$28,508,208.00.

Fiscal Note:

Funding for this item will be included in the FY2023 Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Tantri Emo, Chief Business Officer / Director of Finance

Prior Council Action:

Reso. 2012-17, 6/6/12

Ord. 2014-165, 2/26/14

Ord. 2015-184, 2/25/15

Ord. 2019-117, 2/20/19

Ord. 2020-898, 10/20/20

Ord. 2021-438, 6/2/21

Amount and Source of Funding:

\$28,508,208.00 General Fund Fund 1000

Contact Information:

Arif Rasheed, Deputy Director Finance Department

Phone: (832) 393-9013

ATTACHMENTS:

Description Type

Coversheet (revised) Signed Cover sheet



Meeting Date: 6/1/2022

Item Creation Date:

FIN Houston Forensic Science Center

Agenda Item#: 8.

Summary:

ORDINANCE approving and authorizing payment to Houston Forensic Science Center, Inc for full Fiscal Year 2023 Operating Expenses pursuant to first Interlocal Agreement between City and HOUSTON FORENSIC SCIENCE CENTER, INC This item should only be considered after passage of Item 5 above

Background:

The Finance Department (FIN) is requesting City Council to approve and authorizing payment to Houston Forensic Science Center, Inc (HFSC) Local Government Corporation (LGC).

In June 2012, City Council approved Resolution 2012-17 which authorized the creation of the Houston Forensic Science Center LGC to "provide the City with accurate and timely analysis of forensic evidence and related services." In February 2014, Council approved the first inter-local agreement between the City and HFSC. HFSC assumed the responsibility for and control of substantially all forensic operations formally managed by the Houston Police Department ("HPD").

The HFSC continues its initiatives to prevent backlogs, to reduce error rates, expand services (while minimizing outsourcing). Currently, improvements are in progress to streamline evidence submission and working with HPD to have officers handle narcotics evidence.

Fund 2213 was created in FY2014 for the transition of forensic operations from the Houston Police Department to the Houston Forensic Science Center. This fund covers City of Houston/Houston Police Department employees that provide services HFSC. HPD staff is paid through Fund 2213. They provide technical and analytical expertise in the identification of controlled substances, analysis of firearms, forensic serology, DNA testing, toxicology, computer forensics, latent prints, and crime scene services. They also manage and maintain proficiency testing, audits, certifications, inspections, and performance.

To continue HFSC operations for the full FY2023, the HFSC requires funding of operating capital in the total amount of \$28,508,208.00.

Fiscal Note:

Funding for this item will be included in the FY2023 Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

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factor Eno
829AC7439B3F41F
Tantri Emo, Chief Business Officer / Director of Finance

Prior Council Action:

Reso. 2012-17, 6/6/12 Ord. 2014-165, 2/26/14 Ord. 2015-184, 2/25/15 Ord. 2019-117, 2/20/19 Ord. 2020-898, 10/20/20

Ord. 2021-438, 6/2/21

Amount and Source of Funding:

\$28,508,208.00 General Fund Fund 1000

Contact Information:

Arif Rasheed, Deputy Director Finance Department

Phone: (832) 393-9013

ATTACHMENTS:

Description Type

DocuSigned by:

arit Rashee

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Coversneet
Caption
Funding Information
Proposed Budget
Target Letter
Ordinance (signed)

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Other
Backup Material
Financial Information
Backup Material
Ordinance/Resolution/Motion



Meeting Date: 6/1/2022 District H Item Creation Date: 4/8/2022

25CF107 Declare surplus and approve and authorize a Purchase and Sale Agreement between City of Houston (Seller) and BKR Memorial, LLC, a Texas Limited Liability Company (Buyer)

Agenda Item#: 9.

Summary:

ORDINANCE declaring a land of approximately 0.2600 acre located at 800 Studemont Street, identified as Parcel No. SY22-093, and known as Studemont Spaceway, as surplus; approving and authorizing Purchase and Sale Agreement for said land between City of Houston, Texas, as seller, and **BKR MEMORIAL**, **LLC**, as Buyer - **DISTRICT H - CISNEROS**

Background:

RECOMMENDATION: Declare surplus to the City's needs and approve and authorize a Purchase and Sale Agreement between City of Houston (Seller) and BKR Memorial, LLC, a Texas Limited Liability Company (Buyer) for the sale of approximately 11,328 square feet known as Studemont Spaceway Park located at 800 Studemont Street, Houston, Texas (Parcel B58-27) for Houston Parks and Recreation Department (HPARD).

SPECIFIC EXPLANATION: After determining that Studemont Spaceway Park site is not functional or useable as a public park, HPARD declared the Park surplus to its needs and available for sale. All City departments with land needs were canvassed and none indicated an interest in the property.

Therefore, the General Services Department recommends declaring the Park surplus to the City's needs and selling the Park site to Buyer, who is the adjacent developer, pursuant to the Tex. Loc. Gov't Code Section 272.001(b)(6). The Park is in TIRZ No. 5 and the proposed use is in furtherance of the TIRZ Plan. The sale price is the greater of \$1,585,920.00 or \$140 per square foot as determined by the final survey. Revenue from the sale can be used to acquire or improve parks in underserved areas.

FISCAL NOTE: Revenue for this item is not included in the FY 2022 Adopted Budget. Therefore, a Fiscal Note is required as stated in the Financial Policies.

DIRECTOR'S SIGNATURE / DATE:

C. J. Messiah, Jr. **General Services Department**

Kenneth Allen Houston Parks and Recreation

Prior Council Action:

Motion 2022-0205 - dated 4/20/2022

Amount and Source of Funding:

Revenue Park Special Fund Fund 4012

Contact Information:

Enid M. Howard, Council Liaison General Services Department

Phone: 832.393.8023

ATTACHMENTS:

Description Type



Meeting Date: 6/1/2022
ALL

Crostion Date: 3/1/202

Item Creation Date: 3/1/2022

L30002 – Human Cadaver-Based Simulation Training -- ORDINANCE (The Methodist Hospital d/b/a Houston Methodist)

Agenda Item#: 10.

Summary:

ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **THE METHODIST HOSPITAL OF HOUSTON d/b/a HOUSTON METHODIST** for Human Cadaver Based Simulation Training for Houston Fire Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$222,792.00 - General Fund

Background:

Formal Sole Bid Received January 27, 2022 for S10-L30002 - Approve an ordinance awarding a contract to The Methodist Hospital d/b/a Houston Methodist in the maximum contract amount of \$222,792.00 for human cadaver-based simulation training for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and City Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract with two one-year options** to **The Methodist Hospital d/b/a Houston Methodist** on its sole bid meeting specifications for human cadaver-based simulation training in the maximum contract amount of **\$222,792.00** for the Houston Fire Department.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twelve prospective bidders downloaded the solicitation document from Strategic Procurement Division's (SPD) ebidding website, and one bid was received. Subsequent to the receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to this solicitation. Responses ranged from having limited interest to not feeling comfortable with the bidding process and requirements.

The scope of work requires the Contractor to provide all equipment, labor, materials, parts, supplies and supervision necessary to perform lab-based professional service staging of human cadaver simulation training. This Contractor service shall provide EMS paramedics with critical thinking scenario-based experiences to simulate real life scenarios of patients requiring basic and advanced airway medical attention. Paramedics shall be trained for emergency situations that compromise/obstruct a citizen's airway and breathing in oxygen to sustain life. The lab training encompasses a variety of advanced emergency airway techniques, including intubation, supraglottic airway, video laryngoscopy, bougle-tube and chest-needle decompression. The use of human cadaver-based simulation closely approximates the actual working conditions that EMS paramedics encounter on a daily basis.

The Houston Fire Department will monitor this contract to ensure compliance with Administrative Procedures and EMS guidelines.

M/WBE Subcontracting:

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

Pay or Play Program:

The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for

employees or City contractors. In this case, The iniethodist Hospital d/b/a Houston iniethodist will provide health benefits to eligible employees in compliance with City policy.

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, The Methodist Hospital d/b/a Houston Methodist does not meet the requirements for HHF designation, and no firms were within three percent.

Fiscal Note:

Funding for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

	-
Jerry Adams, City Chief Procurement Officer Finance/Strategic Procurement Division	Department Approval Authority
<u> </u>	!

Estimated Spending Authority				
DEPARTMENT FY2022 OUT YEARS TOTAL				
Houston Fire Department	\$16,856.00	\$205,936	\$222,792.00	

Amount and Source of Funding:

\$222,792.00

General Fund Fund No. 1000

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Barbara Fisher, Purchasing Manager	Finance/SPD	832.393.8722
Greg Hubbard, Sr. Staff Analyst	Finance/SPD	832.393.8748
Samuel Pena, Fire Chief	HFD	832.394.6700

ATTACHMENTS:

Description Type

Coversheet Signed Cover sheet



Meeting Date: ALL Item Creation Date: 3/1/2022

L30002 – Human Cadaver-Based Simulation Training – ORDINANCE (The Methodist Hospital d/b/a Houston Methodist)

Agenda Item#:

Background:

Formal Sole Bid Received January 27, 2022 for S10-L30002 - Approve an ordinance awarding a contract to The Methodist Hospital d/b/a Houston Methodist in the maximum contract amount of \$222,792.00 for human cadaver-based simulation training for the Houston Fire Department.

Specific Explanation:

The Chief of the Houston Fire Department and City Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract with two one-year options** to **The Methodist Hospital d/b/a Houston Methodist** on its sole bid meeting specifications for human cadaver-based simulation training in the maximum contract amount of **\$222,792.00** for the Houston Fire Department.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twelve prospective bidders downloaded the solicitation document from Strategic Procurement Division's (SPD) e-bidding website, and one bid was received. Subsequent to the receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to this solicitation. Responses ranged from having limited interest to not feeling comfortable with the bidding process and requirements.

The scope of work requires the Contractor to provide all equipment, labor, materials, parts, supplies and supervision necessary to perform lab-based professional service staging of human cadaver simulation training. This Contractor service shall provide EMS paramedics with critical thinking scenario-based experiences to simulate real life scenarios of patients requiring basic and advanced airway medical attention. Paramedics shall be trained for emergency situations that compromise/obstruct a citizen's airway and breathing in oxygen to sustain life. The lab training encompasses a variety of advanced emergency airway techniques, including intubation, supraglottic airway, video laryngoscopy, bougle-tube and chest-needle decompression. The use of human cadaver-based simulation closely approximates the actual working conditions that EMS paramedics encounter on a daily basis.

The Houston Fire Department will monitor this contract to ensure compliance with Administrative Procedures and EMS guidelines.

M/WBE Subcontracting:

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

Pay or Play Program:

The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, The Methodist Hospital d/b/a Houston Methodist will provide health benefits to eligible employees in compliance with City policy.

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, The Methodist Hospital d/b/a Houston Methodist does not meet the requirements for HHF designation, and no firms were within three percent.

Fiscal Note:

Funding for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Jerry Adams, City Chief Procurement Officer Finance/Strategic Procurement Division	Department Approval Authority 3/4/2022
0DD350139A6F4C8	9329BAD08AC849B
Jerry Adams	Samuel Pena
DocuSigned by:	DocuSigned by:

3/4/2022

Estimated Spending Authority				
DEPARTMENT FY2022 OUT YEARS TOTAL				
Houston Fire Department	\$16,856.00	\$205,936	\$222,792.00	

Amount and Source of Funding: \$222,792.00 General Fund

Fund No. 1000

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Barbara Fisher, Purchasing Manager	Finance/SPD	832.393.8722
Greg Hubbard, Sr. Staff Analyst	Finance/SPD	832.393.8748
Samuel Pena, Fire Chief	HFD	832.394.6700

ATTACHMENTS:

<u>,</u>	
Description	Туре
Award Recommendation	Backup Material
Bid Tab	Backup Material
RCA Coversheet Back-up Doc.	Backup Material
Certification of Funds	Financial Information
Funding Form-A	Financial Information
MWBE OBO Waiver	Backup Material
Pay or Play Forms	Backup Material
Hire Houston First	Backup Material
Texas Secretary of State	Backup Material
Certificate of Insurance, Endorse., AMB	Backup Material
Tax Log, Ownership Form	Backup Material
Ordinance, Legal Draft	Ordinance/Resolution/Motion
Contract, Non-Signed	Contract/Exhibit



Meeting Date: 6/1/2022 ALL Item Creation Date:

L26461.A1 - Moving and Storage of Household Goods - ORDINANCE (APMS of Houston, LLC dba All Points Moving and Storage)

Agenda Item#: 11.

Summary:

ORDINANCE approving and authorizing first amendment to agreement for Moving and Storage of Household Goods between City of Houston and APMS OF HOUSTON, LLC dba ALL POINTS MOVING AND STORAGE for the Houston Housing and Community Development Department

Background:

S19-L26461.A1 – Approve an ordinance authorizing a first amendment to contract number 4600014798 between the City of Houston and APMS of Houston, LLC dba All Points Moving and Storage (approved by Ord. No. 2018-0407 on May 16, 2018) to amend Exhibit "B" Scope of Services & Specification and the Exhibit "F" Fee Schedule for Moving and Storage of Household Goods for the Housing and Community Development Department (HCDD).

Specific Explanation:

The Director of the Housing and Community Development Department and the Chief Procurement Officer recommend that City Council approve an ordinance authorizing a first amendment to the contract between the City of Houston and **APMS of Houston**, **LLC dba All Points Moving and Storage**. This request is to amend Exhibit "B" Scope of Services & Specification and the Exhibit "F" (Fee Schedule) with additional unit costs. Further, this will change the weight limit up to 30,000 pounds, and provide the homeowner written notice of seventy-two (72) hours of move and provide payment of a cancellation fee of \$350.00 if the homeowner does not show up within sixty (60) minutes of a scheduled move for the Moving and Storage of Household Goods.

The contract was awarded on May 16, 2018, by Ordinance No. 2018-0407, for a one (1) year term, with four (4) one-year options in an amount not to exceed \$1,845,660.00. Expenditures as of May 12, 2022 totaled \$1,178,032.12. No additional funds are required through the term of the agreement.

The scope of work requires the contractor to provide all labor, supervision, materials, equipment, tools, storage facilities and transportation necessary to provide moving and storage of household goods for HCDD's clients. The moving and storage of household goods will be provided to clients as part of HCDD's Temporary Relocation Assistance Program, where the client's household goods will be temporarily moved to a storage facility. After the client's home has been repaired or reconstructed, the contractor will be required to move the client's household goods from storage

back into the residence.

M/WBE Subcontracting:

The contract was awarded with a 11% M/WBE participation goal. APMS of Houston, LLC dba All Points Moving and Storage is currently achieving 10.17% of the required M/WBE goal.

Fiscal Note:

There is no impact to the fiscal budget or no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division

Department Approval Authority

Prior Council Action:

Ordinance 2018-0407, Passed 5-16-2018

Amount and Source of Funding:

No Funding Required

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Barbara Fisher, Purchasing Manager	FIN/SPD	832.393.8722
Roy Korthals, Sr. Procurement Specialist	FIN/SPD	832.393.8734
Roxanne Lawson, Division Manager	HCDD	832.394.6307

ATTACHMENTS:

Description Type

signed Coversheet Signed Cover sheet



Meeting Date: 5/24/2022 ALL Item Creation Date:

L26461.A1 - Moving and Storage of Household Goods - ORDINANCE (APMS of Houston, LLC dba All Points Moving and Storage)

Agenda Item#: 44.

Background:

S19-L26461.A1 – Approve an ordinance authorizing a first amendment to contract number 4600014798 between the City of Houston and APMS of Houston, LLC dba All Points Moving and Storage (approved by Ord. No. 2018-0407 on May 16, 2018) to amend Exhibit "B" Scope of Services & Specification and the Exhibit "F" Fee Schedule for Moving and Storage of Household Goods for the Housing and Community Development Department (HCDD).

Specific Explanation:

The Director of the Housing and Community Development Department and the Chief Procurement Officer recommend that City Council approve an ordinance authorizing a first amendment to the contract between the City of Houston and **APMS of Houston**, **LLC dba All Points Moving and Storage**. This request is to amend Exhibit "B" Scope of Services & Specification and the Exhibit "F" (Fee Schedule) with additional unit costs. Further, this will change the weight limit up to 30,000 pounds, and provide the homeowner written notice of seventy-two (72) hours of move and provide payment of a cancellation fee of \$350.00 if the homeowner does not show up within sixty (60) minutes of a scheduled move for the Moving and Storage of Household Goods.

The contract was awarded on May 16, 2018, by Ordinance No. 2018-0407, for a one (1) year term, with four (4) one-year options in an amount not to exceed \$1,845,660.00. Expenditures as of May 12, 2022 totaled \$1,178,032.12. No additional funds are required through the term of the agreement.

The scope of work requires the contractor to provide all labor, supervision, materials, equipment, tools, storage facilities and transportation necessary to provide moving and storage of household goods for HCDD's clients. The moving and storage of household goods will be provided to clients as part of HCDD's Temporary Relocation Assistance Program, where the client's household goods will be temporarily moved to a storage facility. After the client's home has been repaired or reconstructed, the contractor will be required to move the client's household goods from storage back into the residence.

M/WBE Subcontracting:

The contract was awarded with a 11% M/WBE participation goal. APMS of Houston, LLC dba All Points Moving and Storage is currently achieving 10.17% of the required M/WBE goal.

Fiscal Note:

There is no impact to the fiscal budget or no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

5/16/2022

DocuSigned by:

Jerry Adams

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Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division

Department Approval Authority

Prior Council Action:

Ordinance 2018-0407, Passed 5-16-2018

Amount and Source of Funding:

No Funding Require

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Barbara Fisher, Purchasing Manager	FIN/SPD	832.393.8722
Roy Korthals, Sr. Procurement Specialist	FIN/SPD	832.393.8734
Roxanne Lawson, Division Manager	HCDD	832.394.6307

ATTACHMENTS:

Description

First Amendment

Contract 4600014798 - Part A

Contract 4600014798 - Part B

Previous Ordinance 2018-0407

Previous RCA L26461

Ownership Information Form

Tax Clearance Report

Type

Backup Material

Contract/Exhibit

Contract/Exhibit

Ordinance/Resolution/Motion

Backup Material

Backup Material

Backup Material



Meeting Date: 6/1/2022 ALL Item Creation Date:

T24149.A2 - Operation and Maintenance of Pure Oxygen Plant at 69th Wastewater Treatment Plant (Air Products and Chemicals, Inc.) - ORDINANCE

Agenda Item#: 12.

Summary:

ORDINANCE approving and authorizing second amendment to Contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC.** (Approved by Ordinance No. 2014-0534) for Operation and Maintenance of the Pure Oxygen Plant at 69th Street Wastewater Treatment Facility to extend Contract term for Houston Public Works

Background:

T24149.A2 – Approve a second amendment to Contract No. 4600012548 between the City of Houston and Air Products and Chemicals, Inc. (Approved by Ordinance No. 2014-0534 passed on June 4, 2014) for operation and maintenance of the pure oxygen plant at the 69th street wastewater treatment facility to extend the contract term from June 12, 2022 to December 12, 2023 for Houston Public Works.

Specific Explanation:

The Director of Houston Public Works and the Chief Procurement Officer recommend that City Council approve an ordinance authorizing a second amendment to the contract between the City of Houston and Air Products and Chemicals, Inc. to extend the contract term from June 12, 2022 to December 12, 2023 for operation and maintenance of the pure oxygen plant at the 69th Street wastewater treatment facility for Houston Public Works.

The original contract was awarded on June 4, 2014 by Ordinance No. 2014-0534, for a three-year term, with two one-year options in the original amount of \$12,315,588.00. The contract term was extended from June 13, 2019 to June 12, 2022 by Ordinance No. 2019-0152 passed on March 20, 2019. Expenditures as of May 24, 2022 totaled \$8,945,695.00. No additional spending authority is required. All other terms and conditions of the contract shall remain the same.

The scope of work requires the contractor to provide all labor, supplies, materials, equipment, transportation, and supervision necessary to operate the 69th Street wastewater treatment oxygen plant facility, as well as perform preventative and remedial maintenance services to the oxygen plant.

MWBE Participations:

The contract was awarded with a 3% M/WBE participation level. Air Products and Chemicals, Inc.

is currently achieving a goal of 1.63%. Goal participation and subcontracting opportunities have been significantly impacted by material changes to the original scope of services. The initial scope included major rehabilitation of the plant's cold box train B, and an estimated \$7.3M of the contract capacity was earmarked for this purpose. Houston Public Works has since determined that the oxygen plant is nearing the end of its useful life, and the rehabilitation work is no longer feasible. Thus, services under the contract have been limited to plant operation and preventative maintenance services only. Air Products and Chemicals, Inc. will continue to work with the Office of Business Opportunity, on divisible work plans aimed at helping them to meet or exceed the 3% goal.

Fiscal Note:

There is no impact to the fiscal budget or no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division

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

Prior Council Action:

Ordinance 2014-0534 - Approved by City Council on June 4, 2014 Ordinance 2019-0152 - Approved by City Council on March 20, 2019

Amount and Source of Funding:

No additional spending authority required.

Contact Information:

Desiree Heath, Division Manager SPD (832) 393-8742 Lien-Huong Nguyen, Sr. Procurement Specialist Jedediah Greenfield, Assistant Director SPD (832) 395-3666 HPW (832) 395-3754

ATTACHMENTS:

Description Type

Coversheet Signed Cover sheet



Meeting Date: 6/1/2022 ALL Item Creation Date:

T24149.A2 - Operation and Maintenance of Pure Oxygen Plant at 69th Wastewater Treatment Plant (Air Products and Chemicals, Inc.) - ORDINANCE

Agenda Item#: 12.

Summary:

ORDINANCE approving and authorizing second amendment to Contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC.** (Approved by Ordinance No. 2014-0534) for Operation and Maintenance of the Pure Oxygen Plant at 69th Street Wastewater Treatment Facility to extend Contract term for Houston Public Works - 18 Months

Background:

T24149.A2 – Approve a second amendment to Contract No. 4600012548 between the City of Houston and Air Products and Chemicals, Inc. (Approved by Ordinance No. 2014-0534 passed on June 4, 2014) for operation and maintenance of the pure oxygen plant at the 69th street wastewater treatment facility to extend the contract term from June 12, 2022 to December 12, 2023 for Houston Public Works.

Specific Explanation:

The Director of Houston Public Works and the Chief Procurement Officer recommend that City Council approve an ordinance authorizing a second amendment to the contract between the **City of Houston** and **Air Products and Chemicals**, **Inc.** to extend the contract term from **June 12**, **2022 to December 12**, **2023** for operation and maintenance of the pure oxygen plant at the 69th Street wastewater treatment facility for Houston Public Works.

The original contract was awarded on June 4, 2014 by Ordinance No. 2014-0534, for a three-year term, with two one-year options in the original amount of \$12,315,588.00. The contract term was extended from June 13, 2019 to June 12, 2022 by Ordinance No. 2019-0152 passed on March 20, 2019. Expenditures as of May 24, 2022 totaled \$8,945,695.00. No additional spending authority is required. All other terms and conditions of the contract shall remain the same.

The scope of work requires the contractor to provide all labor, supplies, materials, equipment, transportation, and supervision necessary to operate the 69th Street wastewater treatment oxygen plant facility, as well as perform preventative and remedial maintenance services to the oxygen plant.

MWBE Participations:

The contract was awarded with a 3% M/WBE participation level. Air Products and Chemicals, Inc. is currently achieving a goal of 1.63%. Goal participation and subcontracting opportunities have been significantly impacted by material changes to the original scope of services. The initial scope included major rehabilitation of the plant's cold box train B, and an estimated \$7.3M of the contract capacity was earmarked for this purpose. Houston Public Works has since determined that the oxygen plant is nearing the end of its useful life, and the rehabilitation work is no longer feasible. Thus, services under the contract have been limited to plant operation and preventative maintenance services only. Air Products and Chemicals, Inc. will continue to work with the Office of Business Opportunity, on divisible work plans aimed at helping them to meet or exceed the 3% goal.

Fiscal Note:

There is no impact to the fiscal budget or no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

5/26/2022

—DocuSigned by:

Jerry Adams

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

Jerry Adams, Chief Procurement Officer Finance/Strategic Procurement Division

Prior Council Action:

Ordinance 2014-0534 - Approved by City Council on June 4, 2014 Ordinance 2019-0152 - Approved by City Council on March 20, 2019

Amount and Source of Funding:

No additional spending authority required.

Contact Information:

OURAGE HINOHIMATION.

Desiree Heath, Division Manager SPD (832) 393-8742 Lien-Huong Nguyen, Sr. Procurement Specialist SPD (832) 395-3666 Jedediah Greenfield, Assistant Director SPD (832) 395-3754

ATTACHMENTS:

Ordinance

Description Type **ORDINANCE 2014-0534** Backup Material **ORDINANCE 2019-152** Backup Material FORM B Backup Material OWNERSHIP INFO. FORM Backup Material CONTRACT Backup Material CONTRACT-FIRST AMENDMENT Backup Material TAX REPORT Backup Material

Ordinance/Resolution/Motion



Meeting Date: 6/1/2022 ALL

Item Creation Date: 5/17/2022

MYR - TIRZ City Appropriation \$176,606,190.86

Agenda Item#: 13.

Summary:

ORDINANCE appropriating \$176,606,190.86 out of City of Houston, Texas Tax Increment Funds for REINVESTMENT ZONES 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), TEN (LAKE HOUSTON ZONE), ELEVEN (GREATER GREENSPOINT ZONE), TWELVE (CITY PARK ZONE), THIRTEEN (OLD SIXTH WARD ZONE), FOURTEEN (FOURTH WARD ZONE), FIFTEEN (EAST DOWNTOWN ZONE), SIXTEEN (UPTOWN ZONE), SEVENTEEN (MEMORIAL CITY ZONE), EIGHTEEN (FIFTH WARD ZONE), NINETEEN (UPPER KIRBY ZONE), TWENTY (SOUTHWEST HOUSTON ZONE), TWENTY-ONE (HARDY/NEAR NORTHSIDE ZONE), TWENTY-TWO (LELAND WOODS ZONE), TWENTY-THREE (HARRISBURG ZONE), TWENTY-FOUR (GREATER HOUSTON ZONE), TWENTY-FIVE (HIRAM CLARKE **FORT** BEND ZONE), TWENTY-SIX (SUNNYSIDE ZONE) and TWENTY-SEVEN (MONTROSE ZONE), for payment of Affordable Housing Costs, payment of Administrative Expenses, payment of Project Costs, and payments to certain Redevelopment Authorities as provided herein

Background:

The appropriation of \$176,606,190.86 results from tax increment revenues received in tax year 2021 by the City for various TIRZs. As set forth in the attached spreadsheet, \$3,109,221,08 will be transferred to the City's Affordable Housing Fund pursuant to the City's Tri-Party Agreements with the TIRZs and their redevelopment authorities; \$8,739,458.98 will be transferred to the General Fund for TIRZ administrative costs; and \$164,757,510.80 will be paid to the various redevelopment authorities on behalf of the TIRZ or retained in the TIRZ Fund for approved project costs.

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

Andy F. Icken,	Chief Develo	pment Office	r	

Prior Council Action:

Ordinance 2021-587, 6/30/21

Contact Information:

Gwendolyn F. Tillotson, Deputy Director **Phone:** (832) 393-0937

ATTACHMENTS:

Description Type

Coversheet Signed Cover sheet



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/17/2022

MYR - TIRZ City Appropriation \$176,606,190.86

Agenda Item#: 12.

Background:

The appropriation of \$176,606,190.86 results from tax increment revenues received in tax year 2021 by the City for various TIRZs. As set forth in the attached spreadsheet, \$3,109,221.08 will be transferred to the City's Affordable Housing Fund pursuant to the City's Tri-Party Agreements with the TIRZs and their redevelopment authorities; \$8,739,458.98 will be transferred to the General Fund for TIRZ administrative costs; and \$164,757,510.80 will be paid to the various redevelopment authorities on behalf of the TIRZ or retained in the TIRZ Fund for approved project costs.

Type

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

DocuSigned by:

-F4ക്കാർഗ്രഷ്ട്ര് വിയിലെ, Chief Development Officer

Prior Council Action:

Ordinance 2021-587, 6/30/21

Contact Information:

Gwendolyn F. Tillotson, Deputy Director

Phone: (832) 393-0937

ATTACHMENTS:

Description

PCA 2021-587 Backup Material



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/17/2022

MYR - TIRZ ISD Appropriation \$66,118,127.72

Agenda Item#: 14.

Summary:

ORDINANCE appropriating \$66,118,127.72 out of Tax Increment Funds for REINVESTMENT ZONES ONE, (LAMAR TERRACE ZONE), TWO (MIDTOWN ZONE), THREE (MAIN STREET/MARKET SQUARE ZONE), SIX (EASTSIDE ZONE), SEVEN (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE), EIGHT (GULFGATE ZONE), NINE (SOUTH POST OAK ZONE), TEN (LAKE HOUSTON ZONE), ELEVEN (GREATER GREENSPOINT ZONE), TWELVE (CITY PARK ZONE), THIRTEEN (OLD SIXTH WARD ZONE), FOURTEEN (FOURTH WARD ZONE), FIFTEEN (EAST DOWNTOWN ZONE), SIXTEEN (UPTOWN ZONE), and EIGHTEEN (FIFTH WARD ZONE), for Affordable Housing, Administrative Expenses, payments to Houston Independent School District and Humble Independent School District for Educational Facilities, and payments to certain Redevelopment Authorities as provided herein

Background:

The appropriation of \$66,118,127.72 results from tax increment payments received in tax year 2021 from HISD, Spring ISD and Humble ISD for transfer to the various TIRZs that the ISDs participate.

As shown in the attached spreadsheet, \$1,143,076.33 will be transferred to the City's Affordable Housing Fund; \$350,000 will be transferred to the General Fund; \$18,772,805.45 will be paid to HISD for Educational Facilities Project Costs and \$13,334,918.44 will be paid to Humble ISD for Educational Facilities Project Costs for a total of \$32,107,723.89 for Educational Facilities Project Costs. The various redevelopment authorities will be paid \$32,517,237.50 on behalf of the TIRZs.

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

Andy F. Icken,	Chief Development Officer	

Prior Council Action:

Ordinance No. 2021 - 588, 6/30/2021

Contact Information:

Gwendolyn F. Tillotson, Deputy Director **Phone:** (832) 393 - 0937

ATTACHMENTS:

Description Type

Coversheet Signed Cover sheet



Meeting Date: 6/1/2022 ALL Item Creation Date: 5/17/2022

MYR - TIRZ ISD Appropriation \$66,118,127.72

Agenda Item#: 13.

Background:

The appropriation of \$66,118,127.72 results from tax increment payments received in tax year 2021 from HISD, Spring ISD and Humble ISD for transfer to the various TIRZs that the ISDs participate.

As shown in the attached spreadsheet, \$1,143,076.33 will be transferred to the City's Affordable Housing Fund; \$350,000 will be transferred to the General Fund; \$18,772,805.45 will be paid to HISD for Educational Facilities Project Costs and \$13,334,918.44 will be paid to Humble ISD for Educational Facilities Project Costs for a total of \$32,107,723.89 for Educational Facilities Project Costs. The various redevelopment authorities will be paid \$32,517,237.50 on behalf of the TIRZs.

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

DocuSigned by:

-Ֆոգիy⊿5շվար, Chief Development Officer

Prior Council Action:

Ordinance No. 2021 - 588, 6/30/2021

<u>Contact Information:</u> Gwendolyn F. Tillotson, Deputy Director

Phone: (832) 393 - 0937

ATTACHMENTS:

Description PCA - 2021-588 Type

Backup Material



Meeting Date: 6/1/2022 District D Item Creation Date: 4/4/2022

HPW 20CMS15/LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT

Agenda Item#: 15.

Summary:

ORDINANCE establishing a twenty-foot-wide Utility Corridor situated in the L. Moore Survey, Abstract No. 51, Harris County, Texas - **DISTRICT D - EVANS-SHABAZZ**

Background:

An ordinance be passed establishing a twenty-foot wide utility corridor (the "Utility Corridor") as more particularly described on City of Houston approved field notes attached hereto and made a part hereof for all purposes, containing 7,114 square feet of land, more or less; being a part of the L. Moore Survey, Abstract No. 51, Harris County, Texas, and being owned by the City of Houston.

RECOMMENDATION: (Summary) An ordinance be passed establishing a twenty-foot wide utility corridor (the "Utility Corridor") as more particularly described on City of Houston approved field notes attached hereto and made a part hereof for all purposes, containing 7,114 square feet of land, more or less; being a part of the L. Moore Survey, Abstract No. 51, Harris County, Texas, and being owned by the City of Houston.

SPECIFIC EXPLANATION:

The LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT is part of the City's ongoing program to improve its wastewater infrastructure through rehabilitation, replacement, consolidation or diversion of wastewater lift stations throughout the City. The subject project provides for the design and construction of the required improvements; structural, mechanical and electrical components at the lift stations. The subject project is needed for reliable and efficient collection of wastewater throughout the City and to protect public health and to ensure compliance with regulatory requirements.

