

AGENDA - JULY 9, 2014 - PAGE 7

MATTERS HELD - NUMBERS 42 through 44

42. Consideration of proposed amendments to Item 42A below, submitted in writing on June 25, 2014 by Council Members Stardig, Davis, Martin, Pennington, Gonzalez, Gallegos, Laster and Green, as set forth in the attached Exhibits 1-17 - **TAGGED BY COUNCIL MEMBER GONZALEZ**
- a. RECOMMENDATION from Director Finance Department to approve the Fiscal Year 2015-2019 Capital Improvement Plan (CIP) and establish a charge of \$75.00 plus postage for the adopted CIP documents and a charge of \$5.00 plus postage for a CD version
TAGGED BY COUNCIL MEMBER GONZALEZ
This was Item 1 on Agenda of June 25, 2014
43. Consideration of proposed amendments to Item 43A below, submitted in writing on June 25, 2014 by Council Members Davis, Green, Costello and Bradford, as set forth in the attached Exhibits 18-22 - **TAGGED BY COUNCIL MEMBERS GREEN and COSTELLO**
- a. RESOLUTION adopting guidelines for the City's participation in public-private partnerships
TAGGED BY COUNCIL MEMBERS GREEN and COSTELLO
This was Item 21-1 on Agenda of June 25, 2014
44. ORDINANCE appropriating \$2,195,350.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for E. Coli Compliance–Chlorination Systems for Turkey Creek, Westway, and Kingwood West Wastewater Treatment Plants; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; E - MARTIN and G - PENNINGTON** - **TAGGED BY COUNCIL MEMBER MARTIN**
This was Item 52 on Agenda of June 25, 2014

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Bradford 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 POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

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SUBJECT: To approve a resolution adopting guidelines for the City's participation in public-private partnerships.

FROM (Department or other point of origin):

Kelly Dowe, Director, Finance Department
David Feldman, City Attorney

Origination Date

6/12/14

Agenda Date

~~JUN 18 2014~~

DIRECTOR'S SIGNATURE

[Handwritten Signature: Kelly Dowe]

Kelly Dowe

Council District affected:

All

~~JUN 25 2014~~

For additional information contact:

Tom Allen, First Assistant City Attorney (832-393-6411)

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

RECOMMENDATION: (Summary)

That Council approve a resolution adopting guidelines for the City's participation in public-private partnerships.

Amount and Source of Funding: N.A.

SPECIFIC EXPLANATION:

The terms "Public-Private Partnership" and "P3" refer generally to agreements between public entities and the private sector by which the private sector makes physical assets or services available to a public entity in exchange for fixed payments over a term of twenty or more years.

The Texas Legislature has authorized municipalities and other governmental entities to enter into P3s for development of "Qualifying Projects," which include "any ... vehicle parking facility, ... water supply facility, public work, waste treatment facility, ... recreational facility, public building, technology facility, or other similar facility ... to be made available to a governmental entity for public use," or, more broadly, "any improvements necessary or desirable to real property owned by a governmental entity." TEX. GOV'T CODE § 2267.001(10). Before requesting or considering a P3, however, the governmental entity must adopt publicly available "guidelines" for such partnerships. *Id.* at § 2267.052(a).

The proposed resolution adopts "2267 Guidelines" for the City of Houston, enabling the City to enter into a P3 agreement if and as Council concludes such an arrangement is in the City's best interests. Although adoption of the Guidelines will establish uniform procedures for the City's consideration of P3 proposals (both solicited and unsolicited), adoption will not *require* the City to enter into any P3 contract.

The Legislature has enacted detailed requirements for 2267 Guidelines adopted by a local government. See generally TEX. GOV'T CODE §§ 2267.051--.066. As a result, a local government has limited discretion regarding the content of its Guidelines. More than 80% of the Guidelines proposed for the City's adoption are prescribed by statute.

2267 Guidelines have been adopted by several Texas cities, including El Paso and San Antonio. See, e.g., https://www.elpasotexas.gov/muni_clerk/agenda/07-17-12/07171209A.pdf (draft) and https://webapps1.sanantonio.gov/rfcdocs/R_9733_20121107035807.pdf.

The proposed Guidelines have been reviewed by the City's Chief Procurement Officer and by the Office of Business Opportunity; revisions suggested by both offices have been incorporated into the current draft (Draft 4.4).

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Handwritten Signature: David A. Feldman]
 DEBORAH F. [unclear] FOR
 DAVID A. FELDMAN