

AGENDA

CITY OF HOUSTON ■ CITY COUNCIL

March 7 & 8, 2023

MAYOR
SYLVESTER TURNER

CONTROLLER
CHRIS B. BROWN

DISTRICT COUNCIL MEMBERS

Amy Peck
District A

Tiffany D. Thomas
District F

Tarsha Jackson
District B

Mary Nan Huffman
District G

Abbie Kamin
District C

Karla Cisneros
District H

Carolyn Evans-Shabazz
District D

Robert Gallegos
District I

Dave Martin
District E

Edward Pollard
District J

Martha Castex-Tatum
District K

AT-LARGE COUNCIL MEMBERS

Mike Knox
Position 1

Michael Kubosh
Position 3

David W. Robinson
Position 2

Letitia Plummer
Position 4

Sallie Alcorn
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 Tuesday, March 7, 2023 - 1:30 PM
City Hall - In Person Meeting

PRESENTATIONS

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

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Pollard

ROLL CALL AND ADOPT THE MINUTES OF THE PREVIOUS MEETING

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

SP03-07-2023

RECESS

RECONVENE

WEDNESDAY - March 8, 2023 - 9:00 A. M.

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

HEARINGS

1. **9:00 A.M. PUBLIC HEARING** to discuss and review the update of the Land Use Assumptions and Capital Improvements Plan and designating the Planning Commission as the Capital Improvements Advisory Committee in accordance with Chapter 395 of the Texas Local Government Code

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBERS 2 through 9

2. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE) BOARD OF DIRECTORS**:
 - Position One - **ALBERTO P. CÁRDENAS, JR.**, for a term to expire December 9, 2023
 - Position Two - **MARY K. VARGO**, for a term to expire December 9, 2024
 - Position Three - **TRACY STEPHENS**, for a term to expire December 9, 2023
 - Position Four - **MEDARDO E. "SONNY" GARZA**, for a term ending December 9, 2024 and to serve as Chair for a term ending December 9, 2023
 - Position Five - **GUSTA BOOKER, III**, for a term to expire December 9, 2023
 - Position Six - **HUGO C. ALVAREZ**, for a term to expire December 9, 2024
 - Position Seven - **SAMUEL D. SARABIA**, for a term to expire December 9, 2023
3. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
 - Position One - **ALBERTO P. CÁRDENAS, JR.**, for a term to expire December 9, 2023
 - Position Two - **MARY K. VARGO**, for a term to expire December 9, 2024
 - Position Three - **TRACY STEPHENS**, for a term to expire December 9, 2023
 - Position Four - **MEDARDO E. "SONNY" GARZA**, for a term ending December 9, 2024 and to serve as Chair for a term ending December 9, 2023
 - Position Five - **GUSTA BOOKER, III**, for a term to expire December 9, 2023
 - Position Six - **HUGO ALVAREZ**, for a term to expire December 9, 2024
 - Position Seven - **SAMUEL D. SARABIA**, for a term to expire December 9, 2023
4. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) BOARD OF DIRECTORS**, for a term to expire December 7, 2024:
 - Position One - **WILLIAM E. MORFEY**
 - Position Three - **CHRIS NEWPORT**
5. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **CITY PARK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 7, 2024:
 - Position One - **WILLIAM E. MORFEY**
 - Position Three - **CHRIS NEWPORT**
6. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT**

REINVESTMENT ZONE NUMBER TWENTY-EIGHT, CITY OF HOUSTON, TEXAS (MEDICAL CENTER AREA ZONE):

Position One - **DAVID BALE**, for a term to expire December 31, 2024, and to serve as Chair for a term to expire December 31, 2023

Position Two - **BILL BROWN**, for a term to expire December 31, 2023

Position Three - **KAREN MOONEY**, for a term to expire December 31, 2024

Position Four - **SEAN MENOGAN**, for a term to expire December 31, 2023

Position Five - **PHOEBE TUDOR**, for a term to expire December 31, 2024

Position Six - **NICOLA FUENTES TOUBIA**, for a term to expire December 31, 2023

Position Seven - **THOMAS JONES**, for a term to expire December 31, 2024

7. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE):**

Position One - **FERNANDO ZAMARRIPA**, for a term to expire December 31, 2023

Position Two - **JORGE B. BUSTAMANTE**, for a term to expire December 31, 2024

Position Three - **EDWARD "ED" REYES**, for a term to expire December 31, 2023 and to serve as Chair for a term ending December 31, 2023

Position Four - **SYLVIA SOFIA CAVAZOS**, for a term to expire December 31, 2024

Position Five - **DANIEL ORTIZ**, for a term to expire December 31, 2023

Position Six - **MONTE LARGE**, for a term to expire December 31, 2024

Position Seven - **ELIA QUILES**, for a term to expire December 31, 2023

8. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY:**

Position One - **FERNANDO ZAMARRIPA**, for a term to expire December 31, 2023

Position Two - **JORGE B. BUSTAMANTE**, for a term to expire December 31, 2024

Position Three - **EDWARD "ED" REYES**, for a term to expire December 31, 2023 and to serve as Chair for a term ending December 31, 2023

Position Four - **SYLVIA SOFIA CAVAZOS**, for a term to expire December 31, 2024

Position Five - **DANIEL ORTIZ**, for a term to expire December 31, 2023

Position Six - **MONTE LARGE**, for a term to expire December 31, 2024

Position Seven - **ELIA QUILES**, for a term to expire December 31, 2023

9. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE (Formerly known as HOUSTON CABLE CORPORATION)**:

Position Three - **ALEXIS MELVIN**, appointment for a term to expire December 31, 2024

Position Eleven - **OVIDIO GALVAN**, reappointment for a term to expire December 31, 2024

Position Twelve - **RANDEE SPITTEL-RAMSEY**, appointment for a term to expire December 31, 2023

PROPERTY - NUMBER 10

10. RECOMMENDATION from Director Houston Public Works for payment authorization and interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works from the Dedicated Drainage and Street Renewal Capital Fund to the Water and Sewer System Operating Fund. Parcels SY22-037, SY22-036 and SY22-013 - **DISTRICTS B - JACKSON and H - CISNEROS**

ORDINANCES - NUMBERS 11 through 32

11. ORDINANCE approving and authorizing second amendment to Master Contractor Agreement for City of Houston New Home Development Program to be executed by City of Houston and each of the following contractors: **SLSCO, LTD; PMG CONSTRUCTION, INC; DSW HOMES, LLC; HOUSTON HABITAT FOR HUMANITY, INC; MAYBERRY HOMES, INC; REBUILDING TOGETHER – HOUSTON**; and **JAMES W. TURNER CONSTRUCTION, LTD** to extend the renewal period of the Master Contractor Agreements; authorizing the Mayor to execute a second amendment to Master Contractor Agreement with each contractor
12. ORDINANCE approving and authorizing the submission of Substantial Amendment to 2017 Annual Action Plan, 2020 Annual Action Plan and the 2022 Annual Action Plan to the United States Department of Housing and Urban Development, including a revised budget for the Community Development Block Grant (“CDBG”) Program in the amount of \$1,062,576.69
13. ORDINANCE approving and authorizing first amendment to Loan Agreement between City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC, joined by ROBINS LANDING, LLC** a wholly owned subsidiary of Houston Habitat for Humanity, Inc, to clarify, modify and expand minimum construction standards that will apply to each new home

14. ORDINANCE approving and authorizing contract between City and **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Behavioral Surveillance Services; providing a maximum contract amount
15. ORDINANCE appropriating \$1,250,000.00 from Contributed Capital Project Fund for the implementation of a Contract and Procurement Management System for Houston Information Technology Services and Various Departments
16. ORDINANCE approving and authorizing agreement between City of Houston and **GREENBERG TRAURIG, LLP** for Bond Counsel Services for Various Departments; providing a maximum contract amount
Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed bond counsel, Greenberg Traurig, LLP ("Greenberg") is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City. Greenberg has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Greenberg is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.
17. ORDINANCE approving and authorizing agreement between City of Houston and **GREENBERG TRAURIG, LLP** for Bond Counsel Services for Various Departments; providing a maximum contract amount
Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed bond counsel, Greenberg Traurig, LLP ("Greenberg") is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City. Greenberg has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Greenberg is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

18. ORDINANCE approving and authorizing an agreement between the City of Houston and **HAYNES AND BOONE, LLP** for Disclosure Counsel Services for Various Departments; providing a maximum contract amount
Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, Haynes and Boone, LLP (“Haynes Boone”) is a full-service firm that includes a public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. Haynes Boone has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Haynes Boone is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.
19. ORDINANCE approving and authorizing agreement between City of Houston and **McCALL, PARKHURST & HORTON LLP** for Disclosure Counsel Services for Various Departments; providing a maximum contract amount
Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, McCall, Parkhurst & Horton LLP (“McCall Parkhurst”) is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. McCall Parkhurst has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of McCall Parkhurst is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.
20. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the North Regional Library Project; authorizing the acquisition of fee simple titles in or permanent easements to eighteen parcels of land required for the Project and situated in the James Love Survey, Abstract 528, in Harris County, Texas, said parcels of land being in the Acres Homes area of Houston, Harris County, Texas, by gift,

dedication, purchase, or the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Relocation Assistance, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition - **DISTRICT A - PECK**

21. ORDINANCE appropriating \$450,000.00 out of Fire Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund to the existing city-wide contract with **D7 ROOFING AND METAL LLC** for Roof Replacement and Repair Services at Various Locations for the Houston Fire Department (HFD) and the Houston Police Department (HPD)
22. ORDINANCE approving and authorizing an Agreement between the City of Houston and **KORN FERRY (US)** for Professional Talent Acquisition Services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 six-month option - \$315,000.00 - Enterprise Fund
23. ORDINANCE awarding contract to **MGT OF AMERICA CONSULTING, LLC INSTITUTE** for Professional Services to conduct a Disparity Study for the Office of Business Opportunity, providing a maximum contract amount
24. ORDINANCE extending provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to certain improved single-family residential lots in the Timbergrove Manor Subdivision, Sections 1 through 4, to prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single-family residences - **DISTRICT C - KAMIN**
25. ORDINANCE renewing the establishment of the east and west sides of the 600 block of Harvard Street within the City of Houston, Texas as a Special Minimum Building Line Requirement Block pursuant to the Code of Ordinances, Houston, Texas - **DISTRICT C - KAMIN**
26. ORDINANCE renewing the establishment of the 1400-1600 Blocks of Bonnie Brae Street, 1600 Block of Norfolk Street and the north and south sides of the 1600 Block of Castle Court, within the City of Houston, Texas as a Special Minimum Building Line Requirement Block pursuant to the code of Ordinances, Houston, Texas - **DISTRICT C - KAMIN**
27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, out of the W.M. White 1/3 League Survey, Abstract 836, Harris County, Texas; abandoning said portion to its owner, **INVERNESS TOWNHOME ASSOCIATION**, in exchange for a cash payment of \$501,500.00 and conveyance to the City of Houston, Texas, of: 1) approximately 2,432 square feet of street easement; 2) a 40-foot-wide storm sewer easement; and 3) a 25-foot-wide utility easement, all out of the W.M. White 1/3 League Survey, Abstract 836, Harris County, Texas - **DISTRICT G - HUFFMAN**
28. ORDINANCE authorizing the sale of eight twelve-foot-wide by twenty-foot-wide access easements, out of City fee owned land known as the Janowski Ditch, situated in the H.&T.C RR Co. Survey, A-975; selling easements to **AVENUE DEVELOPMENT, LLC**, the abutting property owner, in consideration of its payment to the City of \$9,600.00 and other good and valuable consideration - **DISTRICT H - CISNEROS**

29. ORDINANCE authorizing sale of a 1,350 square-foot tract out of City fee owned land, being 0.031 acre abutting lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR Co, A-181, Harris County, Texas, selling the tract to **HUGO GONZALEZ**, the abutting property owner, in consideration of his payment to the City of \$10,800.00 and other good and valuable consideration - **DISTRICT A - PECK**
30. ORDINANCE approving and authorizing third amendment to agreement between City of Houston and **TEXAS WATER DEVELOPMENT BOARD** for administering the Federal Emergency Management Agency's Flood Mitigation Assistance Program (as approved by Ordinance No. 2016-0735 & 2021-0664, as amended)
31. ORDINANCE appropriating \$10,500,000.00 out of Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; approving and authorizing purchase of land and other interest in real property and payment of the costs of such purchases and/or condemnations, with associated costs for Appraisal Fees, Title Policies and Services, expenses associated with Removing Improvements from the Right-of-Way, Relocation Expenses, Recording Fees and other Services, in connection with negotiations to settle purchases, court costs, and expert witness fees for and in connection with construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax
32. **This item has been Pulled and Rescheduled**
ORDINANCE appropriating \$8,761,812.20 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax and \$3,600,000.00 out of Contribution for Capital Projects Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LLC** for Hillcroft Avenue and Court Road Extension - **DISTRICT K - CASTEX-TATUM**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 33

NON-CONSENT - MISCELLANEOUS

33. REVIEW on the record and make determination relative to the appeal from the decision of the Sign Administration on denial of an off-premise sign located at 950 ½ Threadneedle Street, filed by Christopher W. Rothfelder on behalf of SignAd, Ltd.

MATTERS HELD - NUMBER 34

34. ORDINANCE approving and authorizing Revenue Agreement between City of Houston and **AREAS HOU JV, LLC** for Food and Beverage Concession at William P. Hobby Airport (HOU) for the Houston Airport System - 10 Years - Revenue
TAGGED BY COUNCIL MEMBERS KAMIN and GALLEGOS
This was Item 30 on Agenda of March 1, 2023

**MATTERS TO BE PRESENTED BY COUNCIL - Council Member Kubosh
first**

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

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

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



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date:

SP03-07-2023

Agenda Item#:

ATTACHMENTS:

Description	Type
SP03-07-2023	Signed Cover sheet

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR - TUESDAY
MARCH 7, 2023 – 2:00 PM**

AGENDA

3 MIN

3 MIN

3 MIN

NON-AGENDA

2 MIN

2 MIN

2 MIN

3 MIN

3 MIN

3 MIN

REGINA CORE – 2000 Westborough Dr. – Katy, TX – 77449 – 346-773-6317 - Violence against black women in Houston/Unprofessionalism of police

VICKIE JONES – 7308 Wileyvale Rd. – 77016 – 832-271-2525 – Claims for damages from City water repair

KERRY RICE – 12500 Dunlap St., Apt. 666 – 77035 – 832-245-7478 – Terrorism

SIMANAL DEROUSELLE-FOSTER – 7522 Elbert St. – 77028 – 713-634-8377 – Follow-up with Mayor Turner

MARKUS LaSTRAP – 5503 Karelian Dr. – 77091 – 832-752-2000 – Solid Waste Department

STANLEY LEMON – 5340 Wesleyan St. – 77265 – 404-869-1290 – Secret to writing

PREVIOUS

1 MIN

1 MIN

1 MIN

ILY MONTOYA-RIVAS – 9390 FM 1960 Bypass West – Humble, TX – 77338 – 832-795-6272 – District E Feud

MICHEAL GREGA – 70 Neyland St. – 77022 – No Phone – Putting City Officials on notice



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 1/9/2023

20HPW15 - Public Hearing for Updated Land Use
Assumptions and Capital Improvement Plan

Agenda Item#: 1.

Summary:

9:00 A.M. PUBLIC HEARING to discuss and review the update of the Land Use Assumptions and Capital Improvements Plan and designating the Planning Commission as the Capital Improvements Advisory Committee in accordance with Chapter 395 of the Texas Local Government Code

Background:

SUBJECT: Public hearing to discuss and review updates to Land Use Assumptions and Capital Improvements Plan, submitting Land Use Assumptions Plan and Capital Improvements Plan for consideration by City Council

RECOMMENDATION: Conduct hearing on Land Use Assumptions Plan and Capital Improvements Plan.

SPECIFIC EXPLANATION: The City of Houston operates a drainage utility system for the purpose of providing drainage service to its residents pursuant to the City's Code of Ordinances, Chapter 47, Article XV. The drainage utility by its charter has four (4) main sources to generate funds for drainage services, one of which includes the Chapter 395 of the Local Government Code drainage impact fee. Under Chapter 395 of the Local Government Code and other law, the City must charge fees to fund the cost of providing drainage services for new development. Cost of drainage impact fee includes capital expenditures for all facilities, services needed to provide drainage service within the City's service area, and other similar items as defined by applicable laws.

Article IX, Section 22 of the City's Charter provides that developer impact fees shall be assessed in an equitable manner as provided by law to recover allocable costs of providing drainage and streets for properties under development. On April 3, 2013, the City adopted developer impact fees in accordance with Chapter 395. The December 7, 2012, City of Houston Drainage Impact Fee Study looked at a period of 10 years to project new growth and corresponding capacity needs. Such assumptions were valid for 10 years, from January 1, 2012-December 31, 2022, as provided under Chapter 395.

In 2021, the City entered a contract with NewGen Strategies and Solutions, LLC and its subconsultants to perform a Cost of Service Study. The study included preparing an updated

Land Use Assumptions Plan and Capital Improvements Plan listing all growth-related improvements eligible for inclusion in the drainage impact fee calculation. NewGen has also calculated the maximum allowable drainage impact fee per service unit, ensuring calculations recover all eligible expenditures. NewGen will produce its report for City Council review, and the City will seek input from its customers and other stakeholders before setting rates by ordinance. Chapter 395 of the Local Government Code sets forth procedures for the initial adoption and renewal of drainage impact fees.

Chapter 395 requires that a public hearing must be held by City Council to discuss the proposed ordinance amending Land Use Assumptions, the Capital Improvements Plan, or the impact fee. Further, Chapter 395 requires that, within 60 days after City Council receives such updates, that City Council must adopt an order setting a public hearing to discuss and review the updates and determine whether to amend the plan.

Lastly, Chapter 395 requires City Council to appoint a capital improvements advisory committee to serve in an advisory capacity and fulfill the duties delineated in the statute. The Planning Commission may serve as this advisory committee, and the ordinance passed by Council on January 25, 2023 appointed the Planning Commission to serve as the advisory committee.

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

Prior Council Action:

Ordinance No. 2013-0281 dated 03-27-2013

Ordinance No 2023-XXX dated 01-25-2023

Contact Information:

David Wurdlow

Assistant Director, Financial Management Services

Phone: (832) 395-2054

Betsy Varghese

Assistant Director, Financial Management Services

Phone: 832-395-2576

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 TIRZ # 8 ReAppts. ltr. 2-17-2023

Agenda Item#: 2.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE) BOARD OF DIRECTORS:**

- Position One - **ALBERTO P. CÁRDENAS, JR.**, for a term to expire December 9, 2023
- Position Two - **MARY K. VARGO**, for a term to expire December 9, 2024
- Position Three - **TRACY STEPHENS**, for a term to expire December 9, 2023
- Position Four - **MEDARDO E. "SONNY" GARZA**, for a term ending December 9, 2024 and to serve as Chair for a term ending December 9, 2023
- Position Five - **GUSTA BOOKER, III**, for a term to expire December 9, 2023
- Position Six - **HUGO C. ALVAREZ**, for a term to expire December 9, 2024
- Position Seven - **SAMUEL D. SARABIA**, for a term to expire December 9, 2023

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to City of Houston, Texas, Ordinance Nos. 97-1524, 99-913 and 99-1069, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate) Board of Directors, subject to Council confirmation:

Alberto P. Cárdenas, Jr., reappointment to Position One, for a term to expire December 9, 2023;
Mary K. Vargo, reappointment to Position Two, for a term to expire December 9, 2024;
Tracy Stephens, reappointment to Position Three, for a term to expire December 9, 2023;
Medardo E. "Sonny" Garza, reappointment to Position Four, for a term to expire December 9, 2024, and to serve as Chair for a term ending December 9, 2023;
Gusta Booker III, reappointment to Position Five, for a term to expire December 9, 2023;
Hugo C. Alvarez, reappointment to Position Six, for a term to expire December 9, 2024;
and
Samuel D. Sarabia, reappointment to Position Seven, for a term to expire December 9, 2023.

Pursuant to the bylaws of the Gulfgate Redevelopment Authority ("Authority"), appointment of the director to the Board of Directors of this Zone will also constitute appointment of the same director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumé of the nominee is attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 Gulfgate Redevelopment Authority ReAppts.
ltr. 2-17-2023

Agenda Item#: 3.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

Position One - **ALBERTO P. CÁRDENAS, JR.**, for a term to expire December 9, 2023

Position Two - **MARY K. VARGO**, for a term to expire December 9, 2024

Position Three - **TRACY STEPHENS**, for a term to expire December 9, 2023

Position Four - **MEDARDO E. "SONNY" GARZA**, for a term ending December 9, 2024
and to serve as Chair for a term ending December 9, 2023

Position Five - **GUSTA BOOKER, III**, for a term to expire December 9, 2023

Position Six - **HUGO ALVAREZ**, for a term to expire December 9, 2024

Position Seven - **SAMUEL D. SARABIA**, for a term to expire December 9, 2023

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to City of Houston, Texas, Ordinance Nos. 97-1524, 99-913 and 99-1069, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate) Board of Directors, subject to Council confirmation:

Alberto P. Cárdenas, Jr., reappointment to Position One, for a term to expire December 9, 2023;
Mary K. Vargo, reappointment to Position Two, for a term to expire December 9, 2024;
Tracy Stephens, reappointment to Position Three, for a term to expire December 9, 2023;
Medardo E. "Sonny" Garza, reappointment to Position Four, for a term to expire December 9, 2024, and to serve as Chair for a term ending December 9, 2023;
Gusta Booker III, reappointment to Position Five, for a term to expire December 9, 2023;
Hugo C. Alvarez, reappointment to Position Six, for a term to expire December 9, 2024;
and

Samuel D. Sarabia, reappointment to Position Seven, for a term to expire December 9, 2023.

Pursuant to the bylaws of the Gulfgate Redevelopment Authority (“Authority”), appointment of the director to the Board of Directors of this Zone will also constitute appointment of the same director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumé of the nominee is attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 TIRZ # 12 ReAppts. ltr. 2-17-2023

Agenda Item#: 4.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) BOARD OF DIRECTORS**, for a term to expire December 7, 2024:

Position One - **WILLIAM E. MORFEY**

Position Three - **CHRIS NEWPORT**

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 City Park Redevelopment Authority ReAppts.
ltr. 2-17-2023

Agenda Item#: 5.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **CITY PARK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 7, 2024:

Position One - **WILLIAM E. MORFEY**

Position Three - **CHRIS NEWPORT**

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor
February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor
February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the

Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor
February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor
February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112,

I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor
February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance No. 98-1112, I am nominating the following individuals for reappointment to the Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone) Board of Directors, subject to Council confirmation:

William E. Morfey, reappointment to Position One, for a term to expire December 7, 2024; and Chris Newport, reappointment to Position Three, for a term to expire December 7, 2024.

Pursuant to the bylaws of the City Park Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/22/2023

MYR ~ 2023 TIRZ # 28 Medical Center Area Zone Appts.
ltr. 2-22-2023

Agenda Item#: 6.

Summary:

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-EIGHT, CITY OF HOUSTON, TEXAS (MEDICAL CENTER AREA ZONE)**:

Position One - **DAVID BALE**, for a term to expire December 31, 2024, and to serve as Chair for a term to expire December 31, 2023

Position Two - **BILL BROWN**, for a term to expire December 31, 2023

Position Three - **KAREN MOONEY**, for a term to expire December 31, 2024

Position Four - **SEAN MENOGAN**, for a term to expire December 31, 2023

Position Five - **PHOEBE TUDOR**, for a term to expire December 31, 2024

Position Six - **NICOLA FUENTES TOUBIA**, for a term to expire December 31, 2023

Position Seven - **THOMAS JONES**, for a term to expire December 31, 2024

Background:

January 22, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to City of Houston, Texas, Ordinance No. 2022-976 and Texas Tax Code, Chapter 311, I am nominating the following individuals for appointment to the Board of Directors of Reinvestment Zone Number Twenty-Eight, City of Houston, Texas (Medical Center Area Zone), subject to City Council confirmation:

David Bale, appointment to Position One, for a term to expire December 31, 2024, and to serve as Chair for a term to expire December 31, 2023;

Bill Brown, appointment to Position Two, for a term to expire December 31, 2023;

Karen Mooney, appointment to Position Three, for a term to expire December 31, 2024;

Sean Menogan, appointment to Position Four, for a term to expire December 31, 2023;

Phoebe Tudor, appointment to Position Five, for a term to expire December 31, 2024;
Nicola Fuentes Toubia, appointment to Position Six, for a term to expire December 31, 2023;
and
Thomas Jones, appointment to Position Seven, for a term to expire December 31, 2024.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 TIRZ # 21 ReAppts. ltr. 2-17-2023

Agenda Item#: 7.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)**:

Position One - **FERNANDO ZAMARRIPA**, for a term to expire December 31, 2023

Position Two - **JORGE B. BUSTAMANTE**, for a term to expire December 31, 2024

Position Three - **EDWARD "ED" REYES**, for a term to expire December 31, 2023 and to serve as Chair for a term ending December 31, 2023

Position Four - **SYLVIA SOFIA CAVAZOS**, for a term to expire December 31, 2024

Position Five - **DANIEL ORTIZ**, for a term to expire December 31, 2023

Position Six - **MONTE LARGE**, for a term to expire December 31, 2024

Position Seven - **ELIA QUILES**, for a term to expire December 31, 2023

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to City of Houston, Texas Ordinance No. 2003-1258, I am nominating the following individuals for reappointment to the Board of Directors of Tax Increment Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), subject to Council confirmation:

Fernando Zamarripa, reappointment to Position One, for a term to expire December 31, 2023;
Jorge B. Bustamante, reappointment to Position Two, for a term to expire December 31, 2024;
Edward "Ed" Reyes, reappointment to Position Three, for a term to expire December 31, 2023, and to serve as Chair for a term to ending December 31, 2023;
Sylvia Sofia Cavazos, reappointment to Position Four, for a term to expire December 31, 2024;

Daniel Ortiz, reappointment to Position Five, for a term to expire December 31, 2023;
Monte Large, reappointment to Position Six, for a term to expire December 31, 2024;
and
Elia Quiles, reappointment to Position Seven, for a term to expire December 31, 2023.

Pursuant to the Bylaws of the Hardy/Near Northside Redevelopment Authority ("Authority"), appointment of a director to the Board of Directors of this Zone constitutes appointment of such director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/17/2023

MYR ~ 2023 Hardy/Near Northside Redevelopment
Authority ReAppts. ltr. 2-17-2023

Agenda Item#: 8.

Summary:

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY**:

Position One - **FERNANDO ZAMARRIPA**, for a term to expire December 31, 2023

Position Two - **JORGE B. BUSTAMANTE**, for a term to expire December 31, 2024

Position Three - **EDWARD "ED" REYES**, for a term to expire December 31, 2023 and to serve as Chair for a term ending December 31, 2023

Position Four - **SYLVIA SOFIA CAVAZOS**, for a term to expire December 31, 2024

Position Five - **DANIEL ORTIZ**, for a term to expire December 31, 2023

Position Six - **MONTE LARGE**, for a term to expire December 31, 2024

Position Seven - **ELIA QUILES**, for a term to expire December 31, 2023

Background:

February 16, 2023

The Honorable City Council
City of Houston, Texas

Dear Council Members:

Pursuant to City of Houston, Texas Ordinance No. 2003-1258, I am nominating the following individuals for reappointment to the Board of Directors of Tax Increment Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), subject to Council confirmation:

Fernando Zamarripa, reappointment to Position One, for a term to expire December 31, 2023;
Jorge B. Bustamante, reappointment to Position Two, for a term to expire December 31, 2024;
Edward "Ed" Reyes, reappointment to Position Three, for a term to expire December 31, 2023,

and to serve as Chair for a term to ending December 31, 2023;
Sylvia Sofia Cavazos, reappointment to Position Four, for a term to expire December 31, 2024;
Daniel Ortiz, reappointment to Position Five, for a term to expire December 31, 2023;
Monte Large, reappointment to Position Six, for a term to expire December 31, 2024;
and
Elia Quiles, reappointment to Position Seven, for a term to expire December 31, 2023.

Pursuant to the Bylaws of the Hardy/Near Northside Redevelopment Authority ("Authority"),
appointment of a director to the Board of Directors of this Zone constitutes appointment of such
director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description

Type



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/20/2023

MYR ~ 2023 Houston Media Source Appt. ltr. 2-20-2023

Agenda Item#: 9.

Summary:

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE (Formerly known as HOUSTON CABLE CORPORATION)**:

Position Three - **ALEXIS MELVIN**, appointment for a term to expire December 31, 2024

Position Eleven - **OVIDIO GALVAN**, reappointment for a term to expire December 31, 2024

Position Twelve - **RANDEE SPITTEL-RAMSEY**, appointment for a term to expire December 31, 2023

Background:

February 16, 2023

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to the authority conferred on this office by Article V, Sec. 4 of the bylaws of Houston Media Source (formerly known as Houston Cable Corporation), approved by Ordinance No. 86-1733 and Resolution No. 2014-0026, I hereby appoint or reappoint the following individuals to the Houston Media Source Board of Directors, subject to confirmation by the City Council:

Alexis Melvin, appointment to Position Three, for a term to expire December 31, 2024;
Ovidio Galvan, reappointment to Position Eleven, for a term to expire December 31, 2024; and
Randee Spittel-Ramsey, appointment to Position Twelve, for a term to expire December 31, 2023.

The résumés of the nominees are attached for your review.

Sincerely,

Sylvester Turner
Mayor

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District B, District H

Item Creation Date:

HPW20ERH10069 Interdepartmental Transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013)

Agenda Item#: 10.

Summary:

RECOMMENDATION from Director Houston Public Works for payment authorization and interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works from the Dedicated Drainage and Street Renewal Capital Fund to the Water and Sewer System Operating Fund. Parcels SY22-037, SY22-036 and SY22-013 - **DISTRICTS B - JACKSON and H - CISNEROS**

Background:

SUBJECT: Payment authorization for the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300. **Parcels SY22-037, SY22-036 and SY22-013**

RECOMMENDATION: Recommendation that a motion be passed authorizing payment and the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300. **Parcels SY22-037, SY22-036 and SY22-013**

SPECIFIC EXPLANATION: The City acquired the Tuscon St. (SY22-037) property by deed in 1948 for the Northeast Well. No. 6 water well site and was decommissioned in 2013.

The City acquired the Hitchcock St. (SY22-036) property by deeds in 1949 for the Northeast Well. No. 11 water well site and was decommissioned in 2012.

The City acquired the Kirkpatrick Blvd. (SY22-013) property by deed in 1975 as part of the Homestead Wastewater Treatment Plant site. This portion of the property is not needed for a buffer zone nor expansion.

Houston Public Works – Houston Water determined that these properties were surplus to its needs. Houston Public Works - Transportation and Drainage seeks to transfer properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) fulfill regional detention needs.

Parcel SY22-037 (Tuscon Street):

125,290 square foot tract of land..... \$ 372,678.00

Parcel SY22-036 (Hitchcock Street):

96,000 square foot tract of land\$ 684,480.00

Parcel SY22-013 (Kirkpatrick Boulevard)

162,922 square foot tract of land\$ 456,159.00

TOTAL COMPENSATION\$ 1,513,317.00

Therefore, it is recommended City Council pass a motion authorizing payment and the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300 in the amount of \$1,513,317.00.

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

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

M-430296-LAND-2

Prior Council Action:

Ordinance No. 2022-0222, passed March 23, 2022

Amount and Source of Funding:

No additional funding required (Funds were appropriated under Ordinance 2022-0222)

Contact Information:

Addie L. Jackson, Esq.
Assistant Director – Real Estate Services
Phone: (832) 395-3164

ATTACHMENTS:

Description	Type
Signed coversheet	Signed Cover sheet
SY22-037, SY22-036 and SY22-013 Aerial Maps	Backup Material
SY22-036 Epsom Downs Place Plat (HCMR Vol. 21, Pg. 57)	Backup Material
SY22-037, SY22-036 and SY22-013 Council District Maps	Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:
District B, District H
Item Creation Date:

HPW20ERH10069 Interdepartmental Transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013)

Agenda Item#:

Background:

SUBJECT: Payment authorization for the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300. **Parcels SY22-037, SY22-036 and SY22-013**

RECOMMENDATION: Recommendation that a motion be passed authorizing payment and the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300. **Parcels SY22-037, SY22-036 and SY22-013**

SPECIFIC EXPLANATION: The City acquired the Tuscon St. (SY22-037) property by deed in 1948 for the Northeast Well. No. 6 water well site and was decommissioned in 2013.

The City acquired the Hitchcock St. (SY22-036) property by deeds in 1949 for the Northeast Well. No. 11 water well site and was decommissioned in 2012.

The City acquired the Kirkpatrick Blvd. (SY22-013) property by deed in 1975 as part of the Homestead Wastewater Treatment Plant site. This portion of the property is not needed for a buffer zone nor expansion.

Houston Public Works – Houston Water determined that these properties were surplus to its needs. Houston Public Works - Transportation and Drainage seeks to transfer properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) fulfill regional detention needs.

Parcel SY22-037 (Tuscon Street):

125,290 square foot tract of land \$ 372,678.00

Parcel SY22-036 (Hitchcock Street):

96,000 square foot tract of land\$ 684,480.00

Parcel SY22-013 (Kirkpatrick Boulevard)

162,922 square foot tract of land\$ 456,159.00

TOTAL COMPENSATION\$ 1,513,317.00

Therefore, it is recommended City Council pass a motion authorizing payment and the interdepartmental transfer of properties located on Tuscon St. (Parcel SY22-037), Hitchcock St. (Parcel SY22-036) and Kirkpatrick Blvd. (Parcel SY22-013) within Houston Public Works Department from the Dedicated Drainage and Street Renewal Capital Fund 4046 to the Water and Sewer System Operating Fund 8300 in the amount of \$1,513,317.00.