The purpose of this Utility Corridor is to provide a right-of-way for the construction and maintenance of a required underground storm sewer utility required as part of the LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT. The proposed Utility Corridor contains a 0.1633 acre (7,114 square feet) tract of land situated in the L. Moore Survey, Abstract 51, Harris County, Texas, being part of a Residue of a called 8.789 acres tract described in a

Deed dated December 22, 1930 conveyed from Ben Taub to City of Houston and recorded under Volume (Vol.) 863, Page (Pg.) 735, Harris County Deed Records (H.C.D.R.) of the Official Public Records of Real Property of Harris County (O.P.R.O.R.P.H.C.), Texas, according to City of Houston approved field notes.

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

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

WBS R-000267-0160-3

Prior Council Action:

Ordinance 2018-0756, passed September 19, 2018

Amount and Source of Funding:

No additional funding required (Funds were appropriated under Ordinance 2018-0756)

Contact Information:

Marjorie L. Cox Assistant Director – Real Estate Services Phone: (832) 395-3130

ATTACHMENTS:

Description Type

Signed Coversheet Signed Cover sheet



Meeting Date:
District D
Item Creation Date: 4/4/2022

HPW 20CMS15/LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT

Agenda Item#:

Background:

An ordinance be passed establishing a twenty-foot wide utility corridor (the "Utility Corridor") as more particularly described on City of Houston approved field notes attached hereto and made a part hereof for all purposes, containing 7,114 square feet of land, more or less; being a part of the L. Moore Survey, Abstract No. 51, Harris County, Texas, and being owned by the City of Houston.

RECOMMENDATION: (Summary) An ordinance be passed establishing a twenty-foot wide utility corridor (the "Utility Corridor") as more particularly described on City of Houston approved field notes attached hereto and made a part hereof for all purposes, containing 7,114 square feet of land, more or less; being a part of the L. Moore Survey, Abstract No. 51, Harris County, Texas, and being owned by the City of Houston.

SPECIFIC EXPLANATION:

The LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT is part of the City's ongoing program to improve its wastewater infrastructure through rehabilitation, replacement, consolidation or diversion of wastewater lift stations throughout the City. The subject project provides for the design and construction of the required improvements; structural, mechanical and electrical components at the lift stations. The subject project is needed for reliable and efficient collection of wastewater throughout the City and to protect public health and to ensure compliance with regulatory requirements.

The purpose of this Utility Corridor is to provide a right-of-way for the construction and maintenance of a required underground storm sewer utility required as part of the LIFT STATION RENEWAL AND REPLACEMENT – MACGREGOR WAY N. #3, WHEELER, GILPIN, WEST OREM, QUAIL VIEW AND HILLCROFT LIFT STATIONS PROJECT. The proposed Utility Corridor contains a 0.1633 acre (7,114 square feet) tract of land situated in the L. Moore Survey, Abstract 51, Harris County, Texas, being part of a Residue of a called 8.789 acres tract described in a Deed dated December 22, 1930 conveyed from Ben Taub to City of Houston and recorded under Volume (Vol.) 863, Page (Pg.) 735, Harris County Deed Records (H.C.D.R.) of the Official Public Records of Real Property of Harris County (O.P.R.O.R.P.H.C.), Texas, according to City of Houston approved field notes.

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

-DocuSigned by:

March 5/13/2022

Carol Ellinger Haddock, P.E., Director

Houston Public Works

WBS R-000267-0160-3

Prior Council Action:

Ordinance 2018-0756, passed September 19, 2018

Amount and Source of Funding:

No additional funding required (Funds were appropriated under Ordinance 2018-0756)

Contact Information:

Marjorie L. Cox

Assistant Director - Real Estate Services

Phone: (832) 395-3130

ATTACHMENTS:

Description

Ordinance 2018-0756 w/coversheet Location Map Metes and Bounds and Survey Utility Corridor Exhibit

Type

Backup Material Backup Material Backup Material Backup Material



Meeting Date: 6/1/2022 District C Item Creation Date: 4/12/2022

HPW 20DOB9956 / Abandonment and sale of Highrock Street/SY21-005

Agenda Item#: 16.

Summary:

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located between Lots 27-44, Block 8, and Lots 1-18, Block 9, of the Rosslyn Addition, in the Joseph Bays Survey, Abstract 127, Harris County, Texas; abandoning the street portion to RES-Bingle Partners, L.P., the abutting property owner, in consideration of its cash payment to the City in the amount of \$141,020.00, and other good and valuable consideration - **DISTRICT C - KAMIN**

Background:

<u>SUBJECT</u>: Abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127. **Parcel SY21-005**

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127, in exchange for a consideration of \$141,020.00. **Parcel SY21-005**

SPECIFIC EXPLANATION: Steven Aranda, Vice President, RES-Bingle Partners, L.P., 1901 Hollister Street, Houston, Texas, 77080, requested the abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127. RES-Bingle Partners, L.P., plans to combine the subject street and its abutting property for future warehouse development. The Joint Referral Committee reviewed and approved this request.

RES-Bingle Partners, 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 RES-Bingle Partners, L.P.:

Parcel SY21-005

25,640 square feet of street easement Valued at \$5.50 per square foot x 100%

\$141,020.00

TOTAL ABANDONMENT AND SALE

\$141,020.00

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127, in exchange for a consideration of \$141,020.00.

Fiscal Note:

Revenue for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

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

Amount and Source of Funding:

REVENUE Fund 1000 General Fund

Contact Information:

William Boaz Acting Assistant Director-Real Estate (832) 395-3117

ATTACHMENTS:

Description

Signed Coversheet Aerial Location Map Surveyed Parcel Map Council District Map **Type**

Signed Cover sheet Backup Material Backup Material Backup Material



Meeting Date: District C Item Creation Date: 4/12/2022

HPW 20DOB9956 / Abandonment and sale of Highrock Street/SY21-005

Agenda Item#:

Background:

SUBJECT: Abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127. Parcel SY21-005

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the abandonment and sale of a ±450 footlong portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127, in exchange for a consideration of \$141,020.00. Parcel SY21-005

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RES-Bingle Partners, L.P., has completed the transaction requirements, has accepted the City's offer, and has rendered payment in

The City will abandon and sell to RES-Bingle Partners, L.P.:

Parcel SY21-005

25,640 square feet of street easement Valued at \$5.50 per square foot x 100% \$141,020.00

TOTAL ABANDONMENT AND SALE

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Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127, in exchange for a consideration of \$141,020.00.

Fiscal Note:

Revenue for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

DocuSigned by:

5/19/2022

Carol Ellinger Haddock, P.E., Director

A93C410B72B3453 Houston Public Works

Amount and Source of Funding:

REVENUE Fund 1000 General Fund

Contact Information:

Bill Boaz Acting Assistant Director-Real Estate (832) 395-3117

ATTACHMENTS:

Description

Aerial Location Map Surveyed Parcel Map Council District Map RCA Funding Information

Type

Backup Material Backup Material Backup Material Financial Information

Aerial Location Map

Subject: Abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127. **Parcel SY21-005**



P.O.B. = POINT OF BEGINNING
F.G. = FINDY OF COMMENCING
F.G. = HARRIS COUNTY MAP RECORDS
B.L. = BUILDING LINE
H.C.F. = HARRIS COUNTY CLERK'S FILE
F.O.F. = HARRIS COUNTY CLERK'S FILE
F.O.F. = HARRIS COUNTY CLERK'S FILE
F.O.F. = SET 5/8 INCH IRON ROD WITH CAP

S.E.F. = SET 5/8 INCH ROD WITH CAP
UNLESS OTHERWISE NOTED 1273C muniminini. WORKS ő Subject: Abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of HIN WOOD TEXTON RIGHT OF WAY PUBLIC 06/01/21 င္ပ 9 2CVEE 1, =100, HOUSTON SY21-005 45-16160JRC Water, No. 451A SECTION LUMBEROALE STREET

LUMBEROALE STREET

LORGING CONTROL FOREST WEST SEESON Y Š 206 203 APPROVAL SURVEY KEY MAP 200 PARCEL JOB NO. WBS NO. C.M. NO. PG. 7 H.C.M.R 24 | 23 26 25 24 2 1/2 25 2 Kenneth A. Gruller
Texas Registered Professional Land Surveyor No. 5476 R.O.W. ABANDONMENT STREET BETWEEN LOTS 1-18, BLOCK AND LOTS 27-44, BLOCK 8 OF ROSSLYN ADDITION (VOL. 3, PG. 7, H.C.M.R.),
LOCATED IN THE
JOSEPH BAYS SURVEY, A-127,
HARRIS COUNTY, TEXAS
GRUILLER SURVEYING, LLC
PROFESSIONAL LAND SURVEYING
1244 NORTH, ROSTL, ONE, END. STR. 200 this day represents 31 30 29 28 27 5 28 FORMERLY GROVEHILL STREET 18 29 13,14 1/5 S EXHIBIT ILLUSTRATING FND: 1,72AGE 1 73: 3082207,64 7: 13873223.60 ัผ HIGHROCK STREET 0.5886 ACRE (25,640 SQ. FT.) B. N88-32"16"E 450,00" 12 7 101 | 6 | 8 | 7 37 36 35 I do hereby cert made on the gr the facts found 36 WIDE) 40, 39, (CALLED 50' OF HIGHROCK 1 2 3 AOF 2' BC 1 H'C'W'B'
TOCKLIETD 21BEE1(20, B'O'M') 250.00 S01'57'47"E 17118119120121122123124 the Joseph Bays Survey, A-127. Parcel SY21-005 110111121131141151161171181191201211221231241 0.5888 ACRE HIGHROCK STREET (WIDTH VARIES)
(CALLED 50' R.O.W.) VOL 3, PG. 7 H.C.M.R. 25,640 Sq. FT. HIGHROCK STREET 25,640 Sq. FT. 40,39,38,37,36,35,34,33,32, VOL. T3, PG. 7 H.C.M.R. ď 16,1 ROSSEVIN ADDITION 19 110 11 11 21 31 4 115. This survey was created with the bonefit of a City Planning Letter prepared by Integrity Title OF No. 1932:127A, effective date May 21, 2019. Basis of Bearings and coordinates for the survey is the Taxas State Coordinate System South Central Zone (NAD 83). The Coordinates shown hereon are Texas South Central Zone No. 4204 State Plans Grid Coordinates (NAD) 83 and may be brought to surface by applying the following combined scale factor 0.4990552334. was prepared with plat. DISTANCE 55.02' 58.95' The surveyor has not abstracted the subject property description of even date <u>თ</u> α 17/5 ∞ ထ RESERVE "A" ZAWJANI BINGLE SUBDINSION F.C. No. 643157 H.C.M.R. Motes and bounds S 3 4

Subject: Abandonment and sale of a ±450 foot-long portion of Highrock Street, east of Lockfield Street, located in the Rosslyn Addition, out of the Joseph Bays Survey, A-127. Parcel SY21-005 Aproximate Location TIDWELL CROSSTIMBERS HAMMERLY CAVALCADE LONG POINT WESTVIEW 11TH PECORE • HEDWIG VILLAGE BEINHORN CROCKETT POST OAK WESTH ALABAMA RICHMOND WESTPARK-TOLL HARWIN MACGREGO BELLAIRE BELLFORT CREEKBEND **City of Houston** This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of Council District C - Abbie Kamin any kind in conjunction with its use. Council District C PLANNING & DEVELOPMENT Source: COHGIS Database **DEPARTMENT**



Meeting Date: 6/1/2022 ETJ

Item Creation Date: 4/27/2022

HPW 20RDP10086/Fee Sale of 4,786 square feet of land /SY22-054

Agenda Item#: 17.

Summary:

ORDINANCE authorizing the sale of 4,786 square feet of City fee owned land, located in the Richard Williams Survey, Abstract Number 660, Montgomery County, Texas; selling the property to Montgomery County, Texas as a part of a widening project for Ford Road in the Porter area between Highway 59 and West Lake Houston Parkway, in consideration of its payment to the City in the amount of \$15,815.00 and other good and valuable consideration

Background:

SUBJECT: Ordinance approving and authorizing the sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County. **Parcel SY22-054**

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County in exchange to the City of a consideration of \$15,815.00. **Parcel SY22-054**

SPECIFIC EXPLANATION: Bill Hansen, Right-of-Way Specialist for LJA/KDM Acquisition Services, Inc. on behalf of Montgomery County requested the purchase of 4,786 square feet of land, being out of a 73 acre tract (Tract 1) of City-owned land. The acquisition request is part of a widening project for Ford Road in the Porter area between Highway 59 and West Lake Houston Parkway. The project will expand the two-lane road between Hwy. 59 and Loop 494 by 10 feet to add wider shoulders for vehicles, while the road between Loop 494 and West Lake Houston Parkway will be expanded from two to four lanes.

Section 272.001(b)(5) of the Local Government Code, pertaining to the sale of real property interests to a governmental entity that has the power of eminent domain, provides for the payment of a consideration based upon the appraised fair market value. Montgomery County submitted its appraisal report performed by Whitney and Associates with its purchase offer to the City. A staff appraiser in Houston Public Works has reviewed the appraisal report and finds it acceptable. The sale has been reviewed and approved by Houston Public Works – Houston Water.

The City will sell to Montgomery County:

Parcel SY22-054
4,786 square feet of fee-owned land
Valued at \$3.25 per square foot
Contributory Value of Improvements
(Chain-link fencing)

\$15,554.00 (R) \$261.00

TOTAL SALE

\$15,815.00

Therefore, it is recommended that City Council approve an ordinance authorizing the sale of 4,786 square feet of land, being out of a 73-acre City- owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County in exchange to the City of a consideration of \$15,815.00.

<u>Fiscal Note:</u> Revenue for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the financial policies.

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

Amount and Source of Funding:

REVENUE Fund 8300 - Water and Sewer System Operating

Contact Information:

William Boaz Acting Assistant Director-Real Estate (832) 395-3117

ATTACHMENTS:

Description

Signed Coversheet Parcel Map **Aerial Location Map** Signed Cover sheet **Backup Material Backup Material**

Type



Meeting Date: **ETJ** Item Creation Date: 4/27/2022

HPW 20RDP10086/Fee Sale of 4,786 square feet of land /SY22-054

Agenda Item#:

Background:

SUBJECT: Ordinance approving and authorizing the sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County. Parcel SY22-054

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County in exchange to the City of a consideration of \$15,815.00. Parcel SY22-054

SPECIFIC EXPLANATION: Bill Hansen, Right-of-Way Specialist for LJA/KDM Acquisition Services, Inc. on behalf of Montgomery County requested the purchase of 4,786 square feet of land, being out of a 73 acre tract (Tract 1) of City-owned land. The acquisition request is part of a widening project for Ford Road in the Porter area between Highway 59 and West Lake Houston Parkway. The project will expand the two-lane road between Hwy. 59 and Loop 494 by 10 feet to add wider shoulders for vehicles, while the road between Loop 494 and West Lake Houston Parkway will be expanded from two to four lanes.

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The City will sell to Montgomery County:

Parcel SY22-054

4,786 square feet of fee-owned land Valued at \$3.25 per square foot Contributory Value of Improvements (Chain-link fencing)

\$15,554.00 (R) \$261.00

TOTAL SALE

\$15,815.00

Therefore, it is recommended that City Council approve an ordinance authorizing the sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County in exchange to the City of a consideration of \$15,815.00.

Fiscal Note: Revenue for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the financial policies.

DocuSigned by:

5/19/2022

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

Amount and Source of Funding:

REVENUE

Fund 8300 - Water and Sewer System Operating

Contact Information:

William Boaz Acting Assistant Director-Real Estate (832) 395-3117

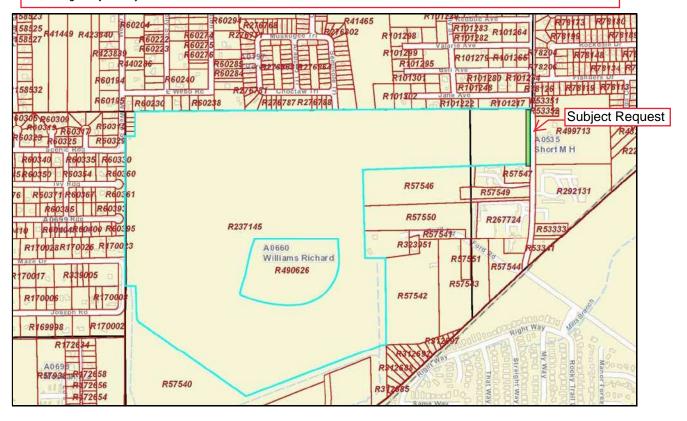
ATTACHMENTS:

Description

RCA Funding Information Survey Parcel Map Parcel Map Aerial Location Map

Туре

Financial Information Backup Material Backup Material Backup Material Sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County. **Parcel SY22-054**



Green = Proposed Acquisition

Note: The boundaries shown are approximate and not to scale

Sale of 4,786 square feet of land, being out of a 73-acre City-owned tract (Tract 1), out of the Richard Williams Survey, Abstract 660, Montgomery County. Parcel SY22-054



Green = Proposed Acquisition
Note: The boundaries shown are approximate and not to scale.



Meeting Date: 6/1/2022 District C, District H Item Creation Date: 4/1/2022

HPW – 20KFH14 Agreement / Harris County Flood Control District

Agenda Item#: 18.

Summary:

ORDINANCE approving and authorizing the North Canal High Flow Diversion Channel Project Cost Share Interlocal Agreement between City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Phase I and Phase II North Canal High Flow Diversion Channel Project - **DISTRICTS C - KAMIN and H - CISNEROS**

Background:

SUBJECT: Interlocal Agreement between the City of Houston (City) and Harris County Flood Control District (District) for North Canal High Flow Diversion Channel Project Cost Share.

RECOMMENDATION: Adopt an ordinance approving and authorizing an Interlocal Agreement between the City of Houston and Harris County Flood Control District for North Canal High Flow Diversion Channel Project Cost Share.

<u>PROJECT NOTICE/JUSTIFICATION:</u> This project is part of the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). This Interlocal Agreement defines terms between the City and District for the management of design, permitting activities and construction activities, in accordance with federal requirements, and terms for reimbursement of incurred costs eligible under the HMGP grant.

<u>DESCRIPTION:</u> This project consists of three components: a high flow diversion channel, an overflow channel, and bridge and channel improvements which are intended to reduce the risk of localized flooding to adjacent communities.

LOCATION: The project is located in downtown Houston with three (3) primary components: North Canal Channel Diversion at the confluence of White Oak and Buffalo Bayous, South Canal Channel Diversion/Detention along the south side of Buffalo Bayou at IH-69, and upstream improvements along White Oak Bayou at both the Yale Street and Heights Boulevard bridges.

SCOPE OF THE AGREEMENT AND FEE: The Agreement between the City and District entails the terms for the management of the design, permitting activities and construction activities, in accordance with federal requirements, and terms for reimbursement of incurred costs eligible under the HMGP grant. Under the scope of the Agreement, the City will be responsible for the design work, permit acquisition, and construction completion.

The District shall reimburse the City for eligible expenses incurred to complete the Project activities as outlined in the Agreement. The total amount reimbursable to the City shall not exceed \$20,000,000.00, being a one-time payment as outlined in the Agreement.

FISCAL NOTE: No fiscal note is required on grant items.

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

WBS No. M-43E101-0001-7

Prior Council Action:

Ordinance No. 2019-1027, dated 12-10-2019

Amount and Source of Funding:

\$20,000,000.00 Contribution for Capital Projects Fund Fund 4510

Contact Information:

HoJin Lim

Deputy Assistant Director, Capital Projects

Phone: (832) 712-1742

ATTACHMENTS:

Description

Signed Coversheet (revised)

Maps

Type

Signed Cover sheet Backup Material



Meeting Date: 6/1/2022 District C, District H Item Creation Date: 4/1/2022

HPW - 20KFH14 Agreement / Harris County Flood Control District

Agenda Item#: 22.

Background:

<u>SUBJECT:</u> Interlocal Agreement between the City of Houston (City) and Harris County Flood Control District (District) for North Canal High Flow Diversion Channel Project Cost Share.

RECOMMENDATION: Adopt an ordinance approving and authorizing an Interlocal Agreement between the City of Houston and Harris County Flood Control District for North Canal High Flow Diversion Channel Project Cost Share.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). This Interlocal Agreement defines terms between the City and District for the management of design, permitting activities and construction activities, in accordance with federal requirements, and terms for reimbursement of incurred costs eligible under the HMGP grant.

<u>DESCRIPTION:</u> This project consists of three components: a high flow diversion channel, an overflow channel, and bridge and channel improvements which are intended to reduce the risk of localized flooding to adjacent communities.

LOCATION: The project is located in downtown Houston with three (3) primary components: North Canal Channel Diversion at the confluence of White Oak and Buffalo Bayous, South Canal Channel Diversion/Detention along the south side of Buffalo Bayou at IH-69, and upstream improvements along White Oak Bayou at both the Yale Street and Heights Boulevard bridges.

SCOPE OF THE AGREEMENT AND FEE: The Agreement between the City and District entails the terms for the management of the design, permitting activities and construction activities, in accordance with federal requirements, and terms for reimbursement of incurred costs eligible under the HMGP grant. Under the scope of the Agreement, the City will be responsible for the design work, permit acquisition, and construction completion.

The District shall reimburse the City for eligible expenses incurred to complete the Project activities as outlined in the Agreement. The total amount reimbursable to the City shall not exceed \$20,000,000.00, being a one-time payment as outlined in the Agreement.

FISCAL NOTE: No fiscal note is required on grant items.

- DocuSigned by:

5/23/2022

Carol Ellinger Haddock, P.E.

Director

Houston Public Works

WBS No. M-43E101-0001-7

Prior Council Action:

Ordinance No. 2019-1027, dated 12-10-2019

Amount and Source of Funding:

\$20,000,000.00 Fund 4510 - Contribution for Capital Projects

Contact Information:

HoJin Lim

Deputy Assistant Director, Capital Projects

Phone: (832) 712-1742

ATTACHMENTS:

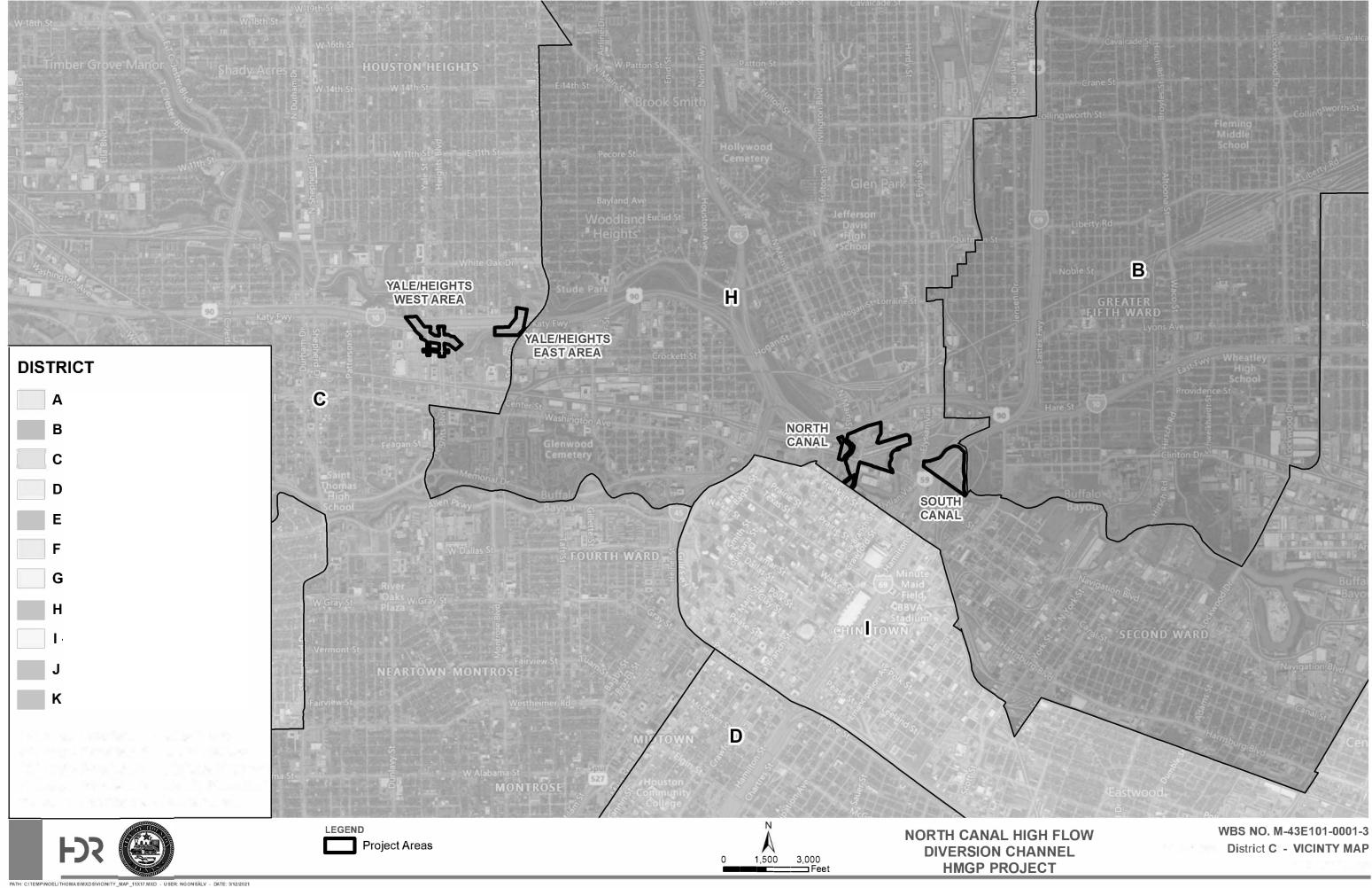
Description

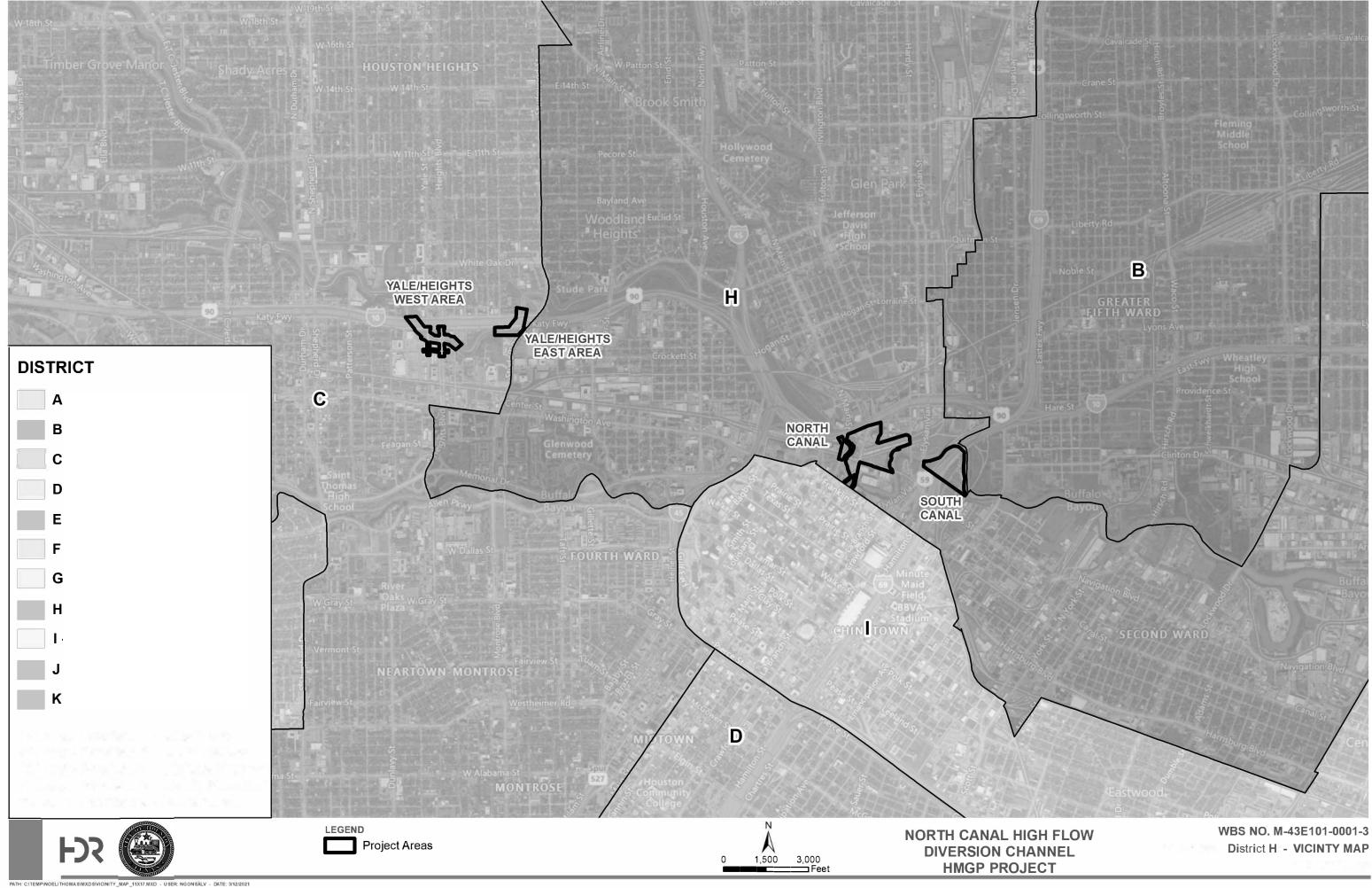
Signed Coversheet

Maps

Type

Signed Cover sheet Backup Material







Meeting Date: 6/1/2022 District B Item Creation Date:

HPW – 20PK05 PES / RPS Infrastructure, Inc.

Agenda Item#: 19.

Summary:

ORDINANCE appropriating \$843,990.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing professional engineering services contract between City of Houston and RPS INFRASTRUCTURE, INC for Groundwater Reduction Plan Conversion Waterlines Group C; providing funding for CIP Cost Recovery financed by the Water & Sewer System Consolidated Construction Fund - <u>DISTRICT B - JACKSON</u>

Background:

SUBJECT: Professional Engineering Services Contract between the City and RPS Infrastructure, Inc. for Groundwater Reduction Plan (GRP) Conversion Waterlines Group C.

RECOMMENDATION: An ordinance approving a Professional Engineering Services Contract with RPS Infrastructure, Inc. for Groundwater Reduction Plan (GRP) Conversion Waterlines Group C and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Surface Water Transmission Program and is required to improve existing water distribution systems and to meet Harris-Galveston Coastal Subsidence District's Legislative mandate to regulate the withdrawal of groundwater.

<u>DESCRIPTION/SCOPE:</u> This project consists of the design of approximately 7,200 linear feet of 20-inch water-line and approximately 3,200 linear feet of 12-inch water-line along Richey Road.

LOCATION: The project is located along Richey Road from Oil Center Boulevard to Woodham Drive.

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services, and Additional Services. Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III are based on a negotiated lump sum amount. The total Basic Services appropriation is \$481,038.00.

The Contract also includes certain Additional Services to be paid either as a lump sum or on a reimbursable basis. The total Additional Services appropriation is \$322,762.00.

The negotiated maximum for Phase I Services is \$63,168.00.

The total cost of this project is \$843,990.00 to be appropriated as follows: \$803,800.00 for Contract services and \$40,190.00 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 PARTICIPATION: The standard M/WBE goal set for the project is 24.00%. The Consultant has proposed a 34.25% MWBE plan to meet the goal.

Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
 Associated Testing Laboratories Inc. 	Geotechnical Engineering	\$44,932.00	5.59%
KIT Professionals, Inc.	Engineering Support	\$120,595.00	15.00%
United Engineers, Inc.	Surveying	<u>\$109,760.00</u>	<u>13.66%</u>
	TOTAL	\$275,287.00	34.25%

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

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

WBS No.S-000900-0304-3

Amount and Source of Funding:

\$843,990.00 - Fund No. 8500 - Water and Sewer Consolidated Construction Fund

Contact Information:

R. Jeff Masek, P.E., CCM Assistant Director, Capital Projects

Phone: (832) 395-2387

ATTACHMENTS:

Description Type

Signed Coversheet Signed Cover sheet Maps Signed Cover sheet



Meeting Date: District B Item Creation Date:

HPW - 20PK05 PES / RPS Infrastructure, Inc.

Agenda Item#:

Background:

<u>SUBJECT:</u> Professional Engineering Services Contract between the City and RPS Infrastructure, Inc. for Groundwater Reduction Plan (GRP) Conversion Waterlines Group C.

<u>RECOMMENDATION:</u> An ordinance approving a Professional Engineering Services Contract with RPS Infrastructure, Inc. for Groundwater Reduction Plan (GRP) Conversion Waterlines Group C and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Surface Water Transmission Program and is required to improve existing water distribution systems and to meet Harris-Galveston Coastal Subsidence District's Legislative mandate to regulate the withdrawal of groundwater.

DESCRIPTION/SCOPE: This project consists of the design of approximately 7,200 linear feet of 20-inch water-line and approximately 3,200 linear feet of 12-inch water-line along Richey Road.

LOCATION: The project is located along Richey Road from Oil Center Boulevard to Woodham Drive.

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services, and Additional Services. Basic Services Fee for Phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III are based on a negotiated lump sum amount. The total Basic Services appropriation is \$481,038.00.

The Contract also includes certain Additional Services to be paid either as a lump sum or on a reimbursable basis. The total Additional Services appropriation is \$322,762.00.

The negotiated maximum for Phase I Services is \$63,168.00.

The total cost of this project is \$843,990.00 to be appropriated as follows: \$803,800.00 for Contract services and \$40,190.00 for CIP Cost Recovery.

<u>PAY OR PLAY PROGRAM:</u> 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 PARTICIPATION: The standard M/WBE goal set for the project is 24.00%. The Consultant has proposed a 34.25% MWBE plan to meet the goal.

Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
Associated Testing Laboratories Inc.	Geotechnical Engineering	\$44,932.00	5.59%
KIT Professionals, Inc.	Engineering Support	\$120,595.00	15.00%
3. United Engineers,	Surveying	<u>\$109,760.00</u>	<u>13.66%</u>
IIIG.	TOTAL	\$275,287.00	34.25%

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

- DocuSigned by:

5/17/2022

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

WBS No.S-000900-0304-3

arol Haddock

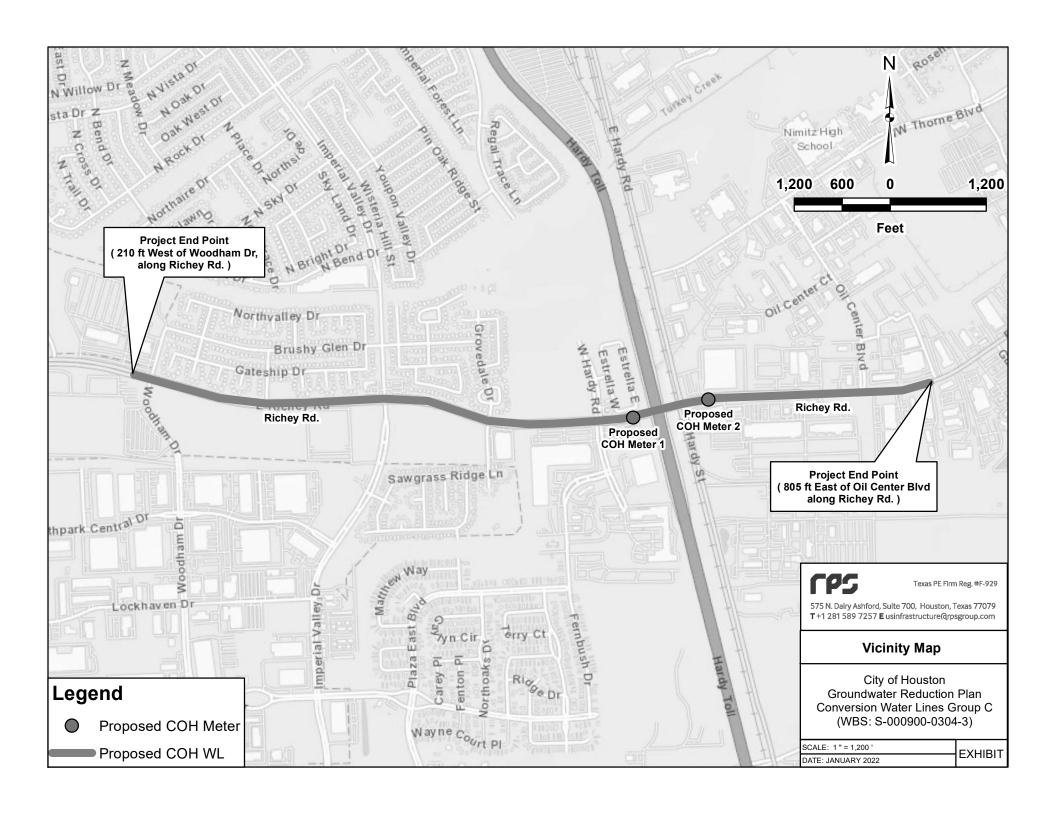
Amount and Source of Funding:

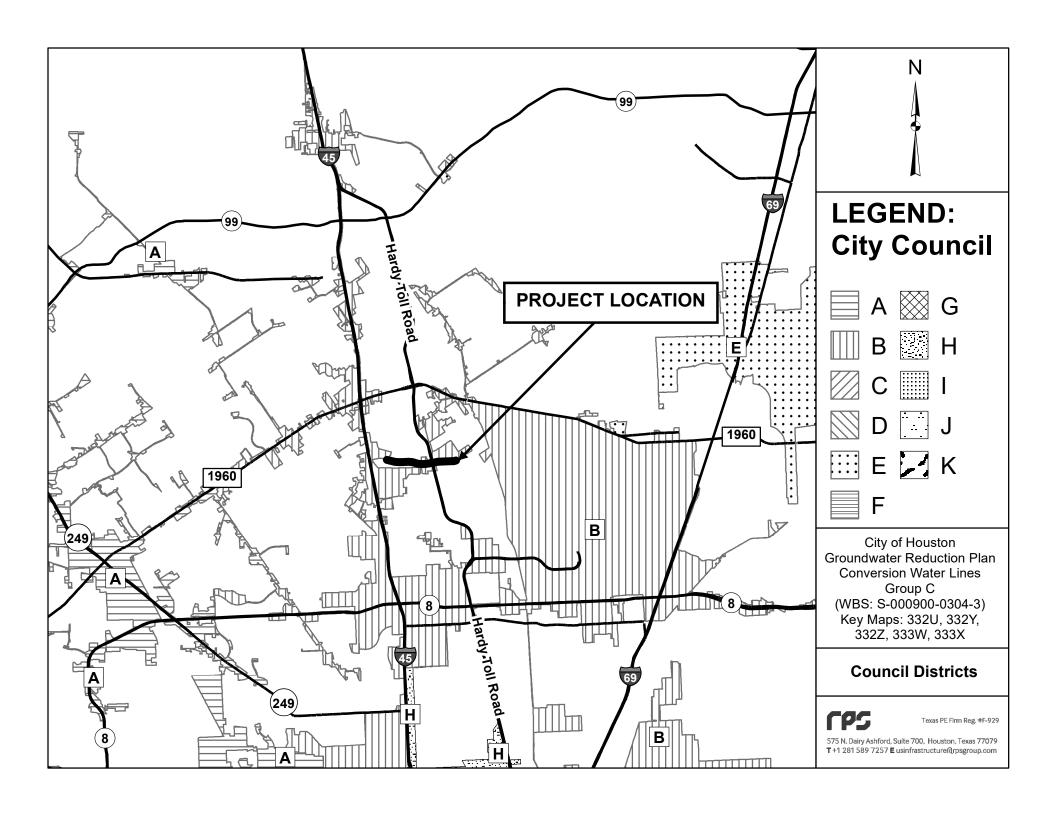
\$843,990.00 - Fund No. 8500 - Water and Sewer Consolidated Construction Fund

Contact Information:
R. Jeff Masek, P.E., CCM
Assistant Director, Capital Projects Phone: (832) 395-2387

ATTACHMENTS:

Description	Туре
SAP Documents	Financial Information
Maps	Backup Material
OBO Documents	Backup Material
Form B	Backup Material
Ownership Info Form & Tax Report	Backup Material
Pay or Play	Backup Material
Form 1295	Backup Material







Meeting Date: 6/1/2022 District H Item Creation Date: 3/18/2022

HPW - 20MM03 - Amendment / HR Green, Inc.

Agenda Item#: 20.

Summary:

ORDINANCE approving and authorizing Second Amendment to Professional Engineering Services Contract between City of Houston and **HR GREEN**, **INC** for DR15 SWAT 4A Northside/Northline Drainage and Paving Improvements (Approved by Ordinance No. 2017-0843, as amended) - **DISTRICT H - CISNEROS**

Background:

<u>SUBJECT:</u> Second Amendment to the Professional Engineering Services Contract between the City and HR Green, Inc. for DR15 SWAT 4A Northside/Northline Drainage and Paving Improvements.

RECOMMENDATION: Approve the Second Amendment to the Professional Engineering Services Contract with HR Green, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Department of Housing and Urban Development's Community Development Block Grant - 2015 Disaster Recovery program and is necessary to reconstruct inadequate drainage systems and reduce the potential for structural flooding. This project represents how the City will use its grant allocation to support recovery in the most impacted and distressed areas included in the 2015 major disaster declaration. This project demonstrates the City's commitment to recover, rebuild and focus on resilience for its citizens.

<u>DESCRIPTION/SCOPE:</u> This project provides for design and construction of storm water drainage and paving improvements and necessary utilities to serve the Northside/Northline area.

LOCATION: The project area is generally bound by Parker Road on the north, Tidwell Road on the south, McGallion Road on the east and Airline Drive on the west.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on October 25, 2017, under Ordinance No. 2017-0843. 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. On April 24, 2019 by Ordinance No. 2019-0303, City Council approved an Amendment transferring funds from Basic Services to Additional Services. Under this Amendment, the Consultant has accomplished Phase I - Preliminary Design and Phase II - Final Design and Additional Services to include tree protection plans and reproduction.

SCOPE OF THIS AMENDMENT: Under the scope of the Second Amendment, the existing contract

will be modified to include federally funded language in compliance with Housing and Urban Development (HUD) standards.

<u>PAY OR PLAY PROGRAM:</u> 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 PARTICIPATION: The M/WBE goal established for this project is 24%. The original Contract amount and subsequent appropriation totals \$1,434,000.00. The Consultant has been paid \$1,093,652.53 (76.27%) to date. Of this amount, \$390,784.00 (35.73%) has been paid to M/WBE sub-consultants to date. The MWBE goal has been previously met.

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

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

Keith Bynam Housing and Community Development

WBS No. M-420HUD-004A-3

Prior Council Action:

Ordinance No. 2017-0843, dated 10-25-2017 Ordinance No. 2019-0303, dated 04-24-2019

Amount and Source of Funding:

No additional funding required.

Original appropriation: \$1,392,000.00 from Fund No. 5000 - Federal Government - Grant Fund Additional appropriation: \$257,400.00 from Fund No. 5000 - Federal Government - Grant Fund

Contact Information:

Juan Chavira, PE, PMP, CEM, ENV SP Assistant Director, Capital Projects Phone: (832) 395-2441

ATTACHMENTS:

Description

Signed Coversheet Maps

Type

Signed Cover sheet Backup Material



Meeting Date:
District H
Item Creation Date: 3/18/2022

HPW - 20MM03 - Amendment / HR Green, Inc.

Agenda Item#:

Background:

<u>SUBJECT:</u> Second Amendment to the Professional Engineering Services Contract between the City and HR Green, Inc. for DR15 SWAT 4A Northside/Northline Drainage and Paving Improvements.

RECOMMENDATION: Approve the Second Amendment to the Professional Engineering Services Contract with HR Green, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Department of Housing and Urban Development's Community Development Block Grant - 2015 Disaster Recovery program and is necessary to reconstruct inadequate drainage systems and reduce the potential for structural flooding. This project represents how the City will use its grant allocation to support recovery in the most impacted and distressed areas included in the 2015 major disaster declaration. This project demonstrates the City's commitment to recover, rebuild and focus on resilience for its citizens.

<u>DESCRIPTION/SCOPE</u>: This project provides for design and construction of storm water drainage and paving improvements and necessary utilities to serve the Northside/Northline area.

LOCATION: The project area is generally bound by Parker Road on the north, Tidwell Road on the south, McGallion Road on the east and Airline Drive on the west.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on October 25, 2017, under Ordinance No. 2017-0843. 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. On April 24, 2019 by Ordinance No. 2019-0303, City Council approved an Amendment transferring funds from Basic Services to Additional Services. Under this Amendment, the Consultant has accomplished Phase I - Preliminary Design and Phase II - Final Design and Additional Services to include tree protection plans and reproduction.

SCOPE OF THIS AMENDMENT AND FEE: Under the scope of the Second Amendment, the existing contract will be modified to include federally funded language in compliance with Housing and Urban Development (HUD) standards.

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 PARTICIPATION: The M/WBE goal established for this project is 24%. The original Contract amount and subsequent appropriations totals \$1,434,000.00. The Consultant has been paid \$1,093,652.53 (76.27%) to date. Of this amount, \$390,784.00 (35.73%) has been paid to M/WBE sub-consultants to date. The MWBE goal has been previously met.

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

DocuSigned by:

5/19/2022

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Carol Ellinger Haddock, P.E., Director

Houston Public Works

DocuSigned by:

keith W. Bynam

Keith Bynam

Housing and Community Development

WBS No. M-420HUD-004A-3

Prior Council Action:

Ordinance No. 2017-0843, dated 10-25-2017 Ordinance No. 2019-0303, dated 04-24-2019

Amount and Source of Funding:

No additional funding required.

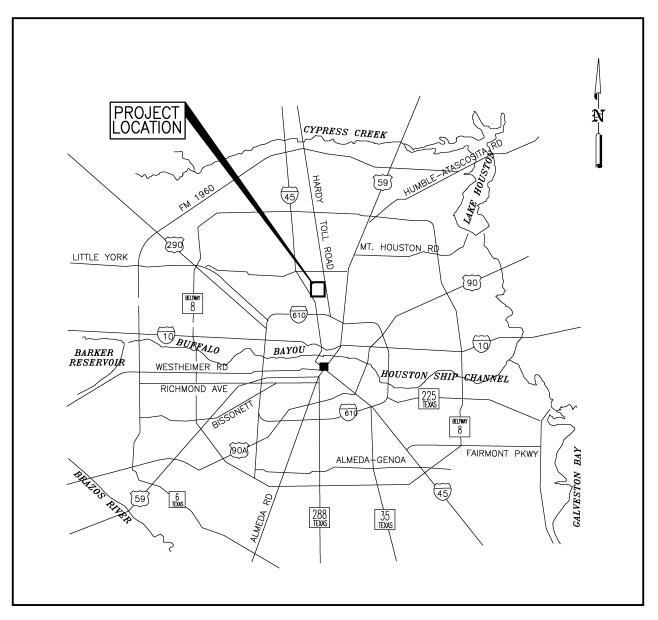
Original appropriation: \$1,392,000.00 from Fund No. 5000 - Federal Government - Grant Fund Additional appropriation: \$257,400.00 from Fund No. 5000 - Federal Government - Grant Fund

Contact Information:

Juan Chavira, PE, PMP, CEM, ENV SP Assistant Director, Capital Projects Phone: (832) 395-2441

ATTACHMENTS:

Description	Туре
Maps	Backup Material
OBO Documents	Backup Material
Form B	Backup Material
Ownership Information Form & Tax Report	Backup Material
Pay or Play	Backup Material
Prior Council Action	Backup Material



LOCATION MAP NTS

CITY OF HOUSTON

DR15 SWAT 4A NORTHSIDE/ NORTHLINE DRAINAGE AND PAVING IMPROVEMENTS

WBS NO. M-420HUD-004A-3

KEY MAP NO: 413X, 413Y, 453B, AND 453C FEMA FIRM MAP NO: 48201C0660M, 48201C0680L

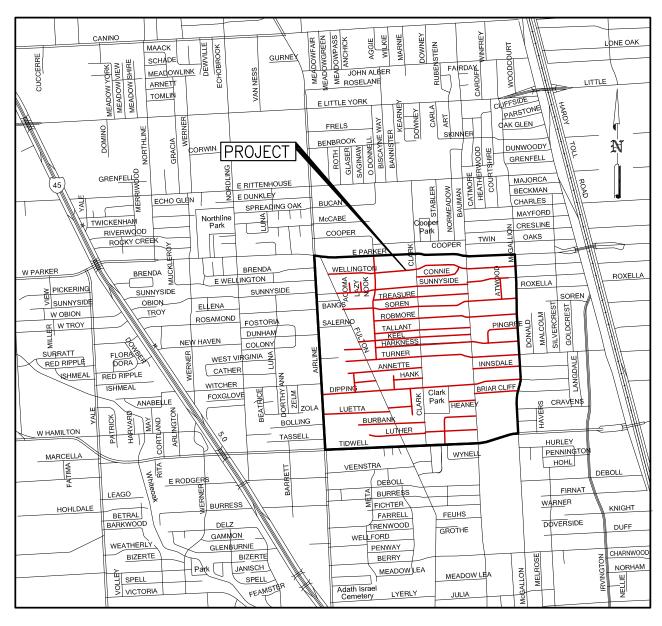
GIMS TITLE NO: 5361B, 5361D

COUNCIL DISTRICT: H





SHEET NO 1 OF 1



VICINITY MAP NTS

CITY OF HOUSTON

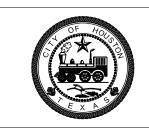
DR15 SWAT 4A NORTHSIDE/ NORTHLINE DRAINAGE AND PAVING IMPROVEMENTS

WBS NO. M-420HUD-004A-3

KEY MAP NO: 413X, 413Y, 453B, AND 453C FEMA FIRM MAP NO: 48201C0660M, 48201C0680L

GIMS TITLE NO: 5361B, 5361D

COUNCIL DISTRICT: H





SHEET NO 1 OF 1



Meeting Date: 6/1/2022 District B, District H Item Creation Date: 3/18/2022

HPW – 20MM04 Amendment / R.G. Miller Engineers, Inc.

Agenda Item#: 21.

Summary:

ORDINANCE approving and authorizing Second Amendment to Professional Engineering Services Contract between City of Houston and **R.G. MILLER ENGINEERS, INC** for DR15 SWAT 12A Bonita Gardens Drainage and Paving Improvements (Approved by Ordinance No. 2017-0844, as amended) - **DISTRICTS B - JACKSON and H - CISNEROS**

Background:

<u>SUBJECT:</u> Second Amendment to the Professional Engineering Services Contract between the City and R.G. Miller Engineers, Inc. for DR15 SWAT 12A Bonita Gardens Drainage and Paving Improvements.

RECOMMENDATION: Approve the Second Amendment to the Professional Engineering Services Contract with R.G. Miller Engineers, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Department of Housing and Urban Development's Community Development Block Grant - 2015 Disaster Recovery program and is necessary to reconstruct inadequate drainage systems and reduce the potential for structural flooding. This project represents how the City will use its grant allocation to support recovery in the most impacted and distressed areas included in the 2015 major disaster declaration. This project demonstrates the City's commitment to recover, rebuild, and focus on resilience for its citizens.

<u>DESCRIPTION/SCOPE:</u> This project consists of design and construction of storm water drainage and paving improvements and necessary utilities to serve the Bonita Gardens area.

LOCATION: The project area is generally bound by Laura Koppe Road on the north, Union Pacific Rail Road on the south, Lockwood Drive on the east, and US 59/IH 69 on the west.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on October 25, 2017, under Ordinance No. 2017-0844. 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. On April 24, 2019, by Ordinance No. 2019-0302, City Council approved an Amendment transferring funds from Basic Services to Additional Services. Under this Amendment, the Consultant has accomplished Phase I - Preliminary Design and Phase II - Final Design and Additional Services to include tree protection plans and reproduction.

SCOPE OF THIS AMENDMENT: Under the scope of the Second Amendment, the existing contract will be modified to include federal funded language in compliance with Housing and Urban Development (HUD) standards.

<u>PAY OR PLAY PROGRAM:</u> 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 PARTICIPATION: The M/WBE goal established for this project is 24%. The original Contract amount and subsequent appropriation total \$1,320,000.00. The Consultant has been paid \$995,997.00 (75.45%) to date. Of this amount, \$386,914.74 (38.85%) has been paid to M/WBE sub-consultants to date. The MWBE goal has been previously met.

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

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

Keith Bynam, Director
Housing and Community Development

WBS No. M-420HUD-012A-3

Prior Council Action:

Ordinance No. 2017-0844, dated 10-25-17 Ordinance No. 2019-0302, dated 04-24-19

Amount and Source of Funding:

No additional funding required.

Original appropriation: \$1,392,000.00 from Fund No. 5000 - Federal Government - Grant Fund.

Additional appropriation: \$132,000.00 from Fund No. 5000 - Federal Government - Grant Fund.

Contact Information:

Juan Chavira, PE, PMP, CEM, ENV SP Assistant Director, Capital Projects Houston Public Works Department

Phone: (832) 395-2441

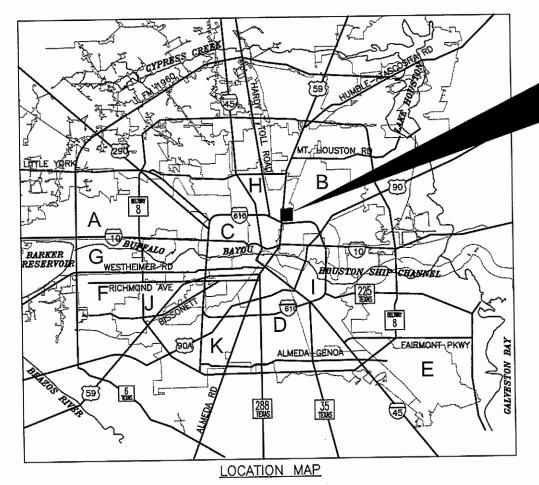
ATTACHMENTS:

Description Type

Maps Backup Material

Coversheet (revised)

Signed Cover sheet



PROJECT LOCATION

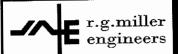
LEGEND

MAJOR ROADS AND HIGHWAYS

COUNCIL DISTRICT BOUNDARY



EXHIBIT A LOCATION MAP



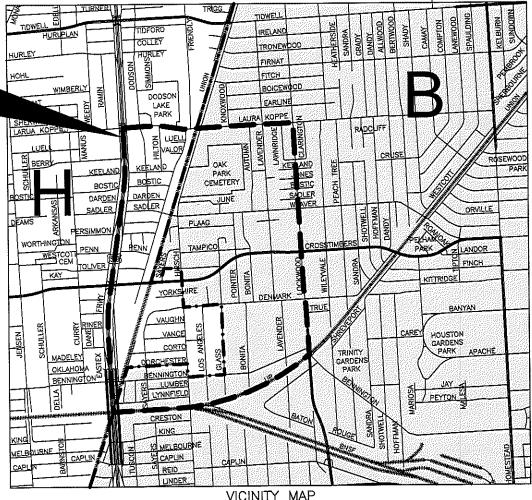
16340 Park Ten Place Suite 350 Houston, Texas 77084 (713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487 DATE: 6/30/2017

DR15 SWAT 12A BONITA GARDENS DRAINAGE AND PAVING IMPROVEMENTS

WBS No. M-420HUD-012A-3
KEY MAP NOs.454B,C,F,G,K,L,P&Q
GIMS MAP NO.s 5460B&D, 5461D, 5560A&C & 5561C
COUNCIL DISTRICT H & B
FIRM PANEL NO.: 48201C0680L

PROJECT LOCATION



VICINITY MAP

DR15 SWAT 12A BONITA GARDENS DRAINAGE AND PAVING IMPROVEMENTS

WBS No. M-420HUD-012A-3 KEY MAP NOs.454B,C,F,G,K,L,P&Q GIMS MAP NO.s 5460B&D, 5461D, 5560A&C & 5561C COUNCIL DISTRICT H & B FIRM PANEL NO.: 48201C0680L

LEGEND

PROJECT NEED/ BENEFIT AREA

COUNCIL DISTRICT BOUNDARY

COUNCIL DISTRICT B

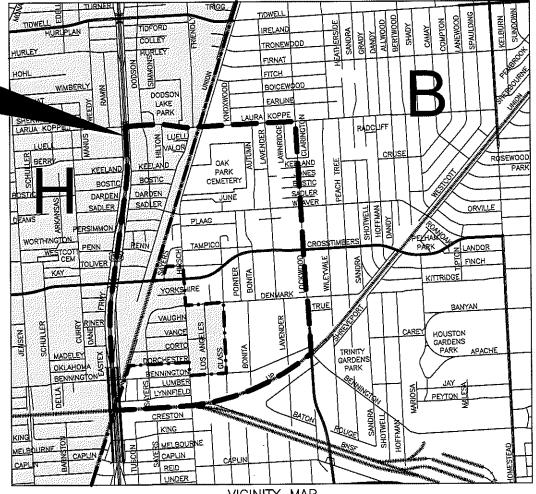
EXHIBIT B VICINITY MAP SHEET: 1 OF 2



16340 Park Ten Place Suite 350 Houston, Texas 77084 (713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487 DATE: 7/12/2017

PROJECT LOCATION



VICINITY MAP

DR15 SWAT 12A BONITA GARDENS DRAINAGE AND PAVING IMPROVEMENTS

WBS No. M-420HUD-012A-3 KEY MAP NOs.454B,C,F,G,K,L,P&Q GIMS MAP NO.s 5460B&D, 5461D, 5560A&C & 5561C COUNCIL DISTRICT H & B FIRM PANEL NO.: 48201C0680L

LEGEND

PROJECT NEED/ BENEFIT AREA

COUNCIL DISTRICT **BOUNDARY**

COUNCIL DISTRICT H

EXHIBIT B VICINITY MAP SHEET: 2 OF 2



16340 Park Ten Place Suite 350 Houston, Texas 77084 (713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487 DATE: 7/12/2017



Meeting Date: District B, District H Item Creation Date: 3/18/2022

HPW - 20MM04 Amendment / R.G. Miller Engineers, Inc.

Agenda Item#:

Background:

SUBJECT: Second Amendment to the Professional Engineering Services Contract between the City and R.G. Miller Engineers, Inc. for DR15 SWAT 12A Bonita Gardens Drainage and Paving Improvements.

<u>RECOMMENDATION:</u> Approve the Second Amendment to the Professional Engineering Services Contract with R.G. Miller Engineers, Inc.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Department of Housing and Urban Development's Community Development Block Grant - 2015 Disaster Recovery program and is necessary to reconstruct inadequate drainage systems and reduce the potential for structural flooding. This project represents how the City will use its grant allocation to support recovery in the most impacted and distressed areas included in the 2015 major disaster declaration. This project demonstrates the City's commitment to recover, rebuild, and focus on resilience for its citizens.

<u>DESCRIPTION/SCOPE</u>: This project consists of design and construction of storm water drainage and paving improvements and necessary utilities to serve the Bonita Gardens area.

LOCATION: The project area is generally bound by Laura Koppe Road on the north, Union Pacific Rail Road on the south, Lockwood Drive on the east, and US 59/IH 69 on the west.

PREVIOUS HISTORY AND SCOPE: City Council approved the original Contract on October 25, 2017, under Ordinance No. 2017-0844. 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. On April 24, 2019, by Ordinance No. 2019-0302, City Council approved an Amendment transferring funds from Basic Services to Additional Services. Under this Amendment, the Consultant has accomplished Phase I - Preliminary Design and Phase II - Final Design and Additional Services to include tree protection plans and reproduction.

SCOPE OF THIS AMENDMENT: Under the scope of the Second Amendment, the existing contract will be modified to include federal funded language in compliance with Housing and Urban Development (HUD) standards.

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.

<u>M/WBE PARTICIPATION</u>: The M/WBE goal established for this project is 24%. The original Contract amount and subsequent appropriation total \$1,320,000.00. The Consultant has been paid \$995,997.00 (75.45%) to date. Of this amount, \$386,914.74 (38.85%) has been paid to M/WBE sub-consultants to date. The MWBE goal has been previously met.

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

DocuSigned by:

Earol Haddock 5/13/2022

Carol Ellinger Haddock, P.E., Director

Houston Public Works

DocuSigned by:

Keith Bynam, Director

keith W. Bynam

Housing and Community Development

WBS No. M-420HUD-012A-3

Prior Council Action:

Ordinance No. 2017-0844, dated 10-25-17 Ordinance No. 2019-0302, dated 04-24-19

Amount and Source of Funding:

No additional funding required.

Original appropriation: \$1,392,000.00 from Fund No. 5000 - Federal Government - Grant Fund.

Additional-appropriation: \$132,000.00 from Fund No. 5000 - Federal Government - Grant Fund.

Contact Information:

Juan Chavira, PE, PMP, CEM, ENV SP Assistant Director, Capital Projects Phone: (832) 395-2441

ATTACHMENTS:

Description	ı ype
Maps	Backup Material
OBO Documents	Backup Material
Form B	Backup Material
	Backup Material
Ownership Information Form & Tax Report	'
Pay or Play	Backup Material
Form 1295	Backup Material
Prior Council Action	Backup Material



Meeting Date: 6/1/2022 District E, District I Item Creation Date: 4/21/2022

HPW – 20BZ72 Contract Award / Boyer, Inc.

Agenda Item#: 22.

Summary:

ORDINANCE appropriating \$21,862,944.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BOYER, INC** for Lift Station Renewal and Replacement - East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore; Water and Sewer System Consolidated Construction Fund City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS E - MARTIN and I - GALLEGOS**

Background:

SUBJECT: Contract Award for Lift Station Renewal and Replacement - East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore.

RECOMMENDATION: Award a Construction Contract to Boyer, Inc. for Lift Station Renewal and Replacement - East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Lift Station Renewal and Replacement Improvements program and is required to replace/upgrade lift station facilities.

The work to be performed under this contract award is necessary to maintain compliance with Houston's wastewater consent decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE</u>: The project consists of the rehabilitation and equipment replacement at four (4) lift stations: Maxey Rd., Mesa Dr., Westmont and North Shore and the construction of a new lift station at East Ten Park. The Contract duration for this project is 500 calendar days. This project was designed by Stantec Consulting Services Inc.

LOCATION:

PROJECT NAME	LOCATION	COUNCIL DISTRICT
East Ten Park Lift Station	275 Gellhorn Drive	1
Maxey Road Lift Station	909 Maxey Road	I
Mesa Drive Lift Station	3875 1/2 Mesa Drive	I
Westmont Lift Station	734 Westmont Drive	E
North Shore Lift Station	13093 1/2 North Shore #2 Drive	E

BIDS: This project was advertised for bidding on February 25, 2022. Bids were received on March 31,

2022. The two (2) bids are as follows:

	<u>Bidder</u>	Bid Amount
1.	Boyer, Inc.	\$19,739,040.00
2.	BRH-Garver Construction LLC	\$26,540,148.40

AWARD: It is recommended that this construction contract be awarded to Boyer, Inc. with a low bid of \$19,739,040.00 and Addenda Numbers 1, 2 and 3 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$21,862,944.00 to be appropriated as follows:

· Bid Amount	\$1	9,739,040.00
· Contingencies	\$	986,952.00
· Testing Services	\$	150,000.00
· CIP Cost Recovery	\$	986,952.00

Testing Services will be provided by Alpha Testing, Inc. under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, Boyer, Inc. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

<u>PAY OR PLAY PROGRAM:</u> 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WSBE PARTICIPATION: The Contractor has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE goal for this project.

	MBE - Name of Firms	Work Description	<u>Amount</u>	% of Contract
1.	Blazey Construction	Utility line construction	\$1,296,855.00	6.57%
	Services, LLC			
2.	P. A. Berrios Trucking	Trucking, specialized freight	\$ 100,670.00	0.51%
3.	TRT Abatement, LLC	Environmental remediation	<u>\$ 39,478.00</u>	<u>0.20%</u>
		TOTAL	\$1,437,003.00	7.28%
	WBE - Name of Firms	Work Description	<u>Amount</u>	% of Contract
1.	LD2 Services, Inc.	Electrical, civil, and mechanical materials	\$ 947,474.00	4.80%
2.	F & L Coatings And	Protective coatings and	\$ 448,076.00	2.27%
	Concrete, L.L.C.	grout abandonment		
		TOTAL	\$1,395,550.00	7.07%
	SBE - Name of Firms	Work Description	Amount	% of Contract
		•		· · ·
1.	Huff & Mitchell, Inc.	Utility line construction	\$ 777,718.00 \$ 777,718.00	3.94%
		TOTAL	\$ 777,718.00	3.94%

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

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

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

WBS No. R-000267-0122-4

Amount and Source of Funding:

\$21,862,944.00 - Fund No. 8500 - Water and Sewer System Consolidated Construction Fund

Contact Information:

R. Jeff Masek, P.E., CCM Assistant Director, Capital Projects Phone: (832) 395-2387

ATTACHMENTS:

Description Type

Signed Coversheet Signed Cover sheet Maps Signed Cover sheet



Meeting Date: District E, District I Item Creation Date: 4/21/2022

HPW - 20BZ72 Contract Award / Boyer, Inc.

Agenda Item#:

Background:

<u>SUBJECT:</u> Contract Award for Lift Station Renewal and Replacement - East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore.