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

DocuSigned by:

Carol Ellinger Haddock

2/16/2023

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

M-430296-LAND-2

Prior Council Action:

Ordinance No. 2022-0222, passed March 23, 2022

Amount and Source of Funding:

No additional funding required (Funds were appropriated under Ordinance 2022-0222)

Contact Information:

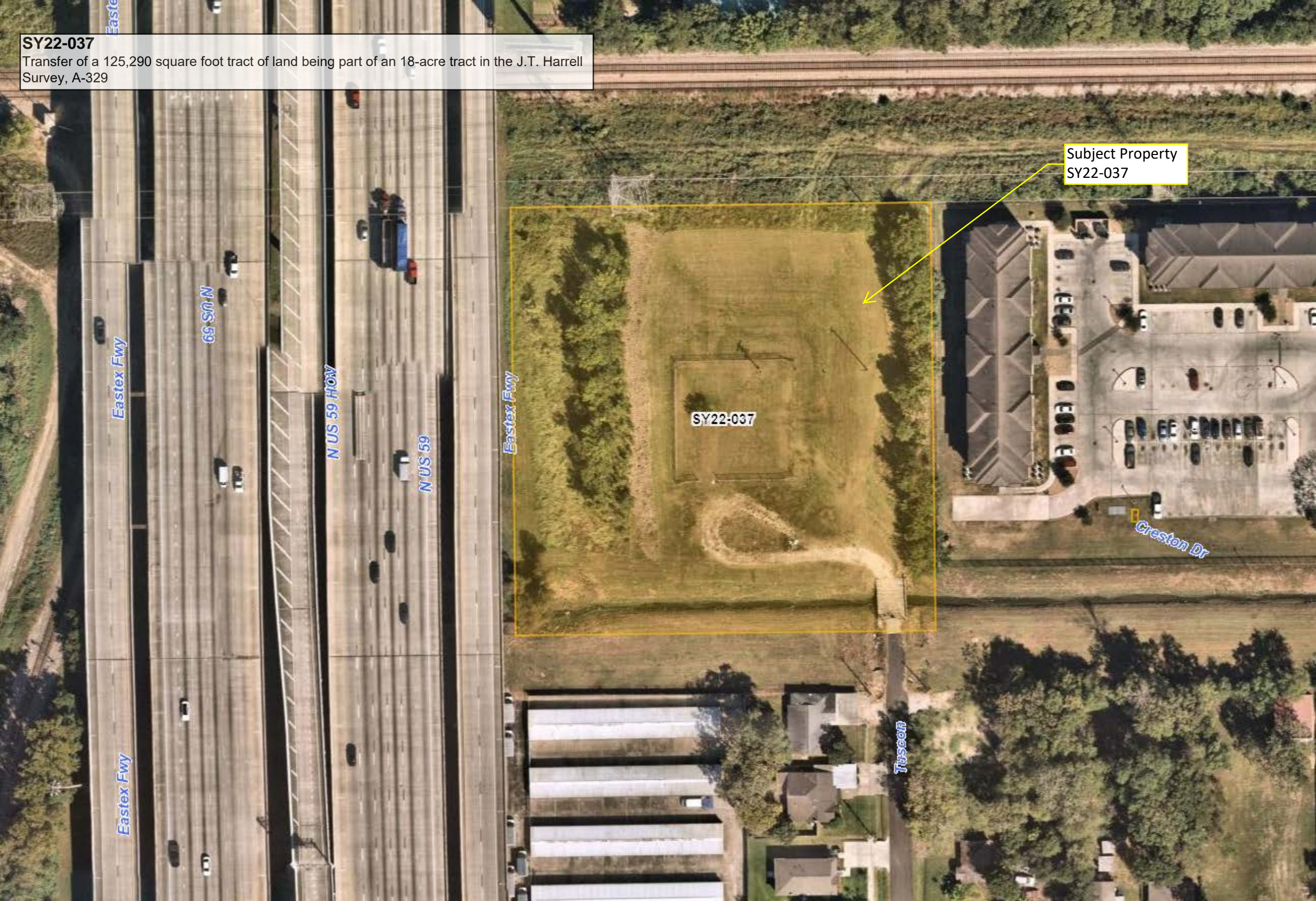
Addie L. Jackson, Esq.
Assistant Director – Real Estate Services
Phone: (832) 395-3164

ATTACHMENTS:

Description	Type
SY22-037, SY22-036 and SY22-013 Aerial Maps	Backup Material
SY22-037, SY22-036 and SY22-013 Council District Maps	Backup Material
SY22-037 Metes and Bounds and Survey	Backup Material
SY22-036 Epsom Downs Place Plat (HCMR Vol. 21, Pg. 57)	Backup Material
SY22-013 Drawing No. 20,435	Backup Material
SY22-037, SY22-036 and SY22-013 TDO Purchase Memo	Backup Material
Ordinance 2022-0222	Backup Material

SY22-037

Transfer of a 125,290 square foot tract of land being part of an 18-acre tract in the J.T. Harrell Survey, A-329



Subject Property
SY22-037

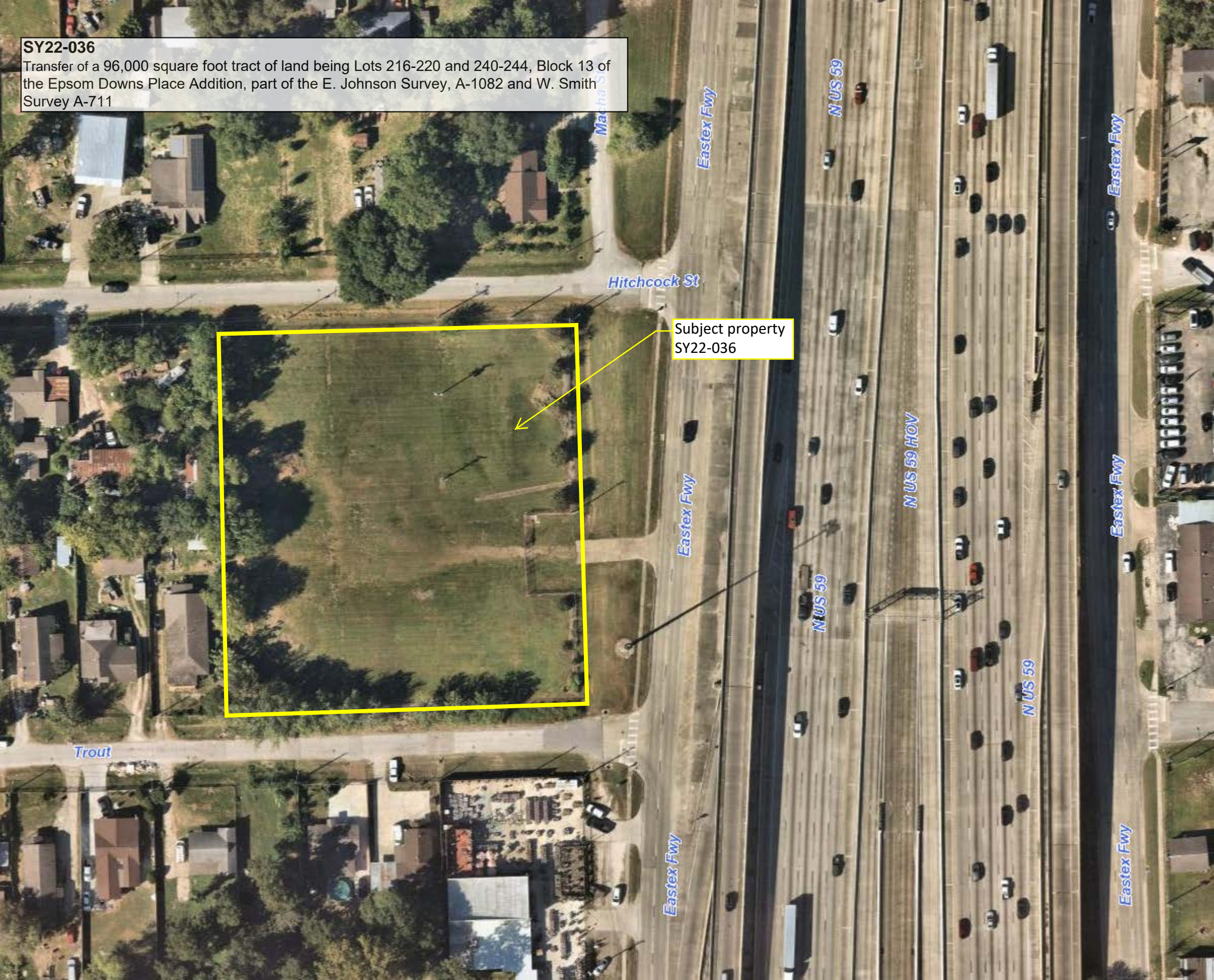
SY22-037

Creston Dr

Tuscon

SY22-036

Transfer of a 96,000 square foot tract of land being Lots 216-220 and 240-244, Block 13 of the Epsom Downs Place Addition, part of the E. Johnson Survey, A-1082 and W. Smith Survey A-711



Subject property
SY22-036

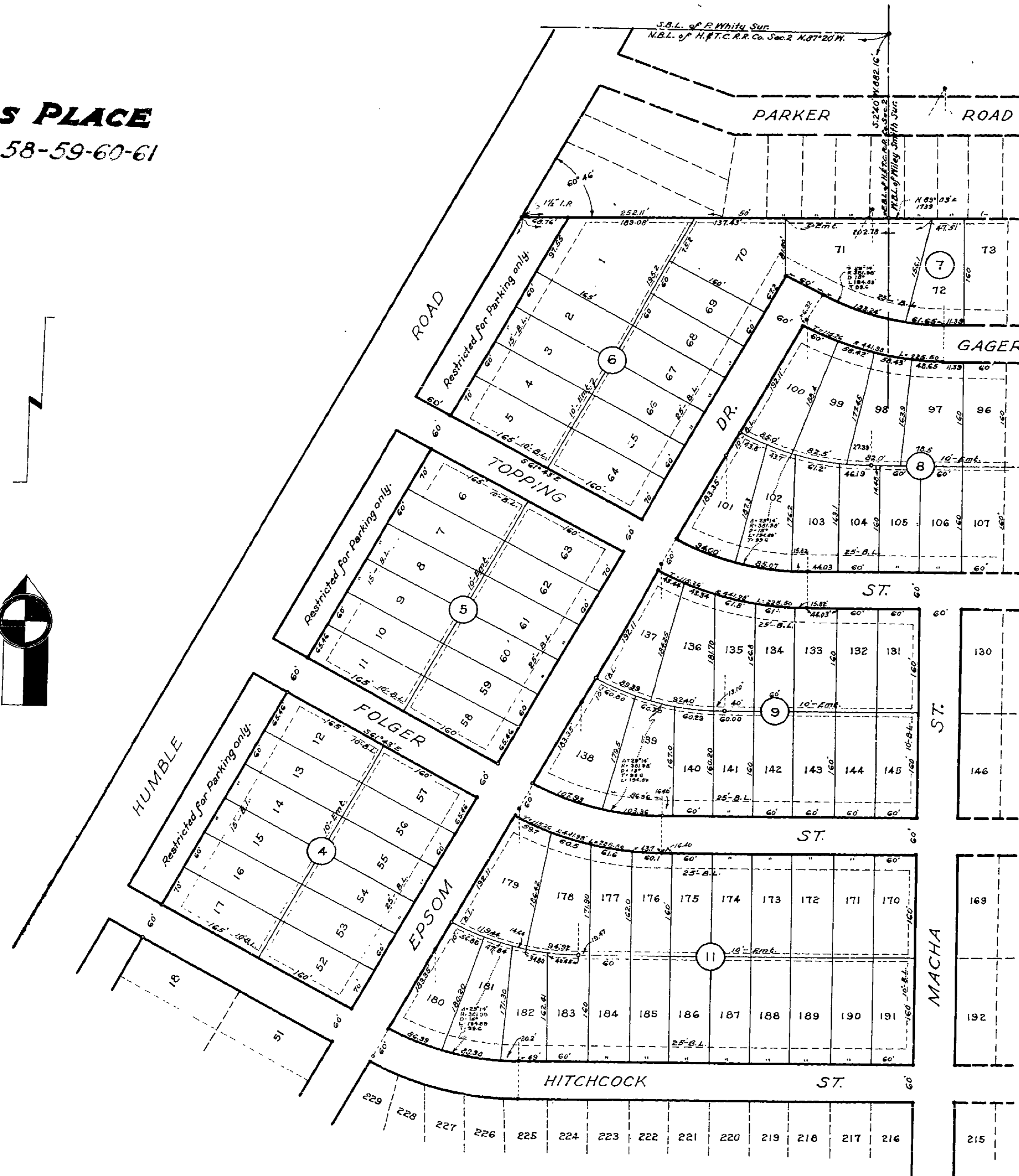
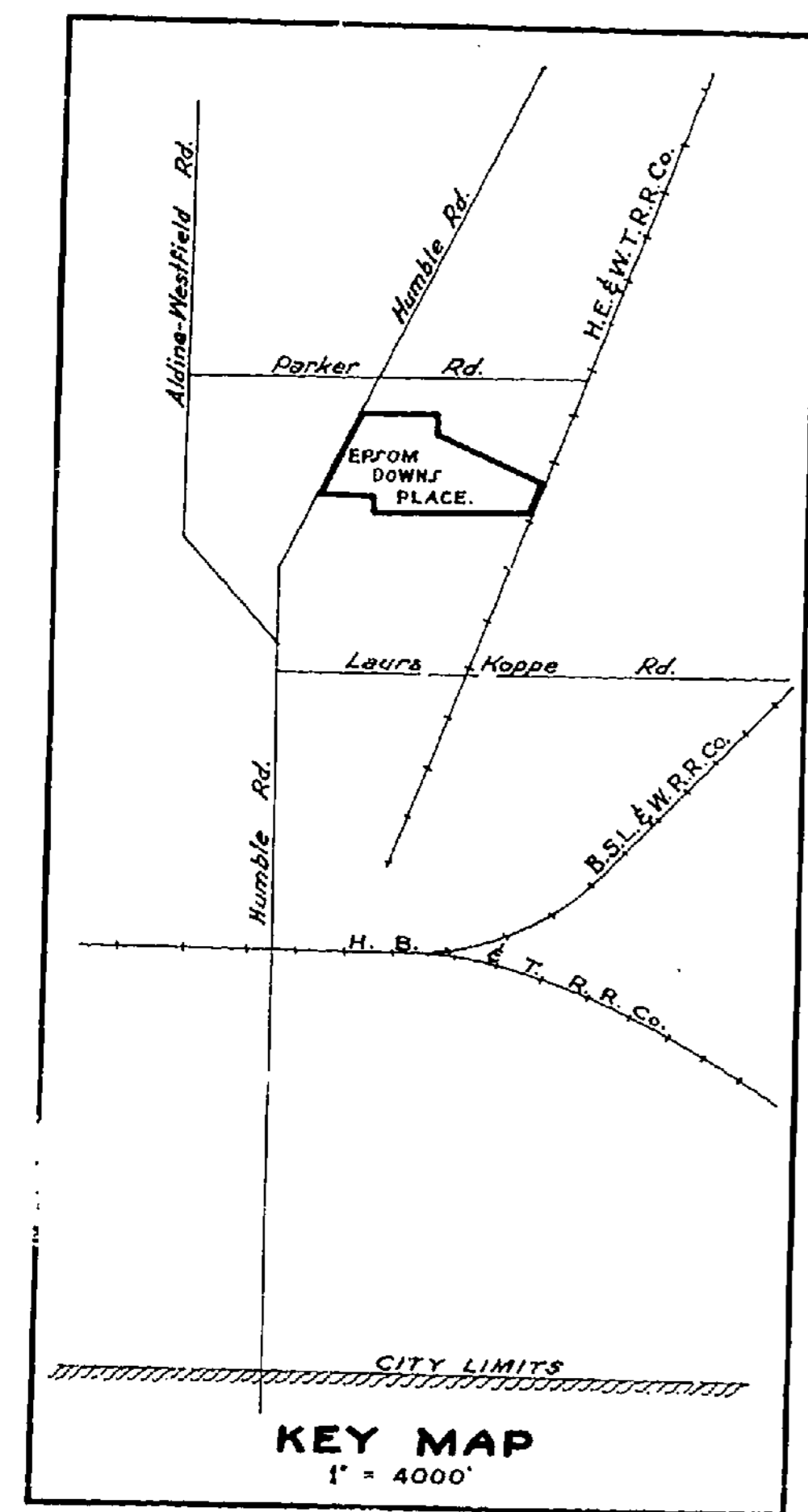
SY22-013

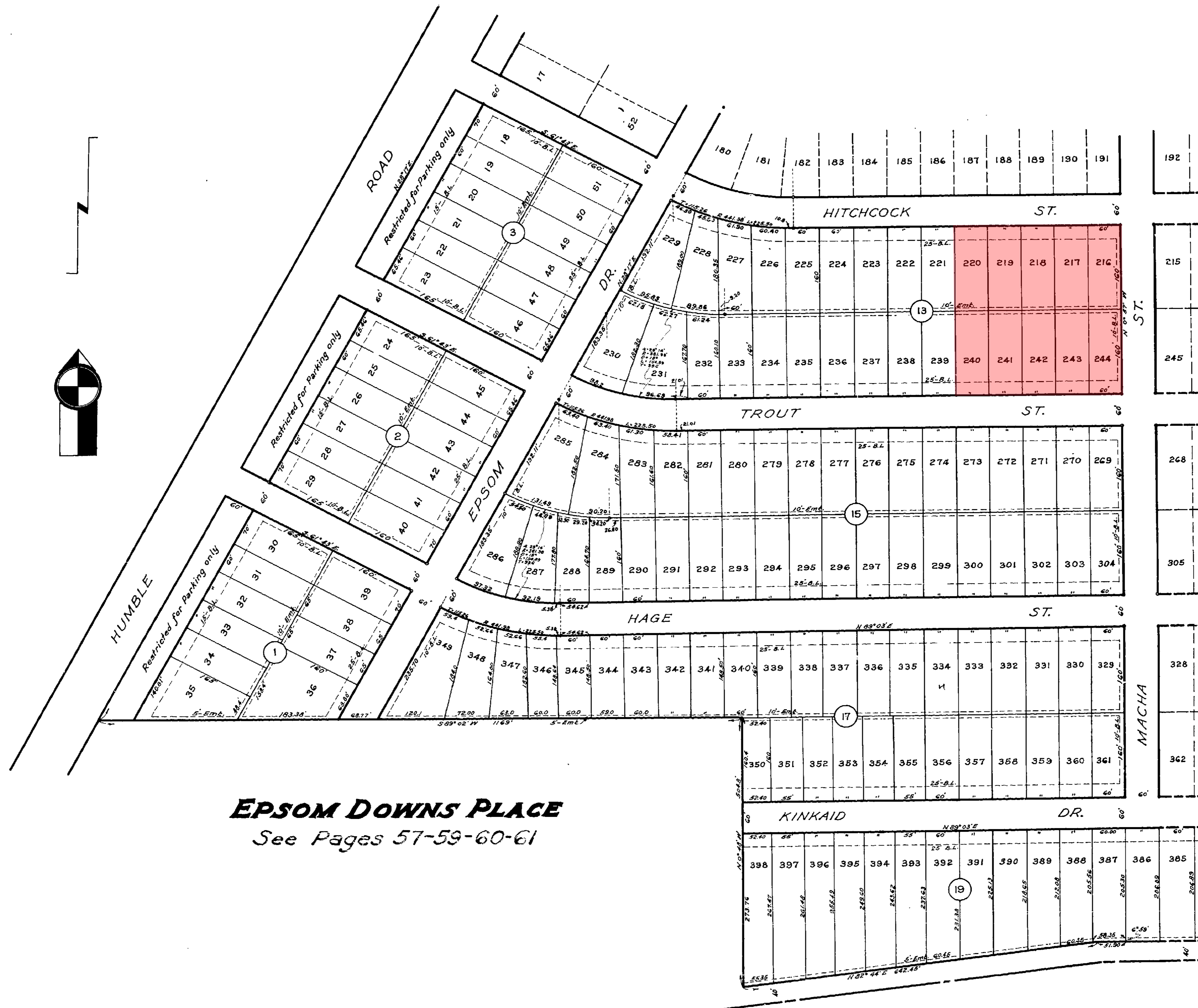
Transfer of a 162,922 square foot tract of land being a part of the Harris and Wilson Survey, A-32

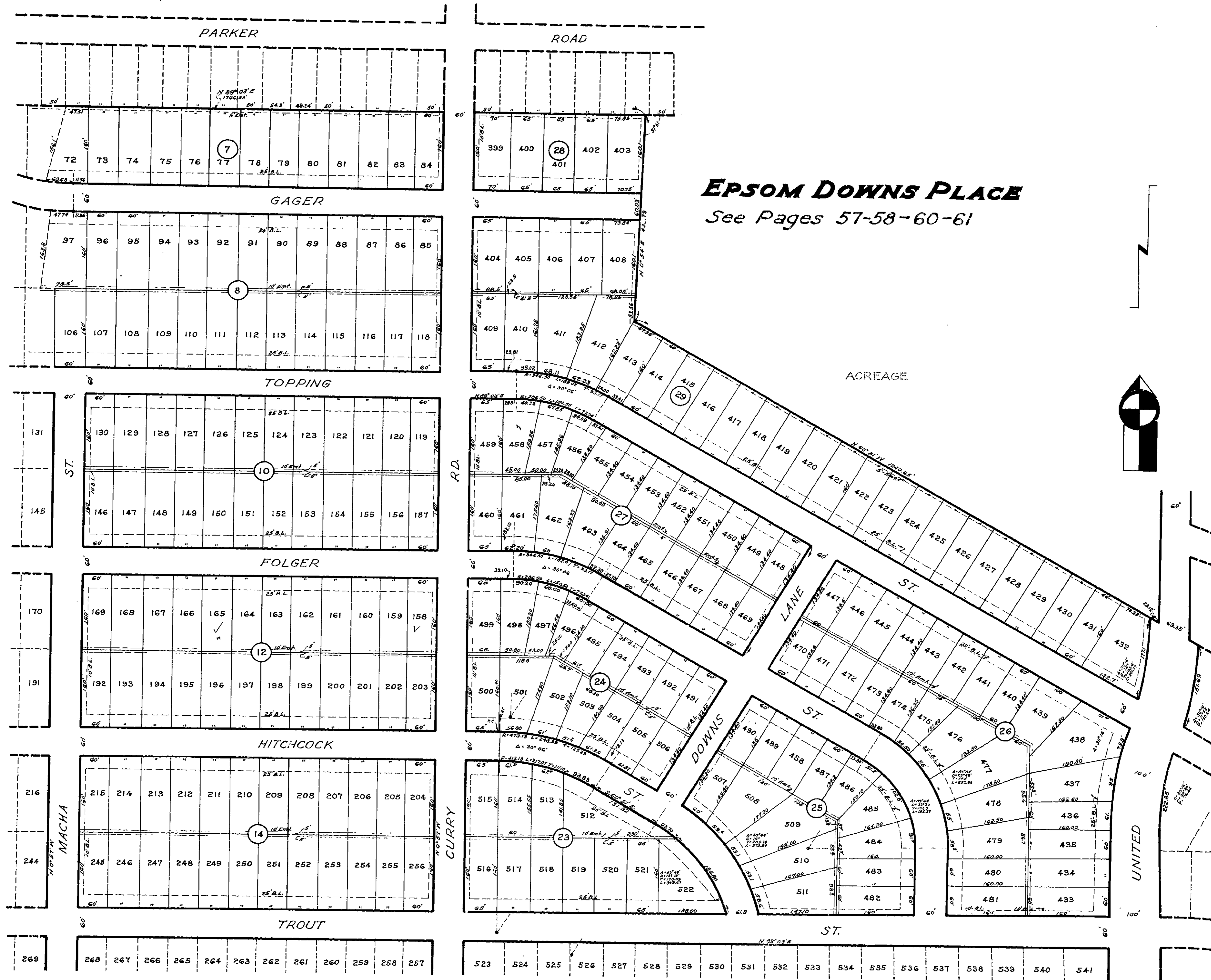
Subject property
SY22-013

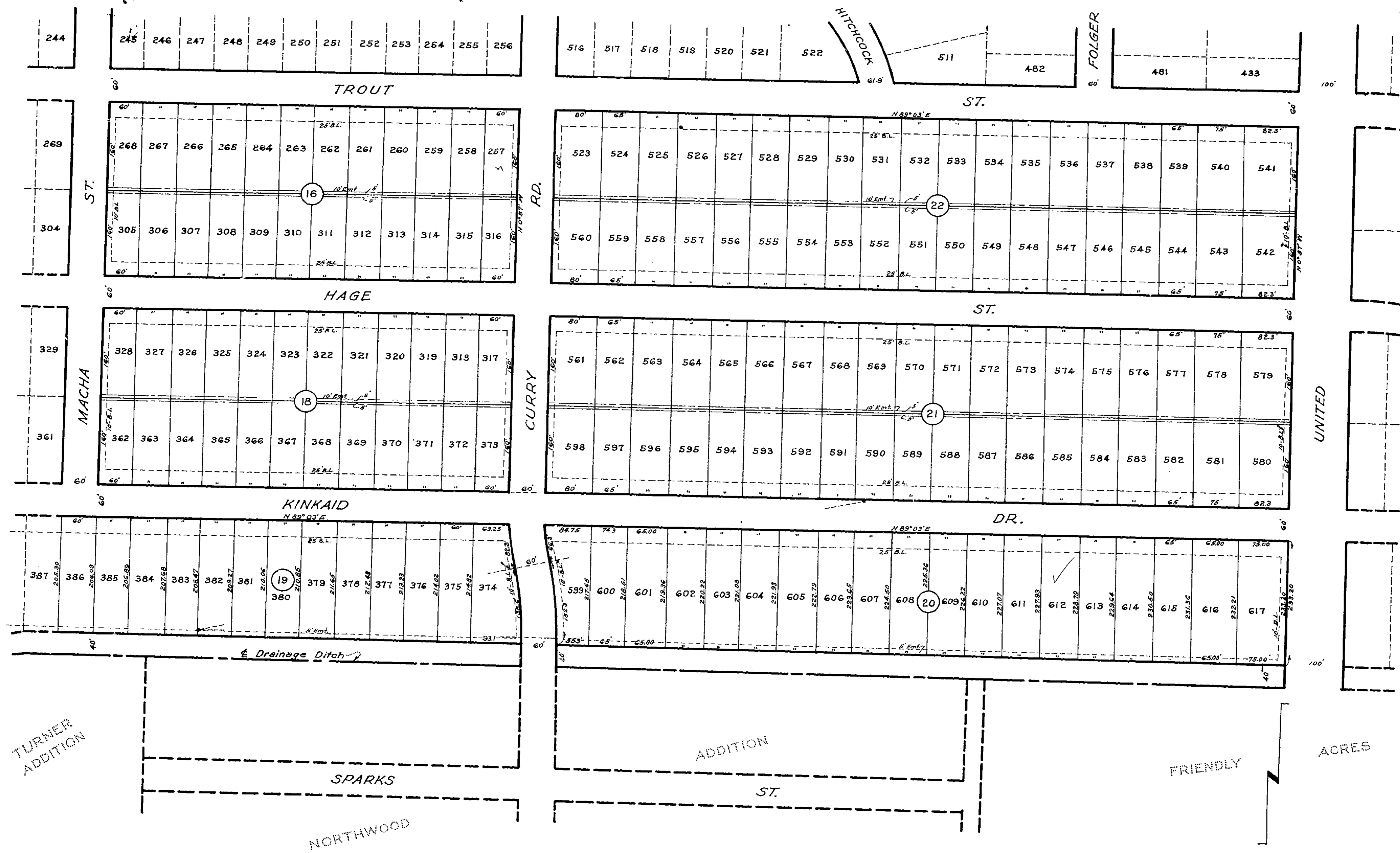


EPSOM DOWNS PLACE Continued on Pages 58-59-60-61









Epsom Downs Place
See Pages 57-58-59-61

EPSOM DOWNS PLACE

Approx. 247.00 Ac.

M. Terrell Survey & H. & T. C. R. R. Co. Sec. 2, Blk. 1

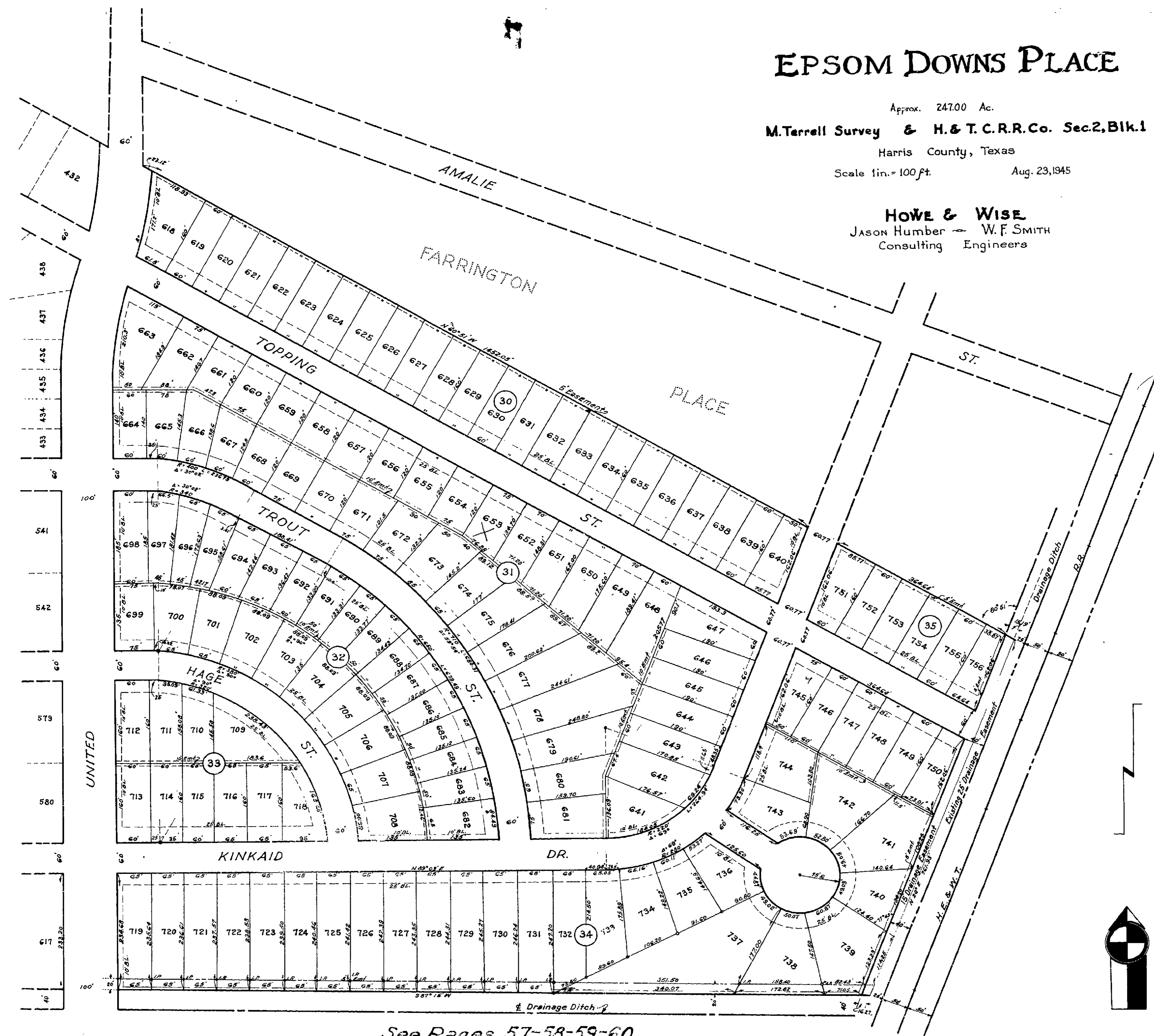
Harris County, Texas

Scale 1 in. = 100 ft.

Aug. 23, 1945

HOWE & WISE

JASON HUMBER — W. F. SMITH
Consulting Engineers



No. 274791

-To-

Harry Sagansky, et al

Dedication & Map.

(For Instrument See Volume 1397, Page 12, Deed Records.

Filed for record Nov. 10, 1945, at 10:10 O'clock A. M. Recorded Nov. 26, 1945, at 8:30 O'clock A. M.

W. D. MILLER, Clerk County Court, Harris County, Texas. By *Mary Davis* Deputy.

See Pages 57-58-59-60

SY22-037

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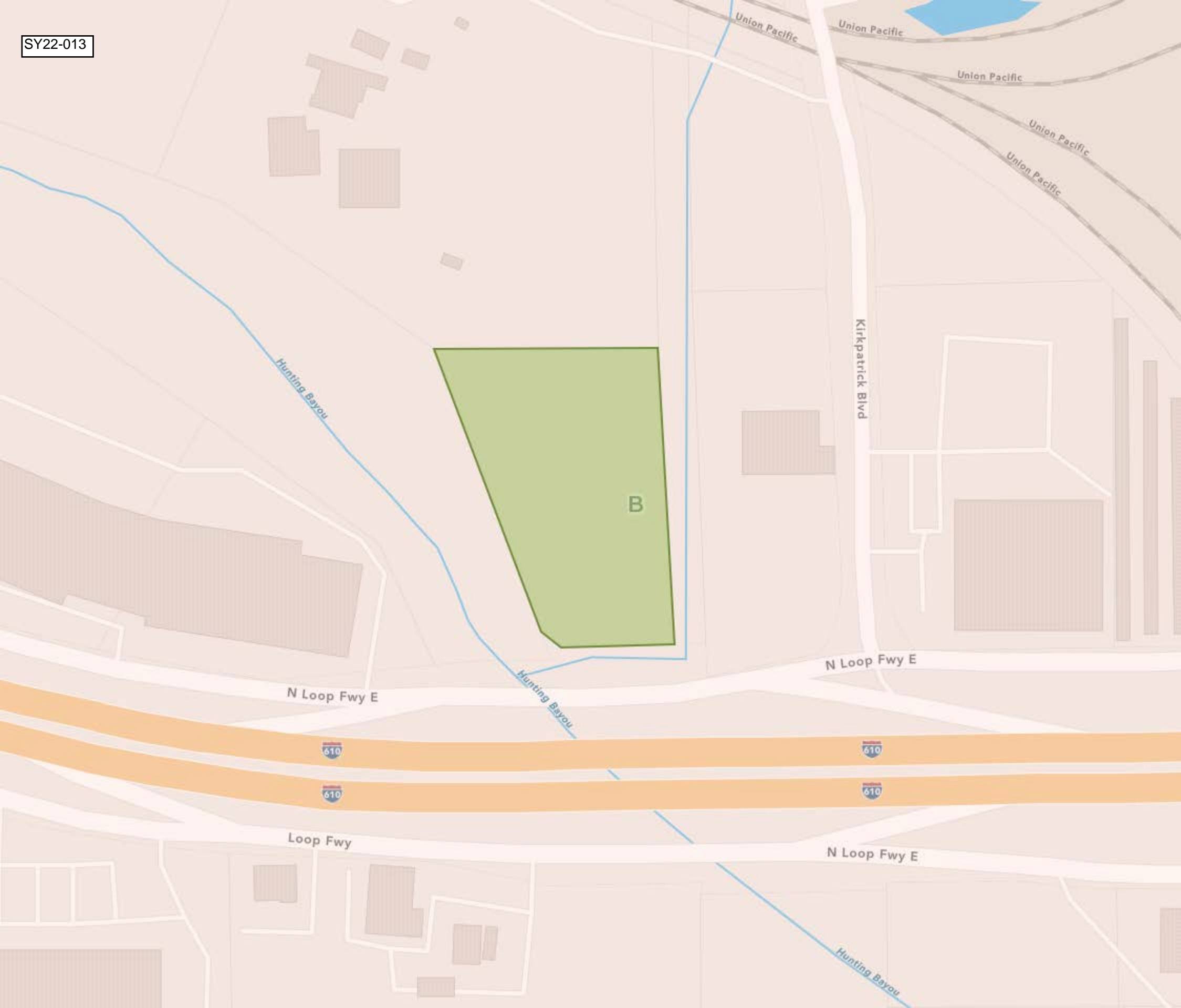
Epsom Dr

Eastex Fwy

Hitchcock S_t

Eastex Fwy







CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/27/2023

HCD23-08 Second Amendment to the New Home Development Program Master Contract Agreement

Agenda Item#: 11.

Summary:

ORDINANCE approving and authorizing second amendment to Master Contractor Agreement for City of Houston New Home Development Program to be executed by City of Houston and each of the following contractors: **SLSCO, LTD; PMG CONSTRUCTION, INC; DSW HOMES, LLC; HOUSTON HABITAT FOR HUMANITY, INC; MAYBERRY HOMES, INC; REBUILDING TOGETHER – HOUSTON;** and **JAMES W. TURNER CONSTRUCTION, LTD** to extend the renewal period of the Master Contractor Agreements; authorizing the Mayor to execute a second amendment to Master Contractor Agreement with each contractor

Background:

The Housing and Community Development (HCD) Department recommends Council approval of an Ordinance authorizing a Second Amendment to the Master Contractor Agreement (approved pursuant to Ord. No. 2018-612) for the City of Houston (City) New Home Development Program (NHDP) to be executed by the City and each of the following contractors: SLSCO, LTD.; PMG CONSTRUCTION, INC.; DSW HOMES, LLC; HOUSTON HABITAT FOR HUMANITY, INC.; MAYBERRY HOMES, INC.; REBUILDING TOGETHER – HOUSTON; AND JAMES W. TURNER CONSTRUCTION, LTD. to extend the renewal period of the Master Contractor Agreements and authorizing the Mayor to execute a Second Amendment to Master Contractor Agreement with each Contractor.

The NHDP is designed to provide newly constructed, affordable single-family homes for low- and moderate-income qualified homebuyers through scattered site development. The NHDP has completed 59 homes, with 7 homes currently under construction.

Funding under the Master Contractor Agreements between the City and a Contractor will be expended through Tri-Party Agreements between the City, Contractor, and Houston Land Bank (HLB) for each new construction project.

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

The Housing and Committee Affairs Committee reviewed this item on February 21, 2023.

Keith W. Bynam, Director

Prior Council Action:

07/25/2018 (O) 2018-584; 08/8/2018 (O) 2018-612; 4/1/2020 (O) 2020-280; 12/15/2021 (O) 2021-1090

Contact Information:

Roxanne Lawson
(832) 394-6307

ATTACHMENTS:**Description**

Cover Sheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/27/2023

HCD23-08 Second Amendment to the New Home Development Program Master Contract Agreement

Agenda Item#: 15.

Background:

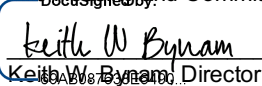
The Housing and Community Development (HCD) Department recommends Council approval of an Ordinance authorizing a Second Amendment to the Master Contractor Agreement (approved pursuant to Ord. No. 2018-612) for the City of Houston (City) New Home Development Program (NHDP) to be executed by the City and each of the following contractors: SLSCO, LTD.; PMG CONSTRUCTION, INC.; DSW HOMES, LLC; HOUSTON HABITAT FOR HUMANITY, INC.; MAYBERRY HOMES, INC.; REBUILDING TOGETHER – HOUSTON; AND JAMES W. TURNER CONSTRUCTION, LTD. to extend the renewal period of the Master Contractor Agreements and authorizing the Mayor to execute a Second Amendment to Master Contractor Agreement with each Contractor.

The NHDP is designed to provide newly constructed, affordable single-family homes for low- and moderate-income qualified homebuyers through scattered site development. The NHDP has completed 59 homes, with 7 homes currently under construction.

Funding under the Master Contractor Agreements between the City and a Contractor will be expended through Tri-Party Agreements between the City, Contractor, and Houston Land Bank (HLB) for each new construction project.

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

The Housing and Committee Affairs Committee reviewed this item on February 21, 2023.


Keith W. Bynam, Director

Prior Council Action:

07/25/2018 (O) 2018-584; 08/8/2018 (O) 2018-612; 4/1/2020 (O) 2020-280; 12/15/2021 (O) 2021-1090

Contact Information:

Roxanne Lawson
(832) 394-6307

ATTACHMENTS:

Description	Type
2018-584	Ordinance/Resolution/Motion
2018-612	Ordinance/Resolution/Motion
2020-280	Ordinance/Resolution/Motion
2021-1090	Ordinance/Resolution/Motion



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/1/2023

HCD23-13 Substantial Amendment of the 2017, 2020 and 2022 Annual Action Plans

Agenda Item#: 12.

Summary:

ORDINANCE approving and authorizing the submission of Substantial Amendment to 2017 Annual Action Plan, 2020 Annual Action Plan and the 2022 Annual Action Plan to the United States Department of Housing and Urban Development, including a revised budget for the Community Development Block Grant ("CDBG") Program in the amount of \$1,062,576.69

Background:

The Housing and Community Development (HCD) Department recommends Council approval of an Ordinance authorizing a Substantial Amendment to the Community Development Block Grant funds budget in the 2017, 2020 and 2022 Annual Action Plans, transferring a total of \$1,062,576.69 from Economic Development Activity to Public Facilities and Improvements Activity.

In accordance with HUD's Citizen Participation Plan regulations, the City is required to amend components of its Consolidated Plan/Annual Action Plan for a variety of reasons, including when a reallocation of funds increases or decreases the budget of an activity by more than 25% or when an activity is added or deleted in the Plan(s).

Community Development Block Grant		
Activity	Delete/Decrease	Add/Increase
The Program Year 2017 Budget is Amended as follows:		
Economic Development	(\$160,907.69)	
Public Facilities and Improvements		\$160,907.69
The Program Year 2020 Budget is Amended as follows:		
Economic Development	(\$250,000.00)	
Public Facilities and Improvements		\$250,000.00
The Program Year 2022 Budget is Amended as follows:		
Economic Development	(\$651,669.00)	
Public Facilities and Improvements		\$651,669.00
Total CDBG Budget Changes:	(\$1,062,576.69)	\$1,062,576.69

This item was reviewed by the Housing and Community Affairs Committee on February 21, 2023.

Keith W. Bynam, Director

Prior Council Action:

06/22/2022 (O) 2022-502

04/22/2020 (O) 2020-339

07/19/2017 (O) 2017-516

Contact Information:

Roxanne Lawson

(832) 394-6307

ATTACHMENTS:

Description

Cover Sheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/1/2023

HCD23-13 Substantial Amendment of the 2017, 2020 and 2022 Annual Action Plans

Agenda Item#: 15.

Background:

The Housing and Community Development (HCD) Department recommends Council approval of an Ordinance authorizing a Substantial Amendment to the Community Development Block Grant funds budget in the 2017, 2020 and 2022 Annual Action Plans, transferring a total of \$1,062,576.69 from Economic Development Activity to Public Facilities and Improvements Activity.

In accordance with HUD's Citizen Participation Plan regulations, the City is required to amend components of its Consolidated Plan/Annual Action Plan for a variety of reasons, including when a reallocation of funds increases or decreases the budget of an activity by more than 25% or when an activity is added or deleted in the Plan(s).

Community Development Block Grant		
Activity	Delete/Decrease	Add/Increase
The Program Year 2017 Budget is Amended as follows:		
Economic Development	(\$160,907.69)	
Public Facilities and Improvements		\$160,907.69
The Program Year 2020 Budget is Amended as follows:		
Economic Development	(\$250,000.00)	
Public Facilities and Improvements		\$250,000.00
The Program Year 2022 Budget is Amended as follows:		
Economic Development	(\$651,669.00)	
Public Facilities and Improvements		\$651,669.00
Total CDBG Budget Changes:	(\$1,062,576.69)	\$1,062,576.69

This item was reviewed by the Housing and Community Affairs Committee on February 21, 2023.

DocuSigned by:

Keith W Bynam

Keith W. Bynam, Director

Prior Council Action:

06/22/2022 (O) 2022-502

04/22/2020 (O) 2020-339

07/19/2017 (O) 2017-516

Contact Information:

Roxanne Lawson

(832) 394-6307

ATTACHMENTS:

Description

Ordinance 2017-0516

Ordinance 2020-339

Ordinance 2022-522

Public Notice

Type

Backup Material

Backup Material

Backup Material

Public Notice



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District B

Item Creation Date: 2/20/2023

HCD23-26 Robins Landing Amendment

Agenda Item#: 13.

Summary:

ORDINANCE approving and authorizing first amendment to Loan Agreement between City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC, joined by ROBINS LANDING, LLC** a wholly owned subsidiary of Houston Habitat for Humanity, Inc, to clarify, modify and expand minimum construction standards that will apply to each new home

Background:

The Housing and Community Development Department (HCD) recommends Council approval of an Ordinance authorizing a First Amendment to the Loan Agreement between the City of Houston (City) and Houston Habitat for Humanity (Habitat) to restrict the applicability of the HCD Minimum Construction Standards v.3.0 adopted May 21, 2019, to homes being built by Habitat using currently proposed and/or existing floor plans. In addition, the amendment includes the HCD Minimum Construction Standards v.5.0 adopted April 13, 2022, which will apply to all other homes to be built by Habitat. Furthermore, the amendment adds the Robins Landing Design Guidelines, which will apply to homes built by other third-party builders in the Robins Landing project.