RECOMMENDATION: Award a Construction Contract to Boyer, Inc. for Lift Station Renewal and Replacement - East Ten Park, Maxey Road, Mesa Drive, Westmont, and North Shore and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Lift Station Renewal and Replacement Improvements program and is required to replace/upgrade lift station facilities.

The work to be performed under this contract award is necessary to maintain compliance with Houston's wastewater consent decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE:</u> The project consists of the rehabilitation and equipment replacement at four (4) lift stations: Maxey Rd., Mesa Dr., Westmont and North Shore and the construction of a new lift station at East Ten Park. The Contract duration for this project is 500 calendar days. This project was designed by Stantec Consulting Services Inc.

LOCATION:

PROJECT NAME	LOCATION	COUNCIL DISTRICT
East Ten Park Lift Station	275 Gellhorn Drive	I
Maxey Road Lift Station	909 Maxey Road	I
Mesa Drive Lift Station	3875 1/2 Mesa Drive	I
Westmont Lift Station	734 Westmont Drive	E
North Shore Lift Station	13093 1/2 North Shore #2 Drive	E

BIDS: This project was advertised for bidding on February 25, 2022. Bids were received on March 31, 2022. The two (2) bids are as follows:

 Bidder
 Bid Amount

 1.
 Boyer, Inc.
 \$19,739,040.00

 2.
 BRH-Garver Construction LLC
 \$26,540,148.40

AWARD: It is recommended that this construction contract be awarded to Boyer, Inc. with a low bid of \$19,739,040.00 and Addenda Numbers 1, 2 and 3 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$21,862,944.00 to be appropriated as follows:

 · Bid Amount
 \$19,739,040.00

 · Contingencies
 \$ 986,952.00

 · Testing Services
 \$ 150,000.00

 · CIP Cost Recovery
 \$ 986,952.00

Testing Services will be provided by Alpha Testing, Inc. under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, Boyer, Inc. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WSBE PARTICIPATION: The Contractor has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE goal for this project.

1.	MBE - Name of Firms Blazey Construction Services, LLC	Work Description Utility line construction	Amount \$1,296,855.00	% of Contract 6.57%
2.	P. A. Berrios Trucking	Trucking, specialized freight	\$ 100,670.00	0.51%
3.	TRT Abatement, LLC	Environmental remediation	\$ 39,478.00	0.20%
		TOTAL	\$1,437,003.00	7.28%
1.	WBE - Name of Firms LD2 Services, Inc.	Work Description Electrical, civil, and	<u>Amount</u> \$ 947,474.00	% of Contract 4.80%
2.	F & L Coatings And	mechanical materials Protective coatings and	\$ 448,076.00	2.27%
	Concrete, L.L.C.	grout abandonment TOTAL	\$1,395,550.00	7.07%
1.	SBE - Name of Firms Huff & Mitchell, Inc.	Work Description Utility line construction TOTAL	Amount \$ 777,718.00 \$ 777,718.00	% of Contract 3.94% 3.94%

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

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DocuSigned by:

5/17/2022

-A93C410B72B3453 Carol Ellinger Haddock, P.E., Director

Houston Public Works

WBS No. R-000267-0122-4

Amount and Source of Funding:

\$21,862,944.00 - Fund No. 8500 - Water and Sewer System Consolidated Construction Fund

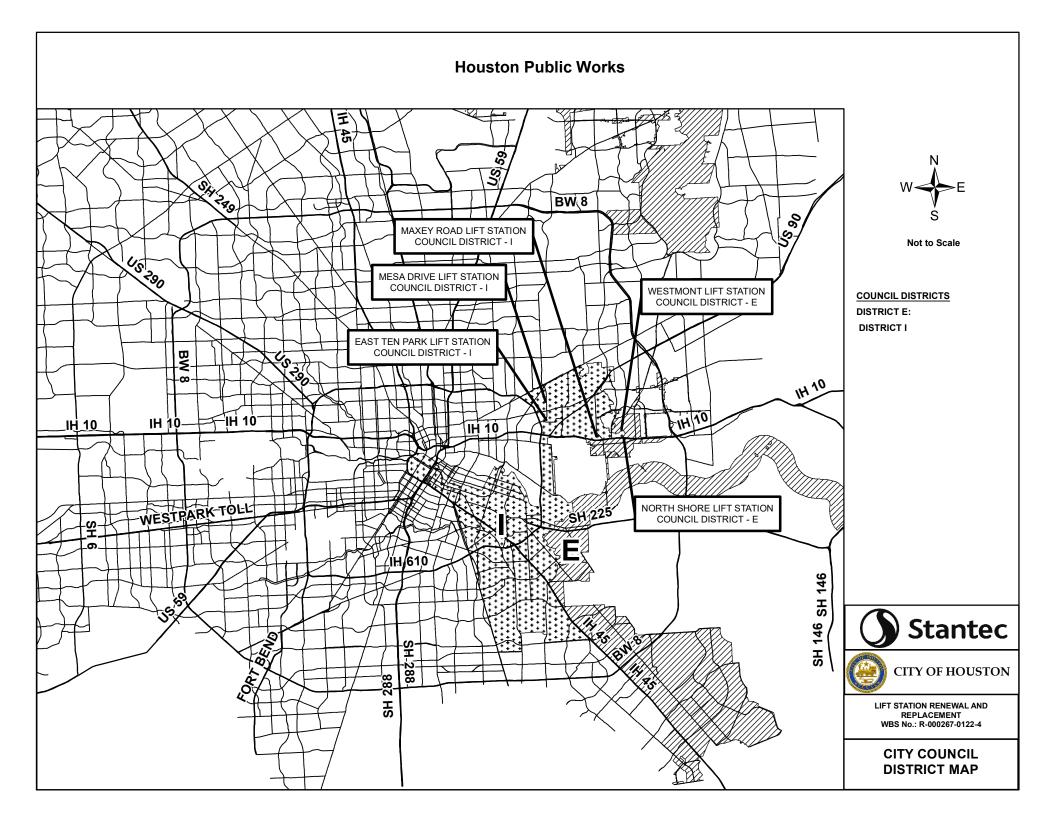
Contact Information:

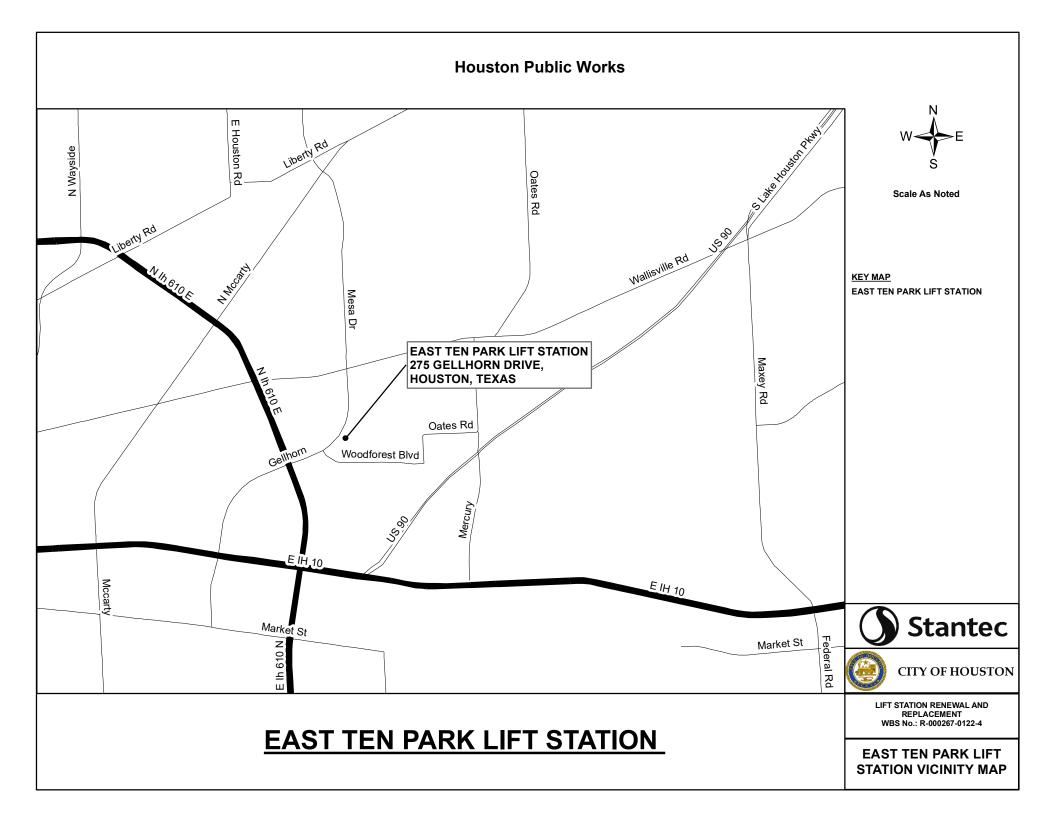
R. Jeff Masek, P.E., CCM Assistant Director, Capital Projects

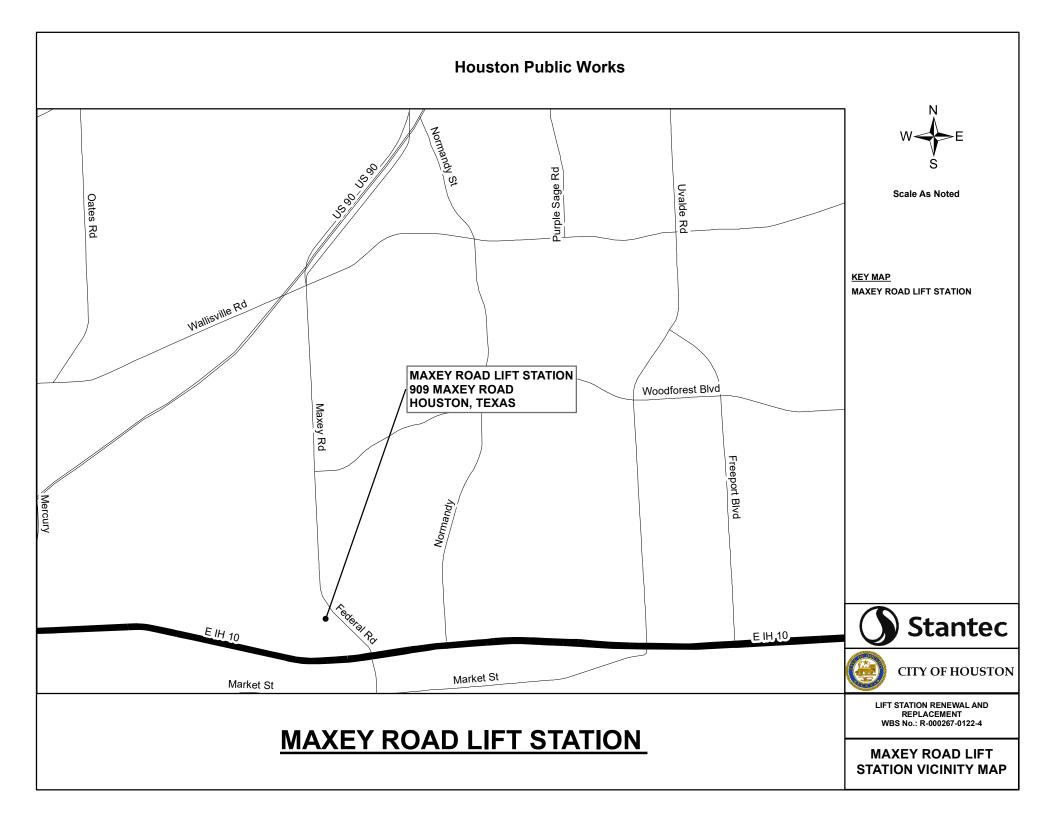
Phone: (832) 395-2387

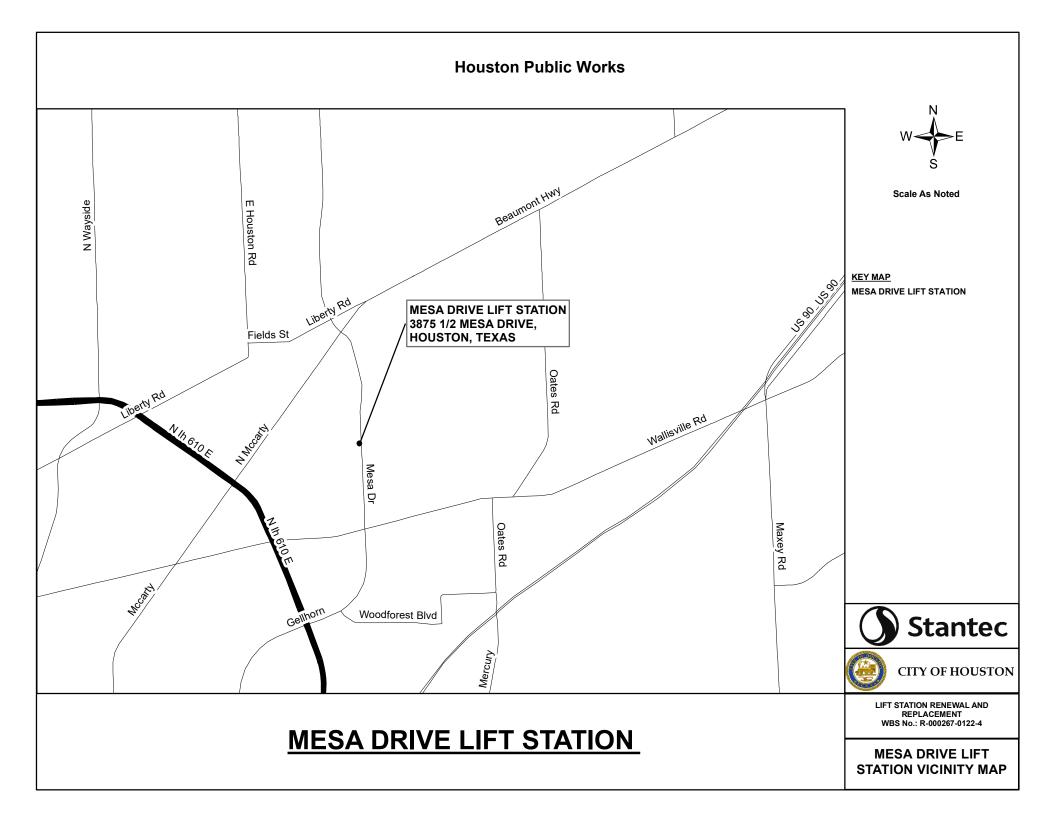
ATTACHMENTS:

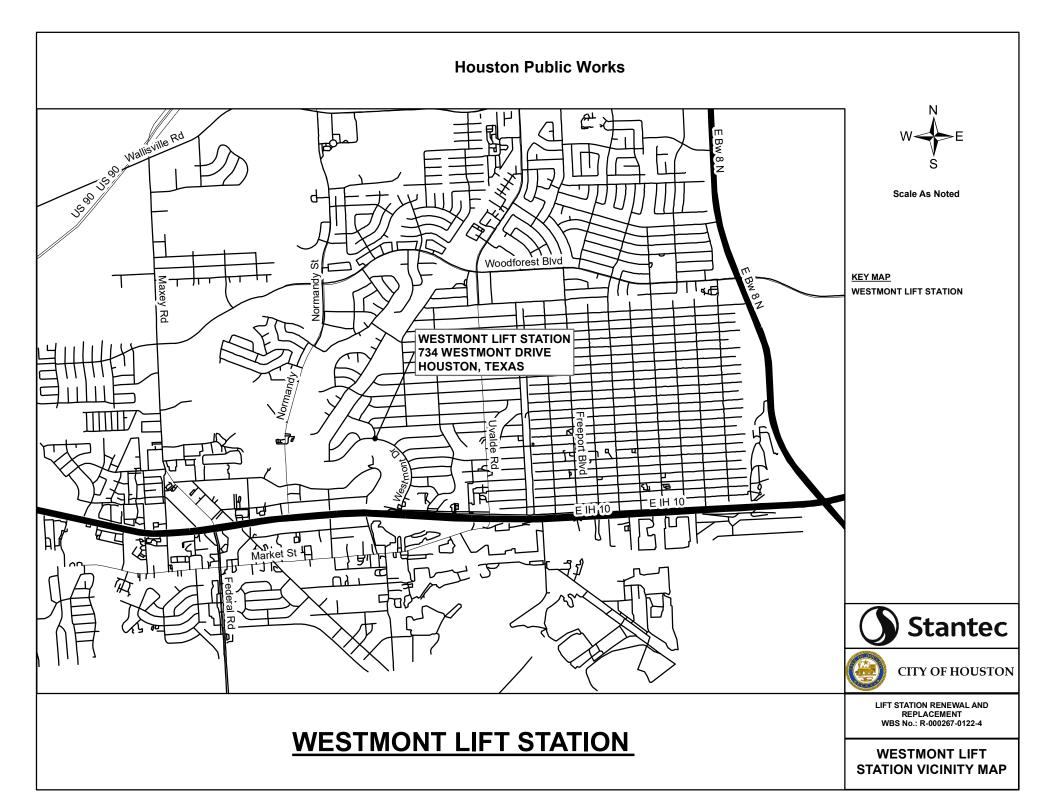
Description	Туре
SAP Documents	Financial Information
Maps	Backup Material
OBO Documents	Backup Material
Form B	Backup Material
Ownership Information Form and Tax Report	Backup Material
Pay or Play	Backup Material
Form 1295	Backup Material
Bid Tabulations	Backup Material

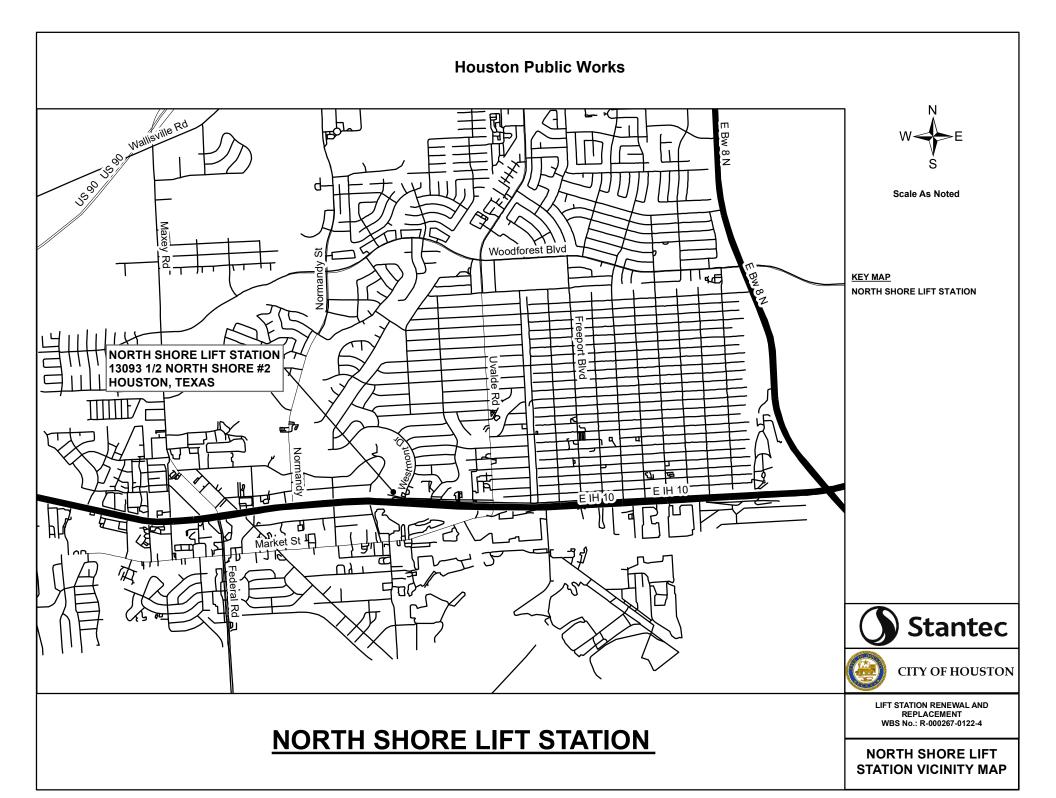














Meeting Date: 6/1/2022 District A Item Creation Date: 4/21/2022

HPW - 20IMR73 - Contract Award / BRH-Garver Construction, LLC.

Agenda Item#: 23.

Summary:

ORDINANCE appropriating \$7,914,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION**, **LLC** for Lift Station Renewal and Replacement Package II; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, contingency and testing services - **DISTRICT A - PECK**

Background:

SUBJECT: Contract Award for Lift Station Renewal and Replacement Package II.

RECOMMENDATION: Award a Construction Contract to BRH-Garver Construction, LLC for Lift Station Renewal and Replacement Package II and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This Lift Station Renewal and Replacement is part of the construction of District 159 and District 237 Lift Station Diversions.

The work to be performed under this Contract Award is necessary to maintain compliance with Houston's wastewater Consent Decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE:</u> This project consists of construction of 10-inch, 12-inch and 15-inch diameter sanitary sewer by open-cut and micro tunnel construction methods along the proposed sanitary sewer easement, and the abandonment/removal of the existing sanitary sewers, force mains and manholes as noted on the plans. The Contract duration for this project is 365 calendar days. This project was designed by IDS Engineering Group.

LOCATION:

PROJECT NAME	LOCATION	COUNCIL DISTRICT
District 237	8225 FMI 1960 West, Houston, TX	Α
District 159	17402 Tomball Pkwy, Houston, TX	А

BIDS: This project was advertised for bidding on February 18, 2022. Bids were received on March 17, 2022. The three (3) bids are as follows:

	<u>Bidder</u>	Bid Amount
1.	BRH-Garver Construction, LLC.	\$7,112,529.00
2.	T Construction, LLC.	\$7,913,720.00
3.	Boyer, Inc.	\$7,992,586.00

AWARD: It is recommended that this construction contract be awarded to BRH-Garver Construction, LLC. with a low bid of \$7,112,529.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$7,914,000.00 to be appropriated as follows:

· Bid Amount	\$7,112,529.00
· Contingencies	\$355,626.45
· Testing Services	\$90,000.00
· CIP Cost Recovery	\$355,844.55

Testing Services will be provided by Braun Intertec Corporation under a previously approved contract.

<u>HIRE HOUSTON FIRST:</u> The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, BRH-Garver Construction, LLC is a designated HHF company, but they were the successful awardee without application of the HHF preference.

<u>PAY OR PLAY PROGRAM:</u> 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/WSBE PARTICIPATION: The contractor has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE goal for this project.

MBE - Name of Firm	Work Description	<u>Amount</u>	<u>Percentage</u>
1. P.A. Berrios Trucking	Dump Trucking	\$78,237.82	1.10%
2. V&S Construction Company, LLC	CUtility Line	<u>\$609,543.74</u>	<u>8.57%</u>
	Total	\$687,781.56	9.67%
WBE - Name of Firm	Work Description	<u>Amount</u>	<u>Percentage</u>
1. Faith Utilities, LLC	Utility Line	<u>\$497,877.03</u>	<u>7.00%</u>
	Total	\$497,877.03	7.00%
SBE - Name of Firm	Work Description	<u>Amount</u>	<u>Percentage</u>
 Gulf Coast Grouting, Inc. 	Grouting	\$14,225.06	0.20%
2. F&L Coatings & Concrete, LLC	Other Specialty Trade	\$54,055.22	0.76%
3. Highway 1, LLC	Painting	<u>\$33,428.89</u>	<u>0.47%</u>
	Total	\$101,709.17	1.43%

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

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

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

WBS No. R-000267-117B-4

Amount and Source of Funding:

\$7,914,000.00 - Fund No. 8500 - Water and Sewer System Consolidated Construction.

Contact Information:

R. Jeff Masek, P.E., CCM Assistant Director, Capital Projects Phone: (832) 395-2387

ATTACHMENTS:

DescriptionSigned Coversheet

Signed Coversheet Maps

Type

Signed Cover sheet Backup Material



Meeting Date: District A Item Creation Date: 4/21/2022

HPW - 20IMR73 - Contract Award / BRH-Garver Construction, LLC.

Agenda Item#:

Background:

SUBJECT: Contract Award for Lift Station Renewal and Replacement Package II.

RECOMMENDATION: Award a Construction Contract to BRH-Garver Construction, LLC for Lift Station Renewal and Replacement Package II and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This Lift Station Renewal and Replacement is part of the construction of District 159 and District 237 Lift Station Diversions.

The work to be performed under this Contract Award is necessary to maintain compliance with Houston's wastewater Consent Decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE</u>: This project consists of construction of 10-inch, 12-inch and 15-inch diameter sanitary sewer by open-cut and micro tunnel construction methods along the proposed sanitary sewer easement, and the abandonment/removal of the existing sanitary sewers, force mains and manholes as noted on the plans. The Contract duration for this project is 365 calendar days. This project was designed by IDS Engineering Group.

LOCATION:

PROJECT NAME	LOCATION	COUNCIL DISTRICT
District 237	8225 FMI 1960 West, Houston, TX	A
District 159	17402 Tomball Pkwy, Houston, TX	Α

BIDS: This project was advertised for bidding on February 18, 2022. Bids were received on March 17, 2022. The three (3) bids are as follows:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	BRH-Garver Construction, LLC.	\$7,112,529.00
2.	T Construction, LLC.	\$7,913,720.00
3.	Boyer, Inc.	\$7,992,586.00

AWARD: It is recommended that this construction contract be awarded to BRH-Garver Construction, LLC. with a low bid of \$7,112,529.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$7,914,000.00 to be appropriated as follows:

· Bid Amount	\$7,112,529.00
· Contingencies	\$355,626.45
· Testing Services	\$90,000.00
· CIP Cost Recovery	\$355,844.55

Testing Services will be provided by Braun Intertec Corporation under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, BRH-Garver Construction, LLC is a designated HHF company, but they were the successful awardee without application of the HHF preference.

<u>PAY OR PLAY PROGRAM:</u> 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/WSBE PARTICIPATION: The contractor has submitted the following proposed program to satisfy the 11% MBE goal and 7% WBE

goal for this project.

Percentage MBE - Name of Firm Work Description Amount 1. P.A. Berrios Trucking Dump Trucking \$78,237.82 1.10% 2. V&S Construction Company, LLC Utility Line \$609,543.74 8.57% \$687,781.56 Total 9.67% WBE - Name of Firm **Work Description** <u>Amount</u> **Percentage** 1. Faith Utilities, LLC Utility Line \$497,877.03 7.00% Total \$497,877.03 7.00% SBE - Name of Firm **Work Description** <u>Amount</u> **Percentage** 1. Gulf Coast Grouting, Inc. Grouting \$14,225.06 0.20% 2. F&L Coatings & Concrete, LLC Other Specialty Trade \$54,055.22 0.76% \$33,428.89 Painting 3. Highway 1, LLC 0.47% Total \$101,709.17 1.43%

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

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DocuSigned by:

5/17/2022

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Carol Ellinger Haddock, P.E., Director

Houston Public Works

WBS No. R-000267-117B-4

Amount and Source of Funding:

\$7,914,000.00 - Fund No. 8500 - Water and Sewer System Consolidated Construction.

Contact Information:

R. Jeff Masek, P.E., CCM Assistant Director, Capital Projects Phone: (832) 395-2387

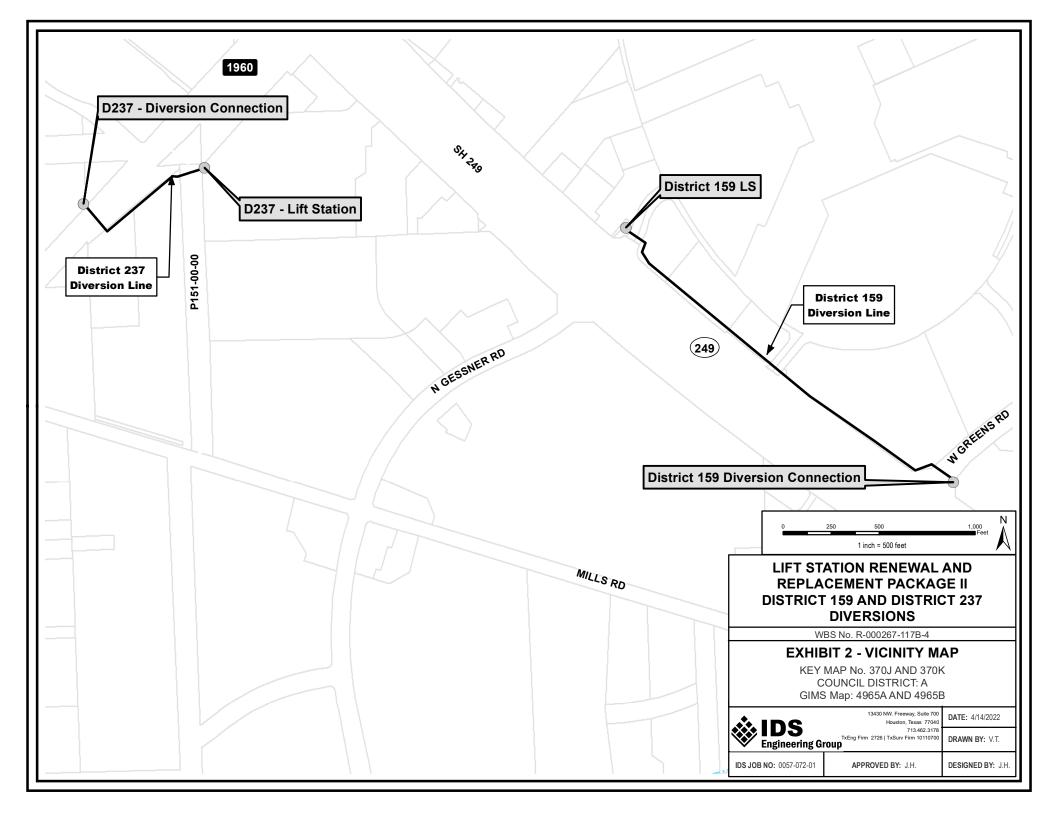
ATTACHMENTS:

Description

Description	rype
SAP documents	Financial Information
Maps	Backup Material
OBO Documents	Backup Material
Form B	Backup Material
Ownership Information Form & Tax Report	Backup Material
Pay or Play	Backup Material
Bid Tabulations	Backup Material
Form 1295	Backup Material

Typo

♣ IDS Engineering Group \\Projects\000000057-072-01_Dist159and237\Ext_Dist159and237_coationMap_8.5x11.mxd Plotted: 4/14/2022 at 2:00:36 PM by pbond





Meeting Date: 6/1/2022 ALL Item Creation Date: 4/5/2022

HPW - 20WWO996 Contract Award/ Specialized Maintenance Services, Inc.

Agenda Item#: 24.

Summary:

ORDINANCE appropriating \$2,601,309.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

Background:

<u>SUBJECT</u>: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation.

<u>RECOMMENDATION</u>: (Summary) Reject low bids, return bid bond, award construction contract to the next low bidder, Specialized Maintenance Services, Inc., and appropriate funds.

<u>SPECIFIC EXPLANATION</u>: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City. The project involves sanitary sewer cleaning and television inspection in support of rehabilitation. The purpose is to reduce sanitary sewer overflows, which is accomplished by cleaning the sewer lines and television inspection to identify sewer lines in need of rehabilitation/renewal.

The work to be performed under this contract award is necessary to maintain compliance with Houston's wastewater consent decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE</u>: This project consists of sanitary sewer cleaning and television inspection in support of rehabilitation. The contract duration for this project is 730 calendar days.

LOCATION: The work order project area is generally bounded by the City Limits.

BIDS: Four (4) bids were received on September 09, 2021, for this project as follows:

<u>Bidder</u>	Bid Amount

1.	Equix Integrity Southeast	\$2,358,281.00-Rejected
2.	Pro-Pipe, Inc.	\$2,358,281.00-Rejected
3.	Specialized Maintenance Services, Inc.	\$2,364,826.23
4.	CSI Consolidated, LLC dba AIMS Companies	\$2,620,090.00

<u>AWARD</u>: The apparent lowest (tied) bidders, Equix Integrity Southeast and Pro-Pipe, Inc., with bid amounts of \$2,358,281.00 are not certified Hire Houston First (HHF) companies, and their bids are within 3% of the next lowest bidder who is HHF certified. Therefore, it is recommended that this construction contract be awarded to the third lowest bidder, Specialized Maintenance Services, Inc., an HHF designated local business with a bid of \$2,364,826.23.

PROJECT COST: The total cost of this project is \$2,601,309.00 to be appropriated as follows:

Bid Amount	\$2,364,826.23
Contingencies	\$118,241.46
CIP Cost Recovery	\$118,241.31

<u>HIRE HOUSTON FIRST:</u> The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor is a designated HHF company, but they were the successful awardee without application of the HHF preference.

<u>PAY OR PLAY PROGRAM:</u> 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/WSBE PARTICIPATION: The contractor has submitted the following proposed program to satisfy the 11.00% MBE goal, and 4.00% WBE goal for this project.

			<u>% of</u>
MBE – Name of Firm	Work Description	<u>Amount</u>	<u>Contract</u>
TB Environmental, Inc.	Sewer Cleaning &		
TB ETIVITOTITIETILAI, TTC.	Televising	\$260,130.89	11.00%
	MBE TOTAL	\$260,130.89	11.00%
WBE – Name of Firm	Work Description		% of
WDL - Name of Film	Amount	Contract	
Jaguar Fueling Services, LLC	Fuel	\$94,593.05	4.00%
	WBE TOTAL	\$94,593.05	4.00%

FISCAL NOTE:

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

All known rights-of-way and easements required for this project have been acquired.

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

WBS# R-000266-0343-4 File No. 4277-122

Amount and Source of Funding:

\$2,601,309.00 Fund No. 8500 - Water and Sewer System Consolidated Construction.

Contact Information:

Greg Eyerly Senior Assistant Director Phone: (832) 395-4979

ATTACHMENTS:

Description Type

Signed Coversheet Signed Cover sheet



Meeting Date: ALL Item Creation Date: 4/5/2022

HPW - 20WWO996 Contract Award/ Specialized Maintenance Services, Inc.

Agenda Item#:

Background:

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation.

<u>RECOMMENDATION</u>: (Summary) Reject low bids, return bid bond, award construction contract to the next low bidder, Specialized Maintenance Services, Inc., and appropriate funds.

<u>SPECIFIC EXPLANATION</u>: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City. The project involves sanitary sewer cleaning and television inspection in support of rehabilitation. The purpose is to reduce sanitary sewer overflows, which is accomplished by cleaning the sewer lines and television inspection to identify sewer lines in need of rehabilitation/renewal.

The work to be performed under this contract award is necessary to maintain compliance with Houston's wastewater consent decree with EPA and TCEQ.

<u>DESCRIPTION/SCOPE</u>: This project consists of sanitary sewer cleaning and television inspection in support of rehabilitation. The contract duration for this project is 730 calendar days.

LOCATION: The work order project area is generally bounded by the City Limits.

BIDS: Four (4) bids were received on September 09, 2021, for this project as follows:

	Bidder	Bid Amount
1.	Equix Integrity Southeast	\$2,358,281.00-Rejected
2.	Pro-Pipe, Inc.	\$2,358,281.00-Rejected
3.	Specialized Maintenance Services, Inc.	\$2,364,826.23
4.	CSI Consolidated, LLC dba AIMS Companies	\$2,620,090.00

AWARD: The apparent lowest (tied) bidders, Equix Integrity Southeast and Pro-Pipe, Inc., with bid amounts of \$2,358,281.00 are not certified Hire Houston First (HHF) companies, and their bids are within 3% of the next lowest bidder who is HHF certified. Therefore, it is recommended that this construction contract be awarded to the third lowest bidder, Specialized Maintenance Services, Inc., an HHF designated local business with a bid of \$2,364,826.23.

PROJECT COST: The total cost of this project is \$2,601,309.00 to be appropriated as follows:

Bid Amount	\$2,364,826.23
Contingencies	\$118,241.46
CIP Cost Recovery	\$118,241.31

<u>HIRE HOUSTON FIRST:</u> The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor is a designated HHF company, but they were the successful awardee without application of the HHF preference.

<u>PAY OR PLAY PROGRAM:</u> 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.

<u>M/WSBE PARTICIPATION</u>: The contractor has submitted the following proposed program to satisfy the 11.00% MBE goal, and 4.00% WBE goal for this project.

			<u>% of</u>
MBE – Name of Firm	Work Description	<u>Amount</u>	<u>Contract</u>
TB Environmental, Inc.	Sewer Cleaning &		
TB Environmental, mc.	Televising	\$260,130.89	11.00%
	MBE TOTAL	\$260,130.89	11.00%
WBE – Name of Firm	Work Description		% of
WBL - Name of Film	Work Description	Amount	Contract
Jaguar Fueling Services, LLC	Fuel	\$94,593.05	4.00%
	WBE TOTAL	\$94,593.05	4.00%

FISCAL NOTE:

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

All knows irights, of-way and easements required for this project have been acquired.

arol Haddock 5/20/2022 =A93C410B72B3453

Carol Ellinger Haddock, P.E.

Director

Houston Public Works

WBS# R-000266-0343-4 File No. 4277-122

Amount and Source of Funding:

\$2,601,309.00 Fund No. 8500 - Water and Sewer System Consolidated Construction.

Contact Information:

Greg Eyerly

Senior Assistant Director Phone: (832) 395-4979

ATTACHMENTS:

Description	Type
SAP Documents	Financial Information
Council District Map	Backup Material
Form B	Backup Material
Ownership Information Form & Tax Report	Backup Material
Form 1295 - Certificate of Interested Parties	Backup Material
OBO Documents	Backup Material
POP Documents	Backup Material
Bid Extension Letter	Backup Material
Bid Tabulation	Backup Material



Meeting Date: 6/1/2022

Item Creation Date: 5/17/2022

Chick-Fil-a Rule 12 Appeal

Agenda Item#: 25.

Summary:

REVIEW on the Record and make determination relative to the appeal from the decision of the Sign Administration, on denial of an On Premise Sign at 7007 Gulf Freeway, filed by Stephanie Stewart. on behalf of Chick-Fil-A

TAGGED BY COUNCIL MEMBER POLLARD

This was Item 34 on Agenda of May 25, 2022

Contact Information:

Louis Gonzalez 832 393-1100

ATTACHMENTS:

Description

Type

Transcript of appeal

Backup Material



March 7, 2022

City of Houston 900 Bagby St Rm P101 Houston, TX 77251

RE: Chick-Fil-a request for Special Appeals regarding Airport Corridor.

To Whom It May Concern:

My client Chick-fil-a is requesting to be added to the City Council Agenda requesting a Special Appeals regarding their pylon sign permit located in the newly zoned Airport Corridor.

My client started the purchase of their property located at 7007 Gulf Freeway, back in March of 2020. They were told that they would be able to have a 42'-6" pylon with 225 sq. ft. Unfortunately, once they closed and obtained all the necessary building permits to where they could submit for a sign permit the code had changed to 31' with 150 sq. ft. of signage.

In our Code Appeals Meeting we learned that the change was for a beautification reason not for the safety of aircrafts. Therefore, we are asking for a special circumstance as our sign is right in row with five pylons that are 42'-6" tall and we will be the only one that is 31' tall. We are ok with meeting the 150 sq. ft. we are just requesting that we be considered for an increase in height to match the signs that are right in row with our sign. This would keep everything uniform for that block of Gulf Freeway.

I have attached our rejection letter along with the paperwork we originally submitted for the Interpretation of the Houston Sign Code Appeals Meeting.

Please note that our client has a Grand Opening Date of May 12, 2022, therefore we would appreciate if we can get on your agenda as soon as possible.

Sincerely,

Stephanie Stewart

Stephanie Stewart

Houston Office 21281 Blair Rd. Bldg. 10 Conroe, TX 77385 Ph: (281)639-1560 Dallas Office 4716 McNutt St Haltom City, TX 76117 Ph:(817)808-1408

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March 1, 2022

Via email: stephanie.stewart@signremedy.com

Ms. Stephanie Stewart Sign Remedy Inc. 21281 Belair Road Building 10 Conroe, Texas 77385

Re:

Request for appeal regarding the decision of Sign Administration and the Interpretation of the Houston Sign Code for denial of sign permit at 7007 Gulf Freeway

Dear Ms. Stewart:

On February 24, 2022, the General Appeals Board of the City of Houston held a hearing regarding your request for an appeal relative to the decision of the Houston Sign Administration regarding a sign at 7007 Gulf Freeway, Houston, Texas.

Based upon the testimony presented at the hearing, the General Appeals Board found that the decision of the Sign Administration should be upheld.

Any interested person aggrieved by a decision of the General Appeals Board may appeal to the City Council, provided that written notice to the City Council for such appeal is delivered to the City Secretary within 10 days following the decision of the Board.

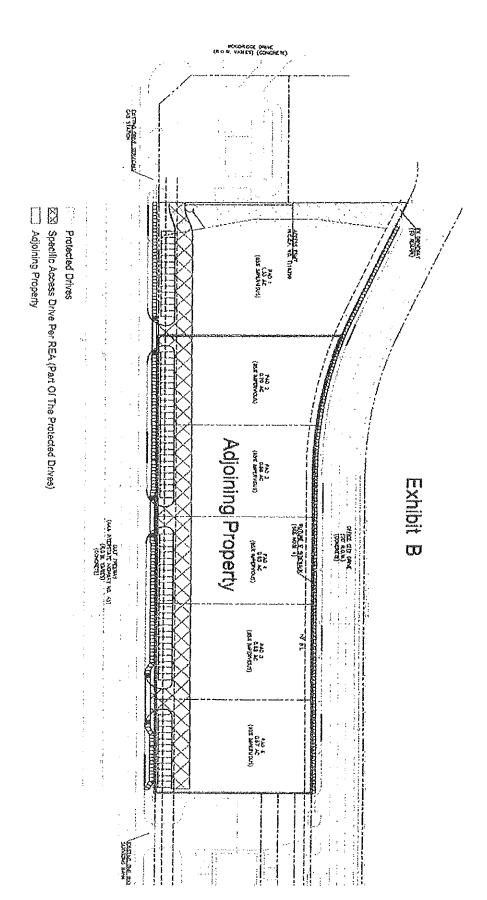
Pursuant to Rule 12 of the City Council's Rules of Procedure (Section 2-2 of the City Code), a party appealing a decision of the General Appeals Board to City Council shall submit the complete court reporter-certified record to the city secretary within 60 days of the decision of Board. Failure to submit the required or required records within the required time period shall constitute an untimely appeal to City Council and a waiver by the appealing party to an appeal before City Council.

SIGNED on the	day of, 2022
	Midual Disliberger Michael Dishberger, Chairman General Appeals Board Of the City of Houston

CC:

Building Official

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INSTRUCTIONS AND APPLICATION TO REQUEST APPEAL BEFORE THE GENERAL APPEALS BOARD

- 1. All requests shall be in writing.
- 2. **Original and ten (10) copies** of the completed application and supporting documents must be submitted to the address below:

City of Houston
Office of the Building Official
1002 Washington Avenue, 4th Floor
Houston, Texas 77002
Attn: Sandra Meza

- 3. The request must be submitted ten (10) business days prior to the next scheduled Board meeting. Meetings are held the fourth Thursday of the month. (Petitioner will be notified by mail when the hearing has been scheduled.)
- 4. Petitioner's name, mailing address and phone number shall be included on the application. (If petitioner will be represented by someone else, include both petitioners and representative information.)
- 5. The Section of the Building Code/Ordinance for which an interpretation or decision is requested shall be properly identified.
- 6. Petition shall contain a statement as to what Petitioner understands to be the interpretation of the Building Official of the subject Section(s).
- 7. The petition shall clearly set forth what he/she believes should be the interpretation or decision.
- 8. Petitioner shall present evidence and cite other authority, if any, that would tend to substantiate the Petitioner's request.
- 9. If the Board denies the request, the petitioner may appeal such decision to the City Council within ten (10) days of the date of the Board's decision; however,
 - a) A court reporter is required to prepare a record for there to be an appeal to City Council and
 - b) The petitioner must pay all costs of the transcript prepared by the court reporter.
- 10. The petition application shall be signed. All appeals as per Section L110.0 of the Life Safety Appendix shall be signed and sworn to by the building owner.
- 11. If you have any questions regarding application and instructions please contact Sandra Meza at (832) 394-9085 or sandra.meza@houstontx.gov

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REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

DATE:	01/18/2022			Date Rec'd:		
	CITY OF HOUSTON GENERAL APPEALS BOA 1002 WASHINGTON AVEI HOUSTON, TEXAS 77002					
FROM:						
NAME (OF APPLICANT:	Chick-fil-A				
PROPERTY ADDRESS:		7007 Gulf Freeway	y. Housto	on, TX. 77087		
	·			(City, State, Zip)		
	G ADDRESS:	Chick-fil-A 5200 Bu	uffington	Rd. Atlanta, GA. 30349		
•	ent from above)	404-353-3819		(City, State, Zip)		
	CT NUMBER(S):	Patrick Davis				
SIGNA	TURE OF APPLICANT:	Patrick Davis				
INEXIVE	UAL/FIRM REPRESENTIN	_{JG} . Stephanie Stewart	t / Sian F	Remedy Inc.		
	SS ADDRESS:	21281 Belair Rd. E				
	TATE, ZIP:	Conroe, TX. 77385				
	·	281-639-1560				
CONTA	CT NUMBER(S):					
REFERI	Table 4611		PAGE _	60		
LIST OT	HER CHAPTERS AND SE	CTIONS OF BUILDING	CODE A	FFECTED BY REQUEST:		

DESCRIBE IN DETAIL THE REASON FOR THE REQUEST:

REQUEST FOR: Category zoning change (C vs E) in regards to pylon restrictions

Use additional pages if needed Revised November 6, 2013

For Office Use Only

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Sign Remedy Inc. on behalf of Chick-fil-A

Sign Remedy, Inc. 21281 Belair Rd. Bldg 10 Conroe, TX 77385 281-639-1560 Chick-fil-A 5200 Buffington Rd Atlanta, GA 30349 404-353-3819

Category C vs. Category E

C) 42'-6" Overall Height Pylon Sign with 200 Square Feet of sign area

E) 31'-0" Overall Height Pylon Sign with 150 Square Feet of sign area

The interpretation of the inspector denial is due to changing of the zoning, making this site part of the newly created Category E, "Airport District". This new distinction, has a maximum height restriction on freestanding pylons at 31'-0" (table 4611), compared to the previous Category C allowance of 42'-6". The height of the proposed pylon sign at 42'-0" was determined based on the allowance under the Category C zoning restrictions and to match that of the freestanding signs of Burger King, Canes (installed February 2020), and Popeyes located to the right of the Chick-fil-A property. There are also a Shell pylon and a McDonald's pylon sign to the left of the property that have been in place since before 2008 and are taller than the 42' height that appear to have been grandfathered.

We would like to be classified in the Category C zoning area again so that we can have the 42' maximum height restriction on the freestanding pylon. We are along IH-45 and should be part of the Freeway corridor. All other pylon signs in our immediate area are 42' or taller.

Chick-fil-A would like to be at the same height as the other businesses in the area. Requiring this sign to be shorter than the surrounding signs by 11' will not make it a safer environment for airplanes in the corridor. We are not requesting our sign be any taller than the surrounding signs, just the same height in a long row of other established signs. Granting this request will benefit this restaurant by providing better visibility for their sign and it will make this area look more uniform in the process.

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Find | West | 25th

Checklist Comments Report

21120439 Project Name:

12/03/2021 12:08 PM Workflow Started: 01/12/2022 12:08 PM Report Generated:

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Shell and McDonald's pylon signs located to the left of the Chick-fil-A property. +42' in height



Burger King, Canes, and Popeyes Pylon signs located to the right of Chick-fil-A property. 42' Heights



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ADOBE READER MUST BE USED

THIS FORM WILL NOT FUNCTION PROPERLY IN OTHER PLATFORMS

EXPEDITE

IMPORTANT:

PLEASE USE A SEPARATE SHEET FOR EACH INDIVIDUAL WITNESS

JOB INFORMATION Expedited: X Yes Job Number: General Appeals Board Hearing Reporter: Jessica Butts Due to Client: 03/30/2022 **Submitted Date:** 03/28/2022 Job Date: 02/24/2022 CONFIDENTIALITY INFORMATION No. Are exhibits confidential? CASE/WITNESS INFORMATION Witness Name: Mario Garcia Case Name: General Appeals Board Hearing EXHIBITS Last Exhibit: Are ALL Original Exhibits Attached to Transcript? First Exhibit: 3 SPECIAL INSTRUCTIONS Please enter any special instructions or notes to Production: These were not marked nor added as exhibits, but I believe the party needed them attached as part of the record to proceed with an appeal, from what I understood; party did not clarify nor request such, but no clarifications were provided at all for this particular job

Please submit original exhibits within 2 business days of proceeding. Exhibits are accessible in Connect within 2 business days of receipt.

PAGE COUNTS B&W: Color: Oversized: CD/DVD/USB: Scanned/Uploaded By:

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2.1.1.100		



NOTICE

General Appeals Board Meeting Thursday, February 24, 2022 5:00 P.M.

After September 1, 2021, the Board will conduct meetings at the Houston Permitting Center in accordance with the provisions of Section 551.127 of the Texas Government Code. The Chair will be present in the room, though staff, board members, and the public may attend in person, or through a videoconference link using Microsoft Teams.

To join this General Appeals Board (GAB) meeting please see the following options:

In-person meeting at: 1002 Washington Avenue, Basement, Room B2, Houston, Texas

To access the meeting online, please visit: Click here to join the meeting or https://bit.ly/3J3XNNU

To access the meeting by phone, please call: +1 936-755-1521
Conference ID: 645 805 366#

Α.	Consideration of minutes for December 16, 2021 meeting
В.	Consideration of Sign Appeal
	Chambania Chausant Sign Domandy, 7007 Culf Fraguery

Stephanie Stewart – Sign Remedy – 7007 Gulf Freeway
 Decision of the Sign Administration Section and the Interpretation of the
 Houston Sign Code for Denial of Sign Permit

Anyone wishing to speak before the General Appeals Board should sign up to speak via phone (832) 394-9085 or email sandra.meza@houstontx.gov, 24 hours in advance preferred. If you have materials or exhibits for the General Appeals Board to consider, submit it via email to sandra.meza@houstontx.gov 24 hours in advance of the scheduled meeting for it to be included in the final agenda packet.

Please note what agenda item you wish to speak on, or if you wish to make a general public comment; and if you plan to attend either in person or virtually. You may also sign up to speak in the chat feature of Microsoft Teams during the meeting, or if attending in person, by advising staff at the meeting.

General Appeals Board February 24, 2022 Hearing 5:00 PM

1002 Washington Avenue Basement Level, Training Room B 2 Houston, TX 77002

Appeal by Sign Remedy, Inc. of the Rejection of Its Application for a Sign Permit

For

Chick-Fil-A

7007 Gulf Freeway

Houston, TX 77087

Sign Administration's Exhibits

- 1. Sign Remedy's Request for Appeal of Decision or Interpretation
- 2. Applicable Code Provisions
- 3. Correspondence
- 4. Excerpts from Sign Remedy's Application File

REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

DATE: 01/18/2022		For Office Use Only Date Reo'di
TO: CITY OF HOUSTON GENERAL APPEALS BOARD 1002 WASHINGTON AVENU HOUSTON, TEXAS 77002) E	
FROM: NAME OF APPLICANT: PROPERTY ADDRESS: MAILING ADDRESS: (If different from above) CONTACT NUMBER(S): SIGNATURE OF APPLICANT:	Chick-fil-A 7007 Gulf Freeway. Houston, TX Chick-fil-A 5200 Buffington Rd. A 404-353-3819 Patrick Davis	(City, State, 214)
	G: Stephanie Stewart / Sign Reme 21281 Belair Rd. Bullding 10 Conroe, TX. 77385 281-639-1560	edy Inc.
REFERENCE: SECTION Table 4611	PAGE 60	
	ECTIONS OF BUILDING CODE AFF	
REQUEST FOR: Category zonlin	ig change (C vs E) in regards to p	ylon restrictions
DESCRIBE IN DETAIL THE REAS Use additional pages if needed	SON FOR THE REQUEST:	Submit Ten (10) copies

Sign Remedy Inc. on behalf of Chick-fil-A

Sign Remedy, Inc. 21281 Belair Rd. Bldg 10 Conrce, TX 77385 281-639-1560 Chick-fil-A 5200 Buffington Rd Atlanta, GA 30349 404-353-3819

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Checklist Comments Report

21120439 Project Name:

12/03/2021 12:08 PM Workflow Started:

01/12/2022 12:08 PM

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			Construction &	The dimensions on Engineering and construction		Met	Clauda Prindle 01/12/2022 10	01/12/2022 10
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,			Course of Block	Proposed scope-of-work exceeds Table 4511		Not Met	Claudia Prindle 01/12/2022 10	01/12/2022 10
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Shell and McDonald's pylon signs located to the left of the Chick-fil-A property. +42' in height



Burger King, Canes, and Popeyes Pylon signs located to the right of Chick-fil-A property. 42' Heights



CITY OF HOUSTON BUILDING CODE CHAPTER 46

HOUSTON SIGN CODE

NOTE: ALTHOUGH THIS SIGN CODE CONSTITUTES CHAPTER 46 OF THE CITY OF HOUSTON BUILDING CODE (BASED UPON THE 2006 INTERNATIONAL BUILDING CODE), IT IS SEPARATELY PUBLISHED.

Current through Ordinance No. 2020-669
Effective July 29, 2020
Compiled by the City of Houston Legal Department

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Section 4611

Airport Corridor District. All new on-premise signs located in the Airport Corridor District for which a sign permit is issued after July 29, 2020, shall conform to all requirements relating to on-premise signs in the Code, with the exception that ground signs located on major thoroughfares shall comply with the height and size provisions of Category A of Table 4611 and ground signs located on freeways shall comply with the height and size provisions of Category E of Table 4611.

TABLE 4611
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY

D1 31	O11 1 .									
	CATEG	ORY A	CATEG	ORY B	CATEG	ORY C	CATEG	ORY D	CATEG	ORY E
SIGN TYPE	Height	: Slze	Height	Height	Slze	Size	Height	Size	Helght	Size
,	(Ft.)	(SFt.)	(Ft.)	(Ft.)	(SFt.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)
SINGLE BUSINESS	14	100	20	150	421/2	225	8	60	31	150
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	26	300	421/2	450	10	120	31	300
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	31	450	421/2	600	12	180	31	450
FLAG	20		35		50	<u> </u>			<u> </u>	B-14

CATEGORY A shall mean visible from and located on premises with frontage on scenic and historical rights-of-way and districts and major thoroughfares in the Airport Corridor District.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares including collector streets other than scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways and highways other than scenic and historical rights-of-way and districts.

CATEGORY D shall mean visible from and located on premises with frontage on local streets.

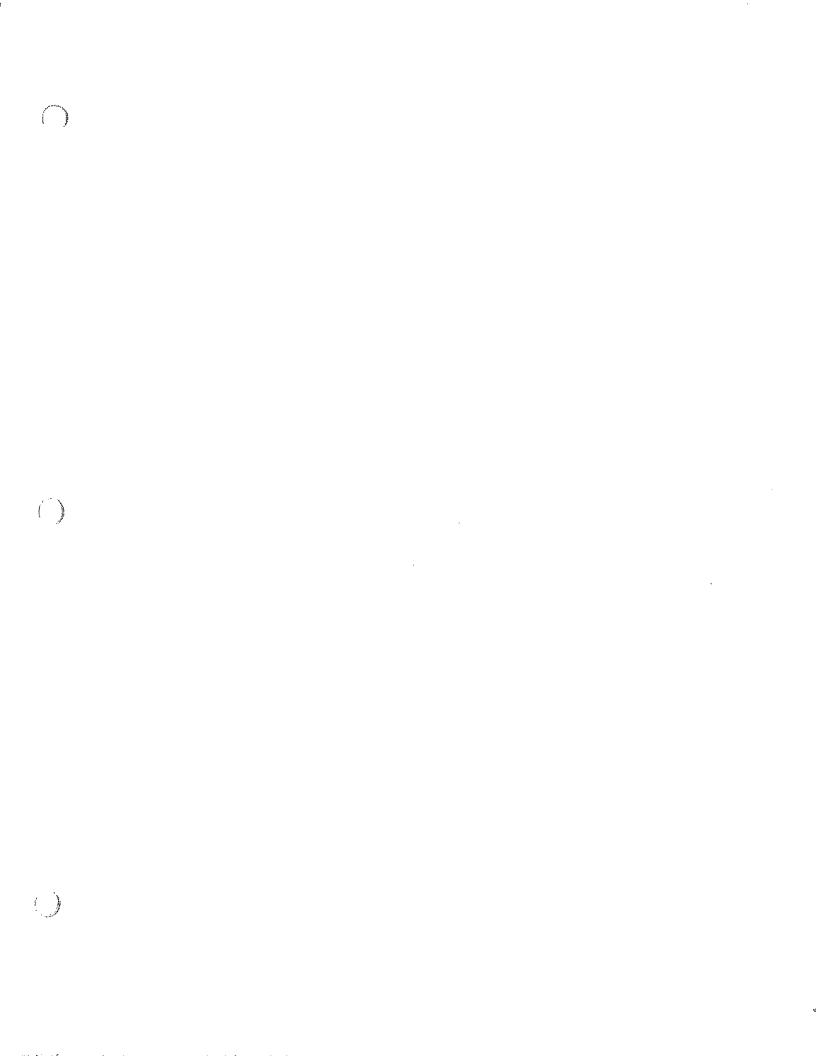
CATEGORY E shall mean visible from and located on premises with frontage on freeways in the Airport Corridor District.

The **AIRPORT CORRIDOR DISTRICT** of the City shall include the following areas:

- (1) The Interstate 45 corridor including the right-of-way and frontage roads, and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Interstate Highway 45 from its intersection with Dixle Farm Road (Highway 1959) [the southern-most entrance to Ellington Airport] on the south to its intersection with Beltway 8 on the north;
- (2) The George Bush Intercontinental Airport Entrance corridor including the right-of-way and frontage roads and extending 300 feet beyond each boundary of the right-of-way and frontage roads of John F Kennedy Boulevard from its intersection with Beltway 8 on the south to the entrance to George Bush Intercontinental Airport on the north;
- (3) The Hobby Airport Entrance corridor including the rights-of-way and extending 300 feet beyond each boundary of the rights-of-way of each of (a) Broadway and Monroe from their intersections with Interstate Highway 45 on the north to their intersections with Airport Boulevard on the south and (b) Airport Boulevard from its intersection with Telephone Road on the west to its intersection with Interstate 45 on the east and (c) Telephone Road from its intersection with Loop 610 on the north to its intersection with Airport Boulevard on the south [being the primary entrances to William P. Hobby Airport from Interstate 45];
- (4) The Ellington Airport Entrance corridor including the right-of-way and extending 300 feet beyond each boundary of (a) the right-of-way of Dixie Farm Road (Highway 1959) from its intersection with Interstate Highway 45 on the south to its intersection with Galveston Road (Highway 3) on the north and (b) the right-of-way of Scarsdale Boulevard from its intersection with Interstate Highway 45 on the south to its intersection with Galveston Road (Highway 3) on the north (c) the right-of-way of Galveston Road (Highway 3) from its intersection with Beltway 8 to its intersection with Clear Lake City Boulevard (Highway 2351 [being the primary entrances to Ellington Airport from Interstate 45]:
- (5) The Highway 59 corridor including (a) the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Highway 59 from its intersection with the Downtown Scenic District at Jensen Drive on the south to its intersection with Langley Road on the north;
- (6) The Highway 59 corridor including (a) the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Highway 59 from its intersection with Aldine Bender Road on the south to its intersection with Will Clayton Parkway on the north and (b) continuing to the west along Will Clayton Parkway, including

Appendix B

- the right-of-way and extending 300 feet beyond the right-of-way of Will Clayton Parkway to its intersection with Lee Road; and
- (7) The Hardy Toll Road corridor including the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Hardy Toll Road, both as it currently exists and as it may be extended in the future south of Loop 610 into Downtown Houston on the south, and to its intersection with Halls Bayou on the north;
- (8) The Hardy Toll Road corridor including the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Hardy Toll Road from its intersection with Aldine Bender Road on the south through its intersection with and continuing along the Hardy Toll Road Airport Connector to its intersection with Hoods Bayou at the boundary of George Bush Intercontinental Airport; and
- (9) The principal exits from the foregoing corridors into their intersecting streets in Downtown Houston, specifically (a) the Pease/St. Joseph Parkway exit from Interstate Highway 45 north-bound, (b) the Milam, McKinney, and Pierce-Jefferson exits from Interstate Highway 45 south-bound, (c) the North Hamilton Street exit from Highway 59 south-bound, and (d) the exit from and entrance to Hardy Toll Road, both as it currently exists and as it may be extended in the future, to their intersections with the intersecting streets in Downtown Houston.



From: Garcia, Mario - HPC-HPW

Sent: Monday, November 15, 2021 8:51 AM

To: Stephanie Stewart <stephanie.stewart@signremedy.com>; Simmons, Billy - HPC-HPW

<Billy.Simmons@houstontx.gov>

Cc: Teresea Lindsey <teresea.lindsey@signremedy.com>

Subject: RE: New CFA Site

Good Morning,

We don't perform preliminary reviews and do not go into the details of placement of signs without plans in the system.

The standard setback or clearance from power lines is 10' anything closer will require a clearance letter from centerpoint.

Please also remember that most of Gulf Fwy is Category E (Airport Corridor)

Thank you,

**ario Garcia

ån Analyst Supervisor, Sign Administration 832.394.8925



From: Stephanie Stewart < stephanie.stewart@signremedy.com >

Sent: Friday, November 12, 2021 9:05 AM

To: Garcia, Mario - HPC-HPW < Mario. Garcia@houstontx.gov >; Simmons, Billy - HPC-HPW

<Billy.Simmons@houstontx.gov>

Cc: Teresea Lindsey < teresea.lindsey@signremedv.com >

Subject: Re: New CFA Site

[Message Came from Outside the City of Houston Mail System]

Attached is a new alta survey for this site.

Your feedback is greatly appreciated.

Thank you

On Fri, Nov 12, 2021 at 7:41 AM Stephanie Stewart < stephanie.stewart@signremedy.com > wrote:

Good Morning and Happy Friday City of Houston Friends

My client is asking if we can review the attached pylon placement. Client has a new survey being done due to the over power lines being located to the rear of the property.

This site has not broken ground yet and will in the next two-three weeks, therefore we want to button up everything for signage on our end.