Robins Landing is a 127-acre mixed-use, mixed-income master-planned community on the northeast side of Houston. The development is located between Mesa Drive to the west and CE King Parkway to the east. HCD investment consists of infrastructure for the 468 single-family homes, of which 400 will be affordable targeted to households below 120% AMI and 68 homes will be developed at market rate.

The first phase of construction will consist of 260 homes that are expected to be constructed by the end of December 2023. Ordinance 21-1022 authorized an HCD investment of \$3,245,840.00 from TIRZ Bond funds and \$1,547,388.00 from the annual TIRZ Affordable Housing fund to be allocated to the loan Agreement for a total allocation not to exceed \$4,793,228.00.

Keith W. Bynam, Director

Prior Council Action:

12/03/2019 (O) 2019-0965; 01/06/2021 (O) 2021-0012; 05/05/2021 (O) 2021-0354; 09/01/2021 (O) 2021-756; 11/30/2022 (O) 2021-1022

Contact Information:

Roxanne Lawson
(832) 394-6307

ATTACHMENTS:**Description**

Cover Sheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District B

Item Creation Date: 2/20/2023

HCD23-26 Robins Landing Amendment

Agenda Item#: 16.

Background:

The Housing and Community Development Department (HCD) recommends Council approval of an Ordinance authorizing a First Amendment to the Loan Agreement between the City of Houston (City) and Houston Habitat for Humanity (Habitat) to restrict the applicability of the HCD Minimum Construction Standards v.3.0 adopted May 21, 2019, to homes being built by Habitat using currently proposed and/or existing floor plans. In addition, the amendment includes the HCD Minimum Construction Standards v.5.0 adopted April 13, 2022, which will apply to all other homes to be built by Habitat. Furthermore, the amendment adds the Robins Landing Design Guidelines, which will apply to homes built by other third-party builders in the Robins Landing project.

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The first phase of construction will consist of 260 homes that are expected to be constructed by the end of December 2023. Ordinance 21-1022 authorized an HCDD investment of \$3,245,840.00 from TIRZ Bond funds and \$1,547,388.00 from the annual TIRZ Affordable Housing fund to be allocated to the loan Agreement for a total allocation not to exceed \$4,793,228.00.

DocuSigned by:


 Keith W. Bynam, Director

Prior Council Action:

12/03/2019 (O) 2019-0965; 01/06/2021 (O) 2021-0012; 05/05/2021 (O) 2021-0354; 09/01/2021 (O) 2021-756; 11/30/2022 (O) 2021-1022

Contact Information:

Roxanne Lawson
 (832) 394-6307

ATTACHMENTS:

Description	Type
2021-756 Ordinance	Backup Material
Ordinance 2021-354	Backup Material
Ordinance 2021-12	Backup Material
Ordinance 2021-1022	Backup Material
Ordinance 2019-0965	Backup Material
Fact Sheet	Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

HHD_UT Health Science Center - Behavioral Surveillance
Agreement

Agenda Item#: 14.

Summary:

ORDINANCE approving and authorizing contract between City and **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Behavioral Surveillance Services; providing a maximum contract amount

Background:

The Houston Health Department (HHD) Director and the Chief Procurement Officer (CPO) requests City Council approval of an ordinance approving and authorizing a contract agreement between the City and the University of Texas Health Science Center (UTHSC) at Houston for Behavioral Surveillance Services. The agreement adds a Pre-Contract Service Clause to the sub-recipient contract.

The Pre-Contract Clause will allow HHD to take all action necessary to enforce legal obligations under the clause to compensate UTHSC in the amount not to exceed \$345,902.00, for the time period January 01, 2022, through December 31, 2022. UTHSC performed services similar to those set out in the subrecipient agreement at the City's request and in reliance on the City's representations that a contract would be executed to pay for services.

The current budget period is January 1, 2023, through December 31, 2023, for a total budget of \$450,915.00. The current allocation amount of this agreement \$796, 817.00, which sum includes the Pre-Contract Clause amount of \$345, 902.00. The five- year performance period began January 1, 2022, through December 31, 2026, for a total of \$2,519,895.00.

The purpose of this contract is to monitor trends in the HIV epidemic and to estimate the number of persons diagnosed with HIV infection. This information provides data needed to determine populations and areas in which to focus prevention activities. The behavioral surveillance service is a qualitative study in which participants are recruited from three at risk populations: 1) men who have sex with men (MSM); 2) injection drug users (IDU); and 3) high risk heterosexuals (HRH). Data is collected using a questionnaire developed by the Centers for Disease Control and Prevention (CDC).

Data from the survey will be used for: (1) in specific sexual and drug-use behaviors known to be associated with HIV/STD infection; (2) estimating demographic, social and behavioral correlates of behavioral outcomes of interest; (3) estimating the prevalence and trends of HIV testing behaviors

and exposure to and utilization of HIV/STD prevention services funded by CDC, state and local health departments; and (4) characterizing prevention-service gaps and missed opportunities for prevention.

Fiscal Note:

No fiscal note is required for grant items.

Stephen L. Williams, M.Ed., M.P.A.
Director - Houston Health Department

Jedediah Greenfield, Chief Procurement Officer
Finance/Strategic Procurement Division

ESTIMATED SPEND AUTHORITY			
FY23	FY24	OUT YEARS	TOTAL
\$796,817.00	\$211,111.00	\$1,511,967.00	\$2,519,895.00

Prior Council Action:

Passed 11/8/2021; ORD 2021-954

Amount and Source of Funding:

\$2,519,895.00

Federal Government – Grant Fund

Fund 5000

Contact Information:

Porfirio Villarreal
Houston Health Department
Telephone: 832-393-5041
Cell: 713-826-5695

ATTACHMENTS:

Description

Coversheet (revised)
No Tag Memo

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

HHD_UT Health Science Center - Behavioral Surveillance Agreement

Agenda Item#: 14.

Summary:

ORDINANCE approving and authorizing a Contract between the City and **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Behavioral Surveillance Services; providing a maximum contract amount - \$2,519,895.00 - Grant Fund

Background:

The Houston Health Department (HHD) Director and the Chief Procurement Officer (CPO) requests City Council approval of an ordinance approving and authorizing a contract agreement between the City and the University of Texas Health Science Center (UTHSC) at Houston for Behavioral Surveillance Services. The agreement adds a Pre-Contract Service Clause to the sub-recipient contract.

The Pre-Contract Clause will allow HHD to take all action necessary to enforce legal obligations under the clause to compensate UTHSC in the amount not to exceed \$345,902.00, for the time period January 01, 2022, through December 31, 2022. UTHSC performed services similar to those set out in the subrecipient agreement at the City's request and in reliance on the City's representations that a contract would be executed to pay for services.

The current budget period is January 1, 2023, through December 31, 2023, for a total budget of \$450,915.00. The current allocation amount of this agreement \$796, 817.00, which sum includes the Pre-Contract Clause amount of \$345, 902.00. The five- year performance period began January 1, 2022, through December 31, 2026, for a total of \$2,519,895.00.

The purpose of this contract is to monitor trends in the HIV epidemic and to estimate the number of persons diagnosed with HIV infection. This information provides data needed to determine populations and areas in which to focus prevention activities. The behavioral surveillance service is a qualitative study in which participants are recruited from three at risk populations: 1) men who have sex with men (MSM); 2) injection drug users (IDU); and 3) high risk heterosexuals (HRH). Data is collected using a questionnaire developed by the Centers for Disease Control and Prevention (CDC).

Data from the survey will be used for: (1) in specific sexual and drug-use behaviors known to be associated with HIV/STD infection; (2) estimating demographic, social and behavioral correlates of behavioral outcomes of interest; (3) estimating the prevalence and trends of HIV testing behaviors and exposure to and utilization of HIV/STD prevention services funded by CDC, state and local health departments; and (4) characterizing prevention-service gaps and missed opportunities for prevention.

Fiscal Note:

No fiscal note is required for grant items.

DocuSigned by:

Stephen Williams

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Stephen L. Williams, M.Ed., M.P.A.

Director - Houston Health Department 3/2/2023

DocuSigned by:

Jedediah Greenfield

3/2/2023

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Jedediah Greenfield, Chief Procurement Officer

Finance/Strategic Procurement Division

ESTIMATED SPEND AUTHORITY			
FY23	FY24	OUT YEARS	TOTAL
\$796,817.00	\$211,111.00	\$1,511,967.00	\$2,519,895.00

Prior Council Action:

Passed 11/8/2021; ORD 2021-954

Amount and Source of Funding:

\$2,519,895.00

Federal Government – Grant Fund

Fund 5000

Contact Information:

Porfirio Villarreal
Houston Health Department
Telephone: 832-393-5041
Cell: 713-826-5695

ATTACHMENTS:

Description	Type
Signed Coversheet	Signed Cover sheet
Signed No Tag Memo	Other
COF and SAP Documents	Backup Material
HHD - CDC NHBS Ordinance 2021-954	Backup Material
Verification of Grant Funding-JC	Backup Material
Partially Signed Contract	Contract/Exhibit
OA Screenshot	Backup Material
Ordinance	Ordinance/Resolution/Motion



CITY OF HOUSTON

Houston Health Department

Interoffice

Correspondence

To: Marta Crinejo
Agenda Director

From: Stephen L. Williams, M.Ed., M.P.A.
Director, Houston Health Department

DocuSigned by:
Stephen Williams

Date: March 1, 2023

Subject: NO TAG REQUEST – AGENDA ITEM # 47
HHD – UTHSC Behavioral Surveillance

The Houston Health Department (HHD) requests City Council not tag the above-referenced Subrecipient Agreement due to the necessity to expedite payment to the University of Texas Health Science Center at Houston (UTHSC) under the terms of the Pre-Contract Clause in the total amount of \$345,902.00 for the performance period of January 01, 2022, through December 31, 2022. The grant funds earmarked to compensate UTHSC are set to expire on March 15, 2023. HHD is currently in the close out phase of said grant that originally budgeted these activities and needs to ensure those grant funds are utilized for payment.

On or around February 3, 2023, HHD and UTHSC agreed to amend the Scope of Work and Budget for the new Subrecipient Agreement which covers the performance period of January 01, 2023, through December 31, 2026. Once the parties agreed on all the terms and conditions of the agreement and the signature process was not completed until late February. With the lateness of changes to the agreement it caused a delay in submitting all the required documentation before the deadline date.

HHD is renewing their contract with UTHSC for National Behavioral Surveillance services through its Bureau of Epidemiology which is ongoing thru December 31, 2026. UTHSC program studies high-risk behavior of certain populations including Men who have sex with Men (MSM), population that uses injectable drugs and high-risk heterosexual populations. This grant and program have been in place since 2004.

HHD apologizes that it must request that the council members forgo their authority to tag this item. HHD is available to meet to explain the item and/or answer questions prior to the council meeting in absence of the tag week.

Please contact Porfirio Villarreal at 832-393-5041, if there are questions or to inform HHD of council members' requests to schedule meetings related to this item.

Thank you for your consideration.



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/6/2023

HITS-Contract/Procurement Management System

Agenda Item#: 15.

Summary:

ORDINANCE appropriating \$1,250,000.00 from Contributed Capital Project Fund for the implementation of a Contract and Procurement Management System for Houston Information Technology Services and Various Departments

Background:

Specific Explanation:

The Chief Information Officer recommends that City Council approve an ordinance to appropriate \$1,250,000.00 from the Contributed Capital Project Fund (4515) for the implementation of a contract and procurement management system for Houston Information Technology Services and various City departments. The Project is budgeted in the approved FY2023 Capital Improvement Plan adopted by City Council.

The project description with allocation amount is as follows:

PROJECT	PROJECT NO.	AMOUNT
Contract and Procurement Management System	WBS# X – 640018*	\$1,250,000.00

The requested appropriation will allow for the implementation of a contract and procurement management system that was previously purchased to support operational efficiency and provide essential capabilities to improve the procurement, contracting, and contract administration processes at the City. The Contract and Procurement Management System implementation will provide the City with the ability to replace multiple applications with a single integrated cloud-based platform. This implementation will also help minimize repetitive work and aid employees in managing workload and priorities. An existing Managed Services contract with Deloitte Consulting LLP will be utilized for the implementation of this project.

This item was presented to the Transportation, Technology & Infrastructure (TTI) Committee on March 2, 2023.

Fiscal Note:

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

Lisa Kent, Chief Information Officer
Houston Information Technology Services

Amount and Source of Funding:

\$1,250,000.00

Contributed Capital Project Fund

Fund 4515

Contact Information:

Jane Wu, Assistant Director - Resource Management

Houston Information and Technology Department

Phone: 832-393-0013

ATTACHMENTS:

Description

Coversheet (revised)

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/6/2023

HITS-Contract/Procurement Management System

Agenda Item#: 15.

Summary:

ORDINANCE appropriating the sum of \$1,250,000.00 from the Contributed Capital Project Fund for the purchase of a Contract and Procurement Management System for Houston Information Technology Services and various departments - \$1,250,000.00 - FY23 Contributed Capital Project Fund

Background:

Specific Explanation:

The Chief Information Officer recommends that City Council approve an ordinance to appropriate \$1,250,000.00 from the Contributed Capital Project Fund (4515) for the implementation of a contract and procurement management system for Houston Information Technology Services and various City departments. The Project is budgeted in the approved FY2023 Capital Improvement Plan adopted by City Council.

The project description with allocation amount is as follows:

PROJECT	PROJECT NO.	AMOUNT
Contract and Procurement Management System	WBS# X – 640018*	\$1,250,000.00

The requested appropriation will allow for the implementation of a contract and procurement management system that has been purchased to support operational efficiency and provide essential capabilities to improve the procurement, contracting, and contract administration processes at the City. The Contract and Procurement Management System implementation will provide the City with the ability to replace multiple applications with a single integrated cloud-based platform. This implementation will also help minimize repetitive work and aid employees in managing workload and priorities. An existing Managed Services contract with Deloitte Consulting LLP will be utilized for the implementation of this project.

This item was presented to the Transportation, Technology & Infrastructure (TTI) Committee on March 2, 2023.

Fiscal Note:

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

DocuSigned by:

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Lisa Kent, Chief Information Officer 3/2/2023

Houston Information Technology Services

Amount and Source of Funding:

\$1,250,000.00

FY23 Contributed Capital Project Fund
Fund 4515

Contact Information:

Jane Wu, Assistant Director - Resource Management
Houston Information and Technology Department
Phone: 832-393-0013

ATTACHMENTS:

Description

SAP Form A
FMBB doc
Fiscal Note
Signed COF

Type

Financial Information
Financial Information
Financial Information
Financial Information

Ordinance

Ordinance/Resolution/Motion



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/15/2023

LGL – Greenberg Traurig Bond Counsel Engagement CUS
2023 CP Expansion

Agenda Item#: 16.

Summary:

ORDINANCE approving and authorizing agreement between City of Houston and **GREENBERG TRAURIG, LLP** for Bond Counsel Services for Various Departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed bond counsel, Greenberg Traurig, LLP (“Greenberg”) is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City. Greenberg has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Greenberg is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with Greenberg Traurig, LLP for bond counsel services in an amount not to exceed \$400,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with Greenberg Traurig, LLP (“Firm”) for bond counsel services in an amount not to exceed \$400,000.00, for the purpose of representing the City in connection with increasing the Combined Utility System’s commercial paper program by \$300 million from \$700 million to \$1 billion.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, the Law Offices of Wendy Montoya Cloonan.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

Fiscal Note:

Funding for this item is included in FY2023 Adopted Budget.. Therefore, no fiscal note is required as stated in the Financial Policies.

REQUIRED AUTHORIZATION:

Arturo G. Michel, City Attorney

Estimated Spending Authority		
Department	FY2023	Total
Houston Public Works	\$400,000.00	\$400,000.00
Total	\$400,000.00	\$400,000.00

Amount and Source of Funding:

\$400,000.00

Water and Sewer System Operating Fund
Fund 8300

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$400,000.00.

Contact Information:

Eric Nguyen, 832-393-6412
Rahat Huq, 832-393-6428
Gary Wood, 832-393-6440

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

LGL – Greenberg Traurig Bond Counsel Engagement
VRDB 2004B-4

Agenda Item#: 17.

Summary:

ORDINANCE approving and authorizing agreement between City of Houston and **GREENBERG TRAURIG, LLP** for Bond Counsel Services for Various Departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed bond counsel, Greenberg Traurig, LLP (“Greenberg”) is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City. Greenberg has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Greenberg is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with Greenberg Traurig, LLP for bond counsel services in an amount not to exceed \$450,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with Greenberg Traurig, LLP (“Firm”) for bond counsel services in an amount not to exceed \$450,000.00, for the purpose of representing the City in connection with the replacement of the credit facility supporting the Combined Utility System Variable Rate Demand Bonds, Series 2004B-4.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, the Law Offices of Francisco G. Medina.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

Fiscal Note:

Funding for this item is included in FY2023 Adopted Budget. Therefore, no fiscal note is required as stated in the Financial Policies.

REQUIRED AUTHORIZATION:

Arturo G. Michel, City Attorney

Estimated Spending Authority		
Department	FY2023	Total
Houston Public Works	\$450,000.00	\$450,000.00
Total	\$450,000.00	\$450,000.00

Amount and Source of Funding:

\$450,000.00

Water and Sewer System Operating Fund
Fund 8300

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$450,000.00.

Contact Information:

Eric Nguyen, 832-393-6412
Rahat Huq, 832-393-6428
Gary Wood, 832-393-6440

ATTACHMENTS:

Description	Type
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CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

LGL – Haynes Boone Disclosure Counsel Engagement
VRDB 2004B-4

Agenda Item#: 18.

Summary:

ORDINANCE approving and authorizing an agreement between the City of Houston and **HAYNES AND BOONE, LLP** for Disclosure Counsel Services for Various Departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, Haynes and Boone, LLP (“Haynes Boone”) is a full-service firm that includes a public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. Haynes Boone has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Haynes Boone is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with Haynes and Boone, LLP for disclosure counsel services in an amount not to exceed \$250,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with Haynes and Boone, LLP (“Firm”) for disclosure counsel services in an amount not to exceed \$250,000.00, for the purpose of representing the City in connection with the replacement of the credit facility supporting the Combined Utility System Variable Rate Demand Bonds, Series 2004B-4.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, Bratton and Associates.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

Fiscal Note:

Funding for this item is included in FY2023 Adopted Budget. Therefore, no fiscal note is required as stated in the Financial Policies.

REQUIRED AUTHORIZATION:

Arturo G. Michel, City Attorney

Estimated Spending Authority		
Department	FY2023	Total
Houston Public Works	\$250,000.00	\$250,000.00
Total	\$250,000.00	\$250,000.00

Amount and Source of Funding:

\$250,000.00

Water and Sewer System Operating Fund
Fund 8300

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$250,000.00.

Contact Information:

Eric Nguyen, 832-393-6412
Rahat Huq, 832-393-6428
Gary Wood, 832-393-6440

ATTACHMENTS:

Description

Signed coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

LGL – Haynes Boone Disclosure Counsel Engagement VRDB 2004B-4

Agenda Item#: 13.

Summary:

ORDINANCE approving and authorizing an agreement between the City of Houston and Haynes and Boone, LLP for disclosure counsel services for various departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, Haynes and Boone, LLP ("Haynes Boone") is a full-service firm that includes a public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. Haynes Boone has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of Haynes Boone is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with Haynes and Boone, LLP for disclosure counsel services in an amount not to exceed \$250,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with Haynes and Boone, LLP ("Firm") for disclosure counsel services in an amount not to exceed \$250,000.00, for the purpose of representing the City in connection with the replacement of the credit facility supporting the Combined Utility System Variable Rate Demand Bonds, Series 2004B-4.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, Bratton and Associates.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

REQUIRED AUTHORIZATION:

DocuSigned by:


074152848984440
Arturo G. Michel, City Attorney

Amount and Source of Funding:

\$250,000.00 – [Fund 8300 - Water and Sewer System Operating Fund]

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$250,000.00.

Contact Information:

Eric Nguyen, 832-393-6412
Rahat Huq, 832-393-6428
Gary Wood, 832-393-6440



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

LGL – McCall Parkhurst Disclosure Counsel Engagement
CUS 2023 CP Expansion

Agenda Item#: 19.

Summary:

ORDINANCE approving and authorizing agreement between City of Houston and **McCALL, PARKHURST & HORTON LLP** for Disclosure Counsel Services for Various Departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, McCall, Parkhurst & Horton LLP (“McCall Parkhurst”) is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. McCall Parkhurst has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of McCall Parkhurst is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with McCall, Parkhurst & Horton LLP for disclosure counsel services in an amount not to exceed \$300,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with McCall, Parkhurst & Horton LLP (“Firm”) for disclosure counsel services in an amount not to exceed \$300,000.00, for the purpose of representing the City in connection with increasing the Combined Utility System’s commercial paper program by \$300 million from \$700 million to \$1 billion.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, Baker Williams Matthiesen LLP.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

Fiscal Note:

Funding for this item is included in FY2023 Adopted Budget. Therefore, no fiscal note is required as stated in the Financial Policies.

REQUIRED AUTHORIZATION:

Arturo G. Michel, City Attorney

Estimated Spending Authority		
Department	FY2023	Total
Houston Public Works	\$300,000.00	\$300,000.00
Total	\$300,000.00	\$300,000.00

Amount and Source of Funding:

\$300,000.00

Water and Sewer System Operating Fund
Fund 8300

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$300,000.00.

Contact Information:

Eric Nguyen, 832-393-6412
Rahat Huq, 832-393-6428
Gary Wood, 832-393-6440

ATTACHMENTS:**Description**

Signed coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

LGL – McCall Parkhurst Disclosure Counsel Engagement CUS 2023 CP Expansion

Agenda Item#: 14.

Summary:

ORDINANCE approving and authorizing an agreement between the City of Houston and McCall, Parkhurst & Horton LLP for disclosure counsel services for various departments; providing a maximum contract amount

Pursuant to Texas Government Code Section 2254.1036, the following written notice is given to the public: The City desires to sell bonds for public purposes as authorized by State law and as further set forth in the ordinance to finance current expenses. The proposed disclosure counsel, McCall, Parkhurst & Horton LLP ("McCall Parkhurst") is a full-service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as disclosure counsel for the City. McCall Parkhurst has previously represented the City in connection with the issuance of various bonds and other obligations. The engagement of McCall Parkhurst is in the best interest of the City, since the legal services requested require specialized experience in municipal finance, federal tax, and state securities law and therefore cannot be adequately performed by the attorneys and supporting personnel of the City. Furthermore, such legal services cannot be reasonably obtained from attorneys in private practice for the payment of hourly fees without contingency because the City will not be obligated to pay any legal fees unless the transaction successfully closes.

Background:

RFQ received for S67-26565 – Approve Agreement with McCall, Parkhurst & Horton LLP for disclosure counsel services in an amount not to exceed \$300,000.00.

SPECIFIC EXPLANATION:

The City Attorney recommends City Council approve an ordinance approving and authorizing a legal services agreement with McCall, Parkhurst & Horton LLP ("Firm") for disclosure counsel services in an amount not to exceed \$300,000.00, for the purpose of representing the City in connection with increasing the Combined Utility System's commercial paper program by \$300 million from \$700 million to \$1 billion.

MWBE Information:

This contract is issued with a 24% MWBE participation goal. The Firm will utilize the services of co-bond counsel, Baker Williams Matthiesen LLP.

PAY OR PLAY:

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

HIRE HOUSTON FIRST:

This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement.

REQUIRED AUTHORIZATION:

DocuSigned by:

Arturo Michel

Arturo G. Michel, City Attorney

Amount and Source of Funding:

\$300,000.00 – [Fund 8300 - Water and Sewer System Operating Fund]

Funding for this item is contingent on the closing of the above-referenced transaction. Payment for services will not exceed \$300,000.00.

Contact Information:

Eric Nguyen, 832-393-6412

Rahat Huq, 832-393-6428

Gary Wood, 832-393-6440



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District A

Item Creation Date: 2/9/2023

25CF117 Public Necessity and Convenience Ordinance for
HPL New North Regional Library at Sylvester Turner Park

Agenda Item#: 20.

Summary:

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the North Regional Library Project; authorizing the acquisition of fee simple titles in or permanent easements to eighteen parcels of land required for the Project and situated in the James Love Survey, Abstract 528, in Harris County, Texas, said parcels of land being in the Acres Homes area of Houston, Harris County, Texas, by gift, dedication, purchase, or the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Relocation Assistance, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition - **DISTRICT A - PECK**

Background:

The Houston Public Library (HPL) requests City Council adopt an Ordinance approving and authorizing the acquisition by dedication, purchase, or condemnation of parcels of land needed for the North Regional Library Project.

The new North Regional Library is part of HPL's multi-year capital improvement plan, "One Houston One Library", to transform the delivery of library services by providing equitable access to library resources throughout the city. The new North Regional Library will be the last of seven regional libraries necessary to provide local access to a full complement of resources, materials, and services to their respective regions. HPL's North Region serves neighborhoods including Acres Homes, Greater Inwood, Northside, and Independence Heights among others.

This Public Necessity and Convenience Ordinance will commence the formal process to acquire the eighteen (18) parcels required for the Project. See attached map of the project area and the attached survey maps and legal descriptions of the eighteen (18) parcels.

Accordingly, the General Services Department recommends that City Council approve this Ordinance finding public necessity and convenience for the North Regional Library Project, and approve and authorize the acquisition of eighteen (18) parcels of land by dedication, donation, purchase, or if necessary, condemnation; including authorization of payment for costs of land purchase, title services, recording fees and other acquisition costs associated with negotiations to purchase the needed land. If the City's negotiations to acquire the land by dedication, donation, or

purchase fail, then this action further authorizes the City Attorney to file or cause to be filed Eminent Domain proceedings to acquire the needed land for the project and authorizes payment of the Award of Special Commissioners, court costs and other litigation costs associated with condemnation proceedings.

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.

DIRECTOR'S SIGNATURE/DATE:

C. J. Messiah, Jr.
General Services Department

Rhea Brown Lawson, Ph. D.
Houston Public Library

Amount and Source of Funding:

No Funding Required

Contact Information:

Enid M. Howard, Council Liaison
General Services Department
Phone: 832.393.8023

ATTACHMENTS:

Description

Coversheet (revised)

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District A

Item Creation Date: 2/9/2023

25 CF117 Public Necessity and Convenience Ordinance for HPL New North Regional Library at Sylvester Turner Park

Agenda Item#: 24.

Summary:

Approve and authorize an Ordinance for the acquisition by dedication, donation, purchase, or if necessary, condemnation for public necessity and convenience, of eighteen (18) parcels of land for the Houston Public Library's North Regional Library Project.

Background:

The Houston Public Library (HPL) requests City Council adopt an Ordinance approving and authorizing the acquisition by dedication, purchase, or condemnation of parcels of land needed for the North Regional Library Project.

The new North Regional Library is part of HPL's multi-year capital improvement plan, "One Houston One Library", to transform the delivery of library services by providing equitable access to library resources throughout the city. The new North Regional Library will be the last of seven regional libraries necessary to provide local access to a full complement of resources, materials, and services to their respective regions. HPL's North Region serves neighborhoods including Acres Homes, Greater Inwood, Northside, and Independence Heights among others.

This Public Necessity and Convenience Ordinance will commence the formal process to acquire the eighteen (18) parcels required for the Project. See attached map of the project area and the attached survey maps and legal descriptions of the eighteen (18) parcels.

Accordingly, the General Services Department recommends that City Council approve this Ordinance finding public necessity and convenience for the North Regional Library Project, and approve and authorize the acquisition of eighteen (18) parcels of land by dedication, donation, purchase, or if necessary, condemnation; including authorization of payment for costs of land purchase, title services, recording fees and other acquisition costs associated with negotiations to purchase the needed land. If the City's negotiations to acquire the land by dedication, donation, or purchase fail, then this action further authorizes the City Attorney to file or cause to be filed Eminent Domain proceedings to acquire the needed land for the project and authorizes payment of the Award of Special Commissioners, court costs and other litigation costs associated with condemnation proceedings.

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.

DIRECTOR'S SIGNATURE/DATE:

DocuSigned by:

C. J. Messiah, Jr. 2/28/2023

C. J. Messiah, Jr.

General Services Department

Rhea Brown Lawson, Ph. D.
Houston Public Library

Amount and Source of Funding:

No Funding Required

Contact Information:

Enid M. Howard
Council Liaison
Phone: 832.393.8023

DS
EH

ATTACHMENTS:

Description

[Approved Drawings Parcels GY23-001 through GY23-018 1-27-23](#)
[Approved M&Bs Parcels GY23-001 through GY23-018 1-27-23](#)
[Ordinance](#)

Type

Backup Material
Backup Material
Ordinance/Resolution/Motion



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 8/9/2022

25CONS518 – Appropriate Funds – D7 Roofing and Metal,
LLC - HFD and HPD Roof Replacement and Repair

Agenda Item#: 21.

Summary:

ORDINANCE appropriating \$450,000.00 out of Fire Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund to the existing city-wide contract with **D7 ROOFING AND METAL LLC** for Roof Replacement and Repair Services at Various Locations for the Houston Fire Department (HFD) and the Houston Police Department (HPD)

Background:

RECOMMENDATION: Appropriate additional funds for the project.

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional \$950,000.00 to the existing city-wide contract with D7 Roofing & Metal LLC for Roof Replacement and Repair Services at various locations for the Houston Fire Department (HFD) and the Houston Police Department (HPD).

PROJECT LOCATIONS: Citywide

PROJECT DESCRIPTION: HFD and HPD have numerous facilities with 24-hour continuous operation. Many of the roofing systems are beyond the expected life cycle or have been damaged. This appropriation is necessary to replace, renovate, or repair various roofs.

PREVIOUS HISTORY AND PROJECT SCOPE: On June 3, 2020, by Ordinance No. 2020-482, City Council awarded a three-year contract with two (2) one-year renewal options to D7 Roofing & Metal LLC in the amount not to exceed \$10,000,000.00 for roof replacement and repair services for various departments. To date, \$3,456,836.34 has been expended on the contract.

The original Request for Council Action contemplated that GSD would utilize Maintenance Renewal and Replacement (MRR) funding in the amount of \$7,193,550.00 for the out years of the contract. However, GSD has determined that the Fire Consolidated Construction Fund (4500) and the Police Consolidated Construction Fund (4504) are more appropriate funding sources for the planned work. GSD requests that City Council authorize these funds and funding sources. We will continue to evaluate the appropriate funding sources for future work and will make changes as necessary, though the default funding source will continue to be the MRR.

M/WBE INFORMATION: The contract was awarded with a 15% M/WBE goal. To date, the

contractor has achieved 14.2% M/WBE participation.

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

WBS No: C-000220, G-000128

DIRECTOR'S SIGNATURE/DATE:

C. J. Messiah, Jr.
General Services Department

Samuel Peña
Houston Fire Department

Troy Finner
Houston Police Department

-

Prior Council Action:

Ordinance No. 2020-482; June 3, 2020

Amount and Source of Funding:

\$450,000.00 Fire Consolidated Construction Fund (4500)

\$500,000.00 Police Consolidated Construction Fund (4504)

\$950,000.00 Total

Contact Information:

Enid M. Howard

Council Liaison

Phone: 832.393.8023

ATTACHMENTS:

Description

Coversheet (revised)

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 8/9/2022

25CONS518 – Appropriate Funds – D7 Roofing and Metal, LLC - HFD and HPD Roof Replacement and Repair

Agenda Item#: 23.

Summary:

ORDINANCE appropriating the sum of \$450,000.00 out of the Fire Consolidated Construction Fund and the sum of \$500,000.00 out of the Police Consolidated Construction Fund to the existing City-wide Contract with **D7 ROOFING AND METAL LLC** for Roof Replacement and Repair Services at various locations for the Houston Fire Department (HFD) and the Houston Police Department (HPD) - \$950,000.00 - Fire Consolidated Construction Fund and Police Consolidated Construction Fund

Background:

RECOMMENDATION: Appropriate additional funds for the project.

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional \$950,000.00 to the existing city-wide contract with D7 Roofing & Metal LLC for Roof Replacement and Repair Services at various locations for the Houston Fire Department (HFD) and the Houston Police Department (HPD).

PROJECT LOCATIONS: Citywide

PROJECT DESCRIPTION: HFD and HPD have numerous facilities with 24-hour continuous operation. Many of the roofing systems are beyond the expected life cycle or have been damaged. This appropriation is necessary to replace, renovate, or repair various roofs.

PREVIOUS HISTORY AND PROJECT SCOPE: On June 3, 2020, by Ordinance No. 2020-482, City Council awarded a three-year contract with two (2) one-year renewal options to D7 Roofing & Metal LLC in the amount not to exceed \$10,000,000.00 for roof replacement and repair services for various departments. To date, \$3,456,836.34 has been expended on the contract.

The original Request for Council Action contemplated that GSD would utilize Maintenance Renewal and Replacement (MRR) funding in the amount of \$7,193,550.00 for the out years of the contract. However, GSD has determined that the Fire Consolidated Construction Fund (4500) and the Police Consolidated Construction Fund (4504) are more appropriate funding sources for the planned work. GSD requests that City Council authorize these funds and funding sources. We will continue to evaluate the appropriate funding sources for future work and will make changes as necessary, though the default funding source will continue to be the MRR.

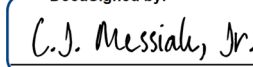
M/WBE INFORMATION: The contract was awarded with a 15% M/WBE goal. To date, the contractor has achieved 14.2% M/WBE participation.

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

WBS No: C-000220, G-000128

DIRECTOR'S SIGNATURE/DATE:

DocuSigned by:

 3/2/2023

C. J. Messiah, Jr....

General Services Department

Samuel Peña
Houston Fire Department

Troy Finner
Houston Police Department

Prior Council Action:

Ordinance No. 2020-482; June 3, 2020

Amount and Source of Funding:

\$450,000.00 Fire Consolidated Construction Fund (4500)
\$500,000.00 Police Consolidated Construction Fund (4504)
\$950,000.00 Total

DS
EH

Contact Information:

Enid M. Howard
Council Liaison
Phone: 832.393.8023

ATTACHMENTS:

Description	Type
Signed RCA all Departments.	Contract/Exhibit
SAP Fund Reservation	Financial Information
Form A's	Backup Material
Tax Delinquent Form	Backup Material
Previous RCA and Ordinance	Backup Material
Ordinance	Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/17/2023

E32656 - Professional Talent Services (Korn Ferry (US)) - ORDINANCE

Agenda Item#: 22.

Summary:

ORDINANCE approving and authorizing an Agreement between the City of Houston and **KORN FERRY (US)** for Professional Talent Acquisition Services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 six-month option - \$315,000.00 - Enterprise Fund

Background:

Professional Services (E32656) – Approve an ordinance awarding a professional services contract to Korn Ferry (US) in the maximum contract amount not to exceed \$315,000.00 for Professional Talent Acquisition Services for the Houston Airport System.

SPECIFIC EXPLANATION:

The Director of the Houston Airport System and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a professional services contract to **Korn Ferry (US)** for a **one-year term with one six-month option** to renew for professional talent acquisition services in the maximum contract amount not to exceed **\$315,000.00** for the Houston Airport System.

Korn Ferry (US) utilizes personnel within its Civil Aviation Practice to perform executive searches and embeds job grading, job description, and salary benchmarking components through its proprietary Executive Snapshot process. The searches are conducted in three phases: 1) intake and diagnostic discussion, development of an ideal candidate profile, and proposal of a search strategy; 2) candidate development and presentation of candidates to HAS; and 3) candidate selection, performance of background and reference checks, and closure of the process resulting in successful candidate employment. With the assistance of Korn Ferry (US), HAS has recruited highly qualified candidates for multiple executive positions, including Chief Operating Officer (COO), Chief Financial Officer (CFO), and Chief Commercial Officer (CCO).

This recommendation is made pursuant to subsection 252.022(a)(4) of the Texas Local Government Code, which provides that “a procurement for personal, professional, or planning services” is exempt from the competitive requirements for purchases.

MWBE Participation:

A 0% goal document was approved by the Office of Business Opportunity for this Agreement.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First (HHF) Ordinance. Bids/proposals were not solicited because the department is utilizing a professional services contractor for this contract.

Pay or Play Program:

The proposed award 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.

Fiscal Note:

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

Jedediah Greenfield
Chief Procurement Officer

Mario Diaz
Director, Houston Airport System

Estimated Spending Authority			
DEPARTMENT	FY2023	OUT YEARS	TOTAL
Houston Airport System	\$120,000.00	\$195,000.00	\$315,000.00

Amount and Source of Funding:

\$315,000.00

HAS-Revenue Fund

Fund No.: 8001

Contact Information:

Todd Curry 281/233-1896
Jedediah Greenfield 832/393-9126

ATTACHMENTS:**Description**

signed Coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/17/2023

E32656 - Professional Talent Services (Korn Ferry (US)) - ORDINANCE

Agenda Item#: 25.

Background:

Professional Services (E32656) – Approve an ordinance awarding a professional services contract to Korn Ferry (US) in the maximum contract amount not to exceed \$315,000.00 for Professional Talent Acquisition Services for the Houston Airport System.

SPECIFIC EXPLANATION:

The Director of the Houston Airport System and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a professional services contract to **Korn Ferry (US)** for a **one-year term with one six-month option** to renew for professional talent acquisition services in the maximum contract amount not to exceed **\$315,000.00** for the Houston Airport System.

Korn Ferry (US) utilizes personnel within its Civil Aviation Practice to perform executive searches and embeds job grading, job description, and salary benchmarking components through its proprietary Executive Snapshot process. The searches are conducted in three phases: 1) intake and diagnostic discussion, development of an ideal candidate profile, and proposal of a search strategy; 2) candidate development and presentation of candidates to HAS; and 3) candidate selection, performance of background and reference checks, and closure of the process resulting in successful candidate employment. With the assistance of Korn Ferry (US), HAS has recruited highly qualified candidates for multiple executive positions, including Chief Operating Officer (COO), Chief Financial Officer (CFO), and Chief Commercial Officer (CCO).

This recommendation is made pursuant to subsection 252.022(a)(4) of the Texas Local Government Code, which provides that "a procurement for personal, professional, or planning services" is exempt from the competitive requirements for purchases.

MWBE Participation:

A 0% goal document was approved by the Office of Business Opportunity for this Agreement.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First (HHF) Ordinance. Bids/proposals were not solicited because the department is utilizing a professional services contractor for this contract.

Pay or Play Program:

The proposed award 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.

Fiscal Note:

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

2/21/2023

DocuSigned by:

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Jedediah Greenfield
Chief Procurement Officer

Mario Diaz
Director, Houston Airport System

Estimated Spending Authority			
DEPARTMENT	FY2023	OUT YEARS	TOTAL
Houston Airport System	\$120,000.00	\$195,000.00	\$315,000.00

Amount and Source of Funding:

\$315,000.00

HAS-Revenue Fund

Fund No.: 8001

Contact Information:

Contact Information:

Todd Curry 281/233-1896
Jedediah Greenfield 832/393-9126

ATTACHMENTS:**Description**

Affidavit of Ownership

tax report

OBO approved Waiver

Professional Services Justification Form

Attachment A_ Fiscal Note_ Kom-Ferry_ Consulting Services - DO

SRO#4500387917

Type

Backup Material

Backup Material

Backup Material

Backup Material

Financial Information

Financial Information



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date:

T31289 - Disparity Study (MGT of America Consulting, LLC) - ORDINANCE

Agenda Item#: 23.