Thank you

Stephanie Stewart

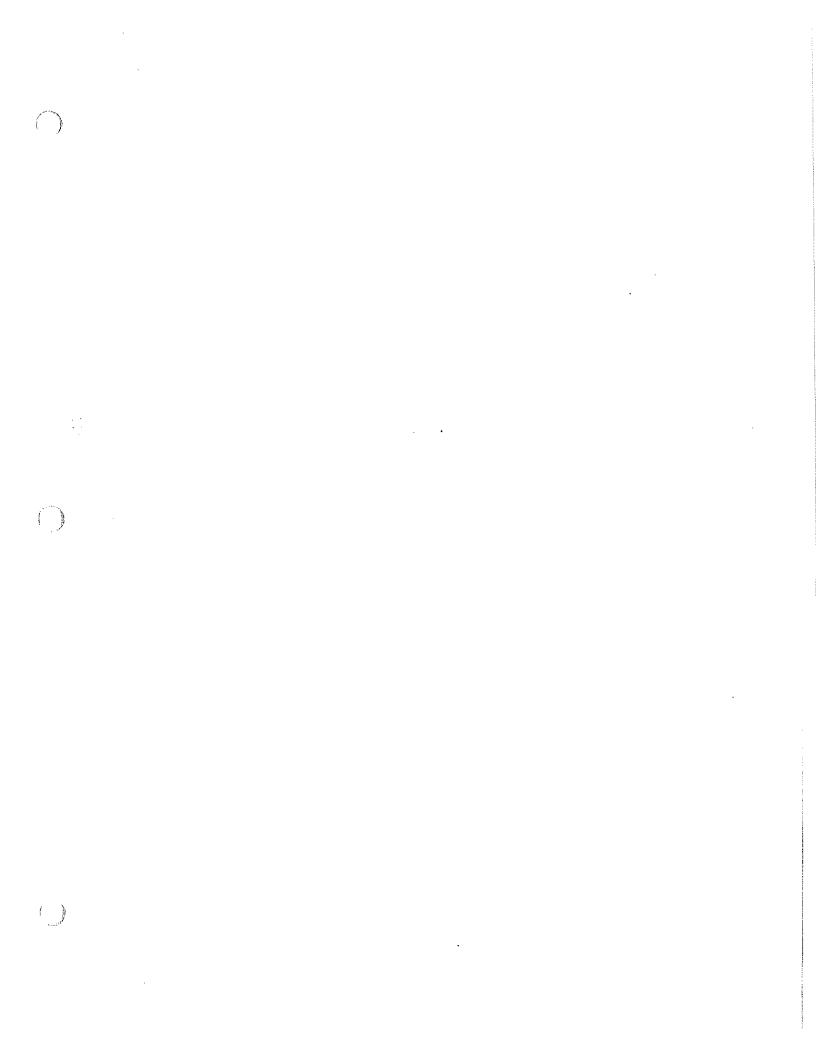
M: (281)639-1560 21281 Blair Rd. Bldg. 10 Conroe, TX 77385



Stephanie Stewart

M: (281)639-1560 21281 Blair Rd. Bldg. 10 Conroe, TX 77385





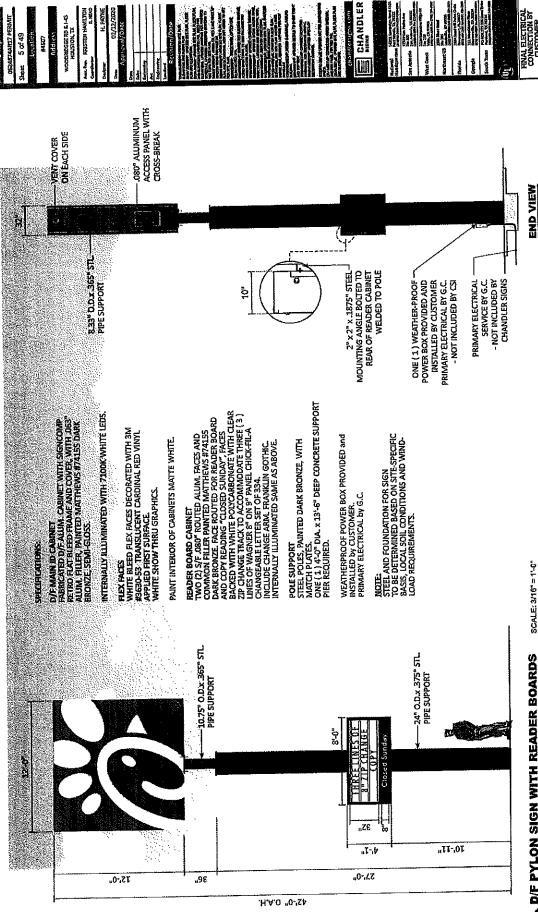
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ON - PREMISE

SIGN PERMIT APPLICATION

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Ap	Sign Company:	Sign Reme	edy, Inc.			Sign Ca. License:	0020				
P	Contact:	Stephanle	Stewart			E-Mall:	steph	anie.stewar	t@signrem	edy.com	
c	Address:	21281 Blai	r Rd Bldg. 1	0		Office Phone#:	(281)	639-1560			
A N T	City,ST,Zip	Conroe, T	< 77385			Cell Phon	(281)	639-1560			
p R	Owner Name:	Chick-fil-a	#4607			Billing Name:	Chic	k-fil-a			
P E	Address:	7007 Gulf	Freeway			Address:	7007	Gulf Freew	ay .		
R	City,ST,Zip	Houst	on IX -	רצטרו		Clty,ST,Zij	HO	uston	<u>TX 77</u>	087	
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HoustonPermittingCenter.org 832,394.8890 revised: August 10, 2020 Form CESA-003



#4507 Address

SCALE: 3/16" = 1'-0" DIF PYLON SIGN WITH READER BOARDS

ONE (1) REQUIRED - MANUFACTURE AND INSTALL

TEXT: APERCU TITLE CASE BOLD

176 SQ, FT.

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END VIEW

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Checklist Comments Report
Project Name: 21 (20439
Workflow Started: 12/03/2021 12:08 PM

02/24/2022 01:43 PM Report Generated:

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And the state of t	Last Updated	01/12/2022 10:08	01/12/2022 10:09
Legion Comment Continues on para surely an	Updated By	Claudia Prindle	Claudia Prindia 01/12/2022 10:09 AA
	Status	Met	Not Met
and an appearance of the formation of the			
I AND THE PROPERTY SHAPE WAS A PROPERTY OF THE			
	Applicant Respon		
REPORT CHREATER: UZZZZZZZ V 145 FW	* Ravlever Comment	The dimensions on Engineering and construction drawings are different.	Proposed scope-of-work exceeds Table 4611 allowance is for Max. H. of 31ft for category E and 150sf.
C 1.45 PW	Communit Type	Construction & 7	
report Generated: UZ/Z4/ZUZZ VI.45 PW	edil Type	Signs Permit	2 Signs Permit Scape-of-Work
o modan	100	<i>0</i> 5	2 5

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Workflow Routing Slip Report

Project Name:

21120439 12032021 12:08 PM Workflow Started:

02/24/2022 01:41 PM Report Generated:

Task Name	Status	cycle	Date Assigned	Date Accepted	Date Completed	Group Name	User	Sub Total
Applicant Upload Task	Completed	o	12/03/2021 12:08 PM	12/03/2021 12:14 PM	12/03/2021 12:14 PM	Applicant	STEPHANIE STEWART	0:00:05:49
sadın Man Analyst	Completed	0	12/03/2021 12:14 PM	12/03/2021 2:19 PM	12/03/2021 2:19 PM	Coordinators	Mario Garda	0:02:05:16
Plan Analysts Department Review cycle #1	Reassigned	-	12/03/2021 2:19 PM		12/03/2021 3:28 PM	Plan Analysts	Marisa Ayala	0:01:08:41
Plan Analysis Department Review cycle #1 Repsengred from Marica Ayaka)	Completed	1	12/03/2021 3:28 PM	12/08/2021 11:08 AM	12/08/2021 2:29 PM	Plan Analysts	Claudia Prindle	423:00:29
Applicant Resubmit Task	Completed	1	12/08/2021 2:29 P.M	12/08/2021 2:29 PM	01/10/2022 8:40 PM	Applicant	STEPHANIE STEWART	\$3:06:11:39
Resubmit Received Task	Completed	-	01/10/2022 8:40 PM	01/12/2022 8:54 AM	01/12/2022 8:54 AM	Plan Analyst	Claudia Prindie	1:12:13:39
Plan Analysts Department Review cycle #2	Completed	2	01/12/2022 8:54 AM	01/12/2022 8:58 AM	01/12/2022 10:11 AM	Plan Analysts	Claudia Prindle	0:01:17:10
Applicant Resubruit Task	Accepted	2	01/12/2022 10:11 AM	01/12/2022 12:08 PM		Applicant	STEPHANIE STEWART	
	Comment of the Commen	Section Control	The second secon	A STATE OF THE STA	the property of the state of th	Total Workshop Completions	Miles Time to Completion:	大学の世代の のかの

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REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

DATE: 01/18/2022		For Office Use Only
AND STREET OF THE STREET OF TH		Date Rec'd:
TO: CITY OF HOUSTON GENERAL APPEALS BOAR 1002 WASHINGTON AVENU HOUSTON, TEXAS 77002		
FROM:		
NAME OF APPLICANT:	Chick-fil-A	
PROPERTY ADDRESS:	7007 Gulf Freeway. Houston, TX. 770	87
	(City,	State, Zip)
MAILING ADDRESS:	Chick-fil-A 5200 Buffington Rd. Atlanta	ACTION OF THE PROPERTY OF T
(If different from above)	(City, 404-353-3819	State, Zip)
CONTACT NUMBER(S):	<u></u>	
SIGNATURE OF APPLICANT:	Patrick Davis	
INDIVIDUAL/FIRM REPRESENTING BUSINESS ADDRESS: CITY, STATE, ZIP: CONTACT NUMBER(S):	Stephanie Stewart / Sign Remedy Inc 21281 Belair Rd. Building 10 Conroe, TX. 77385 281-639-1560	
REFERENCE: SECTION Table 4611	PAGE 60	
LIST OTHER CHAPTERS AND SEC	CTIONS OF BUILDING CODE AFFECTED I	3Y REQUEST:
REQUEST FOR: Category zoning	change (C vs E) in regards to pylon rest	rictions
DESCRIBE IN DETAIL THE REASO	N FOR THE REQUEST:	
Use additional pages if needed Revised November 6, 2013	Submit	Ten (10) copies

Sign Remedy Inc. on behalf of Chick-fil-A

Sign Remedy, Inc. 21281 Belair Rd. Bldg 10 Conroe, TX 77385 281-639-1560

Chick-fil-A 5200 Buffington Rd Atlanta, GA 30349 404-353-3819

Category C vs. Category E

C) 42'-6" Overall Height Pylon Sign with 200 Square Feet of sign area

E) 31'-0" Overall Height Pylon Sign with 150 Square Feet of sign area

The interpretation of the inspector denial is due to changing of the zoning, making this site part of the newly created Category E, "Airport District". This new distinction, has a maximum height restriction on freestanding pylons at 31'-0" (table 4611), compared to the previous Category C allowance of 42'-6". The height of the proposed pylon sign at 42'-0" was determined based on the allowance under the Category C zoning restrictions and to match that of the freestanding signs of Burger King, Canes (installed February 2020), and Popeyes located to the right of the Chick-fil-A property. There are also a Shell pylon and a McDonald's pylon sign to the left of the property that have been in place since before 2008 and are taller than the 42' height that appear to have been grandfathered.

We would like to be classified in the Category C zoning area again so that we can have the 42' maximum height restriction on the freestanding pylon. We are along IH-45 and should be part of the Freeway corridor. All other pylon signs in our immediate area are 42' or taller.

Chick-fil-A would like to be at the same height as the other businesses in the area. Requiring this sign to be shorter than the surrounding signs by 11' will not make it a safer environment for airplanes in the corridor. We are not requesting our sign be any taller than the surrounding signs, just the same height in a long row of other established signs. Granting this request will benefit this restaurant by providing better visibility for their sign and it will make this area look more uniform in the process.

on Six of the Six of

Checklist Comments Report

Project Name: 21120439

Workflow Started: 12/03/2021 12:08 PM

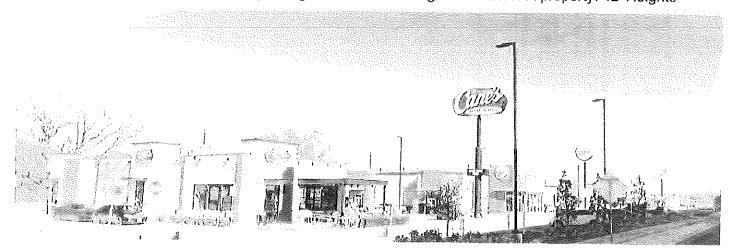
Report Generated: 01/12/2022 12:08 PM

Cycle 🗅 Permit Type 🗅	Comment Type 5	Reviewer Comment	Applicant Response	Status C	Updated By C Last Updat	Last Updat
1 Signs Permit	Construction & Attachment	The dimensions on Engineering and construction drawings are different.		Met	Claudia Prindle 01/12/2022 10	01/12/2022 10
2 Signs Permit	Scope-of-Work	Proposed scope-of-work exceeds Table 4611 allowance(s) for Max. Ht. of 31ft for category E and 150sf.		Not Met	Claudia Prindle 01/12/2022 10	01/12/2022 10

Shell and McDonald's pylon signs located to the left of the Chick-fil-A property. +42' in height



Burger King, Canes, and Popeyes Pylon signs located to the right of Chick-fil-A property. 42' Heights



1	GENERAL APPEALS BOARD
2	CONSIDERATION OF A SIGN APPEAL HEARING
3	* * * * *
4	REMOTELY VIA MICROSOFT TEAMS
5	* * * * *
6	FEBRUARY 24, 2022
7	5:00 p.m.
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1	APPEARANCES
2	GENERAL APPEALS BOARD:
3	(PRESENT IN PERSON)
4	MR. MIKE DISHBERGER, CHAIRMAN
5	MR. LANCE MCKNIGHT, BOARD MEMBER
6	(PRESENT VIA MICROSOFT TEAMS)
7	MS. NANCY BREWER, BUILDING CODE ENFORCEMENT
8	MR. DAVID BROWN, BOARD MEMBER
9	MS. LESLIE DAVIDSON, BOARD MEMBER
10	MR. SOLOMON SILVA, BOARD MEMBER
11	
12	COUNSEL FOR GENERAL APPEALS BOARD AND CITY OF HOUSTON:
13	(PRESENT VIA MICROSOFT TEAMS)
14	MR. DOUGLAS RAY, ATTORNEY FOR THE GENERAL APPEALS BOARD
15	(PRESENT IN PERSON)
16	MR. CHARLES HOUSTON, ATTORNEY FOR THE CITY OF HOUSTON
17	
18	PRESENT FOR APPELLANT:
19	(PRESENT IN PERSON)
20	MS. STEPHANIE STEWART, SIGN REMEDY, INC.
21	MR. PATRICK DAVIS, CHICK-FIL-A, INC.,
22	DEVELOPMENT SERVICES
23	MS. KRISTEN HAMILTON, CHANDLER SIGNS
24	
25	

1	WITNESS:
2	(PRESENT IN PERSON)
3	MR. MARIO GARCIA, PLAN ANALYST SUPERVISOR FOR THE
4	CITY OF HOUSTON
5	
6	ALSO PRESENT:
7	(PRESENT IN PERSON)
8	MS. SANDRA MEZA, PARTICIPANT/RECORDING OFFICER
9	(PRESENT VIA MICROSOFT TEAMS)
LO	MS. JESSICA BUTTS, TEXAS CERTIFIED SHORTHAND REPORTER
L1	
L2	
L3	
L4	
L5	
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1	PROCEEDINGS
2	(Videoconference commenced at 5:05 p.m.)
3	* * * * *
4	INTRODUCTIONS
5	MR. DISHBERGER: Mike Dishberger. I'm
6	the chairman.
7	MR. McKNIGHT: Lance McKnight.
8	MR. GARCIA: Mario Garcia.
9	MR. HOUSTON: I'm Charles Houston,
10	Counsel for the City.
11	MR. BENITEZ: Misael Benitez,
12	Sign Administrator.
13	MR. DISHBERGER: Guys on the line?
14	MR. BROWN: David Brown.
15	MS. DAVIDSON: Leslie Davidson.
16	(Simultaneously speaking)
17	MR. DISHBERGER: I got you, Leslie.
18	Next?
19	MR. RAY: Yes. I'm Douglas Ray. I'm
20	with City Legal Department. I'm here today,
21	representing the Board.
22	MS. BREWER: I'm Nancy Brewer. I'm
23	with I'm Building Code Enforcement,
24	Houston Public Works.
25	MR. DISHBERGER: Thank you, Nancy.
	l l

1	Do we have we have a quorum, I think,
2	don't we? We have five?
3	MS. MEZA: Yes.
4	MR. DISHBERGER: Okay.
5	MS. MEZA: Nancy's representing the
6	Building Code Enforcement
7	(Simultaneously speaking)
8	MR. DISHBERGER: Oh, that's right.
9	That's right. She's also a member, yes, okay.
10	* * * * *
11	MEETING CALLED TO ORDER; MOTION AND VOTE TO APPROVE THE
12	MINUTES
13	MR. DISHBERGER: I call this meeting to
14	order.
15	First piece of business is: We need to
16	approve the minutes from the December 16th meeting.
17	Do we have any items? Do I hear a motion
18	to approve the minutes?
19	MS. DAVIDSON: I move to approve the
20	minutes.
21	(Simultaneously speaking)
22	MR. McKNIGHT: approve the minutes.
23	MR. DISHBERGER: Do I hear a second?
24	MS. DAVIDSON: I second.
25	MR. DISHBERGER: Thank you, Leslie.

1	All in favor?
2	(Multiple people saying "aye")
3	MR. DISHBERGER: No one opposed, passed.
4	* * * * * *
5	CONSIDERATION OF A SIGN APPEAL PROCEEDINGS
6	MR. DISHBERGER: All right. We have one
7	piece of business today, here: Consideration of a sign
8	appeal, Stephanie Stewart, Sign Remedy, Inc.,
9	7007 Gulf Freeway. And we're going to go over the
10	appeal.
11	As well, as I tell people, when we
12	have these, we're this is not a court of law, so
13	we're going to be hearing both sides. The City will
14	speak up first and give their case and tell the
15	their their interpretation of what happened and
16	what's going on with the Code. You'll then have a
17	chance to present your case. And then we go back and
18	forth with some questions.
19	With if either if a party has a
20	witness, we can ask them questions and and go back
21	and forth on that.
22	Once all that's concluded, the the
23	Board will make a motion to, one, either approve or
24	disapprove; then we'll have a discussion amongst
25	ourselves. We we also may have questions to ask of

```
1
     each individual. So, that'll apply too.
 2
                     And do we have any witnesses here today
 3
     that need to be sworn in?
 4
                     (No audible response)
                    MR. DISHBERGER: And so can we do all
 5
 6
     that at one time here?
 7
                     (No audible response)
 8
                    MR. DISHBERGER: Who -- who will do the
 9
     swearing in?
10
                     (Simultaneously speaking)
1.1
                    MS. MEZA: The -- the court reporter --
12
                    MR. DISHBERGER: The court reporter --
13
     yes.
14
                    MS. MEZA: -- does that. And give me
     just one second. I need to start recording this.
15
16
                    MR. DISHBERGER: Oh, okay. Sorry.
17
                    MS. MEZA: Do you know to re- -- I've
18
     never used this one before.
19
                    (Sotto voce discourse between members)
20
                    (Court reporter clarification)
21
                    MR. RAY:
                              Okay. Mr. Chair, if you could,
22
     from this point on, just for the aid of the court
     reporter, everybody that, when they make a motion,
23
24
     announce who you are; for example, say, "I'm
25
    Leslie Davidson. I move, " so and so.
```

- 1	
	And if you second, then, the same thing:
	Announce who you are. And when we take a vote, announce
	your name before you vote so each person would be
	recorded as which way they voted.
;	MS. MEZA: I can't find where to record
	it, so, that's fine. Okay.
,	THE REPORTER: Thank you, Mr. Douglas
,	MR. DISHBERGER: Okay. So we need to get
)	our witness sworn in, Ms. Court Reporter.
ļ	(Witness sworn)
	MR. DISHBERGER: Okay. Let's begin.
.	City, you want to present your case?
	MR. HOUSTON: Sure.
:	Ladies and gentlemen, my name is
,	Charles Houston. I am representing Sign Administration
,	in today's hearing. Those of you who've been to these
,	hearings before will have noticed that I am not
3	David Red, my predecessor. David is no longer with the
)	City, and I have been given the task of filling in
)	and in filling his very capable shoes.
	This is my first one of these hearings,
;	so I ask for your forgiveness and indulgence when I
,	make not if, but when I make inevitable mistakes.
	I will give a quick introduction and a
,	summary, on behalf of Sign Administration.

```
1
     Sign Remedy, Inc., is appealing the rejection of its
 2
     application for a sign permit at 7007 Gulf Freeway.
     Their client is Chick-fil-A, which we all know makes
 3
     delicious food. Sign Remedy submitted the application
 4
     on December 3rd, 2021. That date's important:
 5
 6
     December 3rd, 2021.
 7
                    I don't think there's any real dispute
     about the facts here. The application requested a sign
 8
 9
     that should have been 42-and-a-half feet high, which is
     Category C, under the sign -- under Sign Code 4611(j), I
10
     think it is. But this location is on Gulf Freeway and
11
12
     sits within the newly-created Airport Corridor District.
13
     Here, again, there's no dispute, I don't think, about
14
     whether it sits in the Airport Corridor District.
15
                    The sign Code says that all new
16
     on-premises signs located in the
17
     Airport Corridor District for which a permit is issued
18
     after July 29th, 2020, shall conform to certain
19
     requirements. And, in your notebooks, new materials at
     Tab -- I believe it's Tab 3 -- is the applicable --
20
     Tab 2 is the applicable portion of the Sign Code.
21
22
                    There's a table in there.
                                               It says,
23
     summarizing, that the sign at issue is Category E
    because it is located on premises with signage on
24
25
    Gulf Freeway in the Airport Corridor District. The --
```

```
Category E has a maximum height of 31 feet.
                                                  The
 1
 2
     application submitted by Sign Remedy, Inc., as stated:
    December 3rd, 2021, almost a year and a half after the
 3
 4
     July 29th, 2020 date set forth in 4611(j).
                    It's pretty cut-and-dry. There is
 5
     correspondence at Tab 3, showing that Mr. Garcia, here,
 6
 7
     the plan analyst supervisor, advised Ms. Stewart,
     finally, that -- remember -- remember that most of
 8
     Gulf Freeway is Category E, parentheses,
 9
10
     Airport Corridor.
11
                    The fact that there are, and they will
12
    point out -- they're right -- the fact there are other
     restaurants with signs up to 42 feet or even higher --
13
     that's true; that's absolutely true. Those sign were
14
15
     erected either before the existence of the Sign Code, or
     they were erected under a previous version of the
16
     Sign Code, which allowed signs of that height at that
17
18
     particular time.
19
                    But we are, unfortunately, dealing with a
20
     relatively new addition, a relatively new amendment, to
     the Sign Code, which sets a maximum height. And what
21
     Sign Remedy's asking for is, in essence, a variance.
22
     They're asking to go beyon- -- above and beyond the
23
     31-foot height li- -- limit set forth in the Code. And
24
     then there's just not a mechanism for that here.
25
```

1	Wolve get oridenge that is in warm watched					
	we've got evidence that is in your notebooks. And we'll					
2	hear testimony from Mr. Garcia, setting forth the City's					
3	position, under oath.					
4	And, you know, I think it's important to					
5	point out that nobody's saying that Chick-fil-A can't					
6	have a sign to advertise its delicious food; we're					
7	simply saying that the sign is capped out at a height of					
8	31 feet, based on the recent amendment to the Sign Code					
9	from July of 2020.					
10	And that's the City's position, in a					
11	nutshell.					
12	MR. DISHBERGER: Then do you want to					
13	(Simultaneously speaking)					
14	MR. HOUSTON: Sure. Sure.					
15	MARIO GARCIA,					
16	having been previously duly sworn, testified under his					
17	oath as follows:					
18	EXAMINATION					
19	BY MR. HOUSTON					
20	Q Mr. Garcia, would you please state your					
21	state and spell your full name for the record.					
22	A It's Mario Garcia, M-a-r-i-o G-a-r-c-i-a.					
23	Q And are you currently employed, Mr. Garcia?					
24	A Yes.					
25	Q And who is your employer?					
	_ -					

City of Houston. 1 Α And what is your title, Mr. Garcia, with the 2 Q City? 3 I am the plan analyst supervisor. 4 Α And what department are you in, sir? 5 Q Sign Administration. 6 Α And how long have you worked for 7 0 Sign Administration? 8 9 Α Five years. And how long have you worked as a plan analyst 10 11 supervisor? 12 Α Two years. 13 What are your duties as a plan analyst 14 supervisor? 15 My tasks are to assign ta- -- projects Α that come in for review to different reviewers and, if 16 the reviewers have questions or concerns during the 17 reviews, to come to me and work out the correct 18 interpretation of the Code, and, if I need more 19 20 clarification, go to my supervisors, and answer various questions and e-mails from contractors, customers, and 21 22 developers. So --Okay. And are you familiar, sir, with the 23 sign that brings us here today, or the -- with the 24 purpose to bring us here today, at seven-zero-si- --25

7007 Gulf Freeway?

A Yes.

Q And how did you come to be familiar with this particular issue?

A Well, from the first e-mail that I received, it kind of mentioned that it was in the -- in the Airport Corridor. And it -- it wasn't until the reviewer it was assigned to came to me and said that she believed that it was in the Airport Corridor. And she hadn't caught it in the first review, but we found it in the second review, that it was in the Airport Corridor.

And we looked up the boundaries listed in Appendix B and informed the reviewer that, yes, it was inside the Airport Corridor and has to be categorized as Category E.

Q Okay. And so when you say "Airport Corridor," tell us what exactly you're talking about.

A Yes. So City of Houston and the -- the Council passed a new or- -- the changes to the Code in July of -- 29, 2020. And, in part with various organizations, like Scenic Houston and Houston First, to -- I -- I guess their -- their whole point was to beautify or create lower -- like, lower heights for signs in different districts. And that's what the Airport Corridor came to be: Any district that came

from any of the airports around the City of Houston to 1 the central business industry located downtown. 2 Okay. And so you are familiar, then, with the 3 0 boundaries of the Airport Corridor District. 4 5 Α Yes. 6 And is it your testimony here that the 7 premises at issue is within the Airport Corridor District? 8 It's in -- it's within the Interstate 45 9 corridor, as described in Appendix B. 10 Is there any doubt in your mind about 11 0 12 whether or not it's in the corridor? 13 No, no doubt. Α Okay. And you -- I think you indicated that 14 0 the purpose of the -- of the sign regulations has to do 15 with the beautification, or esthetics, of the City? 16 that a fair characterization? 17 Yes, that's -- that is, from reading various 18 minutes, or meetings, from City Council, when it was 19 brought up; that was the intention that they'd had when 20 21 they voted for -- for this to pass. Okay. And -- and tell me, if you can, why it 22 is that the particular sign at issue here is governed --23 is -- is -- it -- that -- falls under Category E, with 24 25 the lower height requirement, versus Category C, with

```
1
     the higher height requirement?
 2
          Α
               Because it falls within the newly-created
     Airport Corridor that came into effect and we're tasked
 3
 4
     with enforcing.
               Okay. And -- and -- and, in -- 4611(j), I
 6
     think, says that sign permit -- sign permits that are
     applied for after July 29th, 2020, are subject to this
 7
     new Airport Corridor District regulation?
 8
 9
               Correct. Yeah, any sign -- any new signs with
10
     permits issued after July 20- -- 29, 2020, have to
     conform to the -- they -- they fall within the
11
12
     category -- in -- in -- in that district, have to
13
     conform with Category E.
14
               Okay. And, in Tab 4 of binder, there is a
     copy of the sign permit application. What's the date on
15
16
     that application, sir?
17
               December -- it was notarized
          Α
18
     December 3rd, 2021.
19
               Okay. So, again, we're talking almost a year
     af- -- after the July 29th, 2020 cut-off -- 2020 cut-off
20
21
     for the date set forth in -- in 4611; is that right?
22
          Α
               Correct, yes.
23
          Q
               Okay.
24
                    MR. HOUSTON: That's all the questions
25
     I've got for you right now.
```

1 MR. DISHBERGER: Okay. Present your case. 2 MS. STEWART: So, Chick-fil-A bought this 3 property prior to the Code change, or it was in talks, 4 and everything about this. So everything that was done 5 on our research and their research is prior to the sign 6 change, obviously, because it was in June/July of 2020. 7 Obviously, our whole point is, obviously, 8 beautification, too. 9 Now, you have 42-foot-6 all up and down 10 in -- in that area. If you look from the pictures, you 11 have McDonald's just a little bit higher, because that's 12 been grandfathered -- right? -- same -- their sign; and 13 same with Shell. But you have Raising Cane's, 14 Burger King, and, also, Popeyes that are all within not 15 even a quarter of a mile of each other right in a little 16 row that are all 42-6, 250 square feet. 17 We're asking, "Can we have the 42-6, or 18 42 feet, even if we were to meet halfway and have 150 19 square foot?" because we're losing 100 square feet of 20 signage -- right? -- based on the new being not just 21 footage -- height. 22 So we would be willing to, possibly, see 23 if we could meet halfway, because, again, you're all in 24 a row. And it's because all the -- we are having 42-6, 25

```
42-6, 31 feet (indicating). So, I mean, that's --
 1
 2
                    MS. HAMILTON: And then back up.
 3
                    MS. STEWART:
                                   Yeah, "and then back up"
     to, like, a 55-foot-10-plus, with the Shell and
 4
 5
     McDonald's. So, I mean, our intention is that, yes, we
     would like to have a 42-6 height and meet with the
 6
     current square footage, if possible, to keep in mind
 7
     what is right there on that part of the road. So ...
 8
 9
                    MR. DISHBERGER: Anything else?
10
                     (Simultaneously speaking)
11
                    MS. STEWART: And -- and, Patrick --
12
                    MR. DAVIS: Yeah. Yeah. So, thank
13
     you-all for --
14
                    MR. DISHBERGER: Can you -- can you state
15
     your name for us?
16
                    MR. DAVIS:
                                I'm sorry.
17
                    So, Patrick Davis with Chick-fil-A, Inc.,
    Development Services. Other than that -- so, again,
18
     thank you-all for being here today. We -- as stated,
19
     we -- we have -- we were in the process well before
20
    July. I have e-mail communications I've provided as
21
22
     evidence.
23
                    We actually came and met with the City,
24
    had a pre-application meeting with the City in March of
25
    2020, to talk about plans for this development, as we
```

were under these negotiations for -- to take a parcel 1 within this development that was being developed by 2 master developers for several other QSRs: quick-serve 3 4 restaurants. Upon that time, we were not aware of a 5 Airport Corridor Code or ordinance that was forthcoming. 6 And we, again, proceeded to lease this property and 7 pursue this development, just as the other QSR 8 9 restaurants, with a 42-foot sign. Be- -- being -- going through the City of 10 Houston process, we started to submit -- well, we went 11 12 through our design process and started to actually 13 submit the permits in September of 2021 -- I'm sorry -started the process in September of 2020 and went 14 through a very lengthy process of -- of getting a 15 permit. 16 17 As you-all may be aware, in the permitting process, we are not allowed to submit for a 18 signage permit until we actually have a -- a building 19 20 permit number that we can actually attach to the sign 21 permit. 22 Again, we were not aware of this new

Again, we were not aware of this new ordinance change until we'd gotten our building project number and then submitted our -- our -- our signage permit, got in review, was not aware of the issue. And