Summary:

ORDINANCE awarding contract to **MGT OF AMERICA CONSULTING, LLC INSTITUTE** for Professional Services to conduct a Disparity Study for the Office of Business Opportunity, providing a maximum contract amount

Background:

Request for Proposals Received June 2, 2022 for S93-T31289 - Approve an ORDINANCE awarding a contract MGT of America Consulting, LLC in the amount not to exceed \$768,091.00 for a disparity study for the Office of Business Opportunity.

Specific Explanation:

The Director of the Office of Business Opportunity and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract** to **MGT of America Consulting, LLC** in an amount not to exceed **\$768,091.00** for a disparity study for the Office of Business Opportunity

The scope of services requires Contractor include but are not limited to, determining if a disparity exists in awarding contracts to Minority and Women-Owned Business Enterprise (M/WBE), Disadvantaged Business Enterprise (DBE), Persons with Disabilities Business Enterprise (PDBE), Small Business Enterprise (SBE), Airport Concession Disadvantaged Business Enterprise (ACDBE), and veteran-owned businesses that are qualified and available to perform Construction Services, Professional Services, and Goods and Services, and participate on Houston Airport System concession contracts in the City's Relevant Geographic Market Area (RGMA). The contractor shall conduct a M/WBE/DBE/PDBE/SBE/ACDBE and veteran-owned businesses disparity study consistent with constitutional mandates, governing law, and M/WBE/DBE/SBE/PDBE/ACDBE best practices.

If disparity as described above does exist, the Contractor shall determine whether the effects of any past discrimination against M/WBEs, DBEs, SBEs, PDBEs, ACDBEs, and veteran-owned businesses in the City's procurement of Construction Services, Professional Services, and Goods and Services, and Houston Airport System concession services exist or continue to exist within the City's RGMA, as a result of direct action by the City, or as a result of the City's role as a passive participant in discriminatory behavior practiced by entities that do business with the City.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Forty-nine (49) prospective proposers downloaded the solicitation document from SPD's e-bidding website, as a result, four (4) proposals were received Griffin & Strong, PC, MGT of America Consulting, LLC, Mason Tillman Associates, LTD and Keen Independent Research, LLC.

The Evaluation Committee (EC) was composed of City of Houston voting members from the Office of Business Opportunity, Houston Airport System, General Services Department, and Houston Public Works. In addition, staff members from the Office of Business Opportunity and the Legal Department served as observers of the process. The proposals were evaluated based upon the following criteria:

1. Responsiveness
2. Responsibility
3. Financial Stability
4. M/WBE Participation
5. Technical Competence Requirements
6. Cost Proposal

The EC determined that MGT of America Consulting, LLC provided the most highly qualified overall proposed strategy to meet the requirements outlined in the scope of work of the RFP.

MWBE Participation:

The RFP was issued as a goal-oriented contract with a 16% MWBE participation level. MGT of America Consulting, LLC has designated the following firms as its certified MWBE subcontractors:

Company	Type of Work	Amount	Percentage
Goodwille Pierre, LLC	Anecdotal data collection	\$35,101.76	4.57%
The Pierre Firm, PLLC	Legal framework review	\$6,528.77	.85%
BWA Diversity Consulting	Outreach, policy review, and anecdotal data collection	\$88,407.27	11.51%
TOTAL			16.93%

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, MGT of America Consulting, LLC

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 and supports job creation. In this case **MGT of America Consulting, LLC** does not meet the requirements for HHF designation; no HHF firms were within three percent.

Fiscal Note:

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

**Jedediah Greenfield, Chief Procurement
Officer Finance/Strategic Procurement Division**

Department Approval Authority

Estimated Spending Authority

Department	FY2023	Out Years	Total
General Government	\$400,000.00	\$368,091.00	\$768,091.00

Amount and Source of Funding:

\$768,091.00 – General Fund (1000)

Contact Information:

NAME:	DEPARTMENT/ DIVISION	PHONE
Barbara Fisher, Division Manager	FIN/SPD	(832) 393-8722
Amanda Joseph, Sr. Procurement Specialist	FIN/SPD	(832) 393-9811
Marsha Murray, Director, OBO	OBO	(832) 393-0615

ATTACHMENTS:

Description

signed Coversheet

FAQ document

Legal's HHF clarification memo

Type

Signed Cover sheet

Backup Material

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date:

T31289 - Disparity Study (MGT of America Consulting, LLC) - ORDINANCE

Agenda Item#:

Background:

Request for Proposals Received June 2, 2022 for S93-T31289 - Approve an ORDINANCE awarding a contract MGT of America Consulting, LLC in the amount not to exceed \$768,091.00 for a disparity study for the Office of Business Opportunity.

Specific Explanation:

The Director of the Office of Business Opportunity and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **three-year contract to MGT of America Consulting, LLC** in an amount not to exceed **\$768,091.00** for a disparity study for the Office of Business Opportunity

The scope of services requires Contractor include but are not limited to, determining if a disparity exists in awarding contracts to Minority and Women-Owned Business Enterprise (M/WBE), Disadvantaged Business Enterprise (DBE), Persons with Disabilities Business Enterprise (PDBE), Small Business Enterprise (SBE), Airport Concession Disadvantaged Business Enterprise (ACDBE), and veteran-owned businesses that are qualified and available to perform Construction Services, Professional Services, and Goods and Services, and participate on Houston Airport System concession contracts in the City's Relevant Geographic Market Area (RGMA). The contractor shall conduct a M/WBE/DBE/PDBE/SBE/ACDBE and veteran-owned businesses disparity study consistent with constitutional mandates, governing law, and M/WBE/DBE/SBE/PDBE/ACDBE best practices.

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1. Responsiveness
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The EC determined that MGT of America Consulting, LLC provided the most highly qualified overall proposed strategy to meet the requirements outlined in the scope of work of the RFP.

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The RFP was issued as a goal-oriented contract with a 16% MWBE participation level. MGT of America Consulting, LLC has designated the following firms as its certified MWBE subcontractors:

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The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, MGT of America Consulting, LLC will provide health benefits to eligible employees in compliance with City policy.

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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 **MGT of America Consulting, LLC** does not meet the requirements for HHF designation; no HHF firms were within three percent.

Fiscal Note:

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

3/3/2023

DocuSigned by:

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Jedediah Greenfield, Chief Procurement

Officer Finance/Strategic Procurement Division

DocuSigned by:


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Department Approval Authority

3/3/2023

Estimated Spending Authority

Department	FY2023	Out Years	Total
General Government	\$400,000.00	\$368,091.00	\$768,091.00

Amount and Source of Funding:

\$768,091.00 – General Fund (1000)

Contact Information:

NAME:	DEPARTMENT/ DIVISION	PHONE
Barbara Fisher, Division Manager	FIN/SPD	(832) 393-8722
Amanda Joseph, Sr. Procurement Specialist	FIN/SPD	(832) 393-9811
Marsha Murray, Director, OBO	OBO	(832) 393-0615

ATTACHMENTS:

Description	Type
POP Form 1	Backup Material
POP Form 2	Backup Material
Revised Certification of funds disparity study 3.3.23	Financial Information
POP Form 3	Backup Material
OA 4600017631 (MGT OF AMERICA CONSULTING LLC).	Financial Information
MGT - Ownership Forms 2023	Backup Material
City of Houston - MGT - Drug Forms	Backup Material
T31289 - Disparity Study (MGT of America Consulting, LLC)	Signed Cover sheet



FREQUENTLY ASKED QUESTIONS DISPARITY STUDY

Question 1: What is a Disparity Study?

Answer 1: A Disparity Study determines whether a government entity, either in the past or currently, engages in exclusionary practices in the solicitation and award of contracts to minority, and women-owned, and disadvantaged business enterprises (MWDBEs). The City of Houston commissions periodic disparity studies to determine if there is disparity between the availability of firms and the utilization of those firms in its market area.

Question 2: What is the purpose of a Disparity Study? Why is it necessary?

Answer 2: The study is necessitated in part by the 1989 U.S. Supreme Court's decision in the case of *City of Richmond v. J.A. Croson*. The court decision imposed legal requirements on jurisdictions to establish a "compelling interest" to support the establishment of a minority and women business program. The results of this study will determine if a compelling interest exists for the continuation of the City's M/WBE program.

Question 3: What factors are considered in determining whether disparity exists?

Answer 3: The two main factors are quantitative and qualitative analyses. Disparity is calculated in the form of an index. The disparity index is a ratio of the percentage of utilization and the percentage of availability of M/WBE firms. If the disparity index is 100, the utilization of M/WBE is leveled with the availability of M/WBEs in the market area. If the index is less than 80, it indicates that M/WBEs are significantly underutilized by an entity based on availability. Indices between 80 and 100, which is close to full participation, indicates underutilization though not significant. Additional quantitative analyses performed include an analysis of the utilization of M/WBE firms in private sector contracting as well as a statistical analysis of disparities in business formation rates, projected growth rates, and self-employment revenue. Finally, to perform a qualitative analysis, anecdotal evidence – including, but not limited to, survey responses, focus groups, public meetings, interviews, and written responses/comments – is collected and analyzed to fully evaluate potential barriers faced by M/WBE firms in business formation, business growth, and contracting (both public and private).

Question 4: Has the City of Houston ever conducted a Disparity Study? What were the results the of previous disparity studies?

Answer 4: Yes, the City of Houston conducted the following Disparity Studies:

- In 2006, the City published a Disparity Study conducted by Mason Tillman that reviewed all city contract types from July 1, 2003 – June 30, 2006.
- In 2012, the City published a Disparity Study conducted by NERA Consulting that reviewed city construction contracts from July 1, 2005 –December 31, 2009. This Disparity Study was conducted pursuant to a settlement agreement in a court case.

Each disparity study concluded that there were disparities in city contracting regarding minority and women businesses requiring that the City implement remedial measures to address those disparities. These studies can be found at the following link: http://houstontx.gov/obo/disparity_study.html.

Question 5: Why hasn't a Disparity Study be conducted since the one published in 2012?

Answer 5: As discussed in a memorandum shared with City Council members in April 2022, the City commissioned a study in 2016, which was intended to be a comprehensive review of the City's contracting, performing an in-depth analysis of our Construction, Professional Services, and Goods and Non-Professional Services contracts for fiscal years 2012-2016. Despite our best efforts, we were unable to publish a study which the City could rely on to determine whether the M/WBE Program should continue in its current form; the data and methodology on which the draft study was based compromised the validity of the draft study's findings and conclusions. As a result, the City issued a Request for Proposal for a new Disparity Study consultant in April 2022.

Question 6: What information/data will the Disparity Consultant review in making its analysis (e.g. anecdotal, contracts, etc.)?

Answer 6: Data analyzed for the City of Houston, where available, includes:

- The City's contracting activity during the five-year period of FY2018-FY2022.
- Anecdotal data retrieved from focus groups, public hearings, surveys, and interviews.
- Current or past City policies, procedures, and programs that govern the procurement of contracts.
- In addition, to the analysis of M/WBE availability and utilization, the study will look at veteran, DBE, and ACDBE availability and utilization.

Question 7: When can we expect to see the results of the Disparity Study?

Answer 7: The City has requested the consultant produce a draft of the Study within nine (9) months of the contract award.



CITY OF HOUSTON

Legal Department

Interoffice

Correspondence

To: Members of City Council

From: Arturo G. Michel
City Attorney

A handwritten signature in blue ink, appearing to read "Arturo", is written over the name "Arturo G. Michel".

Date: March 7, 2023

cc: Mayor Sylvester Turner
Marvalette Hunter, Chief of Staff

Subject: Agenda Item #34: RCA Language
Regarding Hire Houston First

The RCA for Agenda item #34 on the March 7-8, 2023 agenda incorrectly recites Hire Houston First (HHF) language indicating that the proposed contract requires compliance with the City's HHF ordinance. State statutes (Local Government Code Section 271.905 and 271.905 read with Chapter 252) limit the application of local preferences, such as to contracts involving the purchase of services or personal property. Moreover, the City's HHF ordinance is used where the City is expending its funds.

Traditionally, HHF has not been included in airport concession procurements as part of the solicitation because concessions are revenue contracts and not for the purchase of services or personal property. Likewise, here HHF was not included in this solicitation, and the proposed contract does not require compliance with the City's HHF ordinance. Accordingly, the RCA's HHF provision should have read: The proposed contract is exempt from the City's Hire Houston First Ordinance.



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date: 11/30/2022

PLN – PYP Ordinance designating a residential area in the Timbergrove Manor Subdivision, Sections 1 - 4 (No. P220801, Timbergrove Manor Neighborhood Association)

Agenda Item#: 24.

Summary:

ORDINANCE extending provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to certain improved single-family residential lots in the Timbergrove Manor Subdivision, Sections 1 through 4, to prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single-family residences - **DISTRICT C - KAMIN**

Background:

In accordance with Section 28-303 of the Code of Ordinances, the Timbergrove Manor Neighborhood Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area (PYPRA). The application includes a letter of support from the President of the Timbergrove Manor Neighborhood Association.

The Planning and Development Department mailed notifications on September 9, 2022 to four hundred twenty-seven (427) property owners advising them that the PYPRA application had been submitted. The notification further stated that property owners opposing the designation must file written notice with the Planning and Development Department within twenty days of the date of mailing.

One (1) protest was timely filed. The Hearing Official held a public hearing on November 9, 2022. No protests were heard at that hearing, and as a result, the Planning and Development Department recommends establishing the PYPRA.

Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Davonte Caldwell

832-393-6568

ATTACHMENTS:

Description

RCA

Map

Type

Signed Cover sheet

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date: 11/30/2022

PLN – PYP Ordinance designating a residential area in the Timbergrove Manor Subdivision, Sections 1 - 4 (No. P220801, Timbergrove Manor Neighborhood Association)

Agenda Item#: 6.

Background:

In accordance with Section 28-303 of the Code of Ordinances, the Timbergrove Manor Neighborhood Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area (PYPRA). The application includes a letter of support from the President of the Timbergrove Manor Neighborhood Association.

The Planning and Development Department mailed notifications on September 9, 2022 to four hundred twenty-seven (427) property owners advising them that the PYPRA application had been submitted. The notification further stated that property owners opposing the designation must file written notice with the Planning and Development Department within twenty days of the date of mailing.

One (1) protest was timely filed. The Hearing Official held a public hearing on November 9, 2022. No protests were heard at that hearing, and as a result, the Planning and Development Department recommends establishing the PYPRA.

DocuSigned by:

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Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Davonte Caldwell
832-393-6568

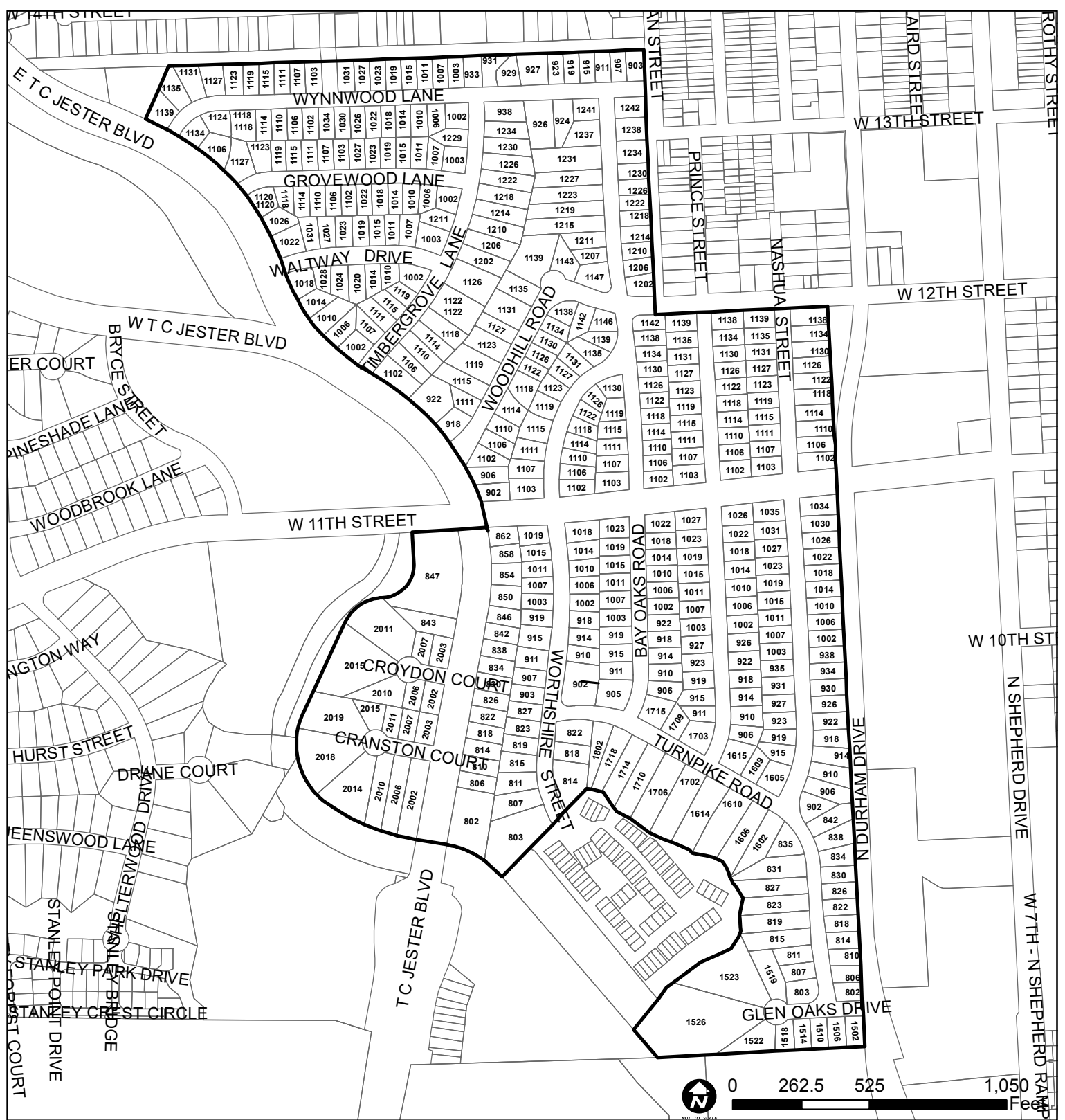
ATTACHMENTS:

Description

Map

Type

Backup Material



P220801: Timbergrove Manor Neighborhood Association

Source: Harris County Appraisal District

Date: November 30, 2022

Reference: P220801

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.

Legend

 Prohibited Yard Parking Area



**PLANNING &
DEVELOPMENT
DEPARTMENT**



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date: 12/13/2022

PLN - Special Minimum Building Line Block Renewal App
No. 41REN (600 block of Harvard Street, east and west
sides)

Agenda Item#: 25.

Summary:

ORDINANCE renewing the establishment of the east and west sides of the 600 block of Harvard Street within the City of Houston, Texas as a Special Minimum Building Line Requirement Block pursuant to the Code of Ordinances, Houston, Texas - **DISTRICT C - KAMIN**

Background:

In accordance with Section 42-170 of the Code of Ordinances, the property owner of 643 Harvard Street, Lot 2, Block 277 of the Houston Heights subdivision initiated an application to renew a Special Minimum Building Line Block (SMBLB).

The Planning and Development Department mailed notifications to twenty-three (23) property owners indicating that the SMBLB renewal application had been submitted. The notification further stated that written protest must be filed with the Planning and Development Department within thirty days of mailing. One protest was filed. The Houston Planning Commission considered the protest on December 1, 2022 and voted to recommend that the City Council renew the SMBLB.

The neighborhood and building line have remained essentially the same since the original ordinance (2002-325) was passed in 2002.

The Planning and Development Department recommends that City Council adopt an ordinance renewing a Special Minimum Building Line of 22 feet for the 600 block of Harvard Street, east and west sides.

Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Prior Council Action:

Ord. 2002-325; approved May 1, 2002

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Davonte Caldwell, Planner III
832-393-6568

ATTACHMENTS:**Description**

RCA

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date: 12/13/2022

PLN - Special Minimum Building Line Block Renewal App No. 41REN (600 block of Harvard Street, east and west sides)

Agenda Item#: 50.

Background:

In accordance with Section 42-170 of the Code of Ordinances, the property owner of 643 Harvard Street, Lot 2, Block 277 of the Houston Heights subdivision initiated an application to renew a Special Minimum Building Line Block (SMBLB).

The Planning and Development Department mailed notifications to twenty-three (23) property owners indicating that the SMBLB renewal application had been submitted. The notification further stated that written protest must be filed with the Planning and Development Department within thirty days of mailing. One protest was filed. The Houston Planning Commission considered the protest on December 1, 2022 and voted to recommend that the City Council renew the SMBLB.

The neighborhood and building line have remained essentially the same since the original ordinance (2002-325) was passed in 2002.

The Planning and Development Department recommends that City Council adopt an ordinance renewing a Special Minimum Building Line of 22 feet for the 600 block of Harvard Street, east and west sides.

DocuSigned by:

A handwritten signature in black ink, appearing to read "Margaret Wallace Brown".

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Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Prior Council Action:

Ord. 2002-325; approved May 1, 2002

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Davonte Caldwell, Planner III
832-393-6568

ATTACHMENTS:

Description	Type
Map	Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date:

PLN - Special Minimum Building Line Block Renewal App
No. 38REN (1400 - 1600 blocks of Bonnie Brae Street,
1600 Block of Norfolk Street and 1600 Block of Castle
Court, north and south sides)

Agenda Item#: 26.

Summary:

ORDINANCE renewing the establishment of the 1400-1600 Blocks of Bonnie Brae Street, 1600 Block of Norfolk Street and the north and south sides of the 1600 Block of Castle Court, within the City of Houston, Texas as a Special Minimum Building Line Requirement Block pursuant to the code of Ordinances, Houston, Texas - **DISTRICT C - KAMIN**

Background:

In accordance with Section 42-170 of the Code of Ordinances, the property owner of 1653 Bonnie Brae Street, Lot 2, Block 10 of the Castle Court subdivision, initiated an application to renew a Special Minimum Building Line Block (SMBLB). The Planning and Development Department mailed notifications to one hundred thirty-one (131) property owners indicating that the SMBLB renewal application had been submitted. The notification further stated that written protest must be filed with the Planning and Development Department within thirty days of mailing.

In accordance with the Code, since no protest was filed and no action is required by the Houston Planning Commission, the application may be submitted directly to City Council for consideration.

The neighborhood and building line have remained essentially the same since the original ordinance (2002-326) was passed in 2002.

The Planning and Development Department recommends that City Council adopt an ordinance renewing a Special Minimum Building Line of 25 feet for the 1400-1600 blocks of Bonnie Brae Street, 1600 Block of Norfolk Street and 1600 Block of Castle Court, north and south sides.

Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Prior Council Action:

Ord. 2002-326; approved May 1, 2022

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Abraham Zorrilla, Planner IV
832-393-6634

ATTACHMENTS:

Description

Signed coversheet
Map

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District C

Item Creation Date:

PLN - Special Minimum Building Line Block Renewal App No. 38REN (1400 - 1600 blocks of Bonnie Brae Street, 1600 Block of Norfolk Street and 1600 Block of Castle Court, north and south sides)

Agenda Item#: 48.

Background:

In accordance with Section 42-170 of the Code of Ordinances, the property owner of 1653 Bonnie Brae Street, Lot 2, Block 10 of the Castle Court subdivision, initiated an application to renew a Special Minimum Building Line Block (SMBLB). The Planning and Development Department mailed notifications to one hundred thirty-one (131) property owners indicating that the SMBLB renewal application had been submitted. The notification further stated that written protest must be filed with the Planning and Development Department within thirty days of mailing.

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DocuSigned by:

A handwritten signature in black ink, appearing to read "Margaret Wallace Brown", is written over a blue horizontal line.

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Margaret Wallace Brown, AICP, CNU-A
Director
Planning and Development Department

Prior Council Action:

Ord. 2002-326; approved May 1, 2022

Contact Information:

Anna Sedillo, Council Liaison
832-393-6578

Abraham Zorrilla, Planner IV
832-393-6634

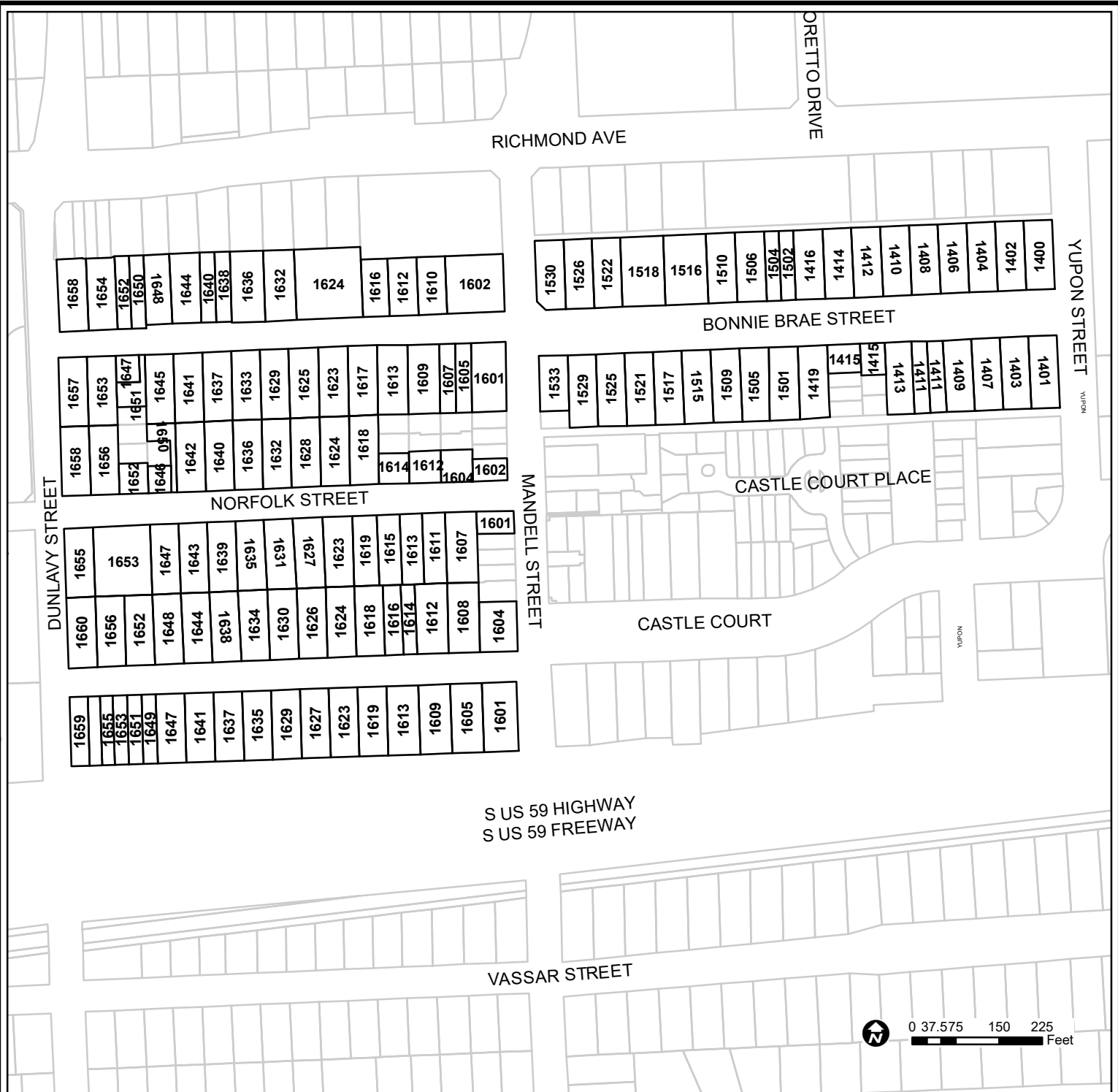
ATTACHMENTS:

Description

Map

Type

Backup Material



Special Minimum Building Line

1400 - 1600 blocks of Bonnie Brae Street, north and south sides, between Dunlavy Street and Yupon Street

1600 Block of Norfolk Street and 1600 Block of Castle Court, north and south sides, between Dunlavy Street and Mandell Street

25 Feet

 Boundary

Source: Harris County Appraisal District
Date: September 22, 2021
Reference: MBL 38REN

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &
DEVELOPMENT
DEPARTMENT**



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District G

Item Creation Date: 2/7/2023

HPW20DOB9911/Abandonment of Hollyhurst Lane-Uptown
Park/Parcels SY20-026A, AY15-039, LY20-013A, LY20-
013B, VY20-003A, and VY20-003B

Agenda Item#: 27.

Summary:

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, out of the W.M. White 1/3 League Survey, Abstract 836, Harris County, Texas; abandoning said portion to its owner, **INVERNESS TOWNHOME ASSOCIATION**, in exchange for a cash payment of \$501,500.00 and conveyance to the City of Houston, Texas, of: 1) approximately 2,432 square feet of street easement; 2) a 40-foot-wide storm sewer easement; and 3) a 25-foot-wide utility easement, all out of the W.M. White 1/3 League Survey, Abstract 836, Harris County, Texas - **DISTRICT G - HUFFMAN**

Background:

SUBJECT: Ordinance authorizing the abandonment and sale of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, in exchange for conveyance to the City of Houston: 1) a 2,432 square feet of street easement for the widening of Post Oak Boulevard, 2) a 40-foot-wide storm sewer easement, and 3) a 25-foot-wide utility easement, out of the William White 1/3 League Survey, A-836. **Parcels SY20-026A, AY15-039, LY20-013A, LY20-013B, VY20-003A, and VY20-003B**

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the abandonment and sale of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, in exchange for a cash consideration of \$501,500.00 and conveyance to the City of: 1) a 2,432 square feet of street easement for the widening of Post Oak Boulevard, 2) a 40-foot-wide storm sewer easement, and 3) a 25-foot-wide utility easement, out of the William White 1/3 League Survey, A-836. **Parcels SY20-026A, AY15-039, LY20-013A, LY20-013B, VY20-003A, and VY20-003B**

SPECIFIC EXPLANATION:

Steve Stacy of Ardurra, 3115 Allen Parkway, Suite 300, Houston, Texas, 77019, on behalf of Inverness Townhome Association (Mathew John, President) Inverness Townhome Association requested the abandonment and sale of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, out of the William White 1/3 League Survey, A-836. Inverness Townhome Association, the applicant, plans to incorporate its portion of the right-of-way into its abutting property for a parking area. The subject abandonment is pursuant to an Exchange Agreement between Uptown Development Authority and Inverness Townhome Association. The Joint Referral Committee reviewed and approved the

request subject to the conveyance to the City of a 40 foot-wide storm sewer easement and a 25 foot-wide utility easement.

Inverness Townhome Association has complied with the transaction requirements and has accepted the City's offer. Uptown Development Authority has rendered payment in full, pursuant to the Exchange Agreement between Uptown Development Authority and Inverness Townhome Association.

The City will abandon and sell to Inverness Townhome Association:

Parcel SY20-026A

6,341 square feet of street easement	\$,1,585,250.00
Valued at \$250.00 per square foot x 100%	

<u>TOTAL ABANDONMENT AND SALE:</u>	<u>\$1,585,250.00</u>
---	------------------------------

In exchange, Inverness Townhome Association paid:

Cash	\$501,500.00
------	--------------

Plus, Inverness Townhome Association will convey to the City:

Parcel AY15-039

2,432 square feet of street easement	\$608,000.00
Valued at \$250.00 per square foot x 100%	

Parcel LY20-013A

777 square feet of storm sewer easement	\$97,125.00
Valued at \$250.00 per square foot x 50%	
18 square feet of overlapping area	\$1,125.00
Valued at \$250.00 per square foot x 25%	

Parcel LY20-013B

119 square feet of storm sewer easement	\$14,875.00
Valued at \$250.00 per square foot x 50%	
579 square feet of overlapping area	\$36,188.00 (R)
Valued at \$250.00 per square foot x 25%	

Parcel VY20-003A

1,650 square feet of utility easement	\$206,250.00
Valued at \$250.00 per square foot x 50%	
18 square feet of overlapping area	\$1,125.00
Valued at \$250.00 per square foot x 25%	

Parcel VY20-003B

663 square feet of utility easement	\$82,875.00
Valued at \$250.00 per square foot x 50%	
579 square feet of overlapping area	\$36,188.00 (R)
Valued at \$250.00 per square foot x 25%	

TOTAL CASH AND CONVEYANCE: **\$1,585,250.00 (R)**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, in exchange for a cash consideration of \$501,500.00 and conveyance to the City of: 1) a 2,432 square feet of street easement for the widening of Post Oak Boulevard, 2) a 40-foot-wide storm sewer easement, and 3) a 25-foot-wide utility easement, out of the William White 1/3 League Survey, A-836.

Fiscal Note: "Revenue for this item is included in the FY2023 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

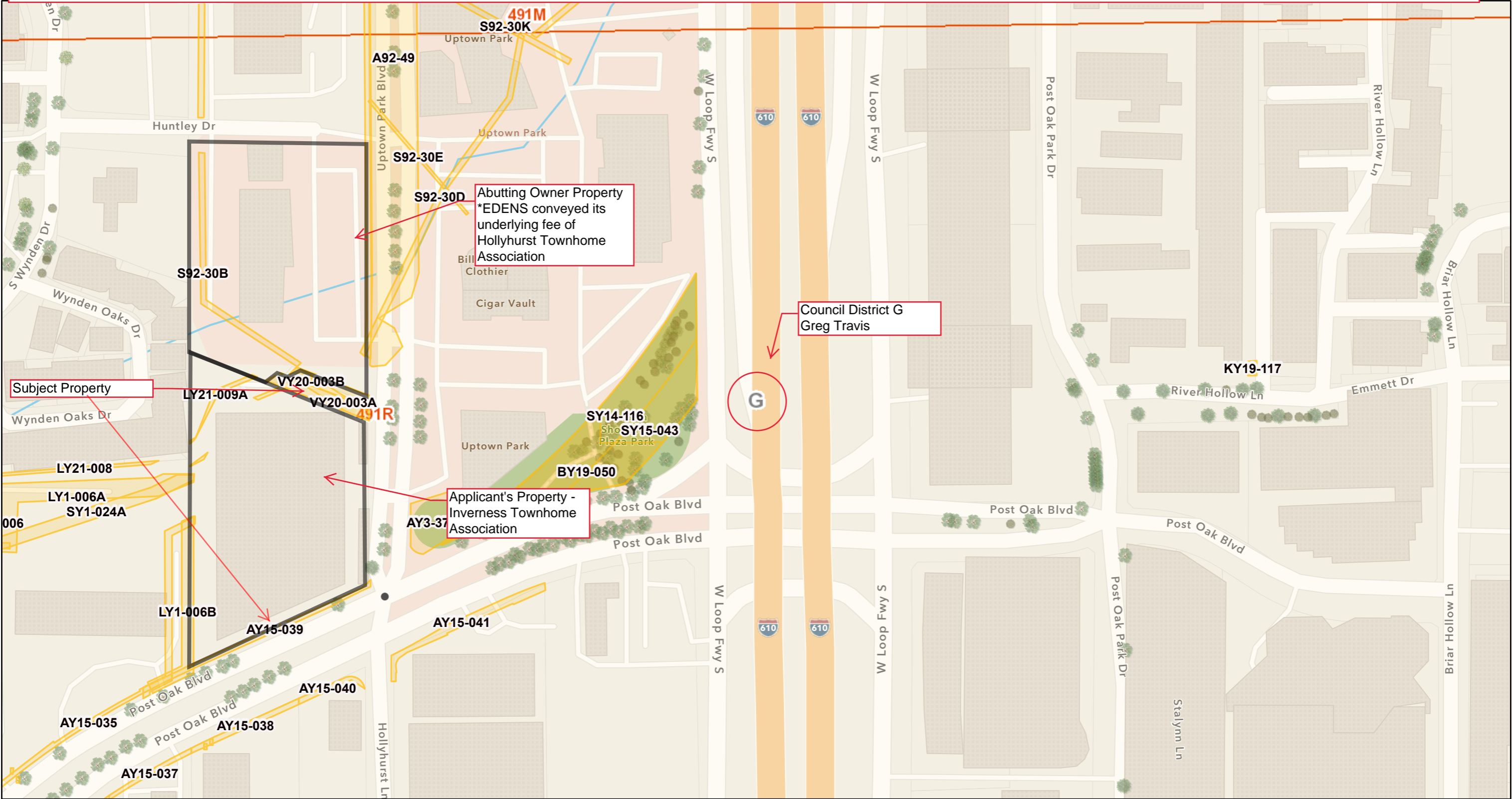
Contact Information:

Addie L. Jackson, Esq., Assistant Director
Houston Public Works Department, Real Estate Services
Phone: (832) 395-3164

ATTACHMENTS:

Description	Type
Parcel Map	Backup Material
Aerial Map	Backup Material

Parcel Map - Parcels SY20-026A, AY15-039, LY20-013A, LY20-013B, VY20-003A, and VY20-003B
Abandonment and sale of Hollyhurst Lane, from Uptown Park Boulevard to its terminus, in exchange for conveyance to the City of: 1) a 2,432 square feet of street easement for the widening of Post Oak Boulevard, 2) a 40-foot-wide storm sewer easement, and 3) a 25-foot-wide utility easement, out of the William White 1/3 League Survey, A-836.



2/7/2023, 3:01:05 PM

Survey Parcels

Keymap Grid

Council District

A

B

C

D

E

F

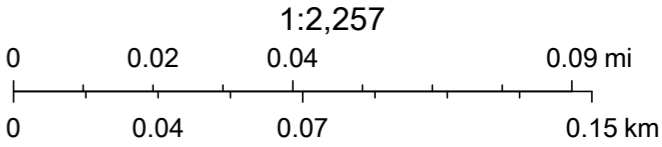
G

H

I

J

K



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Aerial Map - Parcels SY20-026A, AY15-039, LY20-013A, LY20-013B, VY20-003A, and VY20-003B

Hollyhurst Lane, from Uptown Park Boulevard to its terminus, in exchange for conveyance to the City of: 1) a 2,432 square feet of street easement for the widening of Post Oak Boulevard, 2) a 40-foot-wide storm sewer easement, and 3) a 25-foot-wide utility easement, out of the William White 1/3 League Survey, A-836.



Legend

The Uptown Park
(EDENS), LLC

Inverness
Townhome
Association

Subject Hollyhurst,
storm sewer
easement and utility
easement
*EDENS conveyed
its underlying fee of
Hollyhurst to
Inverness
Townhome
Association

ROW easement



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District H

Item Creation Date: 12/27/2022

HPW20CW10028/Sale of eight 12 foot-wide by 20 foot-wide access easements/Parcels SY21-082A through SY21-082H

Agenda Item#: 28.

Summary:

ORDINANCE authorizing the sale of eight twelve-foot-wide by twenty-foot-wide access easements, out of City fee owned land known as the Janowski Ditch, situated in the H.&T.C RR Co. Survey, A-975; selling easements to **AVENUE DEVELOPMENT, LLC**, the abutting property owner, in consideration of its payment to the City of \$9,600.00 and other good and valuable consideration - **DISTRICT H - CISNEROS**

Background:

SUBJECT: Ordinance authorizing the sale of eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975.

Parcels SY21-082A through SY21-082H

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H & T.C. RR Survey, Abstract 975, in exchange for a cash consideration of \$9,600.00.

Parcels SY21-082A through SY21-082H

SPECIFIC EXPLANATION: Melissa Fontenot of Avenue Development, LLC requested the sale of eight 12 foot-wide by 20 foot-wide access easements, all located out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975. The applicant plans to incorporate the easements to be sold into its abutting fee property for driveway access easements to eight single family homes. The Joint Referral Committee reviewed and approved the request. Avenue Development, LLC has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

The City will sell to Avenue Development, LLC:

Parcel SY21-082A

240 square feet of access easement \$1,200.00

Valued at \$10.00 per square foot x 50%

Parcel SY21-082B

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082C

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082D

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082E

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082F

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082G

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082H

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

TOTAL SALE **\$9,600.00**

-
Therefore, it is recommended that City Council approve an ordinance authorizing the sale of eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975, in exchange for a cash consideration of \$9,600.00.

Revenue for this item is included in the FY2023 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:

Addie L. Jackson, Esq.

Assistant Director-Real Estate Services

(832) 395-3164

ATTACHMENTS:**Description**

Signed coversheet

Aerial Map

Parcel Map

Drawing

Council District H Map

Type

Signed Cover sheet

Backup Material

Backup Material

Backup Material

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District H

Item Creation Date: 12/27/2022

HPW20CW10028/Sale of eight 12 foot-wide by 20 foot-wide access easements/Parcels
SY21-082A through SY21-082H

Agenda Item#:

Background:

SUBJECT: Ordinance authorizing the sale of eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975.

Parcels SY21-082A through SY21-082H

RECOMMENDATION: It is recommended City Council approve an ordinance authorizing the eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H & T.C. RR Survey, Abstract 975, in exchange for a cash consideration of \$9,600.00.

Parcels SY21-082A through SY21-082H

SPECIFIC EXPLANATION: Melissa Fontenot of Avenue Development, LLC requested the sale of eight 12 foot-wide by 20 foot-wide access easements, all located out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975. The applicant plans to incorporate the easements to be sold into its abutting fee property for driveway access easements to eight single family homes. The Joint Referral Committee reviewed and approved the request. Avenue Development, LLC has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

The City will sell to Avenue Development, LLC:

Parcel SY21-082A

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082B

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082C

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082D

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082E

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082F

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

Parcel SY21-082G

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%


Parcel SY21-082H

240 square feet of access easement \$1,200.00
Valued at \$10.00 per square foot x 50%

TOTAL SALE \$9,600.00

Therefore, it is recommended that City Council approve an ordinance authorizing the sale of eight 12 foot-wide by 20 foot-wide access easements, out of City fee-owned land, being the Janowski Ditch, TR 3G, out of the H. & T.C. RR Survey, Abstract 975, in exchange for a cash consideration of \$9,600.00.

Revenue for this item is included in the FY2023 Adopted Budget. Therefore, no fiscal note is required as stated in the financial policies.

DocuSigned by:
 2/20/2023
A93CA10B72B3453
Carol Ellinger Haddock, P.E., Director
Houston Public Works

Amount and Source of Funding:

Revenue
Fund 1000
General Fund

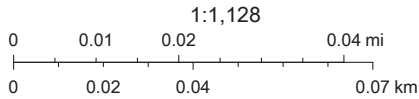
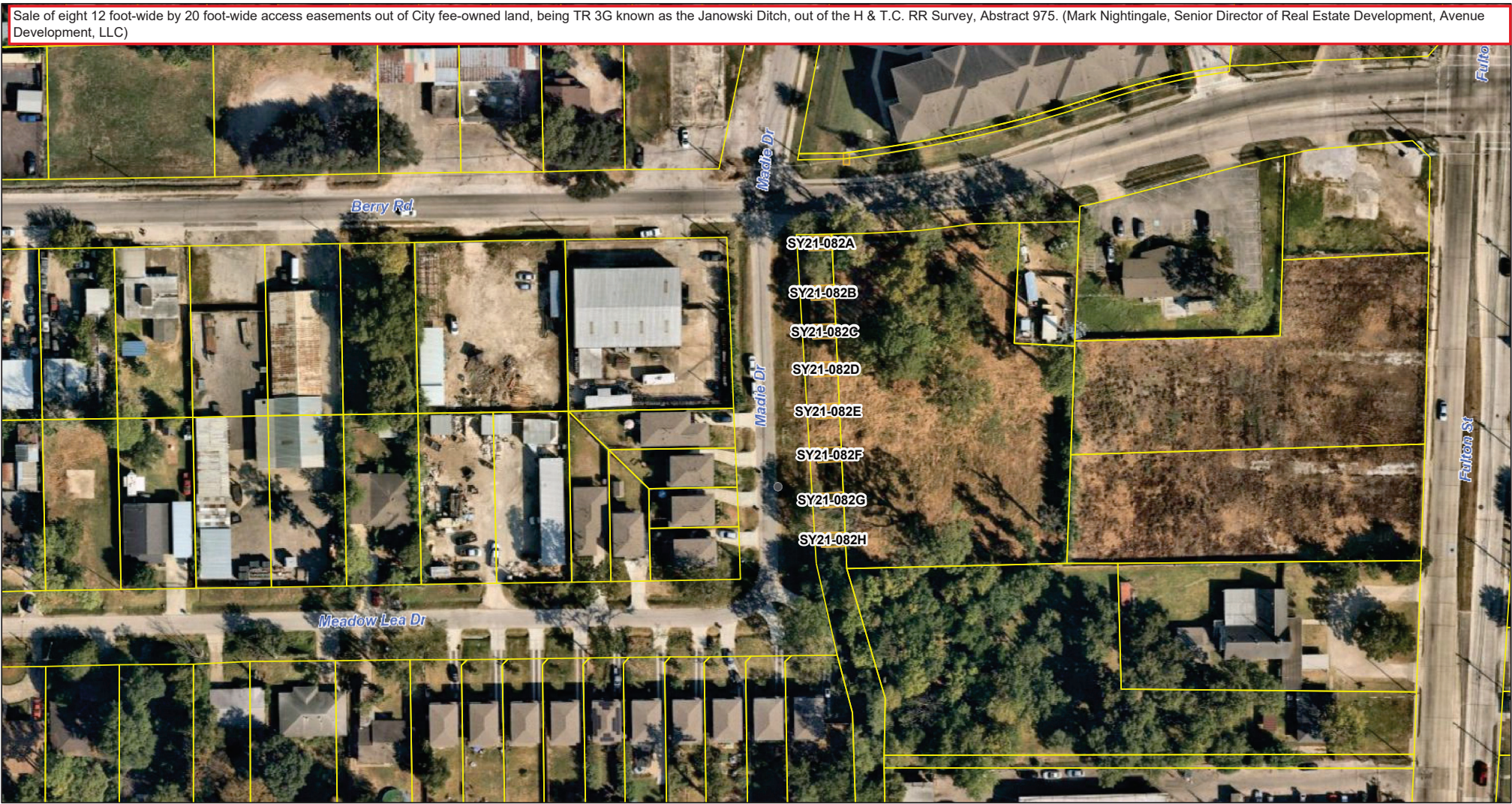
Contact Information:

Addie L. Jackson, Esq.
Assistant Director-Real Estate Services
(832) 395-3164

ATTACHMENTS:

Description	Type
Aerial Map	Backup Material
Parcel Map	Backup Material
Drawing	Backup Material
Council District H Map	Backup Material
RCA Funding Information	Financial Information

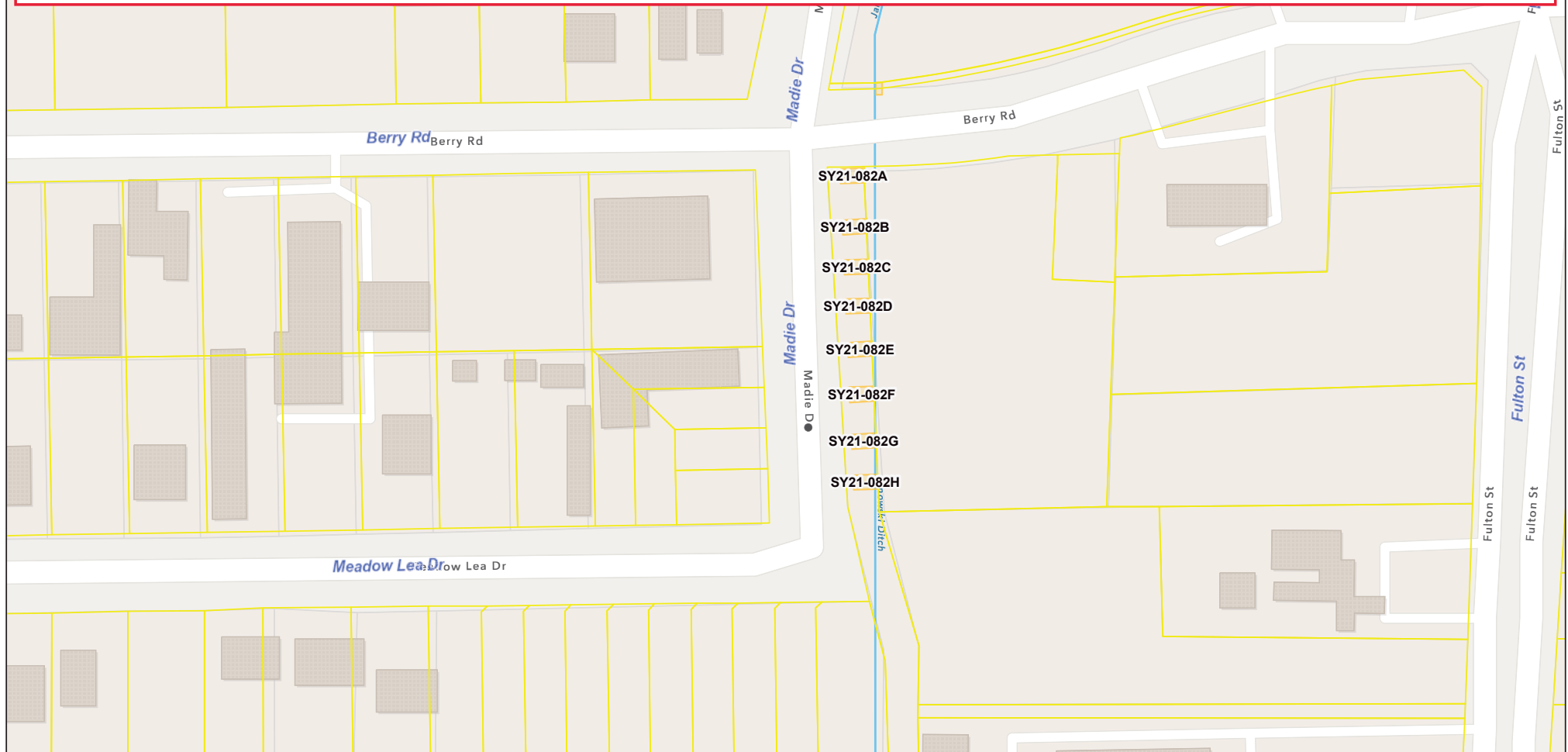
AERIAL MAP





Esri Community Maps Contributors, City of Houston, HPB, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

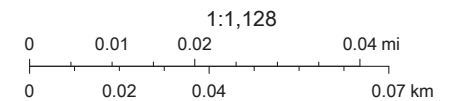
PARCEL MAP

Sale of eight 12 foot-wide by 20 foot-wide access easements out of City fee-owned land, being TR 3G known as the Janowski Ditch, out of the H & T.C. RR Survey, Abstract 975. (Mark Nightingale, Senior Director of Real Estate Development, Avenue Development, LLC)



12/27/2022, 11:21:46 AM

-  HCAD
-  Survey Parcels
- Street Names

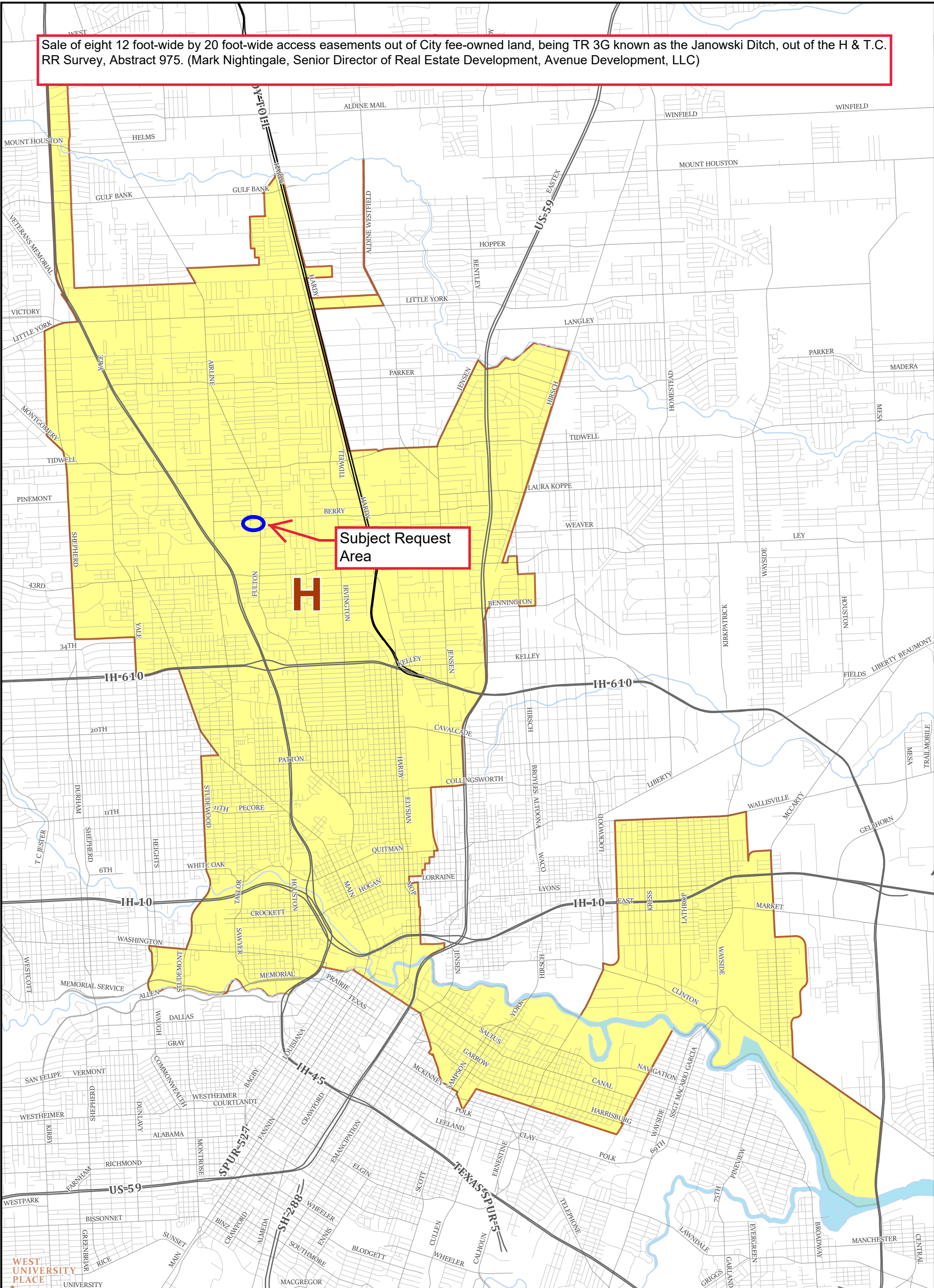


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Sale of eight 12 foot-wide by 20 foot-wide access easements out of City fee-owned land, being TR 3G known as the Janowski Ditch, out of the H & T.C. RR Survey, Abstract 975. (Mark Nightingale, Senior Director of Real Estate Development, Avenue Development, LLC)



Sale of eight 12 foot-wide by 20 foot-wide access easements out of City fee-owned land, being TR 3G known as the Janowski Ditch, out of the H & T.C. RR Survey, Abstract 975. (Mark Nightingale, Senior Director of Real Estate Development, Avenue Development, LLC)



City of Houston

Council District H - Karla Cisneros



Source: COHGIS Database
Date: January 2020
Reference: PJ20952_H



0 0.5 1 2 Miles

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



PLANNING & DEVELOPMENT DEPARTMENT



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District A

Item Creation Date: 1/19/2023

HPW20GRG10076/Sale of fee owned property within
Inwood Forest/Parcel SY22-044

Agenda Item#: 29.

Summary:

ORDINANCE authorizing sale of a 1,350 square-foot tract out of City fee owned land, being 0.031 acre abutting lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR Co, A-181, Harris County, Texas, selling the tract to **HUGO GONZALEZ**, the abutting property owner, in consideration of his payment to the City of \$10,800.00 and other good and valuable consideration - **DISTRICT A - PECK**

Background:

SUBJECT: Ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181. **Parcel SY22-044**

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181, in exchange for consideration of \$10,800.00. **Parcel SY22-044**

SPECIFIC EXPLANATION:

Hugo Gonzalez, the abutting property owner, requested the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181. The applicant is encroaching on the north side of a large section of land that has been selected for the C-59 Inwood Forest Stormwater Detention Project. The applicant would like to purchase the approximately 10 foot-wide strip of land that encroaches, which includes his fence and a portion of his backyard. Harris County Flood Control District has given its approval for the City to allow the sale. The Joint Referral Committee reviewed and approved the request.

Hugo Gonzalez has completed the transaction requirements, has accepted the City's offer and has rendered payment in full.

The City will sell to Hugo Gonzalez:

Parcel SY22-044

1,350 square-feet fee-owned land:	\$10,800.00
Valued at \$8.00 per square foot x 100%	

TOTAL SALE:

\$10,800.00

Therefore, it is recommended City Council approve an ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB & C RR CO, A-181, in exchange for consideration of \$10,800.00.

Fiscal Note:

"Revenue for this item is included in the FY2023 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:

Addie L. Jackson, Esq.
Assistant Director
Real Estate Services
832-395-3164

ATTACHMENTS:

Description

Signed coversheet

AERIAL MAP

PARCEL MAP

Type

Signed Cover sheet

Backup Material

Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District A

Item Creation Date: 1/19/2023

HPW20GRG10076/Sale of fee owned property within Inwood Forest/Parcel SY22-044

Agenda Item#:

Background:

SUBJECT: Ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181. **Parcel SY22-044**

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181, in exchange for consideration of \$10,800.00. **Parcel SY22-044**

SPECIFIC EXPLANATION:

Hugo Gonzalez, the abutting property owner, requested the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB&C RR CO, A-181. The applicant is encroaching on the north side of a large section of land that has been selected for the C-59 Inwood Forest Stormwater Detention Project. The applicant would like to purchase the approximately 10 foot-wide strip of land that encroaches, which includes his fence and a portion of his backyard. Harris County Flood Control District has given its approval for the City to allow the sale. The Joint Referral Committee reviewed and approved the request.

Hugo Gonzalez has completed the transaction requirements, has accepted the City's offer and has rendered payment in full.

The City will sell to Hugo Gonzalez:

Parcel SY22-044

1,350 square-feet fee-owned land:	\$10,800.00
Valued at \$8.00 per square foot x 100%	

TOTAL SALE:	\$10,800.00
--------------------	--------------------

Therefore, it is recommended City Council approve an ordinance authorizing the sale of 1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the BBB & C RR CO, A-181, in exchange for consideration of \$10,800.00.

Fiscal Note:

"Revenue for this item is included in the FY2023 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies."

DocuSigned by:

2/17/2023

Carol Ellinger Haddock, P.E.

Director

Houston Public Works

Amount and Source of Funding:

REVENUE

Fund 1000

General Fund

Contact Information:

Addie L. Jackson, Esq.
Assistant Director
Real Estate Services
832-395-3164

ATTACHMENTS:

Description

AERIAL MAP
PARCEL MAP

Type

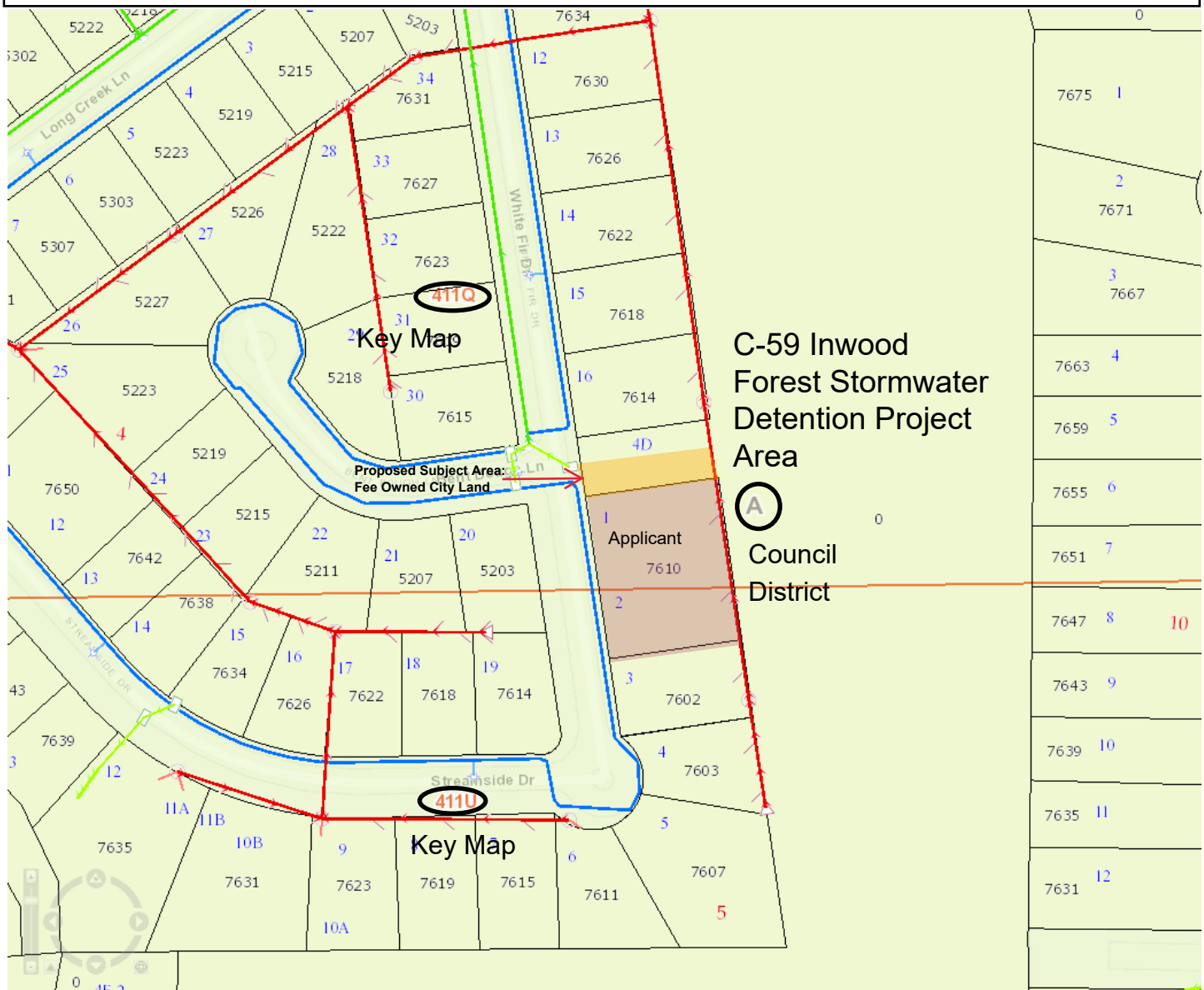
Backup Material
Backup Material

Subject: Sale of ±1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the P. Thompson Survey, A-768. **Parcel SY22-044**



GIMS, Key Map and Council District

Subject: Sale of ±1,350 square feet of fee-owned City land abutting Lots 1 and 2, Block 5, of the Inwood Forest Section 11 Subdivision, out of the P. Thompson Survey, A-768. **Parcel SY22-044**





CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 1/24/2023

HPW-20FMS35 Third Amendment of Agreement for 2015 Flood Mitigation Grant Program for Extension of Time

Agenda Item#: 30.

Summary:

ORDINANCE approving and authorizing third amendment to agreement between City of Houston and **TEXAS WATER DEVELOPMENT BOARD** for administering the Federal Emergency Management Agency's Flood Mitigation Assistance Program (as approved by Ordinance No. 2016-0735 & 2021-0664, as amended)

Background:

SUBJECT: Approving and Authorizing a Third Amendment for an extension of time (nine months) to the agreement between the City of Houston and the Texas Water Development Board (TWDB) for Administering the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance (FMA) Program.

RECOMMENDATION: (SUMMARY) Adopt an ordinance approving and authorizing a Third Amendment to the agreement with Texas Water Development Board (TWDB) for an extension of time.

PROJECT NOTICE/JUSTIFICATION: The 2015 FMA Grant for 42 flood-prone homes was awarded to the City of Houston on the behalf of the homeowners. On September 28, 2016, City Council passed Ordinance No. 2016-0735 approving an agreement between the City of Houston and TWDB for administering the Grant and to receive funds as sub-applicant from the TWDB for reimbursement of the cost to complete the elevation of the flood-prone homes.

During performance of the grant TWDB and FEMA have extended the performance period via amendments and a replacement agreement through the previous Council actions noted below.

A total of 29 home elevations have been completed under the grant. As approved by TWDB, the proposed 9-month extension will allow the City to complete final accounting and closeout of the grant.

ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an amendment for an extension of time to the agreement between the City of Houston and the TWDB for administering the FEMA FMA Program.

FISCAL NOTE: No Fiscal Note is required on grant items.

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

Prior Council Action:

Ordinance 2016-0735, dated 09-28-2016
Ordinance 2020-0645, dated 07-22-2020
Ordinance 2021-0664, dated 08-04-2021
Ordinance 2021-1013, dated 12-01-2021
Ordinance 2022-0499, dated 06-22-2022

Amount and Source of Funding:

No funding is required.

Contact Information:

David Wurdlow
Assistant Director
832.395-2054

ATTACHMENTS:

Description

Signed Coversheet (revised)

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 1/24/2023

HPW-20FMS35 Third Amendment of Agreement for 2015 Flood Mitigation Grant Program
for Extension of Time

Agenda Item#: 15.

Summary:

AN ORDINANCE APPROVING AND AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE TEXAS WATER DEVELOPMENT BOARD FOR ADMINISTERING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD MITIGATION ASSISTANCE PROGRAM (AS APPROVED BY ORDINANCE NO. 2016-0735 & 2021-0664, AS AMENDED); CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Background:

SUBJECT: Approving and Authorizing a Third Amendment for an extension of time (nine months) to the agreement between the City of Houston and the Texas Water Development Board (TWDB) for Administering the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance (FMA) Program.

RECOMMENDATION: (SUMMARY) Adopt an ordinance approving and authorizing a Third Amendment to the agreement with Texas Water Development Board (TWDB) for an extension of time.

PROJECT NOTICE/JUSTIFICATION: The 2015 FMA Grant for 42 flood-prone homes was awarded to the City of Houston on the behalf of the homeowners. On September 28, 2016, City Council passed Ordinance No. 2016-0735 approving an agreement between the City of Houston and TWDB for administering the Grant and to receive funds as sub-applicant from the TWDB for reimbursement of the cost to complete the elevation of the flood-prone homes.

During performance of the grant TWDB and FEMA have extended the performance period via amendments and a replacement agreement through the previous Council actions noted below.

A total of 29 home elevations have been completed under the grant. As approved by TWDB, the proposed 9-month extension will allow the City to complete final accounting and closeout of the grant.

ACTION RECOMMENDED: It is recommended that the City Council adopt an ordinance approving and authorizing an amendment for an extension of time to the agreement between the City of Houston and the TWDB for administering the FEMA FMA Program.

FISCAL NOTE: No Fiscal Note is required on grant items.

DocuSigned by:

 2/22/2023
A03C410B72B3463...

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

Prior Council Action:

Ordinance 2016-0735, dated 09-28-2016
Ordinance 2020-0645, dated 07-22-2020
Ordinance 2021-0664, dated 08-04-2021
Ordinance 2021-1013, dated 12-01-2021
Ordinance 2022-0499, dated 06-22-2022

Amount and Source of Funding:

No funding is required.

Contact Information:

David Wurdlow
Assistant Director
832.395-2054

ATTACHMENTS:

Description

Prior Council Action Ordinance 2016-0735
Prior Council Action Ordinance 2020-0645
Prior Council Action Ordinance 2021-0664
Prior Council Action Ordinance 2021-1013
Prior Council Action Ordinance 2022-0499
Finance Approval Email
Ordinance
Amendment

Type

Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Financial Information
Ordinance/Resolution/Motion
Contract/Exhibit



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 1/18/2023

HPW20TRT06/ORDINANCE Appropriating Funds for the
Dedicated Drainage and Street Renewal Capital Fund- Ad
Valorem Tax

Agenda Item#: 31.

Summary:

ORDINANCE appropriating \$10,500,000.00 out of Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; approving and authorizing purchase of land and other interest in real property and payment of the costs of such purchases and/or condemnations, with associated costs for Appraisal Fees, Title Policies and Services, expenses associated with Removing Improvements from the Right-of-Way, Relocation Expenses, Recording Fees and other Services, in connection with negotiations to settle purchases, court costs, and expert witness fees for and in connection with construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax

Background:

Subject: ORDINANCE appropriating the sum of \$10,500,000.00 out of the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; approving and authorizing the purchase of land acquisitions and other interests in real property and payment of the costs of such purchases and/or condemnations, with associated costs for appraisal fees, title policies and services, expenses associated with removing improvements from the right-of-way, relocation expenses, recording fees and other services, in connection with negotiations to settle purchases, court costs and expert witness fees for and in connection with construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; making findings and provisions related to the foregoing subject; and declaring an emergency.

Background: Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax.

Houston Public Works (HPW) utilizes an appropriation allocation to expedite the real estate acquisition process associated with the construction of street and drainage projects in the Capital Improvement Plan (CIP). HPW periodically brings an action before City Council adding appropriations to this allocation. These funds are available for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services necessary to implement construction for drainage and non-drainage projects. These construction projects include, but are

not limited to, those described in Exhibit “A” attached.

HPW has instituted a process to ensure that real estate acquisitions are paid for from the appropriate funding source within the Dedicated Drainage and Street Renewal Fund - Ad Valorem Tax. Given the nature of most real estate acquisitions, the majority of these costs will be paid for out of the Dedicated Drainage and Street Renewal Fund - Ad Valorem Tax. While most of the routine expenses are paid against this allocation with no additional action required, parcels with a consideration that exceed the spending authority threshold set by the State law will be submitted to City Council as they are negotiated. The same appropriation ordinance will apply to all acquisitions made using these funds.

A separate blanket ordinance authorizing condemnation of parcels that cannot be negotiated as purchases may also be submitted for Council approval for each project as needed. This action is required for compliance with Chapter 21 of the Texas Property Code.

Therefore, it is recommended that a blanket appropriation ordinance be passed appropriating \$10,000,000.00 for the various street and storm drainage projects, finding a public necessity for the projects and approving and authorizing payments for land acquisition costs, appraisal fees, title policy premiums, relocation expenses, and/or other services in connection with negotiations to settle purchases, recording fees, and court costs and expert witness fees associated with condemnations for the projects and other services for various street and storm drainage projects in connection with the construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax. This action will add \$10,000,000.00 to the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax real estate allocation for use in related projects in the CIP. Additional appropriations will be made as needed until all parcels have been acquired. This action will expedite the process of acquiring land in support of the capital improvements projects.

The total amount of funds being appropriated for this action is as follows: \$10,000,000.00 for land acquisitions and \$500,000.00 for CIP Cost Recovery.

Fiscal Note:

No Significant Fiscal Operating Impact is anticipated as result of this action.

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

N-320663-00RE-2

Amount and Source of Funding:

Amount of Funding:

\$10,500,000.00

Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax
Fund 4046

Contact Information:

Addie L. Jackson

Assistant Director - Real Estate Services

Phone: (832) 395-3164

ATTACHMENTS:**Description**

Coversheet (revised)

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date: 1/18/2023

HPW20TRT06/ORDINANCE Appropriating Funds for the Dedicated Drainage and Street
Renewal Capital Fund- Ad Valorem Tax

Agenda Item#:

Background:

Subject: ORDINANCE appropriating the sum of \$10,500,000.00 out of the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; approving and authorizing the purchase of land acquisitions and other interests in real property and payment of the costs of such purchases and/or condemnations, with associated costs for appraisal fees, title policies and services, expenses associated with removing improvements from the right-of-way, relocation expenses, recording fees and other services, in connection with negotiations to settle purchases, court costs and expert witness fees for and in connection with construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax; making findings and provisions related to the foregoing subject; and declaring an emergency.

Background: Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services for various street and storm drainage projects in connection with the construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax.

Houston Public Works (HPW) utilizes an appropriation allocation to expedite the real estate acquisition process associated with the construction of street and drainage projects in the Capital Improvement Plan (CIP). HPW periodically brings an action before City Council adding appropriations to this allocation. These funds are available for land acquisition costs, appraisal fees, title services, relocation expenses and/or other services necessary to implement construction for drainage and non-drainage projects. These construction projects include, but are not limited to, those described in Exhibit "A" attached.

HPW has instituted a process to ensure that real estate acquisitions are paid for from the appropriate funding source within the Dedicated Drainage and Street Renewal Fund - Ad Valorem Tax. Given the nature of most real estate acquisitions, the majority of these costs will be paid for out of the Dedicated Drainage and Street Renewal Fund - Ad Valorem Tax. While most of the routine expenses are paid against this allocation with no additional action required, parcels with a consideration that exceed the spending authority threshold set by the State law will be submitted to City Council as they are negotiated. The same appropriation ordinance will apply to all acquisitions made using these funds.

A separate blanket ordinance authorizing condemnation of parcels that cannot be negotiated as purchases may also be submitted for Council approval for each project as needed. This action is required for compliance with Chapter 21 of the Texas Property Code.

Therefore, it is recommended that a blanket appropriation ordinance be passed appropriating \$10,000,000.00 for the various street and storm drainage projects, finding a public necessity for the projects and approving and authorizing payments for land acquisition costs, appraisal fees, title policy premiums, relocation expenses, and/or other services in connection with negotiations to settle purchases, recording fees, and court costs and expert witness fees associated with condemnations for the projects and other services for various

street and storm drainage projects in connection with the construction of facilities financed by the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax. This action will add \$10,000,000.00 to the Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax real estate allocation for use in related projects in the CIP. Additional appropriations will be made as needed until all parcels have been acquired. This action will expedite the process of acquiring land in support of the capital improvements projects.

The total amount of funds being appropriated for this action is as follows: \$10,000,000.00 for land acquisitions and \$500,000.00 for CIP Cost Recovery.

Fiscal Note:

No Significant Fiscal Operating Impact is anticipated as result of this action.

DocuSigned by:

2/10/2023

A handwritten signature in blue ink, appearing to read "Carol Haddock", is written over a blue circular stamp.

Carol Haddock, P.E.,

Director

Houston Public Works

N-320663-00RE-2

Amount and Source of Funding:

Amount of Funding:

\$10,500,000.00

Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax
Fund 4046

Contact Information:

Addie L. Jackson

Assistant Director - Real Estate Services

Phone: (832) 395-3164



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

District K

Item Creation Date: 11/28/2022

HPW - 20THV07 Construction Award/ SER Construction
Partners, LLC

Agenda Item#: 32.

Summary:

This item has been Pulled and Rescheduled

ORDINANCE appropriating \$8,761,812.20 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax and \$3,600,000.00 out of Contribution for Capital Projects Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LLC** for Hillcroft Avenue and Court Road Extension - **DISTRICT K - CASTEX-TATUM**

Background:

SUBJECT: Contract Award for Hillcroft Avenue and Court Road Extension.

RECOMMENDATION: Award a Construction Contract to SER Construction Partners, LLC for Hillcroft Avenue and Court Road Extension and appropriate funds.

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

DESCRIPTION/SCOPE: This project consists of the construction of a major thoroughfare to include street pavement, curbs, sidewalks, storm sewers and ditches, bridges, street lighting, and a detention pond. The Contract duration for this project is 600 calendar days. This project was designed by Vogler & Spencer Engineering.

LOCATION: The project area is generally bound by Fondren Road on the north, McHard Road on the south, Blue Ridge Road on the east, and Quailynn Drive on the west.

BIDS: This project was advertised for bidding on September 2, 2022. Bids were received on September 22, 2022. The five (5) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. SER Construction Partners, LLC	\$10,897,102.00
2. Main Lane Industries, LTD	\$11,091,004.00
3. R Construction Civil, LLC	\$11,565,854.50
4. Millis Equipment	\$13,619,359.20
5. Total Contracting Limited	\$14,169,384.79

AWARD: It is recommended that this construction contract be awarded to SER Construction Partners, LLC with a low bid of \$10,897,102.00.

PROJECT COST: The total cost of this project is \$12,361,812.20 to be appropriated as follows:

· Bid Amount	\$10,897,102.00
· Contingencies	\$ 544,855.10
· Testing Services	\$ 375,000.00
· CIP Cost Recovery	\$ 544,855.10

Testing Services will be provided by Tolunay-Wong Engineers, 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 SER Construction Partners, LLC 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 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 13.00% MBE goal and 7.00% WBE goal for this project.

	<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	PRV Services, Inc.	Paving	\$ 916,446.28	8.41%
2.	Montalvo Bridge Systems, LLC	Rebar Tying	\$ 357,424.95	3.28%
3.	Reliable Signal & Lighting Solutions, LLC	Electrical	\$ 142,752.04	1.31%
	TOTAL		\$ 1,416,623.27	13.00%

	<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	H&E Aggregate, L.L.C.	Aggregates	\$ 132,944.64	1.22%
2.	Pipe Wholesalers of Texas, Inc.	Pipe	\$ 193,968.42	1.78%
	TOTAL		\$ 326,913.06	3.00%

	<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	Technical Assurance, L.L.C.	Bonding	\$ 79,548.84	.73%
2.	Traffic Signs & Lines, LLC	Pavement markings, Traffic signs	\$ 203,775.81	1.87%
3.	Semarck Landscape Services, Inc.	Landscaping	\$ 152,559.43	1.40%

TOTAL \$ 435,884.08 4.00%

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. N-000821-0002-4

Amount and Source of Funding:

Total: \$12,361,812.20

\$8,865,375.85 – Fund No. 4046 – Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax

\$3,496,436.35 – Fund No. 4510 – Contribution for Capital Projects

Contact Information:

Tanu Hiremath, P.E., CFM, ENV SP
Assistant Director, Capital Projects
Phone: (832) 395-2291

ATTACHMENTS:

Description

Signed Coversheet
Maps

Type

Signed Cover sheet
Backup Material



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District K

Item Creation Date: 11/28/2022

HPW - 20THV07 Construction Award/ SER Construction Partners, LLC

Agenda Item#:

Background:

SUBJECT: Contract Award for Hillcroft Avenue and Court Road Extension.

RECOMMENDATION: Award a Construction Contract to SER Construction Partners, LLC for Hillcroft Avenue and Court Road Extension and appropriate funds.

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

DESCRIPTION/SCOPE: This project consists of the construction of a major thoroughfare to include street pavement, curbs, sidewalks, storm sewers and ditches, bridges, street lighting, and a detention pond. The Contract duration for this project is 600 calendar days. This project was designed by Vogler & Spencer Engineering.

LOCATION: The project area is generally bound by Fondren Road on the north, McHard Road on the south, Blue Ridge Road on the east, and Quailynn Drive on the west.

BIDS: This project was advertised for bidding on September 2, 2022. Bids were received on September 22, 2022. The five (5) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
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3. R Construction Civil, LLC	\$11,565,854.50
4. Millis Equipment	\$13,619,359.20
5. Total Contracting Limited	\$14,169,384.79

AWARD: It is recommended that this construction contract be awarded to SER Construction Partners, LLC with a low bid of \$10,897,102.00.