23

24

25

```
1
     then, upon a second review/comment, we -- we learned
     that there was this new ordinance that we had to be at
 2
 3
     the 30-some-odd-foot level.
 4
                    I think the other thing I just would like
 5
     to point out that was just mentioned earlier: Again,
 б
     this was kind of a master development done by a --
 7
     another developer that had several other QSRs: a
     Burger King; there's a -- a Popeyes; there's a
 8
 9
     Raising Cane's; there's our site; then you have a
10
     McDonald's; and then you have a Shell.
11
                    Again, we are in the middle of these
     other developments. And, as just mentioned earlier, it
12
13
     would be very odd to have 42-plus, 42-plus, 42-plus, 30,
     42-plus, 42-plus (indicating). And so we are just
14
15
     asking for a reasonable consideration of our -- of our
16
     appeal for -- for this case.
17
                    MR. DISHBERGER: Okay. You guys have any
     questions of the City Sign Administrator?
18
19
                    MS. STEWART: No. I mean, the Code is --
20
     the Code is the Code.
21
22
          GENERAL APPEALS QUESTIONS/REMARKS TO APPELLANT
23
                    MR. DISHBERGER: Okay. Any Board -- any
    Board members want to ask any questions? Start with you
24
25
     guys on the screen.
```

```
(Indicating)
1
                    MR. BROWN:
                    MR. DISHBERGER: Yes, David?
 2
                    MR. BROWN: So, I just want to be clear:
 3
    From the -- the Chick-fil-A folks, you're not
 4
     disagreeing that you guys fall under the Category E,
 5
    that you're a single business, per this chart, and
 6
 7
    you -- you fall under that version of the Code? There's
    not disagreement there at all?
 8
 9
                    (Simultaneously speaking)
                    MR. DAVIS: No.
                                     There's no --
10
                    MS. STEWART: No, sir -- no, there's no
11
1.2
    disagreement --
13
                    MR. DAVIS: -- disagreement in that.
14
                    MR. BROWN: Okay. So you're just --
    you're just asking if -- if you guys can have an
15
16
     exception?
                 Is that the gist of it?
17
                    MS. STEWART:
                                 Yes.
18
                    MR. DAVIS: Essentially, yes.
                    MS. STEWART: We know there's no
19
    variance. But, I mean -- so we've had to go through
20
21
     this whole process to see if we could have a special
     appeals to see if we could meet somewhere in the middle.
22
                                Okay. Yeah, I'd -- I'd --
23
                    MR. BROWN:
    because it -- yeah, it doesn't seem like there's much
24
25
     interpretation of the Code here. It's -- it's pretty
```

```
1
     cut-and-dried.
 2
                     That's all my questions.
 3
                     MR. DISHBERGER: All right. Anyone else
 4
     on screen?
 5
                     (No audible response)
 6
                    MR. DISHBERGER:
                                     Leslie, nothing?
 7
                     (No audible response)
 8
                    MR. DISHBERGER: Sol?
 9
                    Is he on?
10
                     (No audible response)
11
                    MR. DISHBERGER:
                                      Lance?
12
                    Oh.
                         I had one -- only one question, it
13
             I see the permit application. We're talking
14
     about E a bit, though -- oh, that's "sign added." Okay.
15
     I just -- I was trying to find a permit application
     where it says what you're trying to apply under: E or A
16
17
     or C. Where -- where do you see that?
18
                    MR. GARCIA: So, on the application, if
19
     you look at the very top, there's -- when there --
20
                    MR. DISHBERGER: Oh, okay. Okay.
21
                    (Simultaneously speaking)
22
                    MR. DISHBERGER: Y'all marked "C" on it.
23
                    MS. STEWART: We'd marked "C."
24
                    MR. DISHBERGER: Okay. And then applied
25
     for a sign appeal, okay.
```

```
MS. STEWART: You need to update that
1
     online, by the way, because it does not have Category E.
2
                    MR. GARCIA: Yeah we have it uploaded to
3
     our website --
4
5
                    (Simultaneously speaking)
 6
                    MS. STEWART: Right -- no, no, no.
                                                         I'm
7
     talking about when you go and actually put it on the
    portal.
8
9
                    MR. GARCIA:
                                 Yeah.
                    MS. STEWART: You don't ha- -- it does
10
     not -- it has A through -- and you can't put the others
11
12
     on it.
                    MR. GARCIA: Yeah, that's what --
13
14
     we've -- we've advised --
15
                    MS. STEWART:
                                  IT?
                    MR. GARCIA: -- IT to do that.
16
1.7
                    MR. DISHBERGER:
                                     Lance?
                    MR. McKNIGHT: I don't know if I have
18
     question, so much as -- I mean, my understanding of our
19
20
     role in this Board: We are not interpreting -- we -- we
21
     are interpreting -- we are here to interpret the Code
22
     and the application of it. We don't really have -- if
     the Code part is definitely right, we don't really have
23
24
     any authority to -- I mean, I'm with you.
25
                    I'm -- I get it. If I'm on the
```

```
City Council and you appeal to me, I'm going, "Yeah,
 1
     you're right. This is kind of a crock, where this one
 2
     sign in the middle of all these bigger signs."
 3
 4
                    But I don't think this Board has the
     ability to do that. Is that -- am I correct, in my
 5
 6
     understanding of that?
 7
                    MR. RAY: Mr. Chair, this is Douglas Ray.
 8
                    MR. DISHBERGER: Yes, Douglas.
 9
                    MR. RAY: The jurisdiction of the Board
10
     is to take the -- the decision of the Sign Administrator
     and decide whether he's misconstrued or misinterpreted
11
     the Code. If so, then you can reverse his decision.
12
13
     Your jurisdiction doesn't extend to granting some kind
14
     of variance, basically, the way I understand that the
15
     applicant has asked you to do.
16
                    MR. DISHBERGER: You're here with re- --
     I -- I know you're correct. I've been on the Board a
17
18
     while, and I know we're not a mediator or arbitrator,
19
     either.
20
                    MS. STEWART:
                                  Right.
21
                    MR. DISHBERGER: So, yeah, you're asking
     for a deal to be made. Obviously, a deal should have
22
    been -- could have been made, possibly, with the
23
    Sign Administration, were it reject- -- I assume did not
24
25
    happen --
```

```
MR. DAVIS: We pursued it. We were told
1
2
    that this was our only --
                    (Simultaneously speaking)
 3
                    MS. HAMILTON: Avenue.
 4
                    MR. DAVIS: -- avenue to -- that --
 5
 6
                    MR. DISHBERGER: Yeah, that --
                    MR. McKNIGHT: I know, for us, I think
7
 8
    you go to --
                    (Simultaneously speaking)
 9
                    MR. McKNIGHT: -- City Council.
10
    guys can do whatever they want to do, and they will do
11
12
    whatever they want.
                    MR. DISHBERGER: But -- but we are --
13
14
    we're resp- -- we're, really, here to look at the Code
    and what it says, because it's -- a lot of times, the
15
    Code is a little fuzzy. And when it's fuzzy, now, we
16
    can say, "Well, we think that what they -- what -- the
1.7
    way they interpreted it was an -- incorrect."
18
                    But I think we all agree that it's
19
     correct, that it was applied for after the date. And,
20
21
     agreed, it may look funny. But it's kind of like
22
    putting a sidewalk in an area that didn't have a
2.3
     sidewalk because they're saying: "In 50 years, the
    whole place will have a sidewalk."
24
                    So -- probably going to tell you, "In
25
```

```
50 years, McDonald's, Burger King's signs will be gone,
 1
     and it'll be replaced with signs and stuff that are
 2
 3
     correct, down the road."
 4
                    MR. GARCIA: Yeah, correct.
                                                  So the --
     the -- all the existing signs there are not --
 5
 6
     technically, now, non-comforming and grandfathered in.
 7
                    MR. DISHBERGER: Correct.
                                                So if they get
     damaged or a hurricane knocks it down, they're going to
 8
 9
     qo --
10
                     (Simultaneously speaking)
11
                    MR. DISHBERGER: Did you want to say
12
     something, sir?
13
                    MR. DAVIS: No -- I was going to say:
14
     But all these signs were put up within the last
15
     two/three years, including McDonald's as well. So --
     so, I quess, my -- my -- my question is: What is --
16
     because it -- as we look -- again, we -- we started the
17
18
     process in March of 2020, started having these
19
     conversations, again, pursuing the -- the -- the permit.
20
                    We can't even have it pre-development.
     You have -- what we've been told and coached to do when,
21
22
     you know, pursuing a development -- again, we -- we
    weren't able to submit for a -- a signage permit till
23
    later in the process, even foll- -- after submitting for
24
25
    building permits, sidewalk permit. And so it's -- you
```

```
know, the -- the July cut-off date -- I mean, we just --
1
    we never got a shot at it, at meeting that date.
 2
                    (Simultaneously speaking)
 3
                    MR. DISHBERGER: So, just to clarify, for
 4
 5
     the group, the Board: You cannot apply for a sign
    permit until the base permit is issued? Is that what --
 6
 7
                    (Simultaneously speaking)
                    MR. GARCIA: So, we're --
 8
                    MR. DISHBERGER: Or -- or an "address,"
 9
    because he used the word "address." And I know you need
10
     addresses early on in the system -- the -- in the
11
12
    process.
               Tell -- tell us.
13
                    MR. GARCIA:
                                 Yeah.
                                        So the Code states
     that -- that sign permits going to be a -- used in
14
     accordance for an -- in association with a business
15
    purpose, and you look at the certificate of occupancy as
16
     that establishing point of -- of there being a business
17
    purpose advertised.
18
                    And it's not that they have to complete
19
     all their inspections or anything; it's just that they
20
21
    have to have paid for their building certificate of
22
     occupancy and building permits for us to, then, say,
     "Yeah, there's a legitimate business there for us to" --
23
                    MR. DISHBERGER:
24
                                     Okay.
25
                    MR. GARCIA: -- "issue a sign permit."
```

```
1
                    MS. STEWART:
                                   I had another question,
     then. So, say, in July -- or even -- before July, when
 2
     they started this in March, they have their address;
 3
     they have everything; they pay for a temporary occupancy
 4
     through the GC -- right? -- just because they have so
 5
     many signs up through Houston and, you know, things are
 6
 7
     changing and evolving here, in the Houston area.
 8
                    If we were able to have done this prior
     to July of 2020 -- or July 29th -- right? -- and, say,
 9
     had a permit but, still, you know, had -- but that was
10
     height of COVID, trying to get everything going on. We
11
     are here, fast-forward, and our permit's only good for
12
     180 calendar days; had to put a renew in, prior to that
13
     180 days. Would we still have been able to ha- -- I
14
15
     mean, because you only can do a renewal once.
16
                    So how -- how would we have had to
     classify, again, for Category E versus Category C, if --
17
18
     if it could happen, back up?
19
                    MR. GARCIA: That reminds me of a
20
     previous appeal that we had where a project was
     submitted before the Code changed. The 180 days had
21
22
     expired, and --
23
                    MS. STEWART: But they -- they didn't
24
    renew it before that expiration; right?
25
                    MR. GARCIA: They -- it wa- -- it -- it
```

```
expired before the ex- -- before the Code changed.
1
2
                    MS. STEWART: But they didn't renew it
    before it expired? Or they did?
3
                    MR. GARCIA: No, they didn't -- they
4
5
     didn't renew it --
6
                    (Simultaneously speaking)
7
                    MS. STEWART: Okay. But if we had
     renewed it, is what I'm asking.
                                      If we had renewed it --
8
                    MR. GARCIA: Oh, yeah. If you had the
9
    permits in hand before that Code change, you -- and you
10
    had the 180 days, that permit's valid as soon as it's
11
12
     given to you because it was issued before that date.
                                                            So
     it's the -- the Code states that it's any new permits
13
     issued after the date that -- that are -- have to
14
15
     conform -- have to be Category E.
16
                    MS. STEWART: And just one more
     clarification: only one renewal, not two. So, after
17
     that, then it starts the whole process over again. So,
18
     we -- we still wouldn't have made it. I -- I mean,
19
     ju- -- just playing devil's advocate for my client and
20
21
     then, also, the Code, so we know, because, again,
22
     Patrick and Chick-fil-A are coming heavy into Houston.
     So -- and if anything else keeps changing, we -- we want
23
     to make sure that we're armed enough.
24
25
                    MS. HAMILTON:
                                   Yeah.
                                          And I want to
```

```
ask -- I'm -- I'm Kristen Hamilton with Chandler Signs.
 1
 2
     We're a national partner with Chick-fil-A. We pull
     pro- -- permits for them all over the country and a lot
 3
     of permits in the City of Houston. And we have a -- a
 4
     good research department that works out of our corporate
 5
 6
     office in Dallas that does our code research for us,
 7
     which was done, for this particular site, in July of
 8
     2020.
 9
                    What is the avenue for us to
10
     understand -- I mean, the Code has not changed, in the
11
     City of Houston, for quite some time. So what is the
     avenue for sign companies, like us and many others, to
12
13
     understand -- or is there an avenue for us to know when
14
     that Code changes?
15
                    So, we do read full code, especially on
16
     projects that take a long time. This one was done
     relatively fast, and the thing is: Chick-fil-A projects
17
     or any other national account does. But what would be
18
     the avenue for us to know when that Code changes?
19
20
                    MR. HOUSTON:
                                  I believe the
21
     Greater Houston Sign Association is -- is the avenue
22
     that -- that City Council met with, and they were the
23
     ones that -- that were, basically, sending out
24
     notifications to the industry.
25
                    MR. BENITEZ: Well, it's TCA [sic] --
```

```
this is Misael Benitez, Sign Administrator.
 1
                    It's TCA, Texas Sign Association, that
 2
    was involved in --
 3
                    (Simultaneously speaking)
 4
                    MR. BENITEZ: -- (audio distortion)
 5
    because it's in -- it was in Houston, the Chapter of
 6
    Houston, which is the Houston Greater Asso- -- Sign
 7
    Association. They were the ones that were involved.
 8
    And, besides them having all the knowledge that this
 9
    was -- these changes were coming, also, it's posted on
10
     the Houston (audio distortion; inaudible) website.
11
12
                    (Simultaneously speaking)
                    MR. DAVIS: Kind of -- kind of going back
13
     to, I think, what my -- my question, as far as -- I
14
15
     mean, it's just really -- you know, with us pursuing
16
     this: Again, first meeting regarding this particular
     deal was in August. Well, I mean, we -- we -- we
17
     real- -- we never stood a shot of, kind of, meeting that
18
19
     date, although we were pursuing it. And so, I guess, it
     just -- what -- what are -- what are our options (audio
20
     distortion) still?
21
22
                    MR. DISHBERGER: Well, you're going to
     (audio distortion; inaudible) take a vote. We vote to
23
24
     disapprove. Your next option is to go to City Council.
25
     And it's -- again, City Council can override any of
```

```
their ordinances or codes.
 1
 2
                     MS. STEWART:
                                   What is the time frame to
 3
     go to Council? I think --
                     MR. BENITEZ: I believe it's ten days.
 5
                     MR. GARCIA: Yeah.
 6
                     (Simultaneously speaking)
 7
                     MR. DAVIS: But we still have a shot with
 8
     this Board, was what I understand.
 9
                    MR. DISHBERGER: Well, we have to vote on
10
     it.
11
                    MR. DAVIS:
                                 Okay.
12
                     (Simultaneously speaking)
13
                    MR. DISHBERGER: We ain't going that far.
14
                    MR. DAVIS: All right.
15
                    MR. DISHBERGER: No, sir.
16
                    MR. McKNIGHT: But -- but that's why I
     asked the question about what our authority is.
17
1.8
                     (Simultaneously speaking)
19
                    MR. McKNIGHT: I know (audio distortion;
     inaudible) -- I just wanted y'all to understand:
20
21
     Doesn't matter how a person may feel about it. We're
22
     not here to -- to legislate from the benches. We -- we
23
     are -- we're here just to (sotto voce) --
24
                    MR. DISHBERGER: A lot of the things we
25
     talk about are very, "What does this word mean?" or
```

```
something, like, one of the thing- -- "What is a sign?"
 1
 2
     a lot of questions: general stuff. So that's what we
     (audio distortion; inaudible) -- you have
 3
     interpretations that -- this one -- everyone's agreeing
 4
 5
     that the Code says what the Code says. And, "We
 6
     didn't" -- and, "We didn't put it in."
 7
             MOTION AND VOTE TO DISAPPROVE THE APPEAL
 8
                    MR. DISHBERGER: And, I guess, based on
 9
     that, I'll ask: Does someone make a motion here?
10
                    (Speaking simultaneously)
11
                    MR. McKNIGHT: I'll make a motion we vote
12
13
     to disapprove.
14
                    MR. DISHBERGER: Do I hear a second?
                    (Simultaneously speaking)
15
                                This is David Brown --
16
                    MR. BROWN:
                    MS. DAVIDSON: I second it.
17
                    MR. BROWN: I third it.
18
                    MR. DISHBERGER: Okay. Leslie, I think,
19
     seconded.
                She got in there first.
20
                    Any discussion among the Board?
21
22
                    (No response)
                    MR. DISHBERGER: All right. I'm going to
23
     call a vote, then. All in favor of the motion to
24
     disapprove, say "aye," or raise your hand on the screen,
25
```

```
1
     please.
 2
                     (Multiple people indicating and saying
 3
                     "aye")
 4
                    MR. DISHBERGER: Anyone disagree?
 5
                     (Simultaneously speaking)
 6
                    MR. DISHBERGER: Okay. Disapproved.
 7
     Okay. It's unanimous.
 8
                    All right. This means the -- you'll --
 9
     I -- and I'll need a motion to -- if there's no other
10
     new business -- I don't think -- today --
11
                     (Simultaneously speaking)
12
                           * * * * * *
13
     APPELLANT'S FURTHER DISCUSSION REGARDING THE SIGN APPEAL
14
                    MR. DAVIS: (Stuttering) Can I ask
15
     another question? Or are we -- are we done? Or can I
16
     ask a question?
17
                    (Simultaneously speaking)
18
                    MR. DISHBERGER: Almost done.
19
                    MR. DAVIS: So -- so -- so, I understand
     that City Council can -- is there a way to -- I
20
21
     understand you can't vote and approve or disapprove.
22
     But can we get an opinion from this Board, based on what
     we presented here, to go to the City Council with, just
23
     based on what we presented?
24
25
                    MR. DISHBERGER: I think -- I don't know
```

```
I'm just getting a feeling from the
 1
     if we can or not.
     discussion that -- well, the opinion would probably be
 2
     the statement that -- the decision we made today, that
 3
     there was --
 4
 5
                    (Simultaneously speaking)
                    MR. HOUSTON: Yeah, I -- I think he's
 6
     asking for something with some context.
 7
 8
                    MR. DISHBERGER:
                                     Okay.
                    MR. DAVIS: Some- -- something with some
     context, basically --
10
11
                    (Simultaneously speaking)
12
                    MS. STEWART: Is it worth our time?
13
                    MR. DAVIS: Yeah, because, I mean --
14
                    (Simultaneously speaking)
                    MR. DAVIS: -- essentially, what I heard
15
     you guys say is, and I'm not putting words in anybody's
16
     mouth; right? But you -- you guys cannot -- you --
17
     you're just here to interpret Code, no -- no matter --
18
                    MR. McKNIGHT: Right, yeah. The -- any
19
20
     opinion we have would be that -- now, if it was
21
     something that was gray and, you know -- we might have
22
     an opinion that said, you know, "It -- it -- it looks
     like this is falling under the Code, " and -- and that's
23
24
     where we're voting.
25
                    But -- but we're going to wait for
```

```
1
     City Council to offer some interpretation of it.
 2
                    MR. DAVIS:
                                 Yeah.
 3
                    MR. McKNIGHT: But -- but our role in
 4
     this is black and white.
 5
                    MR. DISHBERGER: I think -- I think I can
     probably speak for the Board that we're not open to
 6
 7
     comment on this one because it's crystal clear; it's
 8
     not -- there's no gray. It's -- now it's a
     mediation/arbitration, what are you -- what will the
 9
10
     City do --
11
                     (Simultaneously speaking)
12
                    MR. McKNIGHT: And any feelings about it
13
     is just our own --
14
                    MR. DISHBERGER: Right.
15
                    MR. McKNIGHT: -- personal opinions.
     That's -- my person opinion is -- you know, I -- and --
16
     and let me tell you about my own historic District
17
     problems (audio distortion) some years ago. But, I
18
19
     mean, there's --
20
                    MR. DISHBERGER:
                                     Yeah.
21
                    MR. McKNIGHT: There's things that you
22
     just can't do anything about.
23
                    (Simultaneously speaking)
                    MR. RAY: Just to clar- -- if it -- if it
24
     can be any help to the participants here, the appeal
25
```

1	that would be taken to the City Council would include					
2	the the entire record of this proceeding here today.					
3	So the court reporter's record would be					
4	submitted to the City Council with the request for their					
5	appeal to them. So every everything that you've					
6	presented today all the paperwork, all the					
7	comments all of that will will be in the record					
8	that goes before the City Council.					
9	MR. DAVIS: Okay.					
10	MR. DISHBERGER: Thank you. Thank you,					
11	sir.					
12	* * * * * *					
13	MOTION AND VOTE TO ADJOURN THE MEETING					
14	MR. DISHBERGER: Do I hear a motion to					
15	dismiss?					
16	MR. McKNIGHT: Motion to be dis					
17	adjourned.					
18	MR. DISHBERGER: Adjournment do I hear					
19	a second? Can someone second?					
20	MS. DAVIDSON: (Audio distortion) I					
21	second.					
22	MR. DISHBERGER: Thank you, Leslie.					
23	Leslie, second.					
24	All in favor?					
25	(Multiple people saying "aye")					

1	MR. DISHBERGER: Motion passed.	T T T T T T T T T T T T T T T T T T T
2	Thank you, guys.	
3	(Simultaneously speaking)	
4	(Meeting adjourned)	
5	(Proceedings ended at 5:40 p.m.)	į
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7		-
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9		The state of the s
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16		
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18		
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21		.,
22		
23		
24		
25		

1	STATE OF TEXAS)
2	COUNTY OF BEXAR)
3	I, Jessica C. Butts, Certified Shorthand
4	Reporter in and for the State of Texas, do hereby
5	certify that the foregoing contains a true and correct
6	transcription of all portions of the proceedings to be
7	included in this Reporter's Record in the above-entitled
8	matter, all of which occurred in videoconferencing via
9	Microsoft Teams and were reported by me.
LO	I further certify that I am neither
11	counsel for, related to, nor employed by any of the
12	individuals present during these proceedings and,
1.3	further, that I am not financially or otherwise
14	interested in the outcome of the proceedings.
1.5	I further certify that the total cost for
16	the preparation of this Reporter's Record is \$
17	and was paid/will be paid by
18	Certified to by me this day of
19	
20	January January
21	Jesse C. V.
22	Jessica Butts, Texas CSR #9441 Expiration Date: August 31, 2023
23	Firm Registration No. 122 U.S. Legal Support, Inc.
24	16825 Northchase Drive, Suite 900 Houston, Texas 77060
25	Telephone: (713) 653-7100
	1

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	16:18 19:13	4611	addresses
Exhibits	250	16:21	27:11
	17:17	4611(j)	ADJOURN
Sign Admin Le	29	10:10 11:4	37:13
gal Counsel D	14:20 16:10	16:5	adjourned
ocumentary Ev	29th		37:17 38:4
idence	10:18 11:4		Adjournment
4:24	16:7,20 28:9	5	37:18
7007 Gulf Fwy	=0.7,20 <u>20.</u> 2	50	
Appl	**************************************		Administratio
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5	* * * * *		
6	FEBRUARY 24, 2022		
7	5:00 p.m.		
8			
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1	WITNESS:	1	PROCEEDINGS	
2	(PRESENT IN PERSON)	2	(Videoconference commenced at 5:05	p.m.)
3	MR. MARIO GARCIA, PLAN ANALYST SUPERVISOR FOR THE	3	* * * * * *	
4	CITY OF HOUSTON	4	INTRODUCTIONS	
5	N. GO. DD. TORNING	5	MR. DISHBERGER: Mike Dishberger.	I'm
7	ALSO PRESENT:	6	the chairman.	
1	(PRESENT IN PERSON)	7	MR. McKNIGHT: Lance McKnight.	
8	MS. SANDRA MEZA, PARTICIPANT/RECORDING OFFICER	8	MR. GARCIA: Mario Garcia.	
9	(PRESENT VIA MICROSOFT TEAMS)	9	MR. HOUSTON: I'm Charles Houston,	
10	MS. JESSICA BUTTS, TEXAS CERTIFIED SHORTHAND REPORTER	10	Counsel for the City.	ļ
11		11	MR. BENITEZ: Misael Benitez,	1
12		12	Sign Administrator,	
13		13	MR. DISHBERGER: Guys on the line?	
14		14	MR. BROWN: David Brown.	***************************************
1.5		15	MS. DAVIDSON: Leslie Davidson.	İ
16		16	(Simultaneously speaking)	
17		17	MR. DISHBERGER: I got you, Leslie.	ļ
18		18	Next?	
19		19	MR. RAY: Yes. I'm Douglas Ray. I	'm
20		20	with City Legal Department. I'm here today,	
21		21	representing the Board.	77
22		22	MS. BREWER: I'm Nancy Brewer. I'm	
23		23	with I'm Building Code Enforcement,	
24		24	Houston Public Works.	ĺ
25		25	MR. DISHBERGER: Thank you, Nancy.	
				- 1

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Page 6
                                                                                                                      Page 8
                                                                     each individual. So, that'll apply too.
 1
                    Do we have -- we have a quorum, I think,
    don't we? We have five?
                                                                                    And do we have any witnesses here today
2
3
                   MS. MEZA: Yes.
                                                                     that need to be sworn in?
                                                                                    (No audible response)
                    MR. DISHBERGER: Okay.
 4
                                                                                    MR. DISHBERGER: And so can we do all
                                                                 5
 5
                   MS. MEZA: Nancy's representing the
     Building Code Enforcement --
                                                                 6
                                                                     that at one time here?
 6
                                                                                    (No audible response)
 7
                    (Simultaneously speaking)
                                                                                    MR. DISHBERGER: Who -- who will do the
                                                                 8
 8
                    MR. DISHBERGER: Oh, that's right.
                                                                 9
     That's right. She's also a member, yes, okay.
                                                                     swearing in?
 9
                                                                                    (Simultaneously speaking)
                                                                10
10
     MEETING CALLED TO ORDER; MOTION AND VOTE TO APPROVE THE
                                                                11
                                                                                    MS. MEZA: The -- the court reporter --
11
                                                                                    MR. DISHBERGER: The court reporter --
12
                             MINUTES
                                                                12
                    MR. DISHBERGER: I call this meeting to
                                                                13
13
                                                                     yes.
                                                                                    MS. MEZA: -- does that. And give me
14
     order.
                                                                14
                    First piece of business is: We need to
                                                                     just one second. I need to start recording this.
15
                                                                16
                                                                                    MR. DISHBERGER: Oh, okay. Sorry.
     approve the minutes from the December 16th meeting.
16
                                                                                    MS. MEZA: Do you know to re- -- I've
17
                    Do we have any items? Do I hear a motion
                                                                17
                                                                18
                                                                     never used this one before.
18
     to approve the minutes?
                                                                19
                                                                                    (Sotto voce discourse between members)
19
                    MS. DAVIDSON: I move to approve the
                                                                                    (Court reporter clarification)
20
     minutes.
                                                                20
                                                                                    MR. RAY: Okay. Mr. Chair, if you could,
21
                    (Simultaneously speaking)
                                                                21
                                                                     from this point on, just for the aid of the court
22
                    MR. McKNIGHT: -- approve the minutes.
                                                                22
23
                    MR. DISHBERGER: Do I hear a second?
                                                                     reporter, everybody that, when they make a motion,
                                                                     announce who you are; for example, say, "I'm
24
                    MS. DAVIDSON: I second.
25
                                                                     Leslie Davidson. I move, " so and so.
                    MR. DISHBERGER: Thank you, Leslie.
                                                                                                                      Page 9
                                                      Page 7
                                                                                    And if you second, then, the same thing:
                    All in favor?
 1
                                                                 1
 2
                    (Multiple people saying "aye")
                                                                     Announce who you are. And when we take a vote, announce
                                                                     your name before you vote so each person would be
 3
                    MR. DISHBERGER: No one opposed, passed.
                          * * * * * * *
                                                                     recorded as which way they voted.
 4
            CONSIDERATION OF A SIGN APPEAL PROCEEDINGS
                                                                 5
                                                                                    MS. MEZA: I can't find where to record
 5
                                                                     it, so, that's fine. Okay.
                    MR. DISHBERGER: All right. We have one
 6
     piece of business today, here: Consideration of a sign
                                                                 7
                                                                                    THE REPORTER: Thank you, Mr. Douglas --
     appeal, Stephanie Stewart, Sign Remedy, Inc.,
                                                                                    MR. DISHBERGER: Okay. So we need to get
 8
                                                                 8
                                                                     our witness sworm in, Ms. Court Reporter.
     7007 Gulf Freeway. And we're going to go over the
                                                                 9
 9
     appeal.
                                                                                    (Witness sworm)
10
                                                                10
                    As -- well, as I tell people, when we
                                                                11
                                                                                    MR. DISHBERGER: Okay. Let's begin.
11
                                                                12
                                                                                    City, you want to present your case?
     have these, we're -- this is not a court of law, so
12
     we're going to be hearing both sides. The City will
                                                                                    MR. HOUSTON: Sure.
13
                                                                13
                                                                                    Ladies and gentlemen, my name is
14
     speak up first and give their case and tell the --
                                                                14
                                                                     Charles Houston. I am representing Sign Administration
     their -- their interpretation of what happened and
                                                                15
15
                                                                     in today's hearing. Those of you who've been to these
     what's going on with the Code. You'll then have a
                                                                16
16
                                                                     hearings before will have noticed that I am not
     chance to present your case. And then we go back and
                                                                17
17
     forth with some questions.
                                                                     David Red, my predecessor. David is no longer with the
18
                                                                     City, and I have been given the task of filling in
19
                    With -- if either -- if a party has a
                                                                19
                                                                     and -- in filling his very capable shoes.
     witness, we can ask them questions and -- and go back
                                                                20
20
                                                                21
                                                                                    This is my first one of these hearings,
21
     and forth on that.
                                                                     so I ask for your forgiveness and indulgence when I
22
                    Once all that's concluded, the -- the
                                                                     make -- not if, but when I make inevitable mistakes.
     Board will make a motion to, one, either approve or
                                                                23
23
                                                                                    I will give a quick introduction and a
     disapprove; then we'll have a discussion amongst
                                                                24
24
25
     ourselves. We -- we also may have questions to ask of
                                                                     summary, on behalf of Sign Administration.
```

```
10 to 13
                                                      Page 10
                                                                                                                      Page 12
  1
      Sign Remedy, Inc., is appealing the rejection of its
                                                                      we've got evidence that is in your notebooks. And we'll
      application for a sign permit at 7007 Gulf Freeway.
  2
                                                                     hear testimony from Mr. Garcia, setting forth the City's
  3
     Their client is Chick-fil-A, which we all know makes
                                                                      position, under oath.
  4
     delicious food. Sign Remedy submitted the application
                                                                                     And, you know, I think it's important to
  5
     on December 3rd, 2021. That date's important:
                                                                      point out that nobody's saying that Chick-fil-A can't
  6
      December 3rd, 2021.
                                                                     have a sign to advertise its delicious food; we're
  7
                     I don't think there's any real dispute
                                                                      simply saying that the sign is capped out at a height of
 8
      about the facts here. The application requested a sign
                                                                      31 feet, based on the recent amendment to the Sign Code
 9
      that should have been 42-and-a-half feet high, which is
                                                                  9
                                                                      from July of 2020.
 10
     Category C, under the sign -- under Sign Code 4611(j), I
                                                                10
                                                                                     And that's the City's position, in a
     think it is. But this location is on Gulf Freeway and
11
                                                                     nutshell,
     sits within the newly-created Airport Corridor District.
 12
                                                                12
                                                                                     MR. DISHBERGER: Then do you want to --
13
     Here, again, there's no dispute, I don't think, about
                                                                13
                                                                                     (Simultaneously speaking)
14
     whether it sits in the Airport Corridor District.
                                                                14
                                                                                     MR. HOUSTON: Sure. Sure.
15
                    The sign Code says that all new
                                                                15
                                                                                          MARIO GARCIA.
16
     on-premises signs located in the
                                                                16
                                                                     having been previously duly sworn, testified under his
     Airport Corridor District for which a permit is issued
17
                                                                17
                                                                     oath as follows:
18
     after July 29th, 2020, shall conform to certain
                                                                18
                                                                                           EXAMINATION
19
     requirements. And, in your notebooks, new materials at
                                                                19
                                                                     BY MR. HOUSTON
20
     Tab -- I believe it's Tab 3 -- is the applicable --
                                                                20
                                                                               Mr. Garcia, would you please state your --
21
     Tab 2 is the applicable portion of the Sign Code.
                                                                21
                                                                     state and spell your full name for the record.
22
                    There's a table in there. It says,
                                                                22
                                                                          Ά
                                                                               It's Mario García, M-a-r-i-o G-a-r-c-i-a.
     summarizing, that the sign at issue is Category {\tt E}
23
                                                                23
                                                                          ٥
                                                                               And are you currently employed, Mr. Garcia?
     because it is located on premises with signage on
24
                                                                24
                                                                          Α
25
     Gulf Freeway in the Airport Corridor District. The --
                                                                          0
                                                                               And who is your employer?
                                                     Page 11
                                                                                                                     Page 13
     Category E has a maximum height of 31 feet. The
 1
                                                                 1
                                                                          Α
                                                                               City of Houston.
     application submitted by Sign Remedy, Inc., as stated:
 2
                                                                               And what is your title, Mr. Garcia, with the
                                                                          Q
 3
     December 3rd, 2021, almost a year and a half after the
                                                                     City?
                                                                 3
 4
     July 29th, 2020 date set forth in 4611(j).
                                                                 4
                                                                          Α
                                                                               I am the plan analyst supervisor.
 5
                    It's pretty cut-and-dry. There is
                                                                 5
                                                                          0
                                                                               And what department are you in, sir?
     correspondence at Tab 3, showing that Mr. Garcia, here,
 6
                                                                 6
                                                                               Sign Administration.
 7
     the plan analyst supervisor, advised Ms. Stewart,
                                                                 7
                                                                          0
                                                                               And how long have you worked for
     finally, that -- remember -- remember that most of
 8
                                                                 8
                                                                     Sign Administration?
 9
     Gulf Freeway is Category E, parentheses,
                                                                 9
                                                                               Five years.
                                                                          Α
10
     Airport Corridor.
                                                                10
                                                                          Q
                                                                               And how long have you worked as a plan analyst
11
                    The fact that there are, and they will
                                                                11
                                                                     supervisor?
12
     point out -- they're right -- the fact there are other
                                                               12
                                                                          Α
                                                                               Two years.
13
    restaurants with signs up to 42 feet or even higher --
                                                                              What are your duties as a plan analyst
                                                                13
14
     that's true; that's absolutely true. Those sign were
                                                                14
                                                                     supervisor?
15
    erected either before the existence of the Sign Code, or
                                                               15
                                                                               Yes. My tasks are to assign ta- -- projects
16
    they were erected under a previous version of the
                                                               16
                                                                    that come in for review to different reviewers and, if
    Sign Code, which allowed signs of that height at that
17
                                                               17
                                                                     the reviewers have questions or concerns during the
```

18 particular time. 19 But we are, unfortunately, dealing with a 20 relatively new addition, a relatively new amendment, to the Sign Code, which sets a maximum height. And what Sign Remedy $^{\tau}$ s asking for is, in essence, a variance. 22 23 They're asking to go beyon- -- above and beyond the 24 31-foot height li- -- limit set forth in the Code. And then there's just not a mechanism for that here. So,

22 developers. So --23 Okay. And are you familiar, sir, with the sign that brings us here today, or the -- with the 24 purpose to bring us here today, at seven-zero-si- --

reviews, to come to me and work out the correct

interpretation of the Code, and, if I need more

clarification, go to my supervisors, and answer various

questions and e-mails from contractors, customers, and

18

19

20

21