PROJECT COST: The total cost of this project is \$12,361,812.20 to be appropriated as follows:

· Bid Amount	\$10,897,102.00
· Contingencies	\$ 544,855.10
· Testing Services	\$ 375,000.00
· CIP Cost Recovery	\$ 544,855.10

Testing Services will be provided by Tolunay-Wong Engineers, 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 SER Construction Partners, LLC 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 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 13.00% MBE goal and 7.00% WBE goal for this project.


	<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	PRV Services, Inc.	Paving	\$ 916,446.28	8.41%
2.	Montalvo Bridge Systems, LLC	Rebar Tying	\$ 357,424.95	3.28%
3.	Reliable Signal & Lighting Solutions, LLC	Electrical	\$ 142,752.04	1.31%
TOTAL			\$ 1,416,623.27	13.00%

	<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	H&E Aggregate, L.L.C.	Aggregates	\$ 132,944.64	1.22%
2.	Pipe Wholesalers of Texas, Inc.	Pipe	\$ 193,968.42	1.78%
TOTAL			\$ 326,913.06	3.00%

	<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	Technical Assurance, L.L.C.	Bonding	\$ 79,548.84	.73%
2.	Traffic Signs & Lines, LLC	Pavement markings, Traffic signs	\$ 203,775.81	1.87%
3.	Semarck Landscape Services, Inc.	Landscaping	\$ 152,559.43	1.40%
TOTAL			\$ 435,884.08	4.00%

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:
 2/22/2023
 A93C410B72B3453
 Carol Ellinger Haddock, P.E., Director
 Houston Public Works

WBS No. N-000821-0002-4

Amount and Source of Funding:

Total: \$12,361,812.20

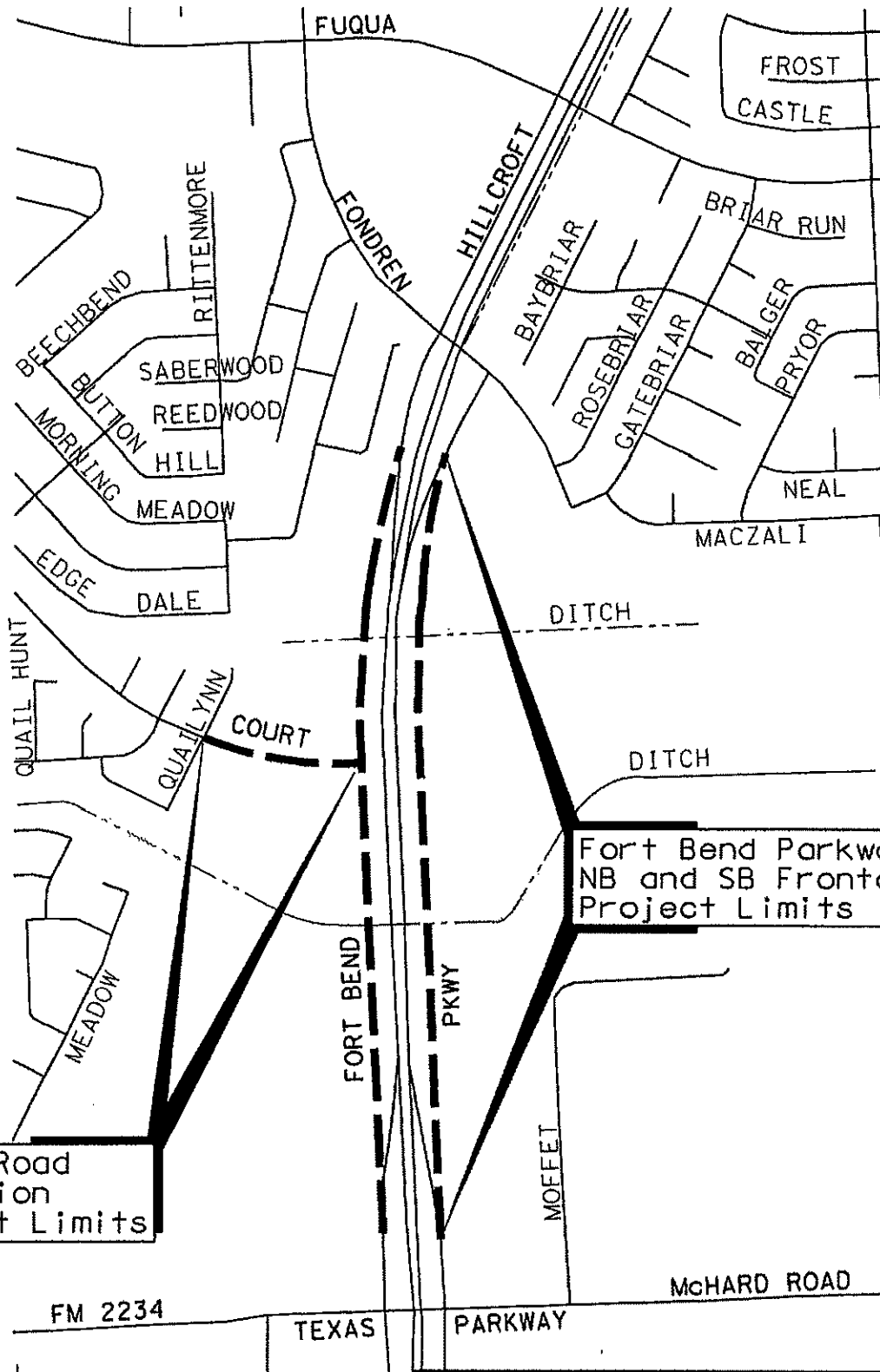
\$8,865,375.85 – Fund No. 4046 – Dedicated Drainage and Street Renewal Capital Fund – Ad Valorem Tax
 \$3,496,436.35 – Fund No. 4510 – Contribution for Capital Projects

Contact Information:

Tanu Hiremath, P.E., CFM, ENV SP
 Assistant Director, Capital Projects
 Phone: (832) 395-2291

ATTACHMENTS:

Description	Type
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
Bid Extension Letter	Backup Material
Bid Tabulations	Backup Material
Form 1295	Backup Material



1" = 1000'

Court Road
Extension
Project Limits

Fort Bend Parkway
NB and SB Frontage Roads
Project Limits

Council District K

WBS No. N-000821-0002-4

KEY MAP
570 Z & 610 C & D

City of Houston / Ft. Bend County


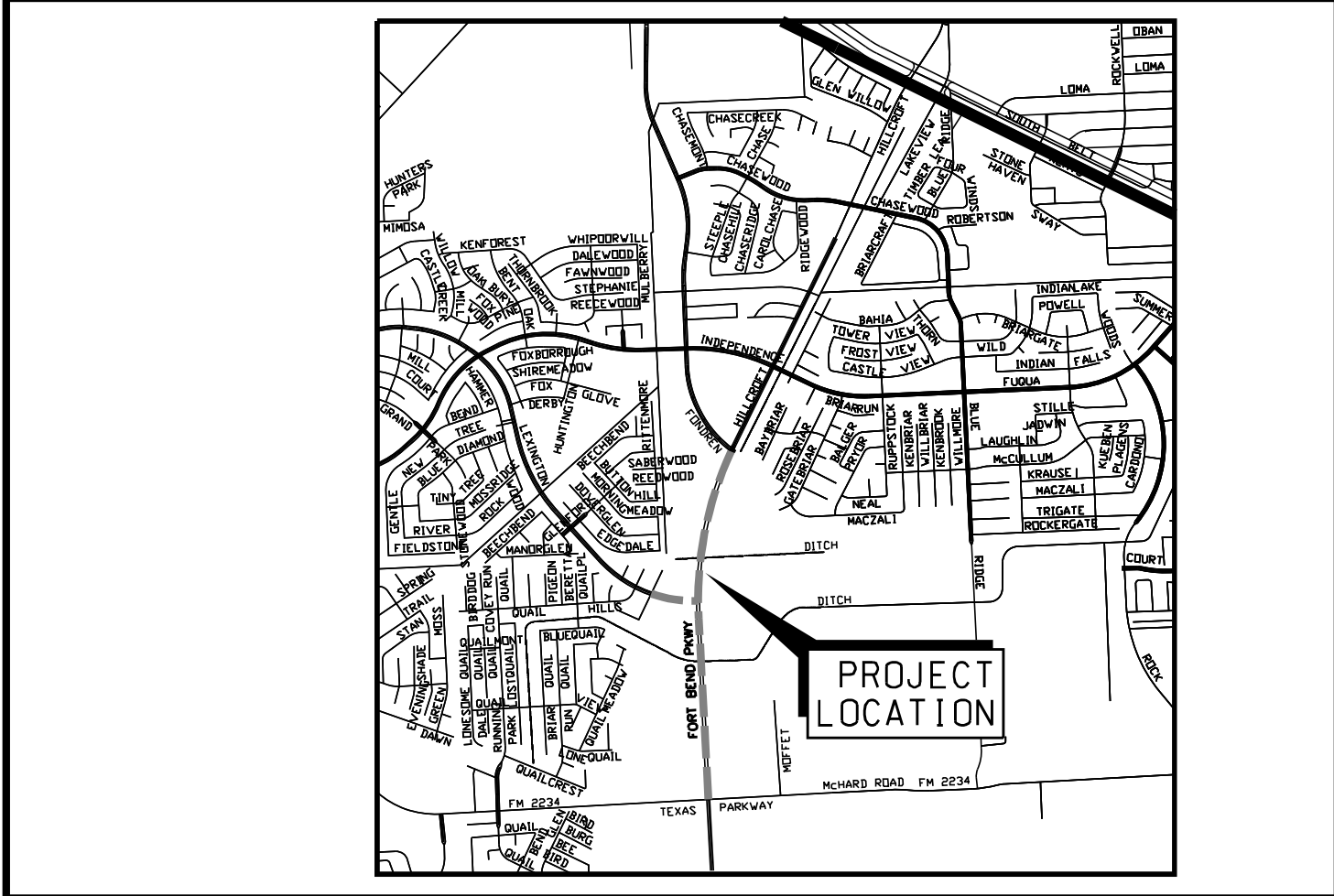
**Hillcroft Avenue and Court Road
Extension**

*VanDeWiele
& Vogler
Incorporated*



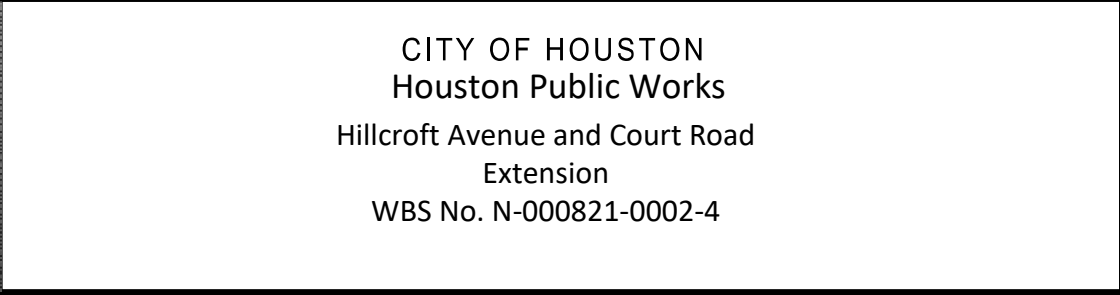
2925 Briarpark, Suite 275
Houston, Texas 77042-3778
713/782-0042


HILLCROFT AVENUE AND COURT ROAD EXTENSION - WBS NO. N-000821-0002-3



N.T.S.

KEY MAP # 570-Z; 610-C & D
COUNCIL DISTRICT: K



VICINITY MAP	
SCALE: NTS	DATE: 10/26/2022
<div> <div> <i>VanDeWiele & Vogler Incorporated</i> </div> <div>  </div> </div> <div> 2525 Blairpark, Suite 275 Houston, Texas 77042-3779 713/762-0042 www.vandewieleeng.com </div>	



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

Item Creation Date: 2/28/2023

LGL - SignAd, Ltd. Rule 12 appeal

Agenda Item#: 33.

Summary:

REVIEW on the record and make determination relative to the appeal from the decision of the Sign Administration on denial of an off-premise sign located at 950 ½ Threadneedle Street, filed by Christopher W. Rothfelder on behalf of SignAd, Ltd.

Contact Information:

Lizet Islas
(832)393-6446

ATTACHMENTS:

Description	Type
Interoffice Memo to City Secretary	Backup Material
Appeal of Notice for Sign Violation Received by SignAd	Backup Material
Transcript and Exhibits	Backup Material




CITY OF HOUSTON

Legal Department

Interoffice

Correspondence

To: Pat J. Daniel
City Secretary

From: Tracy B. Calabrese 
Chief, General
Counsel Section

Date: February 27, 2023

Subject: SignAd, Ltd., Notice of Rule
12 Appeal from decision of
General Appeals Board

You forwarded correspondence from Mr. Christopher W. Rothfelder, on behalf of SignAd, Ltd., giving notice of appeal pursuant to Section 4604(e) of the Sign Code from a decision of the General Appeals Board ("GAB"). You ask the Legal Department to determine whether the appeal is timely.

The appeal at issue originates with a decision/interpretation of the Sign Administrator and pertains to a sign located at 950 ½ Threadneedle Street. Because the Sign Code is part of the Building Code, administrative reviews of decisions of the Sign Administrator are reviewed by the GAB. The GAB conducted an evidentiary hearing and based on the evidence received and the arguments presented, determined whether or not the Sign Administrator's decision/interpretation should be upheld. Although the appellant, SignAd, Ltd., had the opportunity to present argument at the December 15 hearing, neither the appellant nor its legal representative attended the hearing.

Section 4604(e) of the Sign Code requires that notice of appeal be given in writing to the City Secretary within ten days of the decision of the GAB. The decision of the GAB was rendered on December 15, 2022, and the notice of appeal was received by your office on December 20, 2022. Therefore, the appeal is timely and may be considered by City Council.

The process for appeal to City Council is pursuant to Rule 12 of the Council Rules of Procedure, Section 2-2 of the Code of Ordinances, "Appeals to City Council." A party desiring to appeal GAB's decision must submit the transcript of the hearing, along with relevant and appropriate exhibits, attachments, etc., considered by the GAB within 60 days of the GAB's decision. That information is the "record" for purposes of review by City Council. Mr. Rothfelder timely submitted the transcript on February 10, 2023.

The decision of the GAB "...shall be reviewed by the city council, **without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken.**" The process is reiterated in the last paragraph of the Rule which provides in part, "...**the city council shall consider the appeal solely on the basis of (1) The written record of the hearing conducted below, and (2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.**"

This appeal is commonly referred to as an appeal “on the record.” Arguments and other information not found in the record should not be considered by City Council in the appeal process, nor should any additional information be solicited. Personal contact, phone calls, etc., to discuss the matter, either with City representatives, officials, or the appellant is inappropriate as any such information is outside of the written record.

When the appeal is presented for action at a Council meeting, the Council must then vote on the appeal. Typical action by Council would be a motion to (1) uphold the action of the GAB; (2) overturn the action of the GAB; or (3) refer the matter back to the GAB for further proceedings to complete the record.

Attachments: Attachment 1- Rule 12 Appeals to City Council
Copy of “Appeal of Notice for Sign Violation Received by SignAd, Ltd.”
Copy of “Transcript and Exhibits” for the December 15 GAB Hearing

Attachment 1

City of Houston Code of Ordinances - Sec. 2-2. Council rules of procedure.

The following rules of procedure shall govern all meetings and proceedings of the city council:

Rule 12. Appeals to City Council.

Every appeal that is authorized by federal law, state law, the City Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council. The term "record" shall include, but is not limited to, a transcript of oral testimony, exhibits offered and considered, written or oral responses, answers or questions, and all documents reviewed or considered by a hearing examiner or officer, commission or agency, board, or department director or his designee at an evidentiary hearing.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

- (1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;
- (2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and
- (3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.
- (4) Except as otherwise provided by the City Code, the party appealing to city council shall submit the complete court reporter-certified record to the city secretary as required by this Code within 60 days of the decision of the officer, agency, board, or commission whose decision or action is the basis of the appeal. Failure to submit the requested 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.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

- (1) The written record of the hearing conducted below; and
- (2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.

In the event the city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings to complete the record. All decisions of the council on the record, other than a referral for further proceedings, as described above, shall be final and not subject to further appeal or rehearing.

ROTHFELDER  FALICK L.L.P.

CHRISTOPHER W. ROTHFELDER
crothfelder@rothfelderfalick.com

ATTORNEYS AT LAW
1201 LOUISIANA
SUITE 550
HOUSTON, TEXAS 77002

TELEPHONE: 713-220-2288
FACSIMILE: 713-658-8211
WWW.ROTHFELDERFALICK.COM

December 20, 2022

Pat J. Daniel, City Secretary
City Secretary Department
900 Bagby St., Rm. P101
Houston, Texas 77002

*Via CM, RRR, #7021 2720 0002 9813 8013
and Email: citysecretary@houstontx.gov*

RE: Appeal of Notice for Sign Violation Received by SignAd, Ltd.; Our File No. 1011-295.

Dear Ms. Daniel:

The law firm of Rothfelder & Falick, L.L.P. represents SignAd, Ltd. ("SignAd"). On June 24, 2022, City Inspector, David Conde, issued a Notice for Sign Violation (the "Notice") for a sign owned by SignAd and located at 950 ½ Threadneedle Street. On July 7, 2022, SignAd timely appealed the Notice to the Houston General Appeals Board pursuant to Section 4604(e)(1) of the Houston Sign Code. On December 15, 2022, the General Appeals Board voted to deny SignAd's appeal and uphold the decision of the City's Inspector. A copy of the written confirmation of the Board's decision is enclosed. Please consider this letter as SignAd's written notice of appeal of the decision of the General Appeals Board to the City Council pursuant to Section 4604(e)(1) of the Houston Sign Code.

SignAd is in the process of securing the written transcript of the hearing before the General Appeals Board. SignAd is also preparing its written exceptions, if any, of the facts and administrative rulings and decisions made by the General Appeals Board. SignAd will file the written transcript and exceptions, if any, with your office as soon as they are prepared, in accordance with Section 4604(e)(2) of the Houston Sign Code and Rule 12 of the Houston City Council Rules of Procedure.

Please contact me if you have any comments or questions. Thank you for your cooperation and assistance in this matter.

Very truly yours,

/s/ Christopher W. Rothfelder
Christopher W. Rothfelder

CWR:mr
Enclosure

Pat J. Daniel, City Secretary
December 20, 2022
Page 2

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

*Via CM, RRR, 7021 2720 0002 9813 8006
and Email: Sandra.meza@houstontx.gov
SignAdministration@houstontx.gov*

Lori Yount
Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002

Via Email: Lori.Yount@houstontx.gov



December 19, 2022

Mr. Christopher W. Rothfelder
Rothfelder Falick L.L.P.
1201 Louisiana Street, Suite 550
Houston, Texas 77002

Via Certified Mail # 9590 9402 6142 0209 1046 72
and Email: crothfelder@rothfelderfalick.com

Re: Request for appeal regarding the decision of Sign Administration and the Interpretation of the Houston Sign Code for Sign Violation at 950 1/2 Threadneedle Street

Dear Mr. Rothfelder:

On December 15, 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 950 1/2 Threadneedle, Houston, Texas.

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 requested 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 ¹⁹ day of December, 2022

DocuSigned by:

Lance McKnight

Lance McKnight, Co-Chairman
General Appeals Board
of the City of Houston

cc: Building Official

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CITY OF HOUSTON GENERAL APPEALS BOARD HEARING

December 15, 2022

5:00 p.m.

(Reported Remotely)

REPORTER NOTE: Please note that I was not physically present for said proceedings in making the stenographic record; therefore, due to the poor quality of the zoom videoconference, i.e., audio distortions, Internet connections freezing, extraneous room noises, et cetera, unintelligibles or inaudibles may have created inaccuracies in the reporter's stenographic record.

City of Houston General Appeals Board Hearing
December 15, 2022

2 to 5

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1 (Whereupon, the following excerpt requested as
2 follows:)

3 MR. MCKNIGHT: So the postponement is made. All
4 right, number two, and I have a feeling we're going to feel a
5 little déjà vu because once again, Christopher Rothfelder was
6 SignAd LTD, I guess his other company, is appealing a signed
7 decision at 950 Threadneedle Street.

8 MS. YOUNT: You're in for a surprise. The city
9 is going forward with it. SignAd and its attorney has told us
10 that they planned not to attend. So I don't think that any of
11 them are online. So -- and Sandra, the court reporter is
12 present, right?

13 MS. MEZA: Yes, Nancy.

14 MS. YOUNT: Can the court reporter and board
15 members hear me that are on Teams?

16 MS. DAVIDSON: Yes.

17 MR. BROWN: Yes.

18 THE COURT REPORTER: Yes.

19 MS. YOUNT: Okay. I am going to hand you the
20 board members present and set council exhibits that we're going
21 to go through.

22 MR. MCKNIGHT: I believe we received these
23 exhibits by e-mail a day or two ago.

24 MS. YOUNT: Yes. Yes. You should have received
25 them by e-mail, and I will be sharing them on my screen. I

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1 first just wanted to give you a little bit of an introduction
2 on what we're doing here.

3 So as I told you, we were told on Monday that
4 Mr. Rothfelder and his client representatives did not plan to
5 attend. And I will show you that correspondence in a few
6 minutes, but the city and sign administration is ready to move
7 forward in defending, and there's two appeals here. One is the
8 denial of the section 4617 permit for 950 1/2 Threadneedle,
9 two, a subsequent notice of removal after the sign has remained
10 up two and a half years after the permit expired in July of
11 2020.

12 Pursuant to the general appeals boards and
13 procedural rule 11, the petitioner SignAd carries the burden of
14 proof. Since SignAd representatives purposely decided not to
15 show up at this meeting, we think that is enough load to uphold
16 these decisions by the side administration. However, because
17 we know that your decision may be subject to appeal the City
18 Council, we wanted to put some evidence into the record.

19 First, I'm going to show you that SignAd has
20 intentionally delayed and decided not to be present today and
21 has had plenty of opportunity to present their case before the
22 board and has decided not to do so. And then, you will hear
23 from David Condé with the Sign Administration about their
24 decision-making in the Threadneedle sign issue.

25 Okay. So I want to make a clear record today of

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1 the opportunities that SignAd has had to present its case
2 before this board and their continued delay and eventually not
3 showing up today. So there is no more -- no need to reset or
4 remand us back anymore.

5 Let's see. I'm going to share my screen so
6 people --

7 MR. MCKNIGHT: Mr. Sims, I think we lost you on
8 camera. There you are.

9 MR. SIMS: Yeah. I'm driving, and I'm
10 listening, but I need two hands to drive.

11 MR. MCKNIGHT: That's all right. Just don't run
12 into anything.

13 MS. YOUNT: All right. Here I'm showing on the
14 screen and entering into evidence Exhibit 1. It shows
15 correspondence that SignAd first appealed for denial of the
16 section 4617 on January 17, 2022. At that time, SignAd
17 declined at the meeting for the February 2022 meeting, which
18 would have been the usual procedure under the sign code.

19 Exhibit 2 that I'm showing and entering into
20 evidence is correspondence showing that in July 2022, SignAd
21 appealed the notice of removal -- subsequent notice of removal
22 for an unpermitted sign at 950 1/2 Threadneedle, and they
23 agreed to have the hearing in September.

24 However, I'm showing you Exhibit 3, which I
25 would also like to enter into evidence. On August 31, 2022,

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1 despite agreeing to the September date, SignAd's attorneys
2 contacted us, saying the whole firm would be out of town for
3 conferences and high school reunions, so they couldn't do it in
4 September.

5 Exhibit 4, I'm entering into evidence, shows
6 that the counsel for SignAd, shortly after, you know, delaying
7 the September hearing, said, oh, maybe October 27th. He said
8 he could attend, but it ended up his client said they could not
9 attend.

10 Exhibit 5 is correspondence that I'd like to
11 enter into evidence showing that after pushing of these
12 hearings since January 2022, the city gave SignAd a choice of
13 having a hearing at the board's November or December meeting.
14 SignAd agreed to having the hearing today, December 15th.

15 Exhibit 6 I am demonstrating and admitting into
16 evidence is the correspondence from -- I received on Monday
17 from Chris Rothfelder, SignAd's counsel, telling me that the
18 SignAd representatives and they told me over the phone that
19 they did not plan to attend the hearing today and they did not
20 ask for any sort of reset or further hearing.

21 So I just wanted to get that into the record
22 that they are not -- they're purposely not showing up today,
23 and did not ask for any sort of reset, and have had plenty of
24 chances to come here and make their case before you. Now we
25 will go to the actual substance.

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6 to 9

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1 MR. MCKNIGHT: Okay. So the city has entered
2 into evidence exhibits one, two, three, four, five, and six.
3 MS. YOUNT: Okay. Great. Do I need to make a
4 motion? I propose a motion to the board to accept into
5 evidence Exhibits 1, 2, 3, 4, 5, 6. That the board received
6 yesterday, that I demonstrated to you on Teams, and as I
7 submitted to the in-person board members.
8 MR. MCKNIGHT: We accept the Exhibits 1, 2, 3,
9 4, 5, and 6 entered into evidence.
10 (Exhibits 1-6 entered into evidence.)
11 MS. YOUNT: Okay. Thank you. Now you will hear
12 from Mr. Condé about the substance of the sign, the denial of
13 the permit, and also the notice of removal. So Mr. Condé is
14 sitting here to my right. Could you please introduce yourself?
15 MR. CONDE: Yes, good afternoon, everyone. My
16 name is David Condé.
17 MS. YOUNT: Okay. And what is your title with
18 the Sign Administration?
19 MR. CONDE: The Senior Inspector.
20 MS. YOUNT: Okay. And how long have you been a
21 senior inspector?
22 MR. CONDE: For six years.
23 MS. YOUNT: Okay. Could you briefly describe
24 your job duties?
25 MR. CONDE: Yes. I enforce sign codes.

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1 MS. YOUNT: Is there a particular type of sign
2 or part of the sign code you concentrate on?
3 MR. CONDE: Specifically, it would be for the
4 off-premise signs.
5 MS. YOUNT: And could you just remind the board
6 members what off-premise signs are?
7 MR. CONDE: Yes. Off-premise signs are signs
8 that advertises a business not located on the premise where
9 it's installed and maintained at and also can -- may direct
10 persons to any location not on that same premise where that
11 sign is located at.
12 MS. YOUNT: And these, especially the ones that
13 come before the board, these are typically billboards you see
14 off the highway, right?
15 MR. CONDE: Yeah, these are all billboards.
16 MS. YOUNT: Okay. And then, do your job duties
17 include the review and relocation of permit applications
18 pursuant to Section 4617 of the Sign Code?
19 MR. CONDE: Yes, it is.
20 MS. YOUNT: Okay. I'm showing the board what
21 I've marked as Exhibit 7. It is just Section 4617 of the Sign
22 Code for your reference.
23 MS. YOUNT: And Mr. Condé, could you describe
24 briefly what Section 4617 is and its purpose?
25 MR. CONDE: Section 4617 is what we call a

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1 special permit, which allows the temporary relocation of a
2 billboard due by government immanent domain or condemnation to
3 another location.
4 MS. YOUNT: Okay. And how long does a permit
5 under Section 4617 last?
6 MR. CONDE: Ten years.
7 MS. YOUNT: Okay. Now is a special permit under
8 this section renewable?
9 MR. CONDE: No it isn't.
10 MS. YOUNT: Okay. And is that described in
11 Section 4617(a)(10)?
12 MR. CONDE: Yes, it is.
13 MS. YOUNT: Okay. And then, under the same
14 subsection 4617(a)(10), the applicant for this special permit
15 agrees that in accepting a ten-year special permit in lieu of
16 its immediate monetarily compensated removal to accommodate the
17 transportation system, correct?
18 MR. CONDE: That's correct.
19 MS. YOUNT: And it also requires the sign and
20 our landowner to enter into an agreement regarding -- regarding
21 the special permit, correct?
22 MR. CONDE: That's correct.
23 MS. YOUNT: Okay. And did SignAd, who is the
24 sign owner at issue here, enter into one of these required
25 agreements for the sign at 950 1/2 Threadneedle?

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1 MR. CONDE: Yes, they did.
2 MS. YOUNT: Okay. I'm going to show the board
3 Exhibit 8.
4 MR. MCKNIGHT: Does the city have a motion on
5 Exhibit 7?
6 MS. YOUNT: Sure. I could do it by exhibit.
7 Want me to do that? Well, I move to enter Exhibit 7 into
8 evidence.
9 MR. MCKNIGHT: All right. The board will accept
10 Exhibit 7 into evidence.
11 (Exhibit Number 7 entered into evidence.)
12 MS. YOUNT: I can explain Exhibit 8. Mr. Condé,
13 could you tell us what this document means?
14 MR. CONDE: Okay. So this document here is the
15 actual agreement. And this came from the sign company and that
16 landowner agreeing to the special temporary relocation.
17 MS. YOUNT: Okay. And then they especially
18 agree that they will remove the sign after ten years?
19 MR. CONDE: Yes.
20 MS. YOUNT: Okay. Is this agreement on file
21 with the Harris County clerk?
22 MR. CONDE: Yes, it's recorded with them.
23 MS. YOUNT: It's a recorded document with them.
24 When was the agreement signed?
25 MR. CONDE: The agreement was signed July 13,

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10 to 13

<p style="text-align: right;">Page 10</p> <p>1 2010.</p> <p>2 MS. YOUNT: Okay. And that was near, or on the</p> <p>3 date, the section 4317 permit was issued, correct?</p> <p>4 MR. CONDE: Correct.</p> <p>5 MS. YOUNT: Okay. And that would make the</p> <p>6 expiration date of the 4617 permit and the agreed removal date</p> <p>7 in that agreement in June 2020, correct?</p> <p>8 MR. CONDE: Correct. Ten years later.</p> <p>9 MS. YOUNT: Okay. But till this day, almost two</p> <p>10 and half years later, the sign is still there, correct?</p> <p>11 MR. CONDE: It's still up and advertising</p> <p>12 without a permit.</p> <p>13 MS. YOUNT: Thank you. So did SignAd try to</p> <p>14 apply for another 4617 permit for the Threadneedle sign even</p> <p>15 after the expiration date in July 2020?</p> <p>16 MR. CONDE: Yes, they did.</p> <p>17 MS. YOUNT: Okay. And did they -- SignAd apply</p> <p>18 for the 4617 permit for the Threadneedle in August of 2021?</p> <p>19 MR. CONDE: Yes, they did.</p> <p>20 MS. YOUNT: Did you review that application?</p> <p>21 MR. CONDE: Yes, I did.</p> <p>22 MS. YOUNT: Did the Threadneedle sign qualify</p> <p>23 for a 4617 permit in the 2021 application?</p> <p>24 MR. CONDE: No, it did not.</p> <p>25 MS. YOUNT: Okay. And why not?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. CONDE: I used two methods. One was through</p> <p>2 Google, and one -- the other was physically going out to the</p> <p>3 site and measuring it myself.</p> <p>4 MS. YOUNT: Okay. I have it displayed on Teams</p> <p>5 Exhibit 9, and you have that -- it's in the packet in front of</p> <p>6 you, correct?</p> <p>7 MR. CONDE: Correct.</p> <p>8 MS. YOUNT: What is Exhibit 9?</p> <p>9 MR. CONDE: So this is a satellite view of the</p> <p>10 two locations of the billboards.</p> <p>11 MS. YOUNT: Where did you obtain this?</p> <p>12 MR. CONDE: From Google.</p> <p>13 MS. YOUNT: Google Maps?</p> <p>14 MR. CONDE: Google Maps. I'm sorry.</p> <p>15 MS. YOUNT: Okay. And there's a white line at</p> <p>16 the top of the -- and I'm moving my cursor around it. There's</p> <p>17 a white line at the top of Exhibit 9. What does that line</p> <p>18 show?</p> <p>19 MR. CONDE: That shows the measured distance</p> <p>20 according to Google Maps.</p> <p>21 MS. YOUNT: Okay. One at the left end of the</p> <p>22 white line there's a dot that says zero. What does --</p> <p>23 underneath there. What does that represent?</p> <p>24 MR. CONDE: That represents the Threadneedle</p> <p>25 sign from SignAd.</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. CONDE: It didn't meet the sign code</p> <p>2 requirements, and the requirement was spacing -- this was</p> <p>3 spacing to another billboard.</p> <p>4 MS. YOUNT: I'm going to go back to Exhibit 7</p> <p>5 just so we can go to that specific requirement in</p> <p>6 Section 4617(8)(b). You're at that section, Mr. Condé?</p> <p>7 MR. CONDE: Yes, I am.</p> <p>8 MS. YOUNT: Okay. What part of 4617(8)(b) did</p> <p>9 the Threadneedle sign not meet?</p> <p>10 MR. CONDE: It states here that the billboard</p> <p>11 must not be located closer than 1500 feet to another</p> <p>12 off-premise sign on the same side of the highway.</p> <p>13 MS. YOUNT: And where is the approximate</p> <p>14 location of the nearest off-premise sign to the Threadneedle</p> <p>15 sign?</p> <p>16 MR. CONDE: West of this billboard.</p> <p>17 MS. YOUNT: Okay. And at the moment, I will</p> <p>18 move to admit Exhibit 8, which is the agreement SignAd signed</p> <p>19 into evidence.</p> <p>20 MR. MCKNIGHT: The board accepts Exhibit 8 into</p> <p>21 evidence.</p> <p>22 (Exhibit Number 8 entered into evidence.)</p> <p>23 MS. YOUNT: Okay. And how did you measure the</p> <p>24 distance between the Threadneedle sign and the one to the west</p> <p>25 of it?</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. YOUNT: Okay. And then to the right of the</p> <p>2 -- on the right end of that line, there's another dot. What</p> <p>3 does that represent?</p> <p>4 MR. CONDE: That's the other billboard for John</p> <p>5 Graham that's running closest to it.</p> <p>6 MS. YOUNT: And that's an off-premise billboard?</p> <p>7 MR. CONDE: That's correct.</p> <p>8 MS. YOUNT: Okay. And it says below that dot to</p> <p>9 the right 1,700 -- 1,075.42 feet, correct?</p> <p>10 MR. CONDE: It's 1,076.42 feet. Yes, that's</p> <p>11 correct.</p> <p>12 MS. YOUNT: Okay. I'm sorry. So I guess I did</p> <p>13 not have that big a number. Okay. So what does that number</p> <p>14 represent?</p> <p>15 MR. CONDE: That's the actual distance between</p> <p>16 those two billboard structures.</p> <p>17 MS. YOUNT: As measured by Google Maps?</p> <p>18 MR. CONDE: By Google -- yes.</p> <p>19 MS. YOUNT: And you went out to the site of the</p> <p>20 Threadneedle site yourself, right?</p> <p>21 MR. CONDE: That's correct.</p> <p>22 MS. YOUNT: You did that when you were</p> <p>23 considering the 2021 permit application?</p> <p>24 MR. CONDE: That's correct.</p> <p>25 MS. YOUNT: And you did that recently as well,</p>

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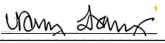
14 to 17

<p style="text-align: right;">Page 14</p> <p>1 correct?</p> <p>2 MR. CONDE: That's correct.</p> <p>3 MS. YOUNT: Okay. So you went out there also at</p> <p>4 the beginning of this month?</p> <p>5 MR. CONDE: Yes.</p> <p>6 MS. YOUNT: Okay. I will show you what I have</p> <p>7 marked as Exhibit 10.</p> <p>8 MR. MCKNIGHT: Would you like to --</p> <p>9 MS. YOUNT: I will put all the photos in at</p> <p>10 once.</p> <p>11 MR. MCKNIGHT: Oh, okay.</p> <p>12 MS. YOUNT: So with -- Mr. Condé, the picture</p> <p>13 marked as Exhibit 10, what is this?</p> <p>14 MR. CONDE: This is the actual structure from</p> <p>15 SignAd. The billboard structure from SignAd.</p> <p>16 MS. YOUNT: On Threadneedle?</p> <p>17 MR. CONDE: On Threadneedle.</p> <p>18 MS. YOUNT: And you took this on December 1,</p> <p>19 2022?</p> <p>20 MR. CONDE: That's correct.</p> <p>21 MS. YOUNT: Okay. I'll show Exhibit 11. What</p> <p>22 does this photo represent, Mr. Condé?</p> <p>23 MR. CONDE: Eleven is the actual marking, and me</p> <p>24 identifying that billboard structure at 950 1/2 Threadneedle.</p> <p>25 MS. YOUNT: Exhibit 12 is a photo that also took</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. MCKNIGHT: And the board will accept</p> <p>2 Exhibits 9, 10, 11, 12, and 13 into evidence.</p> <p>3 (Exhibits 9-13 entered into evidence.)</p> <p>4 MS. YOUNT: So you denied SignAd's application</p> <p>5 under Section 4617, that they submitted in 2021, correct?</p> <p>6 MR. CONDE: That's correct.</p> <p>7 MS. YOUNT: Okay. I'll show Exhibit 14. And if</p> <p>8 you would, look at the second page of Exhibit 14. Is this your</p> <p>9 denial of the 4617 permit?</p> <p>10 MR. CONDE: Yes, it is.</p> <p>11 MS. YOUNT: And you denied that on January 4,</p> <p>12 2022?</p> <p>13 MR. CONDE: That's correct.</p> <p>14 MS. YOUNT: Okay. And did SignAd then appeal</p> <p>15 your decision?</p> <p>16 MR. CONDE: Yes, they did.</p> <p>17 MS. YOUNT: Okay. And that is demonstrated on</p> <p>18 the first page of Exhibit 14, correct?</p> <p>19 MR. CONDE: Correct.</p> <p>20 MS. YOUNT: They appealed January 17, 2022?</p> <p>21 MR. CONDE: Yes.</p> <p>22 MS. YOUNT: Okay. And did SignAd request</p> <p>23 information pursuant to Texas Public Information Act regarding</p> <p>24 the (inaudible)?</p> <p>25 MR. CONDE: Yes, they did.</p>
<p style="text-align: right;">Page 15</p> <p>1 December 1st, 2022. What does that photo depict?</p> <p>2 MR. CONDE: That's a photo of the closest</p> <p>3 billboard that was using the Google Maps aerial.</p> <p>4 MS. YOUNT: And I'm displaying now the photo</p> <p>5 marked Exhibit 13. What does that depict?</p> <p>6 MR. CONDE: This is a measurement from when I</p> <p>7 physically went out there from when I used my measuring wheel.</p> <p>8 MS. YOUNT: Okay. And what does this photo show</p> <p>9 us regarding the distance you measured with your measuring</p> <p>10 wheel?</p> <p>11 MR. CONDE: The distance is shown at 1,085 feet.</p> <p>12 MS. YOUNT: Okay. And that -- that's a little,</p> <p>13 you know, it's just a few feet off from the Google Maps?</p> <p>14 MR. CONDE: That's correct.</p> <p>15 MS. YOUNT: And how in your physical measuring</p> <p>16 might you explain the difference?</p> <p>17 MR. CONDE: The difference is because when I'm</p> <p>18 measuring there at the site, there's curves and medians that I</p> <p>19 have to jump over and go around.</p> <p>20 MS. YOUNT: Okay. But both measurements, either</p> <p>21 Google Maps or your physical measurements, were under 1500 feet</p> <p>22 between the two off-premise sites?</p> <p>23 MR. CONDE: Definitely.</p> <p>24 MS. YOUNT: Okay. So I want to move to admit</p> <p>25 Exhibits 9 through 13 into evidence.</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. YOUNT: Was that information provided to</p> <p>2 them?</p> <p>3 MR. CONDE: Yes, it was.</p> <p>4 MS. YOUNT: I am going to admit Exhibit 14 into</p> <p>5 evidence.</p> <p>6 MR. MCKNIGHT: The board will accept Exhibit 14</p> <p>7 into evidence.</p> <p>8 (Exhibit Number 14 entered into evidence.)</p> <p>9 MS. YOUNT: Okay. So after -- after you denied</p> <p>10 the permit under Section 4617, did SignAd remove the sign?</p> <p>11 MR. CONDE: No.</p> <p>12 MS. YOUNT: Okay. So you subsequently, after</p> <p>13 denying the permit, issued a notice of removal, correct?</p> <p>14 MR. CONDE: That's correct.</p> <p>15 MS. YOUNT: Okay. I'm displaying Exhibit 15,</p> <p>16 and if you go to page 3 of Exhibit 15, it says notice of sign</p> <p>17 in violation; is that correct?</p> <p>18 MR. CONDE: That's correct.</p> <p>19 MS. YOUNT: And is this the notice of removal</p> <p>20 that you gave SignAd?</p> <p>21 MR. CONDE: Yes, it is.</p> <p>22 MS. YOUNT: Okay. And when did you give them</p> <p>23 that notice of removal?</p> <p>24 MR. CONDE: June 24, 2022.</p> <p>25 MS. YOUNT: Okay. And did they appeal that</p>

City of Houston General Appeals Board Hearing
December 15, 2022

18 to 21

<p style="text-align: right;">Page 18</p> <p>1 notice of removal?</p> <p>2 MR. CONDE: Yes, they did.</p> <p>3 MS. YOUNT: And they appealed as shown in the</p> <p>4 first page of Exhibit 15 on July 7, 2022?</p> <p>5 MR. CONDE: Yes.</p> <p>6 MS. YOUNT: Okay. But -- so I move to admit</p> <p>7 Exhibit 15 into evidence.</p> <p>8 MR. MCKNIGHT: The board accepts Exhibit 15 into</p> <p>9 evidence.</p> <p>10 (Exhibit Number 15 entered into evidence.)</p> <p>11 MS. YOUNT: Thank you. And the board -- I'm</p> <p>12 sorry. And the Threadneedle sign, as we discussed, is still up</p> <p>13 as a current advertisement even though it's been unpermitted</p> <p>14 for almost two and a half years?</p> <p>15 MR. CONDE: That is correct.</p> <p>16 MS. YOUNT: Thank you, Mr. Condé. And just</p> <p>17 briefly in closing, I wanted to remind the board that, of</p> <p>18 course, SignAd, by not showing up and presenting evidence, has</p> <p>19 not met its burden under the procedural rules, but you know, we</p> <p>20 have all -- they city has also presented evidence as to why</p> <p>21 this board should both uphold Sign Administration's denial of</p> <p>22 the Section 4617 permit, and the notice of violation. Any</p> <p>23 questions of me or Mr. Condé?</p> <p>24 MR. MCKNIGHT: I'm sure we do have some. So can</p> <p>25 we get rid of that, so you get the big pictures of our board</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. MCKNIGHT: I'm just -- it's neither here nor</p> <p>2 there.</p> <p>3 MS. YOUNT: And they not only have to abide by</p> <p>4 the code, but they themselves entered into this agreement to</p> <p>5 accept the ten year --</p> <p>6 MR. MCKNIGHT: Right, I'm not questioning any of</p> <p>7 that. I'm just trying to -- I find the ordinance fascinating,</p> <p>8 and I'm just -- because part of me wants to say, you know, I am</p> <p>9 the city, and part of me kind of agrees, so I'm just torn about</p> <p>10 it both ways.</p> <p>11 MS. YOUNT: Yeah.</p> <p>12 MR. MCKNIGHT: It's just for my own</p> <p>13 notification. It really is not material to this. This is</p> <p>14 pretty black and white, in my opinion, but we got any</p> <p>15 discussion among the board about this? Does anybody -- anybody</p> <p>16 have anything we want to try to feel about it?</p> <p>17 MR. BROWN: Nothing on me.</p> <p>18 MS. DAVIDSON: No.</p> <p>19 MR. MCKNIGHT: My opinion is just, you know,</p> <p>20 this is black and white. The other guys didn't show up to</p> <p>21 offer a counterargument, and I can't visualize that. I can</p> <p>22 understand why they didn't show up because there's not much</p> <p>23 they can argue about.</p> <p>24 So the burden is on the appellant to show that</p> <p>25 the appeal is incorrect. So do we have -- so is there any</p>
<p style="text-align: right;">Page 19</p> <p>1 members back up? So do y'all have any questions?</p> <p>2 MR. BROWN: I'm good on my end.</p> <p>3 MS. DAVIDSON: No.</p> <p>4 MR. MCKNIGHT: So I've got a question. I have a</p> <p>5 couple of questions actually. So is there anything procedural</p> <p>6 in this that says that the defendants or whatever they're</p> <p>7 called have to be here?</p> <p>8 MS. YOUNT: No. It's the one that requested</p> <p>9 this hearing is the one requested to be here.</p> <p>10 MR. MCKNIGHT: Okay. That makes sense. The</p> <p>11 next question I have, and this is just for my own</p> <p>12 clarification, and I have no doubt what you're saying with this</p> <p>13 particular permit that applies, so if I'm understanding right,</p> <p>14 this sign was sitting under an old permit, the road was</p> <p>15 probably widened and therefore it was taken over by eminent</p> <p>16 domain, and then they had to apply for the special permit that</p> <p>17 gave them ten years of use of that sign? Had the road not been</p> <p>18 widened, or whatever else caused them immanent domain, there is</p> <p>19 not an end to the original permit, right? It just goes on</p> <p>20 forever?</p> <p>21 MS. YOUNT: Right.</p> <p>22 MR. MCKNIGHT: Okay. So this is -- this is an</p> <p>23 ordinance of a city road in order to weed out signs that city</p> <p>24 makes?</p> <p>25 MS. YOUNT: Well, yeah --</p>	<p style="text-align: right;">Page 21</p> <p>1 motions on what we want to do this?</p> <p>2 MR. BROWN: I motion to agree with the city and</p> <p>3 deny the appeal.</p> <p>4 MS. DAVIDSON: I second that.</p> <p>5 MR. MCKNIGHT: All right. David moves to deny</p> <p>6 the appeal, and Leslie seconds. We've got to vote. All in</p> <p>7 favor of denying the appeal? I.</p> <p>8 MS. DAVIDSON: I.</p> <p>9 MR. BROWN: I.</p> <p>10 MR. SIMS: I.</p> <p>11 MR. MCKNIGHT: All right. Can we say your name</p> <p>12 and what your vote is? This is something -- this is something</p> <p>13 we want to get right. So let's start with Leslie? What is</p> <p>14 your vote?</p> <p>15 MS. DAVIDSON: To agree with the city and deny</p> <p>16 the appeal.</p> <p>17 MR. MCKNIGHT: Mr. Sims, what is your vote?</p> <p>18 MR. SIMS: To deny the appeal.</p> <p>19 MR. MCKNIGHT: Can you show your face in the</p> <p>20 camera so we can see you denying?</p> <p>21 MS. YOUNT: Well, it's on. It's just dark.</p> <p>22 MR. MCKNIGHT: All right. No problem. David,</p> <p>23 what's your vote?</p> <p>24 MR. BROWN: To deny the appeal.</p> <p>25 MR. MCKNIGHT: Raymond, what's your vote?</p>

<p>1 MR. RAYMOND: Deny the appeal.</p> <p>2 MR. MCKNIGHT: And my vote is to deny the</p> <p>3 appeal, Lance McKnight. All right. Unanimous decision, we</p> <p>4 deny this appeal.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 22</p>
<p>1 REPORTER CERTIFICATE.</p> <p>2 I, NANCY TAMEZ, Certified Shorthand Reporter,</p> <p>3 before whom the foregoing proceedings were taken, do hereby</p> <p>4 certify that the foregoing transcript is a true and correct</p> <p>5 record of the proceedings given; that said proceedings were</p> <p>6 taken by me stenographically and produced by computer-aided</p> <p>7 transcription.</p> <p>8 I further certify that I am neither counsel</p> <p>9 for, related to any party, nor an employee of counsel, nor in</p> <p>10 any way interested in the outcome of this action.</p> <p>11 As witness my hand and seal this 4th day of</p> <p>12 January, 2023.</p> <p>13</p> <p>14</p> <p>15 </p> <p>16 Nancy Tamez, CSR</p> <p>17 Texas CSR No. 12265</p> <p>18 Expiration Date: 06/30/2024</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 23</p>

From: Meza, Sandra - HPC-HPW
Subject: FW: Appeal of Rejection Letter by SignAd, Ltd.
To: Yount, Lori - LGL
Sent: July 7, 2022 4:45 PM (UTC-04:00)

From: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Sent: Thursday, February 3, 2022 8:21 AM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Cc: 'Chris Rothfelder' <crothfelder@rothfelderfalick.com>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

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

I haven't heard back from the client, so for now, no thank you. I'll let you know when I hear from the SignAD and they want to schedule the GAB hearing.



Richard L. Rothfelder
Board Certified – Civil Trial Law
Texas Board of Legal Specialization
1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
rrothfelder@rothfelderfalick.com | www.rothfelderfalick.com

From: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Sent: Thursday, February 3, 2022 7:27 AM
To: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

Good morning,

Have you decided if you will want your request to be added to February's GAB agenda?

From: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Sent: Tuesday, February 1, 2022 8:21 AM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

[Message Came from Outside the City of Houston Mail System]
Thanks. Let me check with the client and get back to you.



Richard L. Rothfelder
Board Certified – Civil Trial Law

Exhibit 1

Texas Board of Legal Specialization

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
rrothfelder@rothfelderfalick.com | www.rothfelderfalick.com

From: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Sent: Tuesday, February 1, 2022 8:05 AM
To: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

February 24th.

From: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Sent: Tuesday, February 1, 2022 8:03 AM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

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

When is the GAB hearing?

**Richard L. Rothfelder**

Board Certified – Civil Trial Law

Texas Board of Legal Specialization

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
rrothfelder@rothfelderfalick.com | www.rothfelderfalick.com

From: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Sent: Tuesday, February 1, 2022 8:01 AM
To: Mary Roch <maryaroch@yahoo.com>
Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: RE: Appeal of Rejection Letter by SignAd, Ltd.

Good morning,

Just want to confirm that you want to be added to February's GAB agenda?

Thank you,

Sandra Meza

Administrative Coordinator

Houston Permitting Center | Houston Public Works

832.394.9085 Office | 346.240.6014 Mobile



From: Mary Roch <maryaroch@yahoo.com>
Sent: Monday, January 17, 2022 3:19 PM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>; HPC - Sign Administration
<signadministration@houstontx.gov>
Cc: Houston, Charles - LGL <Charles.Houston@houstontx.gov>; Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: Appeal of Rejection Letter by SignAd, Ltd.

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

Ms. Meza:

Per Mr. Richard Rothfelder's request, please see the attached letter regarding Appeal of Rejection Letter Received by SignAd, Ltd. on 950 1/2 Threadneedle, on behalf of SignAd, Ltd.

Should you have any questions, please do not hesitate to contact me.

Mary Roch
Legal Assistant
1201 Louisiana, Suite 550
Houston, Texas 77002
713-220-2288
713-658-8211 (Fax)
mroch@rothfelderfalick.com

From: Richard Rothfelder
Subject: RE: Off Premises Signs
To: Amis, Brian - LGL
Cc: Yount, Lori - LGL; 'Chris Rothfelder'
Sent: July 15, 2022 2:33 PM (UTC-04:00)

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

Yes, that's agreeable. Thank you for corresponding, and we look forward to working with you.



Richard L. Rothfelder

Board Certified – Civil Trial Law

Texas Board of Legal Specialization

1201 Louisiana St., Suite 550, Houston, TX 77002

Phone: (713) 220-2288 | Facsimile: (713) 658-8211

rrothfelder@rothfelderfalick.com | www.rothfelderfalick.com

From: Amis, Brian - LGL <Brian.Amis@houstontx.gov>

Sent: Friday, July 15, 2022 1:10 PM

To: rrothfelder@rothfelderfalick.com

Cc: Yount, Lori - LGL <Lori.Yount@houstontx.gov>

Subject: Off Premises Signs

Mr. Rothfelder,

My colleague Lori Yount and I will likely be representing the City in sign code cases moving forward. We have been reviewing file materials concerning the Threadneedle and Bonner appeals. In the normal course, a hearing in front of the GAB would be held at the end of this month. Would your client be agreeable to push that date back to September? Thank you -

Brian Amis

Senior Assistant City Attorney

City of Houston Legal Department

900 Bagby, 4th Floor

Houston, Texas 77002

832.393.6464 - Telephone

832.393.6259 - Facsimile

brian.amis@houstontx.gov

From: Meza, Sandra - HPC-HPW
Subject: FW: General Appeals Board - Sign Appeals
To: Ray, Douglas - LGL; Islas, Lizet - LGL; Yount, Lori - LGL; Chauvin, Suzanne - LGL
Cc: Benitez, Misael - HPC-HPW
Sent: August 31, 2022 12:58 PM (UTC-04:00)

Please see email below.

From: Chris Rothfelder <crothfelder@rothfelderfalick.com>
Sent: Wednesday, August 31, 2022 11:47 AM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Cc: Mary Roch <maryaroch@yahoo.com>; Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: Re: General Appeals Board - Sign Appeals

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

Ms. Meza,

Thank you for reaching out, and I'm sorry for the inconvenience, but all of the lawyers in my firm, including myself, will be out of town on September 22. My partner, Mike Falick, and I will be presenting at the fall conference of the Independent Billboard Operators in Charlotte, North Carolina. You may contact Becky Smith (becky@ibousa.org) to confirm. Richard Rothfelder will also be out of town, attending his fifty year high school reunion in Wichita, Kansas.

Please confirm that the hearing will be rescheduled to a date on which we will be available to attend.

Thank you for your assistance.

Chris



Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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On Aug 30, 2022, at 9:27 AM, Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov> wrote:

Good morning:

Attached are copies of your invite letters. You are scheduled to appear before the General Appeals Board Thursday, September 22, 2022 at 5 p.m. It will be a hybrid meeting, both in-person and virtually, I will add you the Teams meeting request, feel free to forward to anyone that needs to attend.

Feel free to contact me if you have any questions.

Thank you,

Sandra Meza

Administrative Coordinator

Houston Permitting Center | Houston Public Works

832.394.9085 Office | 346.240.6014 Mobile

<image001.png>

<Sign Appeal 950 Threadneedle St.pdf><Sign Appeal 1812 Bonner St.pdf>

From: Meza, Sandra - HPC-HPW
Subject: RE: General Appeals Board - Sign Appeals
To: Yount, Lori - LGL; Ray, Douglas - LGL; Islas, Lizet - LGL; Chauvin, Suzanne - LGL
Cc: Benitez, Misael - HPC-HPW; Amis, Brian - LGL
Sent: September 6, 2022 4:23 PM (UTC-04:00)
Attached: Re_ General Appeals Board - Sign Appeals.eml

Hi Lori,

I asked Mr. Rothfelder if October 27th, which is the date of October's GAB meeting, was ok. He is waiting response for SignAd.

From: Yount, Lori - LGL <Lori.Yount@houstontx.gov>
Sent: Tuesday, September 6, 2022 3:21 PM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>; Ray, Douglas - LGL <Douglas.Ray@houstontx.gov>; Islas, Lizet - LGL <Lizet.Islas@houstontx.gov>; Chauvin, Suzanne - LGL <Suzanne.Chaudin@houstontx.gov>
Cc: Benitez, Misael - HPC-HPW <Misael.Benitez@houstontx.gov>; Amis, Brian - LGL <Brian.Amis@houstontx.gov>
Subject: RE: General Appeals Board - Sign Appeals

Sandra,

Do you need Legal (litigation) to respond to Mr. Rothfelder? If so, please let us know.

Also, could you please let us know the date of the October hearing, so we can ensure both Legal and the Rothfelder firm can put it on our calendars?

Thank you,

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002
Lori.Yount@houstontx.gov
832.393.6459 (O)
832.919.1581 (M)
832.393.6259 (F)

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From: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Sent: Wednesday, August 31, 2022 11:58 AM
To: Ray, Douglas - LGL <Douglas.Ray@houstontx.gov>; Islas, Lizet - LGL <Lizet.Islas@houstontx.gov>; Yount, Lori - LGL <Lori.Yount@houstontx.gov>; Chauvin, Suzanne - LGL <Suzanne.Chaudin@houstontx.gov>
Cc: Benitez, Misael - HPC-HPW <Misael.Benitez@houstontx.gov>
Subject: FW: General Appeals Board - Sign Appeals

Please see email below.

From: Chris Rothfelder <crothfelder@rothfelderfalick.com>
Sent: Wednesday, August 31, 2022 11:47 AM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>
Cc: Mary Roch <maryaroch@yahoo.com>; Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: Re: General Appeals Board - Sign Appeals

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

Ms. Meza,

Thank you for reaching out, and I'm sorry for the inconvenience, but all of the lawyers in my firm, including myself, will be out of town on September 22. My partner, Mike Falick, and I will be presenting at the fall conference of the Independent Billboard Operators in Charlotte, North Carolina. You may contact Becky Smith (becky@ibousa.org) to confirm. Richard Rothfelder will also be out of town, attending his fifty year high school reunion in Wichita, Kansas.

Please confirm that the hearing will be rescheduled to a date on which we will be available to attend.

Thank you for your assistance.

Chris



Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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On Aug 30, 2022, at 9:27 AM, Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov> wrote:

Good morning:

Attached are copies of your invite letters. You are scheduled to appear before the General Appeals Board Thursday, September 22, 2022 at 5 p.m. It will be a hybrid meeting, both in-person and virtually, I will add you the Teams meeting request, feel free to forward to anyone that needs to attend.

Feel free to contact me if you have any questions.

Thank you,

Sandra Meza

Administrative Coordinator
Houston Permitting Center | Houston Public Works
832.394.9085 Office | 346.240.6014 Mobile

<image001.png>

<Sign Appeal 950 Threadneedle St.pdf><Sign Appeal 1812 Bonner St.pdf>

From: Yount, Lori - LGL
Subject: RE: SignAd 950 Threadneedle
To: Chris Rothfelder
Cc: Richard Rothfelder; Amis, Brian - LGL
Sent: October 31, 2022 12:05 PM (UTC-04:00)

Chris:

Thank you for your response. I'll let Sandra Meza know to schedule SignAd's appeals for December 15.

I'm available for a call the week of November 14. Monday after 2:30 p.m. or any time Tuesday the 15th work best for me.

Do you know at this point whether Outfront will be available December 15 for a hearing as well?

Thank you,

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002

Lori.Yount@houstontx.gov

832.393.6459 (O)

832.919.1581 (M)

832.393.6259 (F)

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From: Chris Rothfelder <crothfelder@rothfelderfalick.com>
Sent: Monday, October 31, 2022 9:41 AM
To: Yount, Lori - LGL <Lori.Yount@houstontx.gov>
Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>; Amis, Brian - LGL <Brian.Amis@houstontx.gov>
Subject: Re: SignAd 950 Threadneedle

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Thank you, Lori. SignAd would prefer to have the hearing on December 15. I'm going to be out of the office November 2 through 8, but I'd like to introduce myself and touch base over the phone one day late next week or the following week. Do you have time for a call November 10, or the week of November 14?

Thank you

Chris

ROTHFELDER  **FALICK L.L.P.**

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
crothfelder@rothfelderfalic.com | www.rothfelderfalic.com

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On Oct 20, 2022, at 10:56 AM, Yount, Lori - LGL <Lori.Yount@houstontx.gov> wrote:

Chris:

I'm touching base about the appeals related to the 950 Threadneedle sign, including the issues you raised in your appeal letters and to Ms. Meza on October 4, 2022.

Regarding the open records request, the City provided responsive documents on January 20, 2022, as well as supplemented the response on August 2, 2022. I have attached the documents provided for your reference.

As for the email dated February 24, 2022, to Charles Houston, the proposal by SignAd is respectfully declined.

As I understand it, there are appeals of two decisions by the Sign Administration regarding the Threadneedle sign that need to be heard by the General Appeals Board:

1. The January 4, 2022, rejection of SignAd's relocation permit
2. The June 24, 2022, Notice of Sign Violation due to an expired permit

These appeals have been pending for quite some time now with continuances requested by both SignAd and the City. The City would like to get these appeals heard by the General Appeals Board by the end of the calendar year, especially now that the outstanding issues raised by SignAd in its appeals have been addressed by the City. **Please advise whether SignAd would prefer to have the hearing on these appeals November 17, 2022, or December 15, 2022.**

If I do not hear a response from SignAd as to its date preference by November 4, 2022, I will schedule the hearings on either of the above dates at my convenience.

Please direct all communications, including scheduling, regarding these hearings to me and Brian Amis. Please contact me if you have any questions or wish to discuss further.

Thank you,

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002

Lori.Yount@houstontx.gov

832.393.6459 (O)

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From: Chris Rothfelder <crothfelder@rothfelderfalick.com>
Sent: Tuesday, October 4, 2022 12:35 PM
To: Meza, Sandra - HPC-HPW <Sandra.Meza@houston.tx.gov>
Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>
Subject: SignAd 950 Threadneedle

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Ms. Meza,

I'm following up regarding the scheduling of the hearing before the General Appeals Board for SignAd's pending appeal of the notice of sign violation. My client's general counsel, Elaine McClure, is unavailable on October 27, and we'll therefore need to look at alternative dates for the hearing. Please let me know what other dates are available so we can get something scheduled.

Additionally, in my July 7 letter to you, I mentioned several outstanding requests to which the City has yet to respond. Specifically, in December of last year, my partner, Richard Rothfelder, submitted an open records request to the City. SignAd has yet to receive any documents responsive to the request. Additionally, in January of this year, we timely appealed the City's denial of an application for a permit for the sign site located at 950 Threadneedle. Lastly, the City has not responded to the settlement proposal we submitted on SignAd's behalf on February 24, 2022. All of these outstanding requests should be addressed by the City prior to the General Appeals Board hearing. Therefore, please contact the City's counsel to address these pending matters.

Thank you for your assistance and please feel free to call me if you'd like to discuss.

Chris
<image001.png>

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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<Open_Records_Request-Off_Premise.pdf>

From: Chris Rothfelder
Subject: Re: SignAd 950 Threadneedle
To: Yount, Lori - LGL
Cc: Richard Rothfelder; Amis, Brian - LGL
Sent: December 12, 2022 4:46 PM (UTC-05:00)

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Thank you, Lori.



Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002
Phone: (713) 220-2288 | Facsimile: (713) 658-8211
crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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On Dec 12, 2022, at 3:20 PM, Yount, Lori - LGL <Lori.Yount@houstontx.gov> wrote:

Thank you for letting me know.

I'll contact Sandra Meza with you copied to convey this message, as well as the postponement of the Outfront hearing.

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002
Lori.Yount@houstontx.gov

832.393.6459 (O)

832.919.1581 (M)

832.393.6259 (F)

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From: Chris Rothfelder <crothfelder@rothfelderfalick.com>
Sent: Monday, December 12, 2022 1:29 PM
To: Yount, Lori - LGL <Lori.Yount@houstontx.gov>
Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>; Amis, Brian - LGL <Brian.Amis@houstontx.gov>
Subject: Re: SignAd 950 Threadneedle

[This message came from outside the City of Houston email system. Please be careful while clicking links,

opening attachments, or replying to this email.]

Lori,

This is regarding the General Appeals Board hearing regarding SignAd's appeal of the notice of sign violation, which is scheduled for December 15. I wanted to let you and the Board know that SignAd does not plan on attending the hearing. Please give me a call to discuss when you have a few minutes.

Thank you

Chris

<image001.png>

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002

Phone: (713) 220-2288 | Facsimile: (713) 658-8211

crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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On Nov 23, 2022, at 10:29 AM, Chris Rothfelder <crothfelder@rothfelderfalick.com> wrote:

Lori and Brian,

Please see the attached letter that I am sending on behalf of SignAd. Please let me know if you'd like to schedule a call to discuss next week after the holiday.

Thank you and happy Thanksgiving!

Chris

<datauri-file.png>

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002

Phone: (713) 220-2288 | Facsimile: (713) 658-8211

crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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<Letter to L. Yount 11-23-22.pdf>

On Oct 31, 2022, at 11:05 AM, Yount, Lori - LGL <Lori.Yount@houstontx.gov> wrote:

Chris:

Thank you for your response. I'll let Sandra Meza know to schedule SignAd's appeals for December 15.

I'm available for a call the week of November 14. Monday after 2:30 p.m. or

any time Tuesday the 15th work best for me.

Do you know at this point whether Outfront will be available December 15 for a hearing as well?

Thank you,

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, Texas 77002

Lori.Yount@houstontx.gov

832.393.6459 (O)

832.919.1581 (M)

832.393.6259 (F)

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From: Chris Rothfelder <crothfelder@rothfelderfalick.com>

Sent: Monday, October 31, 2022 9:41 AM

To: Yount, Lori - LGL <Lori.Yount@houstontx.gov>

Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>; Amis, Brian - LGL <Brian.Amis@houstontx.gov>

Subject: Re: SignAd 950 Threadneedle

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Thank you, Lori. SignAd would prefer to have the hearing on December 15. I'm going to be out of the office November 2 through 8, but I'd like to introduce myself and touch base over the phone one day late next week or the following week. Do you have time for a call November 10, or the week of November 14?

Thank you

Chris

<image001.png>

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002

Phone: (713) 220-2288 | Facsimile: (713) 658-8211

crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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the intended recipient, please do not read, copy, use, or disclose it. Please reply to this message and notify the sender of the delivery error, then delete it from your system and destroy all copies.

On Oct 20, 2022, at 10:56 AM, Yount, Lori - LGL <Lori.Yount@houstontx.gov> wrote:

Chris:

I'm touching base about the appeals related to the 950 Threadneedle sign, including the issues you raised in your appeal letters and to Ms. Meza on October 4, 2022.

Regarding the open records request, the City provided responsive documents on January 20, 2022, as well as supplemented the response on August 2, 2022. I have attached the documents provided for your reference.

As for the email dated February 24, 2022, to Charles Houston, the proposal by SignAd is respectfully declined.

As I understand it, there are appeals of two decisions by the Sign Administration regarding the Threadneedle sign that need to be heard by the General Appeals Board:

1. The January 4, 2022, rejection of SignAd's relocation permit
2. The June 24, 2022, Notice of Sign Violation due to an expired permit

These appeals have been pending for quite some time now with continuances requested by both SignAd and the City. The City would like to get these appeals heard by the General Appeals Board by the end of the calendar year, especially now that the outstanding issues raised by SignAd in its appeals have been addressed by the City. **Please advise whether SignAd would prefer to have the hearing on these appeals November 17, 2022, or December 15, 2022.**

If I do not hear a response from SignAd as to its date preference by November 4, 2022, I will schedule the hearings on either of the above dates at my convenience.

Please direct all communications, including scheduling, regarding these hearings to me and Brian Amis. Please contact me if you have any questions or wish to discuss further.

Thank you,

Lori Yount

Senior Assistant City Attorney
General Litigation Section
City of Houston Legal Department
900 Bagby, 4th Floor

Houston, Texas 77002

Lori.Yount@houstontx.gov

832.393.6459 (O)

832.919.1581 (M)

832.393.6259 (F)

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From: Chris Rothfelder <crothfelder@rothfelderfalick.com>

Sent: Tuesday, October 4, 2022 12:35 PM

To: Meza, Sandra - HPC-HPW <Sandra.Meza@houstontx.gov>

Cc: Richard Rothfelder <rrothfelder@rothfelderfalick.com>

Subject: SignAd 950 Threadneedle

[This message came from outside the City of Houston email
system. Please be careful while clicking links, opening
attachments, or replying to this email.]

Ms. Meza,

I'm following up regarding the scheduling of the hearing before
the General Appeals Board for SignAd's pending appeal of the
notice of sign violation. My client's general counsel, Elaine
McClure, is unavailable on October 27, and we'll therefore need to
look at alternative dates for the hearing. Please let me know what
other dates are available so we we can get something scheduled.

Additionally, in my July 7 letter to you, I mentioned several
outstanding requests to which the City has yet to respond.
Specifically, in December of last year, my partner, Richard
Rothfelder, submitted an open records request to the City. SignAd
has yet to receive any documents responsive to the request.
Additionally, in January of this year, we timely appealed the City's
denial of an application for a permit for the sign site located at 950
Threadneedle. Lastly, the City has not responded to the settlement
proposal we submitted on SignAd's behalf on February 24, 2022.
All of these outstanding requests should be addressed by the City
prior to the General Appeals Board hearing. Therefore, please
contact the City's counsel to address these pending matters.

Thank you for your assistance and please feel free to call me if
you'd like to discuss.

Chris

<image001.png>

Christopher W. Rothfelder

1201 Louisiana St., Suite 550, Houston, TX 77002

Phone: (713) 220-2288 | Facsimile: (713) 658-8211

crothfelder@rothfelderfalick.com | www.rothfelderfalick.com

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<Open_Records_Request-Off_Premise.pdf>

SECTION 4617--SPECIAL PERMIT

(a) A special permit shall be issued for the alteration or relocation of an existing off-premise sign situated within the Sign Code application area under the following limited circumstances:

- (1) The sign to be altered or relocated must be situated, both before and after its alteration or relocation, along the federal primary system and be subject to control under Subchapter B of Chapter 391 of the Texas Transportation Code.
- (2) The alteration or relocation of the sign must be required for a publicly funded transportation system improvement project being undertaken by the State of Texas or a political subdivision of the State of Texas. The decision to offer the sign owner the option of seeking a special permit to alter or relocate a sign pursuant to this section shall be at the discretion of the undertaking unit of government. In determining whether to make such an offer, the governmental unit shall take into consideration the probable cost of compensating the sign owner, in conjunction with the probable costs of compensating other sign owners affected by the project, as it relates to the economics and timeliness of the completion of the project and its effect on the public interest.
- (3) The sign to be altered or relocated must be a sign that has been lawfully constructed and maintained in accordance with all applicable state and local regulatory and permit requirements, and it must have been constructed and maintained with the permission of the person or persons owning the tract or parcel of land upon which it is situated.
- (4) The sign must be situated after its alteration or relocation according to the following priority:
 - a. First, upon the remainder of the same tract or parcel of land upon which it was situated before its alteration or relocation, if any; or
 - b. Second, if there is no remainder or if the remainder is not of sufficient size or suitable configuration for the alteration or relocation of the sign, then upon the property abutting the highway at the original sign location or upon the property abutting the insufficient remainder, if available; or
 - c. Third, upon another tract or parcel of land owned by the same person or persons as the tract from which it was relocated; or

Section 4617

- d. Fourth, any location as described in Section 4617(a)(1).
- (5) If the alteration or relocation is under Section 4617(a)(4)a or (4)c, then the person or persons who own the tract or parcel of land upon which the sign was situated must enter into a written agreement with the unit of government undertaking the transportation system improvement project waiving and releasing any claim for damages against the unit of government for the temporary or permanent taking of the real property that is based in any manner upon the relocation or alteration of the sign to accommodate the transportation system improvement project. This provision shall not be construed to preclude the payment of compensation to the real property owner for the acquisition of the real property or any other interest therein, but the use of the tract as an off-premise sign site shall not be considered in the determination of the compensation paid therefor.
 - (6) The sign owner must enter into a written agreement with the unit of government undertaking the transportation system improvement waiving and releasing any claim for damages against the unit of government for any temporary or permanent taking of the sign in consideration of the payment by the unit of government of a mutually agreed specified amount of money calculated to cover the cost to the sign owner of the alteration or relocation of the sign.
 - (7) The sign to be relocated or altered must, after its relocation or alteration, be in full compliance with all applicable regulations promulgated by the State of Texas pursuant to Chapter 391 of the Texas Transportation Code and all applicable requirements of this code. To the extent of any difference between the requirements of this code and the state regulations, the more restrictive requirement shall apply, except that the height of a sign after its relocation or alteration shall be governed by the less restrictive requirement.
 - (8) Notwithstanding Section 4617(a)(7), signs to be altered or relocated under this section must meet the following requirements as to location and spacing following their alteration or relocation:
 - a. For a sign that is to be altered or relocated on the remainder of the same tract on which it was previously located, or on the abutting property, under Section 4617(a)(4)a or (4)b, and is to be placed in the same relative position as to line of sight and not to exceed 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, the sign must: (i) be within 800 feet of one or more commercial or industrial activities and must not be located within 500 feet of another off-premise sign on

the same side of the highway, if the highway is on the interstate and freeway primary system, or within 300 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system outside of the city limits, or within 100 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system within the city limits; or (ii) comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.

- b. For a sign that is to be altered or relocated under Section 4617(a)(4)a or (4)b but is not to be placed within 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, or a sign that is to be altered or relocated under Section 4617(a)(4)c or (4)d, the sign must: (i) be within 800 feet of two or more commercial or industrial activities and must not be located closer than 1500 feet to another off-premise sign on the same side of the highway, regardless of whether the highway is classified as an interstate, freeway or nonfreeway primary highway and is within or without the city limits; or (ii) comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.
- (9) The sign may not be altered within or relocated to a scenic or historical right-of-way or district or on any part of the federal primary system where the Texas Transportation Commission has by minute order requested that scenic easements be acquired or to any scenic or historical right-of-way or district created by the State of Texas or any political subdivision of the State of Texas.
- (10) A special permit issued under this section shall be effective for a period of ten years from the date of issuance and shall be nonrenewable. The owner of the sign and the owner or owners of the tract or parcel of land upon which it is altered or upon which it is to be relocated must agree in consideration of the issuance of a special permit under this section for the continued use of the sign in lieu of its immediate monetarily compensated removal to accommodate the transportation system improvement project that they will remove the sign by the expiration of ten years from the date of issuance of the special permit, during which time period they may continue to enjoy the use of the sign as altered or relocated under the special permit.

The agreement shall be accompanied by a right of entry without notice upon the tract or parcel of land upon which the sign is altered or relocated from the owner thereof, providing for the removal of the

Section 4617

sign by the city if not removed by the expiration of the aforesaid ten-year period, which right of entry agreement shall be in a form approved by the City Attorney. The agreement shall additionally be secured by a bond for each sign to cover the city's costs of removal of the sign in the event that the owner fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Such bond shall be in a form approved by the City Attorney and may be provided in one of the following forms:

- a. A surety bond issued by the sign owner as principal and a corporate surety authorized to transact business in Texas in the sum of \$10,000; or
- b. A secured deposit bond in the form of an assignment of an account with a financial institution insured by the Federal Deposit Insurance Corporation to the city. The account shall have a principal deposit of not less than \$5,000. Under the terms of the assignment, the financial institution must agree not to make any payment from or otherwise divert or dispose of the funds in the account, except that it shall agree to disburse all or any portion of the funds in the account only as directed by City Council resolution. In the event that the sign owner fails to remove the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the funds or such portion thereof as may be required to accomplish the work to be utilized for the removal of the sign and shall authorize the balance, if any, to be restored to the sign owner. In the event that the sign owner removes the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the existing balance of the account to be restored to the sign owner; or
- c. A nonrefundable cash bond in the sum of \$2,000. Cash bonds shall be collectively accounted for within the Building Inspection Fund created under Section 4605(i) and the proceeds shall be used to remove the sign in the event that any holder of a special permit secured by a cash bond fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Special permit holders who tender a cash bond and who timely remove their sign shall be entitled to the sign structure for salvage purposes; however they shall not be entitled to the refund of any portion of the cash bond or any interest thereon.

- (11) Notwithstanding Section 4605(e)(5), a sign lawfully erected under a special permit that is blown down or otherwise destroyed by any casualty may be replaced for the remainder of the ten-year period during which the special permit is in effect, provided that it is rebuilt at the same location, height, size and dimensions, and with the same materials and configuration as originally altered or relocated pursuant to the special permit.
- (12) Each application for a special permit shall be referred by the Sign Administrator to the Texas Department of Transportation together with the complete plans and specifications for the alteration or relocation of the sign and any other data that may be required by the said department to determine compliance with its applicable regulations. No special permit shall be granted unless an authorized representative of the Texas Department of Transportation certifies in writing that the proposed alteration or relocation of the sign will comply with all applicable state laws, rules and regulations.
- (13) Each application for a special permit must be signed by the owner of the sign and the owner of the property upon which it is to be altered or relocated, who shall each certify that all applicable provisions of this section have been complied with, and be accompanied by written consent to the alteration or relocation of the sign, signed by the duly authorized representative of the unit of government undertaking the transportation system causing the need for the sign to be altered or relocated.

(b) Fees for special permits shall be as otherwise provided in Section 117 of this Code and the city fee schedule. The operating permit for a sign altered or relocated pursuant to a special permit issued under this section shall transfer to the sign as altered or relocated. During the period that the special permit is in effect, operating permits for signs altered or relocated pursuant to this section shall be extended for three-year periods in accordance with Section 4605(d), provided that, notwithstanding any language to the contrary contained in any operating permit renewal issued for a sign altered or relocated under a special permit, no operating permit renewal shall be construed to authorize the continued existence, operation or maintenance of any such sign for any period in excess of ten years following the date of issuance of the special permit. The provisions of this section shall not be deemed to authorize any practice otherwise prohibited under this chapter, except to the limited extent and under the limited circumstances enumerated in this section. Nothing contained in this section shall be construed to abrogate the right of a sign owner or underlying property owner to refuse to accept the proposal by the governmental unit for the alteration or relocation of a sign under this section and to choose instead to seek monetary compensation.

Handwritten signature



**AGREEMENT FOR REMOVAL OF RELOCATED OFF-PREMISE
SIGN PURSUANT TO CITY OF HOUSTON SIGN CODE**

C73900
NCA

20100321492
07/29/2010 RP3 \$40.00

THIS AGREEMENT is made and entered into by and between the City of Houston, Texas, a municipal corporation under the laws of the State of Texas ("the City") and SignAd Ltd. (hereinafter collectively referred to as "the Sign Owner") and 950 Threadneedle Owner, LLC (hereinafter collectively referred to as "the Landowner").

WITNESSETH:

WHEREAS, the Sign Owner represents that it is the owner of that certain sign ("the sign") more particularly described in Exhibit "A" hereto, which is incorporated and made a part of this Agreement for all purposes; and

WHEREAS, the Sign Owner has made application for the issuance by the City of a special permit pursuant to Section 4617 of the Building Code of the City of Houston, Texas ("the Ordinance") authorizing the relocation or alteration of the sign under the conditions specified in the Ordinance; and

WHEREAS, the Landowner represents that it is the owner of the tract or parcel of land upon which the sign is to be altered or relocated, said tract or parcel of land being known as 950 Threadneedle Texas and being more particularly described in Exhibit "B" hereto, which is incorporated and made a part of this Agreement for all purposes;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth the Sign Owner, the Landowner and the City agrees as follows:

ARTICLE I

Pursuant to the Ordinance and in consideration of the issuance of a special permit by the City under the terms of the Ordinance authorizing the alteration or relocation of the sign, the Sign Owner and the Landowner agree to remove the sign by the expiration of ten (10) years from the date of the issuance of the special permit, during which time they may continue to enjoy the use of the sign as altered or relocated under the special permit.

ARTICLE II

Pursuant to subsection (10) of the Ordinance, this Agreement has been secured by:

☐ 1. A "surety bond" in the form and amount required by subsection (a) of Subsection (10) of the Ordinance;

☐ 2. A "secured deposit bond" in the form and amount required by subsection (b) of the Ordinance; or

☒ 3. A "nonrefundable cash bond" in that form and amount required by subsection (c) of Subsection (10) of the Ordinance.²

¹ In the event that the Sign Owner is a sub-lessee of the property, then the lessee should join with the fee owner of the property in this Agreement as a Land owner

² Check the applicable form of security.