```
Page 14
                                                                                                                    Page 16
                                                                    the higher height requirement?
    7007 Gulf Freeway?
 1
                                                                              Because it falls within the newly-created
 2
          Ά
              Yes.
                                                                    Airport Corridor that came into effect and we're tasked
 3
               And how did you come to be familiar with this
                                                                     with enforcing.
     particular issue?
                                                                              Okay. And -- and -- and, in -- 4611(j), I
               Well, from the first e-mail that I received,
                                                                5
     it kind of mentioned that it was in the -- in the
                                                                     think, says that sign permit -- sign permits that are
                                                                     applied for after July 29th, 2020, are subject to this
     Airport Corridor. And it -- it wasn't until the
                                                                     new Airport Corridor District regulation?
     reviewer it was assigned to came to me and said that she
 8
     believed that it was in the Airport Corridor. And she
                                                                              Correct. Yeah, any sign -- any new signs with
 9
     hadn't caught it in the first review, but we found it in
                                                                     permits issued after July 20- -- 29, 2020, have to
10
                                                                     conform to the -- they -- they fall within the
     the second review, that it was in the Airport Corridor.
11
                                                                     category -- in -- in -- in that district, have to
12
                    And we looked up the boundaries listed in
                                                                     conform with Category E.
13
    Appendix B and informed the reviewer that, yes, it was
14
     inside the Airport Corridor and has to be categorized as
                                                                              Okay. And, in Tab 4 of binder, there is a
15
     Category E.
                                                                     copy of the sign permit application. What's the date on
                                                                     that application, sir?
16
              Okay. And so when you say "Airport Corridor,"
     tell us what exactly you're talking about.
                                                                17
                                                                         Α
                                                                              December -- it was notarized
17
18
               Yes. So City of Houston and the -- the
                                                                18
                                                                     December 3rd, 2021.
                                                                               Okay. So, again, we're talking almost a year
19
     Council passed a new or- -- the changes to the Code in
                                                                19
                                                                     af- -- after the July 29th, 2020 cut-off -- 2020 cut-off
     July of -- 29, 2020. And, in part with various
20
                                                                20
     organizations, like Scenic Houston and Houston First,
                                                                21
                                                                     for the date set forth in -- in 4611; is that right?
21
     to -- I -- I quess their -- their whole point was to
                                                                22
                                                                               Correct, yes.
22
                                                                23
                                                                               Okay.
23
     beautify or create lower -- like, lower heights for
                                                                24
                                                                                    MR. HOUSTON: That's all the questions
     signs in different districts. And that's what the
24
     Airport Corridor came to be: Any district that came
                                                                    I've got for you right now.
                                                                                                                     Page 17
                                                     Page 15
                                                                                    MR. DISHBERGER: Okay.
     from any of the airports around the City of Houston to
                                                                 1
     the central business industry located downtown.
                                                                 2
                                                                                    Present your case.
                                                                                    MS. STEWART: So, Chick-fil-A bought this
               Okay. And so you are familiar, then, with the
 3
     boundaries of the Airport Corridor District.
                                                                     property prior to the Code change, or it was in talks,
 4
                                                                     and everything about this. So everything that was done
          Α
               Yes.
 5
                                                                     on our research and their research is prior to the sign
               And is it your testimony here that the
 6
                                                                     change, obviously, because it was in June/July of 2020.
 7
     premises at issue is within the
     Airport Corridor District?
                                                                     Obviously, our whole point is, obviously,
 8
 9
               Yes. It's in -- it's within the Interstate 45
                                                                 9
                                                                     beautification, too.
          A
                                                                                    Now, you have 42-foot-6 all up and down
     corridor, as described in Appendix B.
                                                                10
10
11
               Okay. Is there any doubt in your mind about
                                                                11
                                                                     in -- in that area. If you look from the pictures, you
                                                                     have McDonald's just a little bit higher, because that's
     whether or not it's in the corridor?
12
                                                                     been grandfathered -- right? -- same -- their sign; and
               No, no doubt.
13
          Α
14
               Okay. And you -- I think you indicated that
                                                                     same with Shell. But you have Raising Came's,
                                                                     Burger King, and, also, Popeyes that are all within not
     the purpose of the -- of the sign regulations has to do
                                                                15
15
     with the beautification, or esthetics, of the City? Is
                                                                     even a quarter of a mile of each other right in a little
16
                                                                16
17
     that a fair characterization?
                                                                17
                                                                     row that are all 42-6, 250 square feet.
18
               Yes, that's -- that is, from reading various
                                                                18
                                                                                    We're asking, "Can we have the 42-6, or
                                                                     42 feet, even if we were to meet halfway and have 150
     minutes, or meetings, from City Council, when it was
                                                                19
19
     brought up; that was the intention that they'd had when
                                                                20
                                                                     square foot?" because we're losing 100 square feet of
20
                                                                     signage -- right? -- based on the new being not just
21
     they voted for -- for this to pass.
22
               Okay. And -- and tell me, if you can, why it
                                                                22
                                                                     footage -- height.
     is that the particular sign at issue here is governed --
                                                                23
                                                                                    So we would be willing to, possibly, see
     is -- is -- it -- that -- falls under Category E, with
                                                                     if we could meet halfway, because, again, you're all in
24
```

25

the lower height requirement, versus Category C, with

a row. And it's because all the -- we are having 42-6,

```
Page 18
                                                                                                                      Page 20
      42-6, 31 feet (indicating). So, I mean, that's --
  1
                                                                      then, upon a second review/comment, we -- we learned
  2
                     MS. HAMILTON: And then back up.
                                                                      that there was this new ordinance that we had to be at
  3
                     MS. STEWART: Yeah, "and then back up"
                                                                      the 30-some-odd-foot level.
                                                                  3
  4
      to, like, a 55-foot-10-plus, with the Shell and
                                                                                     I think the other thing I just would like
      McDonald's. So, I mean, our intention is that, yes, we
  5
                                                                      to point out that was just mentioned earlier: Again,
  б
      would like to have a 42-6 height and meet with the
                                                                  6
                                                                      this was kind of a master development done by a --
  7
      current square footage, if possible, to keep in mind
                                                                      another developer that had several other QSRs: a
  8
      what is right there on that part of the road. So...
                                                                      Burger King; there's a -- a Popeyes; there's a
  9
                     MR. DISHBERGER: Anything else?
                                                                      Raising Cane's; there's our site; then you have a
 10
                     (Simultaneously speaking)
                                                                      McDonald's; and then you have a Shell.
                                                                 10
 11
                     MS. STEWART: And -- and, Patrick --
                                                                 11
                                                                                     Again, we are in the middle of these
 12
                     MR. DAVIS: Yeah. Yeah. So, thank
                                                                 12
                                                                      other developments. And, as just mentioned earlier, it
 13
      you-all for --
                                                                 13
                                                                      would be very odd to have 42-plus, 42-plus, 42-plus, 30,
 14
                     MR. DISHBERGER: Can you -- can you state
                                                                      42-plus, 42-plus (indicating). And so we are just
                                                                 14
 15
      your name for us?
                                                                      asking for a reasonable consideration of our -- of our
 16
                     MR. DAVIS: I'm sorry.
                                                                 16
                                                                      appeal for -- for this case.
 17
                     So, Patrick Davis with Chick-fil-A, Inc.,
                                                                17
                                                                                     MR. DISHBERGER: Okay. You guys have any
 18
     Development Services. Other than that -- so, again,
                                                                 18
                                                                      questions of the City Sign Administrator?
 19
      thank you-all for being here today. We -- as stated,
                                                                 19
                                                                                     MS. STEWART: No. I mean, the Code is --
      we -- we have -- we were in the process well before
 20
                                                                 20
                                                                      the Code is the Code.
 21
     July. I have e-mail communications I've provided as
                                                                21
                                                                                           * * * * * * *
 22
     evidence.
                                                                 22
                                                                           GENERAL APPEALS QUESTIONS/REMARKS TO APPELLANT
 23
                     We actually came and met with the City,
                                                                23
                                                                                    MR. DISHBERGER: Okay. Any Board -- any
 24
     had a pre-application meeting with the City in March of
                                                                     Board members want to ask any questions? Start with you
                                                                24
 25
     2020, to talk about plans for this development, as we
                                                                     guys on the screen.
                                                     Page 19
                                                                                                                     Page 21
 1
     were under these negotiations for -- to take a parcel
                                                                 1
                                                                                    MR. BROWN: (Indicating)
 2
     within this development that was being developed by
                                                                 2
                                                                                    MR. DISHBERGER: Yes, David?
 3
     master developers for several other QSRs: quick-serve
                                                                 3
                                                                                    MR. BROWN: So, I just want to be clear:
 4
     restaurants.
                                                                     From the -- the Chick-fil-A folks, you're not
 5
                    Upon that time, we were not aware of a
                                                                     disagreeing that you guys fall under the Category E,
 6
     Airport Corridor Code or ordinance that was forthcoming.
                                                                     that you're a single business, per this chart, and
     And we, again, proceeded to lease this property and
 7
                                                                     you -- you fall under that version of the Code? There's
 8
     pursue this development, just as the other QSR
                                                                     not disagreement there at all?
 9
     restaurants, with a 42-foot sign.
                                                                                    (Simultaneously speaking)
                    Be- -- being -- going through the City of
10
                                                                10
                                                                                    MR. DAVIS: No. There's no ---
11
     Houston process, we started to submit -- well, we went
                                                                11
                                                                                    MS. STEWART: No, sir -- no, there's no
12
     through our design process and started to actually
                                                                12
                                                                     disagreement --
13
     submit the permits in September of 2021 -- I'm sorry --
                                                                13
                                                                                    MR. DAVIS: -- disagreement in that.
14
     started the process in September of 2020 and went
                                                                14
                                                                                    MR. BROWN: Okay. So you're just --
15
     through a very lengthy process of -- of getting a
                                                                15
                                                                     you're just asking if -- if you guys can have an
16
     permit.
                                                                     exception? Is that the gist of it?
                                                                16
17
                    As you-all may be aware, in the
                                                                17
                                                                                    MS. STEWART: Yes.
18
     permitting process, we are not allowed to submit for a
                                                                18
                                                                                    MR. DAVIS: Essentially, yes.
19
     signage permit until we actually have a -- a building
                                                                19
                                                                                    MS. STEWART: We know there's no
20
     permit number that we can actually attach to the sign
                                                                     variance. But, I mean -- so we've had to go through
                                                               20
21
    permit.
                                                                     this whole process to see if we could have a special
                                                                21
22
                    Again, we were not aware of this new
                                                               22
                                                                     appeals to see if we could meet somewhere in the middle.
23
    ordinance change until we'd gotten our building project
                                                               23
                                                                                    MR. BROWN: Okay. Yeah, I'd -- I'd --
24
    number and then submitted our -- our -- our signage
                                                               24
                                                                     because it -- yeah, it doesn't seem like there's much
    permit, got in review, was not aware of the issue. And
                                                                     interpretation of the Code here. It's -- it's pretty
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Page 22
                                                                                                                    Page 24
                                                                    City Council and you appeal to me, I'm going, "Yeah,
    cut-and-dried.
 1
                                                                    you're right. This is kind of a crock, where this one
                   That's all my questions.
 2
 3
                   MR, DISHBERGER; All right. Anyone else
                                                                    sign in the middle of all these bigger signs."
                                                                                   But I don't think this Board has the
     on screen?
 4
                                                                    ability to do that. Is that -- am I correct, in my
 5
                    (No audible response)
                   MR. DISHBERGER: Leslie, nothing?
                                                                    understanding of that?
 6
 7
                    (No audible response)
                                                                                   MR. RAY: Mr. Chair, this is Douglas Ray.
                                                                                   MR. DISHBERGER: Yes, Douglas.
                   MR. DISHBERGER: Sol?
                                                                8
 8
                                                                                   MR. RAY: The jurisdiction of the Board
                   Is he on?
                                                                9
 9
                                                                    is to take the -- the decision of the Sign Administrator
10
                    (No audible response)
                                                               10
                   MR. DISHBERGER: Lance?
                                                                    and decide whether he's misconstrued or misinterpreted
11
                    Oh. I had one -- only one question, it
                                                                    the Code. If so, then you can reverse his decision.
12
                                                               12
                                                                    Your jurisdiction doesn't extend to granting some kind
     seems. I see the permit application. We're talking
13
     about E a bit, though -- oh, that's "sign added." Okay.
                                                                    of variance, basically, the way I understand that the
14
     I just -- I was trying to find a permit application
                                                                    applicant has asked you to do.
15
                                                                                   MR. DISHBERGER: You're here with re- --
     where it says what you're trying to apply under: E or A
                                                               16
16
                                                                    I -- I know you're correct. I've been on the Board a
17
     or C. Where -- where do you see that?
                                                               17
                   MR. GARCIA: So, on the application, if
                                                                18
                                                                    while, and I know we're not a mediator or arbitrator,
18
     you look at the very top, there's -- when there --
                                                                19
19
20
                   MR. DISHBERGER: Oh, okay. Okay.
                                                               20
                                                                                   MS. STEWART: Right.
                                                                                   MR. DISHBERGER: So, yeah, you're asking
21
                    (Simultaneously speaking)
                                                                21
                                                                    for a deal to be made. Obviously, a deal should have
22
                   MR. DISHBERGER: Y'all marked "C" on it.
23
                    MS. STEWART: We'd marked "C."
                                                                    been -- could have been made, possibly, with the
                                                                    Sign Administration, were it reject- -- I assume did not
                   MR. DISHBERGER: Okay. And then applied
24
                                                                24
25
                                                                    happen --
     for a sign appeal, okay.
                                                     Page 23
                                                                                                                    Page 25
                    MS. STEWART: You need to update that
                                                                                   MR. DAVIS: We pursued it. We were told
                                                                1
 1
 2
     online, by the way, because it does not have Category E.
                                                                     that this was our only --
 3
                    MR. GARCIA: Yeah we have it uploaded to
                                                                 3
                                                                                    (Simultaneously speaking)
                                                                                    MS. HAMILTON: Avenue.
                                                                 4
 4
     our website --
 5
                    (Simultaneously speaking)
                                                                 5
                                                                                    MR. DAVIS: -- avenue to -- that --
                                                                                    MR. DISHBERGER: Yeah, that --
 6
                   MS. STEWART: Right -- no, no, no. I'm
                                                                 6
 7
     talking about when you go and actually put it on the
                                                                 7
                                                                                    MR. McKNIGHT: I know, for us, I think
                                                                 8
 8
     portal.
                                                                    you go to --
 9
                                                                 9
                                                                                    (Simultaneously speaking)
                    MR. GARCIA: Yeah.
                                                                                    MR. McKNIGHT: -- City Council. Those
10
                    MS. STEWART: You don't ha- -- it does
                                                                10
     not -- it has A through -- and you can't put the others
                                                                    guys can do whatever they want to do, and they will do
11
                                                                    whatever they want.
                                                                12
12
     on it.
                                                                13
                                                                                    MR. DISHBERGER: But -- but we are --
13
                   MR. GARCIA: Yeah, that's what --
                                                                    we're resp- -- we're, really, here to look at the Code
14
     we've -- we've advised --
                                                                14
                                                                     and what it says, because it's -- a lot of times, the
15
                    MS. STEWART: IT?
                                                                15
                                                                     Code is a little fuzzy. And when it's fuzzy, now, we
16
                   MR. GARCIA: -- IT to do that.
                                                                16
                                                                17
                                                                     can say, "Well, we think that what they -- what -- the
17
                   MR. DISHBERGER: Lance?
18
                   MR. McKNIGHT: I don't know if I have
                                                                     way they interpreted it was an -- incorrect."
                                                                                    But I think we all agree that it's
19
     question, so much as -- I mean, my understanding of our
                                                                19
     role in this Board: We are not interpreting -- we -- we
                                                                     correct, that it was applied for after the date. And,
                                                                20
20
     are interpreting -- we are here to interpret the Code
                                                                     agreed, it may look funny. But it's kind of like
21
                                                                21
     and the application of it. We don't really have -- if
                                                                     putting a sidewalk in an area that didn't have a
22
                                                                     sidewalk because they're saying: "In 50 years, the
     the Code part is definitely right, we don't really have
                                                                23
23
                                                                    whole place will have a sidewalk."
     any authority to -- I mean, I'm with you.
                                                                24
24
25
                   I'm -- I get it. If I'm on the
                                                                25
                                                                                    So -- probably going to tell you, "In
```

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Page 26
                                                                                                                       Page 28
      50 years, McDonald's, Burger King's signs will be gone,
                                                                                      MS. STEWART: I had another question,
      and it'll be replaced with signs and stuff that are
                                                                      then. So, say, in July -- or even -- before July, when
  3
      correct, down the road."
                                                                      they started this in March, they have their address;
  4
                     MR. GARCIA: Yeah, correct. So the --
                                                                      they have everything; they pay for a temporary occupancy
  5
      the -- all the existing signs there are not --
                                                                      through the GC -- right? -- just because they have so
      technically, now, non-comforming and grandfathered in.
  6
                                                                      many signs up through Houston and, you know, things are
  7
                     MR. DISHBERGER: Correct. So if they get
                                                                      changing and evolving here, in the Houston area.
  8
      damaged or a hurricane knocks it down, they're going to
                                                                  8
                                                                                     If we were able to have done this prior
  9
      ao ---
                                                                      to July of 2020 -- or July 29th -- right? -- and, say,
 10
                     (Simultaneously speaking)
                                                                 10
                                                                      had a permit but, still, you know, had -- but that was
 11
                     MR. DISHBERGER: Did you want to say
                                                                      height of COVID, trying to get everything going on. We
 12
      something, sir?
                                                                      are here, fast-forward, and our permit's only good for
 13
                     MR. DAVIS: No -- I was going to say:
                                                                      180 calendar days; had to put a renew in, prior to that
 14
     But all these signs were put up within the last
                                                                 14
                                                                      180 days. Would we still have been able to ha- -- I
15
     two/three years, including McDonald's as well. So --
                                                                 15
                                                                      mean, because you only can do a renewal once.
16
     so, I guess, my -- my -- my question is: What is --
                                                                 16
                                                                                     So how -- how would we have had to
17
     because it -- as we look -- again, we -- we started the
                                                                      classify, again, for Category E versus Category C, if --
                                                                 17
18
     process in March of 2020, started having these
                                                                      if it could happen, back up?
                                                                 18
19
     conversations, again, pursuing the -- the -- the permit.
                                                                 19
                                                                                     \ensuremath{\mathsf{MR}}\xspace . GARCIA: That reminds me of a
20
                     We can't even have it pre-development.
                                                                      previous appeal that we had where a project was
     You have -- what we've been told and coached to do when,
21
                                                                 21
                                                                      submitted before the Code changed. The 180 days had
     you know, pursuing a development -- again, we -- we
22
                                                                 22
                                                                      expired, and ---
23
     weren't able to submit for a -- a signage permit till
                                                                                     MS. STEWART: But they -- they didn't
24
     later in the process, even foll- -- after submitting for
                                                                 24
                                                                     renew it before that expiration; right?
25
     building permits, sidewalk permit. And so it's -- you
                                                                 25
                                                                                     MR. GARCIA: They -- it wa- -- it -- it
                                                     Page 27
                                                                                                                      Page 29
     know, the -- the July cut-off date -- I mean, we just --
 1
                                                                     expired before the ex- -- before the Code changed.
 2
     we never got a shot at it, at meeting that date.
                                                                  2
                                                                                     MS. STEWART: But they didn't renew it
 3
                     (Simultaneously speaking)
                                                                     before it expired? Or they did?
                    MR. DISHBERGER: So, just to clarify, for
 4
                                                                                     MR. GARCIA: No, they didn't -- they
 5
     the group, the Board: You cannot apply for a sign
                                                                     didn't renew it --
 6
     permit until the base permit is issued? Is that what --
                                                                 6
                                                                                     (Simultaneously speaking)
 7
                     (Simultaneously speaking)
                                                                 7
                                                                                     MS. STEWART: Okay. But if we had
 8
                    MR. GARCIA: So, we're --
                                                                     renewed it, is what I'm asking. If we had renewed it --
 9
                    MR. DISHBERGER: Or -- or an "address."
                                                                                    MR. GARCIA: Oh, yeah. If you had the
1.0
     because he used the word "address." And I know you need
                                                                     permits in hand before that Code change, you -- and you
     addresses early on in the system -- the -- in the
11
                                                                     had the 180 days, that permit's valid as soon as it's
12
     process. Tell -- tell us.
                                                                     given to you because it was issued before that date. So
13
                    MR. GARCIA: Yeah. So the Code states
                                                                13
                                                                     it's the -- the Code states that it's any new permits
14
     that -- that sign permits going to be a -- used in
                                                                14
                                                                     issued after the date that -- that are -- have to
     accordance for an -- in association with a business
15
                                                                15
                                                                     conform -- have to be Category E.
     purpose, and you look at the certificate of occupancy as
16
                                                                16
                                                                                    MS. STEWART: And just one more
17
     that establishing point of -- of there being a business
                                                                17
                                                                     clarification: only one renewal, not two. So, after
18
     purpose advertised.
                                                                     that, then it starts the whole process over again. So,
                                                                18
19
                    And it's not that they have to complete
                                                                19
                                                                     we -- we still wouldn't have made it. I -- I mean,
     all their inspections or anything; it's just that they
20
                                                                20
                                                                     ju- -- just playing devil's advocate for my client and
21
    have to have paid for their building certificate of
                                                                21
                                                                     then, also, the Code, so we know, because, again,
22
     occupancy and building permits for us to, then, say,
                                                                     Patrick and Chick-fil-A are coming heavy into Houston,
     "Yeah, there's a legitimate business there for us to" --
23
                                                                23
                                                                     So -- and if anything else keeps changing, we -- we want
24
                    MR. DISHBERGER: Okay.
                                                                     to make sure that we're armed enough.
                                                                24
25
                    MR. GARCIA: -- "issue a sign permit."
                                                                25
                                                                                    MS. HAMILTON: Yeah. And I want to
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Page 30
                                                                                                                     Page 32
 1 ask -- I'm -- I'm Kristen Hamilton with Chandler Signs.
                                                                 1
                                                                     their ordinances or codes.
 2
     We're a national partner with Chick-fil-A. We pull
                                                                                    MS. STEWART: What is the time frame to
     pro- -- permits for them all over the country and a lot
                                                                     go to Council? I think --
     of permits in the City of Houston. And we have a -- a
                                                                                    MR. BENITEZ: I believe it's ten days.
 5
     good research department that works out of our corporate
                                                                 5
                                                                                    MR. GARCIA: Yeah.
     office in Dallas that does our code research for us.
                                                                 6
                                                                                    (Simultaneously speaking)
     which was done, for this particular site, in July of
                                                                                    MR. DAVIS: But we still have a shot with
 8
     2020.
                                                                     this Board, was what I understand.
 9
                    What is the avenue for us to
                                                                 9
                                                                                    MR. DISHBERGER: Well, we have to vote on
10
     understand -- I mean, the Code has not changed, in the
                                                                10
                                                                     it.
11
     City of Houston, for quite some time. So what is the
                                                                11
                                                                                    MR. DAVIS: Okay.
     avenue for sign companies, like us and many others, to
                                                                                    (Simultaneously speaking)
12
                                                                12
13
     understand -- or is there an avenue for us to know when
                                                                                    MR. DISHBERGER: We ain't going that far.
                                                                13
14
     that Code changes?
                                                                                    MR. DAVIS: All right.
15
                    So, we do read full code, especially on
                                                                15
                                                                                    MR. DISHBERGER: No. sir.
     projects that take a long time. This one was done
16
                                                                                    MR. McKNIGHT: But -- but that's why I
                                                                16
17
     relatively fast, and the thing is: Chick-fil-A projects
                                                                17
                                                                     asked the question about what our authority is.
18
     or any other national account does. But what would be
                                                                18
                                                                                    (Simultaneously speaking)
19
     the avenue for us to know when that Code changes?
                                                                19
                                                                                    MR. McKNIGHT: I know (audio distortion;
20
                    MR. HOUSTON: I believe the
                                                                20
                                                                     inaudible) -- I just wanted y'all to understand:
21
     Greater Houston Sign Association is -- is the avenue
                                                                21
                                                                     Doesn't matter how a person may feel about it. We're
22
     that -- that City Council met with, and they were the
                                                                22
                                                                     not here to -- to legislate from the benches. We -- we
23
     ones that -- that were, basically, sending out
                                                                23
                                                                     are -- we're here just to (sotto voce) --
24
     notifications to the industry.
                                                                                    MR. DISHBERGER: A lot of the things we
                                                                24
25
                    MR. BENITEZ: Well, it's TCA [sic] --
                                                                     talk about are very, "What does this word mean?" or
                                                     Page 31
                                                                                                                     Page 33
                                                                     something, like, one of the thing- -- "What is a sign?"
     this is Misael Benitez, Sign Administrator.
 1
 2
                    It's TCA, Texas Sign Association, that
                                                                     a lot of questions: general stuff. So that's what we
 3
     was involved in --
                                                                     (audio distortion; inaudible) -- you have
                    (Simultaneously speaking)
                                                                     interpretations that -- this one -- everyone's agreeing
 4
 5
                    MR. BENITEZ: -- (audio distortion)
                                                                     that the Code says what the Code says. And, "We
     because it's in -- it was in Houston, the Chapter of
                                                                     didn't" -- and, "We didn't put it in."
 6
                                                                                          * * * * * * *
 7
     Houston, which is the Houston Greater Asso- -- Sign
                                                                 7
 8
     Association. They were the ones that were involved,
                                                                 8
                                                                             MOTION AND VOTE TO DISAPPROVE THE APPEAL
 9
     And, besides them having all the knowledge that this
                                                                 9
                                                                                    MR. DISHBERGER: And, I guess, based on
     was -- these changes were coming, also, it's posted on
                                                                     that, I'll ask: Does someone make a motion here?
10
11
     the Houston (audio distortion; inaudible) website.
                                                                11
                                                                                    (Speaking simultaneously)
12
                    (Simultaneously speaking)
                                                                                    MR. McKNIGHT: I'll make a motion we vote
                                                                12
13
                    MR. DAVIS: Kind of -- kind of going back
                                                                13
                                                                     to disapprove.
     to, I think, what my -- my question, as far as -- I
                                                                                    MR. DISHBERGER: Do I hear a second?
14
                                                                14
15
     mean, it's just really -- you know, with us pursuing
                                                                15
                                                                                    (Simultaneously speaking)
     this: Again, first meeting regarding this particular
                                                                                    MR. BROWN: This is David Brown --
16
                                                                16
17
     deal was in August. Well, I mean, we -- we -- we
                                                                17
                                                                                    MS. DAVIDSON: I second it.
18
     real- -- we never stood a shot of, kind of, meeting that
                                                                                    MR. BROWN: I third it.
     date, although we were pursuing it. And so, I guess, it
19
                                                                19
                                                                                    MR. DISHBERGER: Okay. Leslie, I think,
     just -- what -- what are -- what are our options (audio
                                                                     seconded. She got in there first.
20
                                                                20
                                                                                    Any discussion among the Board?
21
     distortion) still?
                                                               21
22
                    MR. DISHBERGER: Well, you're going to
                                                                22
                                                                                    (No response)
     (audio distortion; inaudible) take a vote. We vote to
23
                                                                23
                                                                                    MR. DISHBERGER: All right. I'm going to
                                                                     call a vote, then. All in favor of the motion to
24
    disapprove. Your next option is to go to City Council.
                                                                24
    And it's -- again, City Council can override any of
                                                                     disapprove, say "aye," or raise your hand on the screen,
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Page 34
                                                                                                                      Page 36
  1
      please.
                                                                      City Council to offer some interpretation of it.
  2
                     (Multiple people indicating and saying
                                                                                     MR. DAVIS: Yeah.
  3
                     "aye")
                                                                                     MR. McKNIGHT: But -- but our role in
                     MR. DISHBERGER: Anyone disagree?
  4
                                                                  4
                                                                      this is black and white.
  5
                     (Simultaneously speaking)
                                                                                     MR. DISHBERGER: I think -- I think I can
  6
                     MR. DISHBERGER: Okay. Disapproved.
                                                                      probably speak for the Board that we're not open to
 7
      Okay. It's unanimous.
                                                                      comment on this one because it's crystal clear; it's
 8
                     All right. This means the -- you'll --
                                                                  8
                                                                      not -- there's no gray. It's -- now it's a
      I -- and I'll need a motion to -- if there's no other
 9
                                                                      mediation/arbitration, what are you -- what will the
      new business -- I don't think -- today --
 10
                                                                      City do --
                                                                 10
 11
                     (Simultaneously speaking)
                                                                 11
                                                                                     (Simultaneously speaking)
 12
                           * * * * * * *
                                                                 12
                                                                                     MR. McKNIGHT: And any feelings about it
13
     APPELLANT'S FURTHER DISCUSSION REGARDING THE SIGN APPEAL
                                                                 13
                                                                      is just our own --
 14
                    MR. DAVIS: (Stuttering) Can I ask
                                                                 14
                                                                                     MR. DISHBERGER: Right,
15
     another question? Or are we -- are we done? Or can I
                                                                 15
                                                                                     MR. McKNIGHT: -- personal opinions.
16
     ask a question?
                                                                 16
                                                                      That's -- my person opinion is -- you know, I -- and --
 17
                     (Simultaneously speaking)
                                                                 17
                                                                      and let me tell you about my own historic District
18
                     MR. DISHBERGER: Almost done.
                                                                 18
                                                                      problems (audio distortion) some years ago. But, I
 19
                     MR. DAVIS: So -- so -- so, I understand
                                                                 19
                                                                      mean, there's --
20
     that City Council can -- is there a way to -- I
                                                                 20
                                                                                     MR. DISHBERGER: Yeah.
21
     understand you can't vote and approve or disapprove.
                                                                 21
                                                                                     MR. McKNIGHT: There's things that you
22
     But can we get an opinion from this Board, based on what
                                                                 22
                                                                      just can't do anything about.
23
     we presented here, to go to the City Council with, just
                                                                 23
                                                                                     (Simultaneously speaking)
24
     based on what we presented?
                                                                                     MR. RAY: Just to clar- -- if it -- if it
                                                                 24
                    MR. DISHBERGER: I think -- I don't know
25
                                                                      can be any help to the participants here, the appeal
                                                     Page 35
                                                                                                                      Page 37
     if we can or not. I'm just getting a feeling from the
 1
                                                                      that would be taken to the City Council would include
 2
     discussion that -- well, the opinion would probably be
                                                                      the -- the entire record of this proceeding here today.
 3
     the statement that -- the decision we made today, that
                                                                 3
                                                                                    So the court reporter's record would be
 4
     there was --
                                                                      submitted to the City Council with the request for their
 5
                     (Simultaneously speaking)
                                                                 5
                                                                      appeal to them. So every- -- everything that you've
 6
                    MR. HOUSTON: Yeah, I -- I think he's
                                                                 6
                                                                     presented today -- all the paperwork, all the
     asking for something with some context.
                                                                     comments -- all of that will -- will be in the record
 8
                    MR. DISHBERGER: Okay.
                                                                      that goes before the City Council.
                    MR. DAVIS: Some- -- something with some
 9
                                                                 g
                                                                                    MR. DAVIS: Okay.
10
     context, basically --
                                                                 10
                                                                                    MR. DISHBERGER: Thank you. Thank you,
11
                     (Simultaneously speaking)
                                                                11
                                                                     sir.
12
                    MS. STEWART: Is it worth our time?
                                                                                           * * * * * * *
                                                                12
13
                    MR. DAVIS: Yeah, because, I mean --
                                                                13
                                                                              MOTION AND VOTE TO ADJOURN THE MEETING
14
                    (Simultaneously speaking)
                                                                14
                                                                                    MR. DISHBERGER: Do I hear a motion to
15
                    MR. DAVIS: -- essentially, what I heard
                                                                15
                                                                     dismiss?
     you guys say is, and I'm not putting words in anybody's
16
                                                                16
                                                                                    MR. McKNIGHT: Motion to be dis- --
17
     mouth; right? But you -- you guys cannot -- you --
                                                                17
                                                                     adjourned.
18
     you're just here to interpret Code, no -- no matter --
                                                                18
                                                                                    MR. DISHBERGER: Adjournment -- do I hear
19
                    MR. McKNIGHT: Right, yeah. The -- any
                                                                19
                                                                     a second? Can someone second?
     opinion we have would be that -- now, if it was
20
                                                                20
                                                                                    MS. DAVIDSON: (Audio distortion) I
21
     something that was gray and, you know -- we might have
                                                                21
                                                                     second.
22
     an opinion that said, you know, "It -- it -- it looks
                                                                22
                                                                                    MR. DISHBERGER: Thank you, Leslie.
23
     like this is falling under the Code," and -- and that's
                                                                23
                                                                                    Leslie, second.
24
     where we're voting.
                                                                24
                                                                                    All in favor?
25
                    But -- but we're going to wait for
                                                                25
                                                                                    (Multiple people saying "aye")
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-	Page 38	
1	MR. DISHBERGER: Motion passed.	
2	Thank you, guys.	
3	(Simultaneously speaking)	
4	(Meeting adjourned)	
5	(Proceedings ended at 5:40 p.m.)	
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	Page 39	
1	STATE OF TEXAS)	
2	STATE OF TEXAS) COUNTY OF BEXAR)	
2 3	STATE OF TEXAS) COUNTY OF BEXAR) I, Jessica C. Butts, Certified Shorthand	
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