-1-

Signature Sign ADM.
P.O. Box 61167, Hou. Tx. 77208

Exhibit 8



Janice M. Hays

County Clerk Harris County, Texas



ARTICLE III

The Landowner further agrees that the City and its agents, employees and contractors shall have a right of entry without notice upon the tract or parcel of land described in Exhibit "B" for the purposes of removing the sign if the sign is not removed by the expiration of the aforesaid ten (10) year period. In that regard it is agreed that the City and its agents, employees, and contractors may use such force as may be reasonably necessary to remove the sign without liability for any damages reasonably and consequently resulting therefrom to the property or other improvements thereon. It is understood that the City shall not be obligated to remove the sign in the event that the Sign Owner fails to do so in a timely manner and that if the City elects to remove the sign, then it may leave in place the foundation or any other portion of the sign structure that the City determined to be impracticable to remove. In the event that the City causes the sign to be removed, then all materials shall be property of the City upon their removal.

ARTICLE IV

The Landowner represents that it is exclusive owner of the property described in "Exhibit B". The Landowner further represents that the following persons, and no others, have liens upon the property described in Exhibit "B": NONE (the "Lien holder(s)"). The Lien holders have joined in this Agreement to evidence their consent. The Sign Owner represents that there are not presently and that it will not allow the placement of any liens on the sign unless the liens are made expressly subject to all removal rights conferred under this Agreement.

ARTICLE V MISCELLANEOUS PROVISIONS V

(1) This Agreement shall be construed and given effect in accordance with the Constitution and the laws of the State of Texas and the Charter and ordinances of the City of Houston.

(2) This instrument constitutes the entire Agreement between the parties hereto relating to the rights herein granted and the obligations herein assumed.

(3) This Agreement shall constitute a covenant running with the ownership of the sign described in Exhibit "A" hereto and with the real property described in Exhibit "B" hereto, and shall be binding upon the heirs, successors, assigns and transferees of the said sign and real property.

(4) This Agreement shall be effective upon the date of its counter signature by the City Controller.

(5) Each person executing this Agreement below on behalf of any partnership, firm or corporation represents that he or she is duly authorized to execute the same as the act and deed of the said entity.

IN WITNESS WHEREOF, this Agreement has been executed by the City, the Sign Owner, the Landowner and the Lien holders and has then been countersigned by the City Controller in multiple originals.





ATTEST:

By: [Signature]
Corporate Secretary

ATTEST:

By: Terri S. Buford
Corporate Secretary

ATTEST:

By: [Signature]
Corporate Secretary
By: [Signature]
City Secretary

APPROVED:

By: [Signature]
Assistant City Attorney
City of Houston
Legal Department

SignAd, Ltd.
(Name of sign Owner)

By: [Signature]
(Title) President

950 Threadneedle Owner, LLC
(Name of Landowner)

By: [Signature] Ken Jones
(Title) Vice President

(Name of Lienholder)

By: _____
(Title)
By: [Signature]
Mayor Matthew D. Apple

COUNTERSIGNED:

By: [Signature]
City Controller Chad B. Kim

Date: 2/13/10

(ATTACH NOTARY ACKNOWLEDGMENTS FOR ALL EXECUTIONS BY THE SIGN OWNER, LANDOWNER AND LIENHOLDERS)

10 Year Agreement
SA Form 05-09-2008



David M. Harris

County Clerk Harris County, Texas



Attachment to
Agreement for Relocated Off-Premise Sign
Pursuant to the Houston Sign Code

Sign Company Name: SignAd, Lrd.

Proposed Location: 950 Threadneedle

EXHIBIT "A"
Sign Description

Face Size: 14' x 48' - 672 sq. ft.

Height: Fifty-Eight Feet Six inches (58'6")

Number of Faces: (2) Two

Number of Poles: (1) One

Material: Steel

Configuration: Flag

Illumination: Yes - Mercury Vapor

2022-12-12 10:10 AM



Judith M. Hays

County Clerk Harris County, Texas

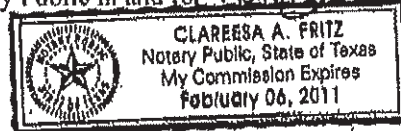


STATE OF TEXAS
COUNTY OF Harris

BEFORE ME, the undersigned authority, on this day personally, appeared Wes Gilbreath, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24 day of November, 2009.

Clareesa Fritz
Notary Public in and for Harris County, Texas



MARYLAND
STATE OF TEXAS
COUNTY OF CHARLES

BEFORE ME, the undersigned authority, on this day personally, appeared Ken Jones, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17th day of July, 2009.

Jean Stone Cafardi
Notary Public in and for CHARLES County, Texas

Jean Stone Cafardi Maryland

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally, appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2009.

Notary Public in and for _____ County, Texas

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally, appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2009.

Notary Public in and for _____ County, Texas





EXHIBIT B

Legal Description

Ashford II

950 Threadneedle, Houston, TX

Legal Description:

ALL THAT CERTAIN 2.7178 ACRES OF LAND OUT OF TRACT "B", BLOCK 2, LONDON LANE APARTMENTS ACCORDING TO THE PLAT THEREOF FILED AT VOLUME 162, PAGE 114, HARRIS COUNTY MAP RECORDS AND BEING ALL THAT CERTAIN CALLED 2.717 ACRES OF LAND DESCRIBED IN A DEED DATED MAY 27, 1983 FROM BONY COMPANY N.V. TO CB INSTITUTIONAL FUND VI FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERK FILE NO. H971359 FILM CODE NO. 048-81-0929 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 1/4 INCH IRON PIPE IN THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 (325 FEET WIDE) AT ITS INTERSECTION WITH THE NORTH END OF A CUT BACK CORNER FOR THE EAST RIGHT-OF-WAY LINE OF THREADNEEDLE STREET;

THENCE SOUTH 89 DEGREES 15 MINUTES 06 SECONDS EAST-350.16 FEET, WITH SAID SOUTH RIGHT-OF-WAY LINE TO A SET 5/8 INCH IRON ROD WITH CAP FOR CORNER;

THENCE SOUTH 00 DEGREES 38 MINUTES 50 SECONDS EAST-345.00 FEET, WITH THE WEST LINE OF A 3.9843 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED JANUARY 31, 1992 FROM SOUTHWESTERN LIFE INSURANCE COMPANY TO WEST HOUSTON HOTEL PARTNERS LTD FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERK FILE NO. N520443 FILM CODE NO. 014-44-0720 TO A SET 5/8 INCH IRON ROD WITH CAP FOR CORNER;

THENCE SOUTH 89 DEGREES 21 MINUTES 10 SECONDS WEST 317.77 FEET, WITH THE NORTH LINE OF A 3.298 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED DECEMBER 9, 1984, FROM ASHFORD VII, LTD. TO TEACHER'S INSURANCE AND ANNUITY ASSOCIATION OF AMERICA FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERK FILE NO. J789459 FILM NO. 100-85-0938 TO A FOUND 1/4 INCH IRON ROD BEING A POINT OF A CURVE HAVING A CENTRAL ANGLE OF 12 DEGREES 36 MINUTES 28 SECONDS, A RADIUS OF 730.00 FEET THE CENTER OF SAID CURVE BEING LOCATED ON A RADIAL LINE BEARING OF SOUTH 88 DEGREES 45 MINUTES 51 SECONDS WEST FROM SAID POINT;

SA13d\DOC\40010-PW\47177-AshfordII Houston TX Sale\Closing Documents\SPECIAL WARRANTY DEED 3.doc

5820-01-020 33



Handwritten signature

County Clerk Harris County, Texas



THENCE IN A NORTHERLY DIRECTION WITH SAID CURVE AND THE EAST RIGHT-OF-WAY LINE OF THREADNEEDLE STREET (60 FEET WIDE AT THIS POINT) FOR AN ARC DISTANCE OF 160.63 FEET TO A FOUND 5/8 INCH IRON ROD MARKING THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 14 DEGREES 03 MINUTES 48 SECONDS, A RADIUS OF 770.00 FEET;

THENCE CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE FOR AN ARC DISTANCE OF 189.00 FEET TO A SET 5/8 INCH IRON ROD WITH CAP FOR ANGLE POINT;

THENCE NORTH 45 DEGREES 22 MINUTES 54 SECONDS EAST-10.00 FEET, WITH THEAFOREMENTIONED CUT BACK CORNER TO THE POINT OF BEGINNING AND CONTAINING 2.7178 ACRES (118,389 SQUARE FEET) OF LAND MORE OR LESS.

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACING IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW, THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JUL 29 2010



Handwritten signature of County Clerk
COUNTY CLERK
HARRIS COUNTY, TEXAS

COUNTY CLERK
HARRIS COUNTY, TEXAS

2010 JUL 29 AM 9:38

FILED

S:\13d\DOC\0010-PW47177-Ashford\1 Houston TX Sale\Closing Documents\SPECIAL WARRANTY DEED

3620-81-620 3M





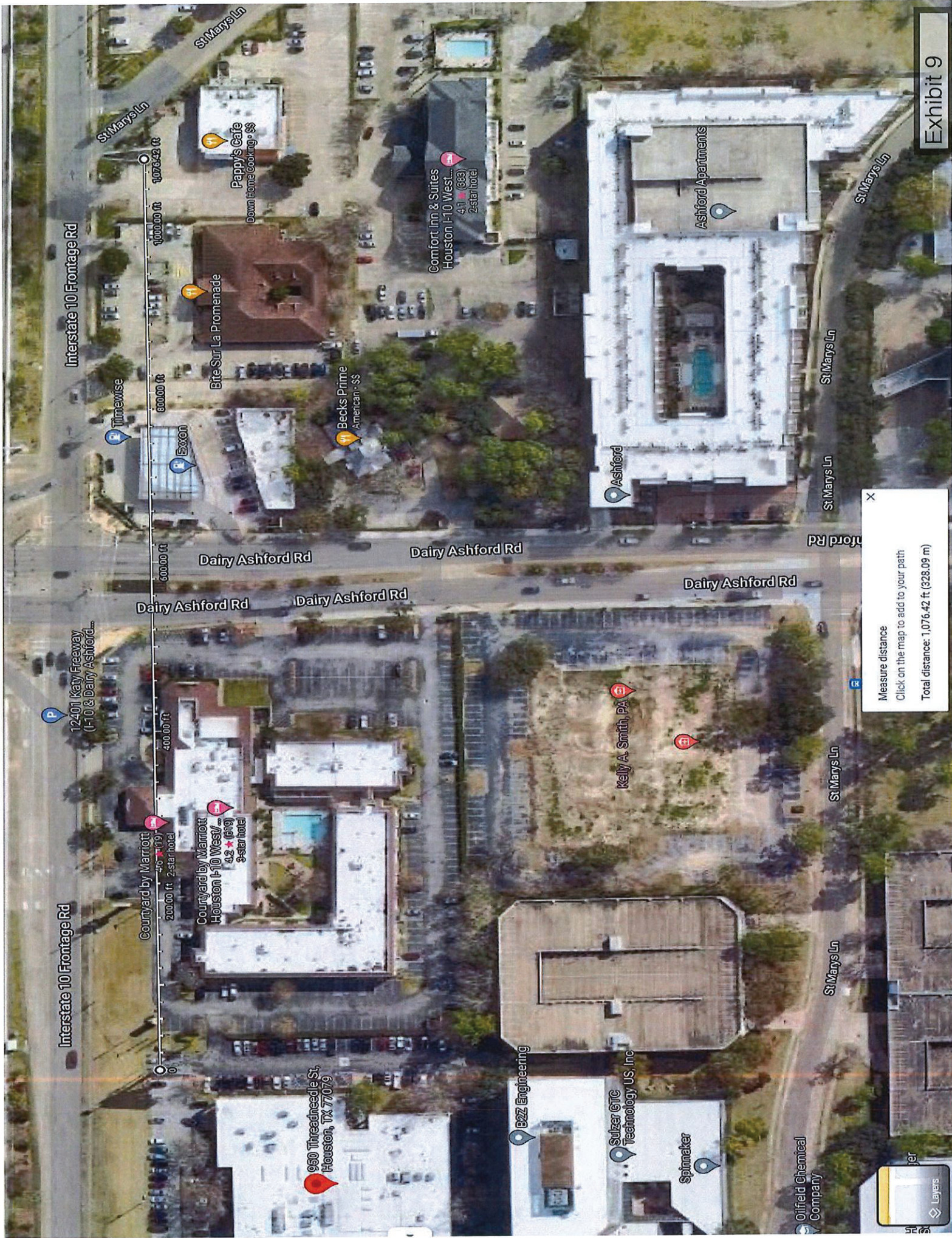
I, Teneshia Hudspeth, County Clerk of Harris County, Texas certify that these pages are a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office
This December 12, 2022

Teneshia Hudspeth, County Clerk
Harris County, Texas

Any provision herein which restrict the sale, rental or use of the described Real Property because of color or race is invalid and unenforceable under the Federal Law. Confidential information may have been redacted from the document in compliance with the Public Information Act.



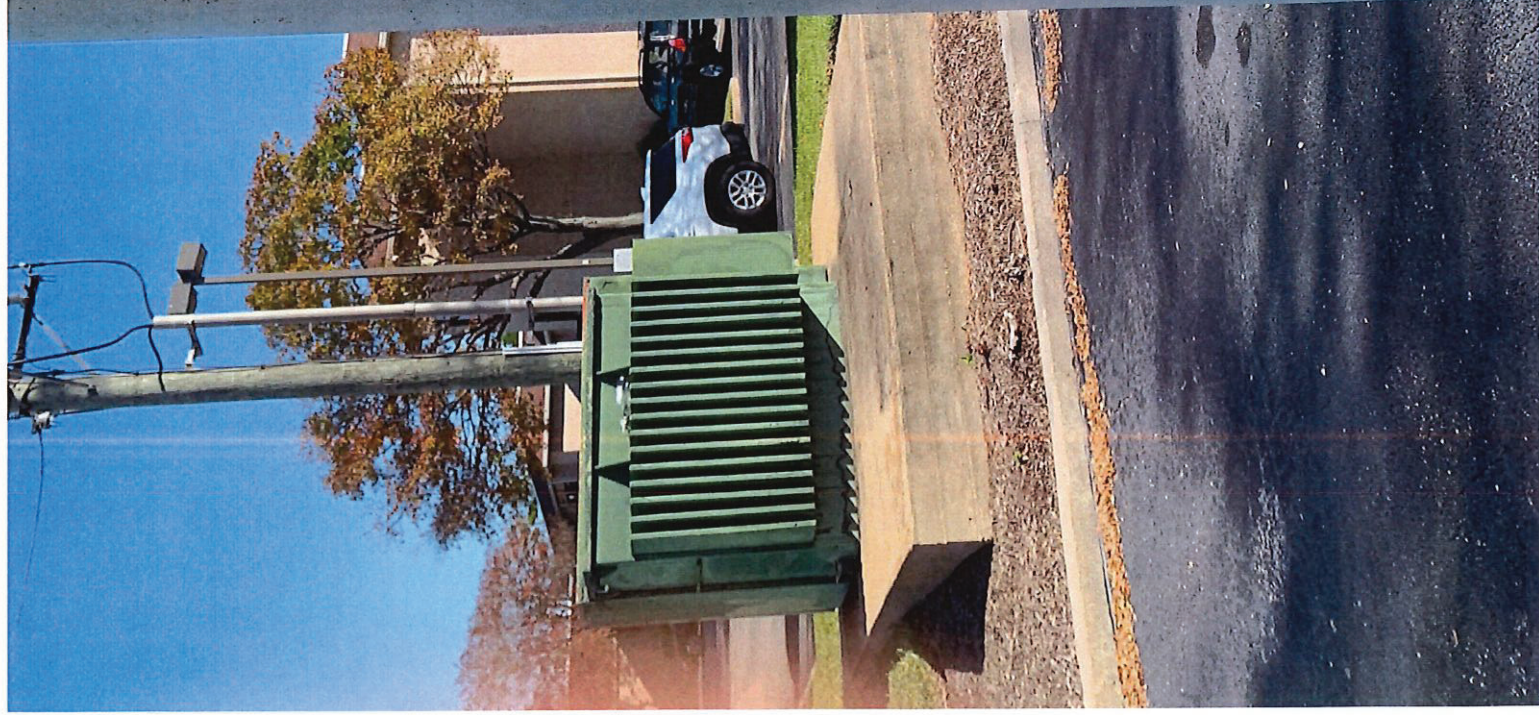


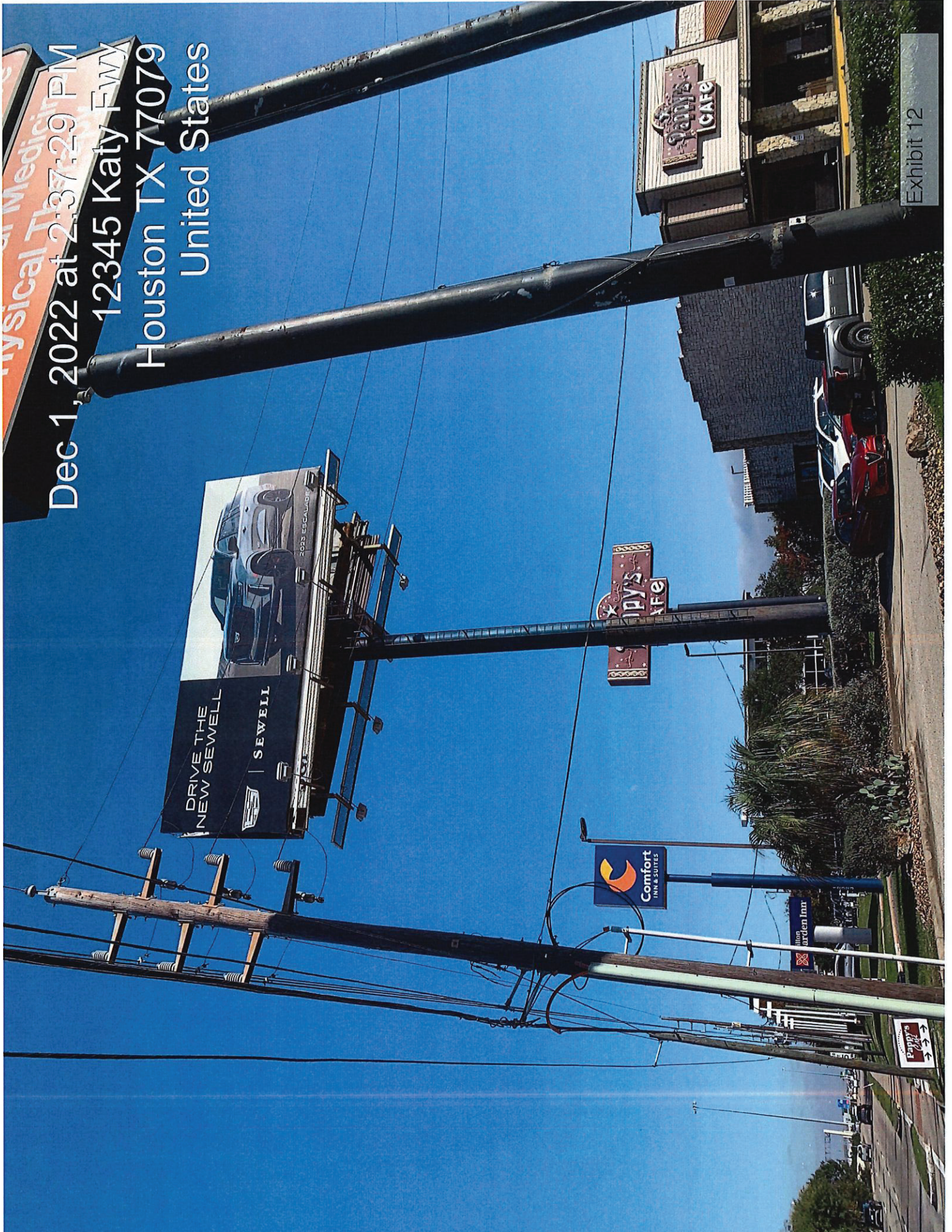
Measure distance
Click on the map to add to your path
Total distance: 1,076.42 ft (328.09 m)

Dec 1, 2022 at 2:32:02 PM
12601 Katy Freeway Frontage Rd
Houston TX 77079
United States



Dec 1, 2022 at 2:32:28 PM
950 Threadneedle St
Houston TX 77079
United States





Dec 1, 2022 at 2:37:29 PM
12345 Katy Fwy
Houston TX 77079
United States

Dec 1, 2022 at 2:38:34 PM
12313 Katy Fwy
Houston TX 77079
United States



ROTHFELDER  FALICK L.L.P.

RICHARD L. ROTHFELDER
rrothfelder@rothfelderfalick.com
BOARD CERTIFIED - CIVIL TRIAL LAW

ATTORNEYS AT LAW
1201 LOUISIANA
SUITE 550
HOUSTON, TEXAS 77002

TELEPHONE: 713-220-2288
FACSIMILE: 713-658-8211
WWW.ROTHFELDERFALICK.COM

January 17, 2022

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

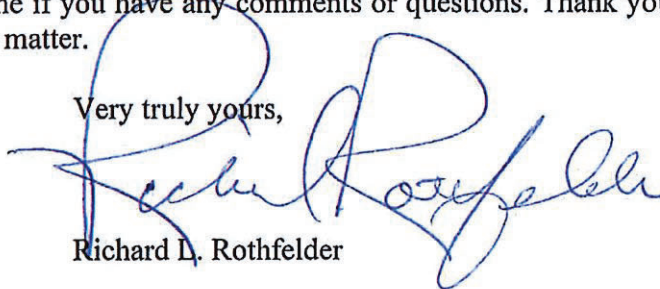
Via CM, RRR, #7019 2280 0002 1186 2287
Email: Sandra.meza@houstontx.gov
SignAdministration@houstontx.gov

**RE: Appeal of Rejection Letter Received by SignAd, Ltd. on 950 ½ Threadneedle;
Our File No. 1011-295.**

Dear Ms. Meza:

The law firm of Rothfelder & Falick, L.L.P. represents SignAd, Ltd. ("SignAd"). As such, the January 4, 2022 Rejection Letter regarding 950 ½ Threadneedle ("Letter") has been referred to us for handling and this response. A copy of the Letter is enclosed. Please consider this SignAd's timely appeal pursuant to Section 4604(e)(1) of the Houston Sign Code. The Letter misconstrues or wrongly interprets Chapter 46, including, but not limited to Section 4617, of the City of Houston Building Code. SignAd maintains that it is entitled to a "special permit" under Section 4617, that it is not required to remove the sign that is the subject of the Letter, and that the City has failed to properly adhere to and apply the provisions of Chapter 46. SignAd will supplement its response to and appeal of the Letter, as necessary, pending the results of its internal investigation. Please contact me if you have any comments or questions. Thank you for your cooperation and assistance in this matter.

Very truly yours,



Richard L. Rothfelder

RLR:mr
Enclosure

cc: Charles Houston

Via Email: Charles.Houston@houstontx.gov



CITY OF HOUSTON

Houston Public Works

Sylvester Turner

Mayor

Mail to:
Sign Administration
P.O. Box 2688
Houston, Texas 77252-2688
T: 832-394-8890
www.houstontx.gov

January 4, 2022

SignAd Outdoor Advertising
1010 North Loop E Fwy
Houston, TX 77009

This is an official Rejection Letter for your packet submission for a 10-year relocation for the billboard structure located at: 950 ½ Threadneedle St.

At this time the City of Houston cannot allow a billboard relocation at this property due to required specifications from the Sign Code not being met. The Sign Code requirement not met is the spacing requirement from another billboard structure as indicated in the Sign Code as follows:

Section 4617 (8)(b):

b. For a sign that is to be altered or relocated under Section 4617(a)(4)a or (4)b but is not to be placed within 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, or a sign that is to be altered or relocated under Section 4617(a)(4)c or (4)d, the sign must: (i) be within 800 feet of two or more commercial or industrial activities and must not be located closer than 1500 feet to another off-premise sign on the same side of the highway, regardless of whether the highway is classified as an interstate, freeway or nonfreeway primary highway and is within or without the city limits; or (ii) comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.

If you have any additional questions, please feel free to contact our office at 832-394-8890

Best Regards,

DAVID CONDE

Senior Inspector | Sign Administration
City of Houston | Houston Permitting Center
T: 832.394.8890 | 832.394.9087

ROTHFELDER FALICK L.L.P.

ATTORNEYS AT LAW

CHRISTOPHER W. ROTHFELDER
crothfelder@rothfelderfalick.com

1201 LOUISIANA
SUITE 550
HOUSTON, TEXAS 77002

TELEPHONE: 713-220-2288
FACSIMILE: 713-658-8211
WWW.ROTHFELDERFALICK.COM

July 7, 2022

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

Via Messenger Delivery
and Email: Sandra.meza@houstontx.gov
SignAdministration@houstontx.gov

RE: Appeal of Notice of Sign Violation Received by SignAd, Ltd.; Our File No. 1011-295.

Dear Ms. Meza:

The law firm of Rothfelder & Falick, L.L.P. represents SignAd, Ltd. ("SignAd"). As such, the June 24, 2022 Notice of Sign Violation (the "Notice") has been referred to us for handling and this response. A copy of the Notice is enclosed with this letter. Please consider this SignAd's timely appeal pursuant to Section 4604(e)(1) of the Houston Sign Code. The Notice misconstrues or wrongly interprets Chapter 46, including, but not limited to Section 4617, of the City of Houston Sign Code. SignAd maintains that it is not required to remove the sign that is the subject of the Notice and that the City has failed to properly adhere to and apply the provisions of Chapter 46. SignAd will supplement its response to and appeal of the Notice, as necessary, pending the results of its internal investigation.

Additionally, late last year and earlier this year, SignAd submitted several requests and proposals to the City, which remain outstanding. First, on December 7, 2021, my partner, Richard Rothfelder, submitted a request for public information to the City, which sought "production of all documents maintained by the City during the last five years concerning requests of off-premise sign operators to extend the permit life of existing off-premise signs through applications under Houston Sign Code Section 4617." Second, on January 17, 2022, SignAd timely appealed the City's denial of SignAd's permit application to maintain the sign at issue in this latest appeal, but that appeal has yet to be scheduled for a hearing before the General Appeals Board. Third, on February 24, 2022, SignAd's counsel submitted a settlement proposal to the City,¹ to which SignAd has not received a response. All of these pending matters should be addressed by the City prior to a hearing before the General Appeals Board so that SignAd may adequately prepare for the hearing, and in order to accommodate an effort to encourage settlement and thereby potentially avoid the time and expense of a hearing and further disputes.

¹ SignAd proposed "to remove a sign near Memorial Park, namely at 5722 Katy Freeway at Washington, in exchange for maintaining the Threadneedle sign for an additional 20 years."

Houston General Appeals Board
Attn: Sandra Meza
July 7, 2022
Page 2

Please contact me if you have any comments or questions. Thank you for your cooperation and assistance in this matter.

Very truly yours,

/s/ Christopher W. Rothfelder
Christopher W. Rothfelder

CWR:mr
Enclosures



City of Houston
Houston Public Works
Houston Permitting Center
Sign Administration
1002 Washington Ave. 4th Floor
Houston, TX 77002

Notice of Sign Violation

YOU ARE HEREBY PLACED ON NOTICE THAT YOU ARE IN VIOLATION OF CHAPTER 46 OF THE CITY OF HOUSTON BUILDING CODE

YOU ARE BEING ISSUED A NOTICE TO OBTAIN COMPLIANCE WITHIN THE SPECIFIED PERIOD OF

() 24 Hours () 72 Hours (x) 10 Days
FOR THE VIOLATION(S) INDICATED BELOW

Business Name Sign-A-Door Business Phone Number 713-861-6013
Address 1010 NORTH LOOP City, State, Zip Houston, TX 77009

1.() PUBLIC RIGHT-OF-WAY:

Your sign(s) is/are located on Public Right-of-Way and must be removed. Sec. 4608(c).

2.() INTERFERING WITH THE VIEW:

() Your sign is obstructing the view of approaching traffic and must be removed. Sec. 4608(k).

() Your sign is located in the 45 feet visibility triangle and is obstructing the view. Sec. 4608(n).

3.() UNSAFE SIGN: Your sign poses an immediate threat to public safety and must be repaired or removed. Sec. 4607(b).

4.() STOP ORDER: You are directed to cease work. Sec. 4604 (c)(3). (Explained below on # 12 Other).

5.() SPECTACULAR SIGN: Your spectacular sign(s) is/are prohibited and is in violation. Sec. 4608(m).

6.() BANNER SIGN: One(1) banner sign is allowed however, may not exceed 40 square feet per premise and may be displayed for 7 consecutive days out of a 30 day period () requires permit registration. () Banner is not secure to the wall. () Exceeds allowable number. () Exceeds the size limit. () Therefore it must be removed. Sec. 4608(p).

7.() OFF-PREMISE: New off-premise advertising in the city limits and the extra-territorial jurisdiction is prohibited and therefore the sign must be removed immediately. Sec. 4612.

8.() PORTABLE SIGN: New permits cannot be issued for portable signs, therefore the sign must be removed. Sec. 4609(n).

9.() DELINQUENT PAYMENT: () Operating permit renewal. () Notice of Unpermitted Sign (Survey). Project Number(s) and payment amount is listed below. Fees must be paid or sign(s) removed.

10.() PERMIT REQUIRED: () Yes. () You may apply for the permit. () A licensed sign contractor must apply for the sign permit.

11.() PERMIT CANNOT BE ISSUED: () Exceeds sign limit. () Exceeds height. () Exceeds 25% of the wall. () Other _____

12.OTHER: Sign Billboard is in violation of the C.O.H. Sign Code

* Must Be Removed. Billboard located @ 950 1/2 THURGOODEN ST. PERMIT HAS EXPIRED SINCE 7/13/2020.

"TYPE OF SIGN":

() Ground	() Wall	() Banner	() Other: _____
() Monument	() Awning	() Portable	() Illum.
() Pole	() Projecting	() Spectacular	() Non-illum.
() Fence	() Bandit	() Attention Getting Device	() Roof
() Flags	() Mobile Off-Premise	() Off-premise	

You are hereby placed on notice that you are in violation of Chapter 46 of the City of Houston Building Code ("the Code") for the reason(s) indicated. Failure to correct the violation(s) within the prescribed time period set forth in this notice could result in further action as provided by Section 4604 of the Code. A citation may be issued which could result in a maximum fine of \$500 for each violation. Each day in which any violation continues shall constitute a separate offense. Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets Chapter 46 of the Code may file an appeal in accordance with Section 4604 of the Code.

Inspector Name D. Conde Inspector # 972 Issue Date 1-24-22 Time _____ Office Phone # 832-394-8890
Received by Signature [Signature] Printed Name Priscilla Pina Title Record Date 1/24/22 Time 2:31

Owner's Name and Address if different than received by _____

Office Use Only:

24 Hour Project # _____ Follow-up Date _____

72 Hour Project # _____ Follow-up Date _____

10- Day Project # 71053682 Follow-up Date 7/8/2022

**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

REQUEST FOR APPEAL OF DECISION OR INTERPRETATION

DATE: July 7, 2022

For Office Use Only

Date Rec'd: _____

TO: CITY OF HOUSTON
GENERAL APPEALS BOARD
1002 WASHINGTON AVENUE
HOUSTON, TEXAS 77002

FROM:

NAME OF APPLICANT: SignAd, Ltd.

PROPERTY ADDRESS: 950 Threadneedle Street, Houston, TX 77079
(City, State, Zip)

MAILING ADDRESS: 1010 North Loop, Houston, TX 77009
(If different from above) (City, State, Zip)

CONTACT NUMBER(S): 713-861-6013

SIGNATURE OF APPLICANT: Elaine McClure

INDIVIDUAL/FIRM REPRESENTING: Christopher W. Rothfelder

BUSINESS ADDRESS: 1201 Louisiana St., Ste. 550

CITY, STATE, ZIP: Houston, TX 77002

CONTACT NUMBER(S): 713-220-2288

REFERENCE:

SECTION Section 4617 PAGE 73-77

LIST OTHER CHAPTERS AND SECTIONS OF BUILDING CODE AFFECTED BY REQUEST:

REQUEST FOR: **Rescission of notice of sign violation.**

DESCRIBE IN DETAIL THE REASON FOR THE REQUEST: **See enclosed letter.**

Use additional pages if needed

Submit Ten (10) copies



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 3/7/2023

ALL

Item Creation Date: 2/7/2023

T32496 - Food and Beverage Concessions - Package One for William P. Hobby Airport (Areas HOU JV, LLC) -ORDINANCE

Agenda Item#: 34.

Summary:

ORDINANCE approving and authorizing Revenue Agreement between City of Houston and **AREAS HOU JV, LLC** for Food and Beverage Concession at William P. Hobby Airport (HOU) for the Houston Airport System - 10 Years - Revenue

TAGGED BY COUNCIL MEMBERS KAMIN and GALLEGOS

This was Item 30 on Agenda of March 1, 2023

Background:

Request for Proposals received November 1, 2022, for S36-T32496 - Approve an ordinance awarding a revenue contract to Areas HOU JV, LLC to provide and operate a food and beverage concession at William P. Hobby Airport (HOU) for the Houston Airport System.

Specific Explanation:

The Director of the Houston Airport System and the Chief Procurement Officer recommend that City Council approve an ordinance awarding **a ten (10) year revenue contract to Areas HOU JV, LLC** to provide and operate a food and beverage concession at William P. Hobby Airport (HOU) for the Houston Airport System.

The Concessionaire will develop and operate Food and Beverage units for the Concession Program at HOU that will establish the Houston Airport System as a five-star global air service gateway where the magic of flight is celebrated. The Concessionaire will provide five-star food and beverage services, showcasing Houston concepts, at reasonable prices to travelers and Airport users. The Concessionaire will ensure that facilities are fully staffed with well-trained personnel and facilities are operated and maintained at the highest standards.

The Request for Proposals (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. As a result, proposals were received from seven (7) firms: 4 Families of Hobby, LLC, Air Star-LTS Marquis HOU, LLC, Areas HOU JV, LLC, HMS Host International, Inc., OTG Management HTX, LLC, Paradies Lagardere @ HOU 2022 (F&B), LLC, and SSP America. The Evaluation Committee (EC) consisted of City employees from the Administration and Regulatory Affairs Department, Houston Health Department, the Office of the Mayor, and Houston Airport System. The evaluation was based on the following criteria:

1. Customer Service/Management and Operations Plan
2. Local Participation
3. Concept Development and Menu
4. Design and Innovation
5. Background and Experience
6. Transition Plan
7. Compensation to the City

The EC's findings, based on the evaluation of proposals' responses to the Technical Competencies and the Compensation to the City, resulted in the following:

Areas HOU JV, LLC was deemed the most qualified as it received the highest overall score based on the evaluation criteria. Therefore, the EC is recommending Areas HOU JV, LLC for Package One. The original RFP comprised Package One and Package Two. Package Two was awarded to LaTrelle's Galley, LP as its preferred package. Package One was cancelled and re-procured resulting in this recommendation.

The Term of the Agreement shall commence on the effective date, and unless sooner terminated in accordance with Article XIV of the agreement, shall expire in ten (10) years.

The Concessionaire will deliver to the City on or before the Effective Date a surety bond in an amount equal to \$3,906,435.00 conditioned on the faithful performance of all terms, conditions, and covenants of the Agreement.

The following Percentage Fee Rate by category of product sold at the Facilities shall be applied to Gross Sales per month beginning on the Effective Date:

Category of Product	Percentage Fee Rate
Food and Non-Alcoholic Beverages	21%
Alcoholic Beverages	23%
Merchandise	23%

ACDBE Participation:

The RFP was advertised with a 30% goal for ACDBE participation. Areas HOU JV, LLC submitted a participation plan of 40% and has designated the below-named companies as its certified ACDBE prime concessionaire and subcontractors.

Name	Participation	Role	Percentage (%)
The Alliance Hospitality Group, LLC	Joint Venture Partner	Manage HOUF-09	10%
Multiplex, Inc.	Joint Venture Partner	Manage HOUF-5D and HOUF-06	10%
Creative Concourse Concessions, LLC	Joint Venture Partner	Manage HOUF-05C	10%
Cediel Concession Management	Joint Venture Partner	Manage HOUF-16 and HOUF-20B	10%

Pay or Play:

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

Hire Houston First:

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

Fiscal Note:

Revenue for this item will be included in the FY2024 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Jedediah Greenfield,
Chief Procurement Officer
Finance/Strategic Procurement Division

Mario Diaz
Director of the Houston Airport System

Estimated Revenue

DEPARTMENT	FY2024	OUT YEARS	TOTAL
Houston Airport System	\$0.00	\$104,385,526.00	\$104,385,526.00

Amount and Source of Funding:**REVENUE CONTRACT**

HAS-Revenue Fund

Fund 8001

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Yesenia Chuca, Division Manager	FIN/SPD	(832) 393-8727
Valerie Player-Kaufman, Senior Procurement Specialist	FIN/SPD	(832) 393-8749
Todd Curry, Chief Municipal Affairs Officer	HAS	(281) 233-0013
Libby Hurley, Assistant Director	HAS	(281) 233-1606

ATTACHMENTS:**Description**

Signed Coversheet

Type

Signed Cover sheet



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/21/2023

ALL

Item Creation Date: 2/7/2023

T32496 - Food and Beverage Concessions - Package One for William P. Hobby Airport
(Areas HOU JV, LLC) -ORDINANCE

Agenda Item#: 47.

Summary:

Background:

Request for Proposals received November 1, 2022, for S36-T32496 - Approve an ordinance awarding a revenue contract to Areas HOU JV, LLC to provide and operate a food and beverage concession at William P. Hobby Airport (HOU) for the Houston Airport System.

Specific Explanation:

The Director of the Houston Airport System and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **ten (10) year revenue contract to Areas HOU JV, LLC** to provide and operate a food and beverage concession at William P. Hobby Airport (HOU) for the Houston Airport System.

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

Hire Houston First:

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

Fiscal Note:

Revenue for this item will be included in the FY2024 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

2/13/2023

DocuSigned by:

 6121834A077C41A...

Jedediah Greenfield,
Chief Procurement Officer
Finance/Strategic Procurement Division

Mario Diaz
Director of the Houston Airport System

Estimated Revenue			
DEPARTMENT	FY2024	OUT YEARS	TOTAL
Houston Airport System	\$0.00	\$104,385,526.00	\$104,385,526.00

Amount and Source of Funding:

REVENUE CONTRACT

HAS-Revenue Fund
 Fund 8001

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Yesenia Chuca, Division Manager	FIN/SPD	(832) 393-8727
Valerie Player-Kaufman, Senior Procurement Specialist	FIN/SPD	(832) 393-8749
Todd Curry, Chief Municipal Affairs Officer	HAS	(281) 222-0012

Roddy Curry, Chief Municipal Affairs Officer | HAS
Libby Hurley, Assistant Director | HAS

(281) 233-0013
(281) 233-1606

ATTACHMENTS:

Description

Form B
City of Houston Ownership Form
Delinquent Clear Tax Report
Certificate of Insurance & Endorsements
Drug Forms
POP-1 Acknowledgement Form
POP-2 Certificate of Compliance

POP-3 Participating Subcontractors
Form 1295
Financial Proforma Exhibit X
ACDBE Participation Plan
Secretary of State
AM Best Rating
Contract #4600017601

Type

Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Backup Material

Backup Material
Backup Material
Financial Information
Backup Material
Backup Material
Backup Material
Backup Material