



**midtown**  
H O U S T O N

**MIDTOWN MANAGEMENT  
DISTRICT BOARD OF DIRECTORS  
MEETING  
JUNE 1, 2022**



**MIDTOWN MANAGEMENT DISTRICT  
NOTICE OF MEETING**

TO: THE BOARD OF DIRECTORS OF MIDTOWN MANAGEMENT DISTRICT AND TO ALL OTHER INTERESTED PERSONS:

Notice is hereby given that a regular meeting of the **Midtown Management District** will be held on **Wednesday, June 1, 2022 at 11:00 a.m.** in the **1<sup>st</sup> Floor Conference Room located at 410 Pierce Street, Houston TX 77002**, inside the boundaries of the District, **open to the public**, to consider, discuss and adopt such orders, resolutions or motions, and take other direct or indirect actions as may be necessary, convenient, or desirable with respect to the following matters:

1. Call meeting to Order and verify that a quorum is present.
2. Receive Public Comments\*\*\*
3. Consent Agenda
  - a. Approve Minutes for the May 4, 2022, Board Meeting.
  - b. Approve Financial Report for the Month of April 2022.
  - c. Approve Payment of Invoices for May 2022.
  - d. Approve Equi-Tax Report for May 2022.
4. Receive committee activity reports and review, discuss, and take necessary action regarding the following, as appropriate:
  - a. Service & Maintenance. . . . . **Christopher Johnston, Chair**
    - i. Amendment to Agreement with Metropolitan Landscape Management, Inc. relating to the Field Maintenance Services.
  - b. Cultural Arts & Entertainment. . . . **Charles Washington, Chair**
    - i. Presentation of the Draft 10-Year Cultural District Report to Texas Commission on the Arts
  - c. Marketing . . . . . **Debbie Tyler-Dillard, Chair**
  - d. Urban Planning . . . . . **James Llamas, Chair**
  - e. Finance . . . . . **Kelly A. Young, Chair**
    - ii. Consider request for funding source for increased cost of Field Maintenance.

- f. Community Activity Report. . . . . **Christopher Johnston, Liaison**
    - i. Super Neighborhood #62
  - g. Public Safety . . . . . **Allen Douglas, Chair**
  - h. Executive. . . . . **Darcy John Lefsrud, Chair**
5. Report on Capital Projects of the Midtown Redevelopment Authority
6. With respect to the foregoing agenda items, the Board may conduct an executive session with regards to the following, as appropriate, and necessary.
- a. Consultation with attorney (Section 551.071, Texas Government Code);
  - b. Personnel matters (Section 551.074, Texas Government Code).

Upon entering into executive session, the presiding officer shall note which agenda items will be discussed.

7. Announcements

8. Next meeting date                   **Wednesday, July 6, 2022, at 11:00 a.m.**  
 Additional information will be provided closer to the meeting date.

9. Adjourn



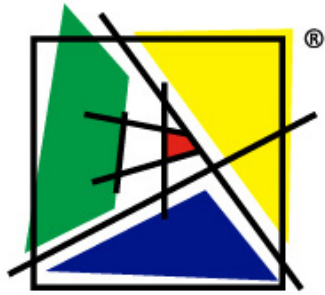
SEAL

*Darcy John Lefsrud /ca*  
**Darcy John Lefsrud, Chair**  
 Midtown Management District Board of Directors

**\*\*\*If you would like to make public comments, please register prior to 11:00 a.m. Registration sign in sheets for those making public comments will be picked up promptly at 11:00 a.m.**

**MISSION STATEMENT**

***Midtown strives to provide an economically vibrant urban destination where arts and culture thrive alongside businesses and residents in a safe, active, diverse neighborhood.***



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H O U S T O N

# **CONSENT AGENDA**



# MINUTES OF THE MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS MEETING

May 4, 2022

The Board of Directors of the Midtown Management District held a regular meeting, open to the public, on Wednesday, May 4, 2022, at 6:00 p.m. in the first-floor conference room of the building located at 412 Pierce Street, Houston, TX 77002, inside the boundaries of the District, and the roll was called of the duly appointed members of the Board, to-wit:

The roll was called of the duly appointed members of the Board, to-wit:

Pos. 1	Darcy John Lefsrud	Pos. 10	Daniel Arguijo
Pos. 2	Gloria Haney	Pos. 11	Debbie Tyler-Dillard
Pos. 3	Amar Mohite	Pos. 12	Muddassir Siddiqi, Ed.D.
Pos. 4	James Llamas	Pos. 13	Marylene Chan
Pos. 5	Ryan M. LeVasseur	Pos. 14	Christopher Johnston
Pos. 6	Vacant	Pos. 15	Jeanette Criglar, Ph.D.
Pos. 7	Desmond Bertrand-Pitts	Pos. 16	Kelly A. Young
Pos. 8	William Fulton	Pos. 17	Charles Washington
Pos. 9	J. Allen Douglas		

## 1. CALL MEETING TO ORDER AND VERIFY THAT A QUORUM IS PRESENT

All of the above were present except Directors Fulton, Arguijo, Tyler-Dillard, and Siddiqi, thus constituting a quorum.

In addition, present at the meeting were Midtown Staff members Matt Thibodeaux, Cynthia Alvarado, Chrystal Robinson-Davis, Marlon Marshall, David Thomas, Mark Sullivan, and Jaime Giraldo; Peggy Foreman of Burney & Foreman; Clark Lord of Bracewell LP; Pat Hall of Equi-Tax Inc., Carl O. Sandin of Perdue Brandon Fielder Collins & Mott LLP, and Michael Lewis of Super Neighborhood 62, Phillip Dee, Hellen Kelly, Bruce Roberson, and Toliman Au.

Vice-Chair Lefsrud called the meeting to order and welcomed everyone.

## 2. RECEIVE PUBLIC COMMENTS

Vice-Chair Lefsrud announced that members of the public are invited to speak during this portion of the agenda. Please limit your comments to no more than 3 minutes. Speakers may not yield all or a portion of their time to another person. State law prohibits the Board Chair or members of the Board from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Act. Comments should be directed to the entire Board, not individual Board members. If you would like to speak during the Public Comments portion of the meeting, we ask that you please announce yourself now.

There were no public comments.

**3. CONSENT AGENDA**

- A. APPROVE MINUTES FOR THE APRIL 6, 2022, BOARD MEETING.**
- B. APPROVE FINANCIAL REPORT FOR THE MONTH OF MARCH 2022.**
- C. APPROVE PAYMENT OF INVOICES FOR APRIL 2022.**
- D. APPROVE EQUI-TAX REPORT FOR APRIL 2022.**

Director of Operations Cynthia Alvarado presented the various items on the consent agenda. Director Young made a motion to approve the consent agenda as presented. The motion was seconded by Director Chan, which carried by unanimous vote.

**REVIEW, DISCUSS AND TAKE NECESSARY ACTION REGARDING THE 1<sup>ST</sup> QUARTER INVESTMENT REPORT FOR THE PERIOD ENDING MARCH 31, 2022.**

Mr. Thomas directed the Board's attention to the written Investment Report from Investment Officer Matt Thibodeaux. Mr. Thomas stated that as the District Accounting Manager he prepared the 1st Quarter Investment Report 2022 in accordance with Article III, Section 3.03 and Article IV, Section 4.06 of the Investment Policy of the District.

Mr. Thomas presented the investment report and stated that the average interest rate on all accounts was 0.0965% for the 1st Quarter. He further stated that the amount of interest earned was \$1,323.04.

Director Bertrand-Pitts made a motion to approve the Investment Report as presented. The motion was seconded by Director Chan and carried by unanimous vote.

**4. RECEIVE COMMITTEE ACCOMPLISHMENT REPORTS AND REVIEW, DISCUSS AND TAKE NECESSARY ACTION REGARDING THE FOLLOWING, AS APPROPRIATE:**

**A. Service & Maintenance Committee – Christopher Johnston, Chair**

Director Johnston notified the board that the committee had received a notice of increase regarding Metropolitan Landscape contract. Staff will be working to negotiate the details. Further information will be brought to the board at a future meeting.

**B. Cultural Arts & Entertainment Committee – Charles Washington, Chair**

**C. Marketing & Economic Development Committee – Debbie Dillard, Chair**

**D. Urban Planning Committee – James Llamas Chair**

**E. Finance and Budget Committee – Kelly A. Young, Chair**

**ACTION ITEM: FINANCE ENGAGEMENT LETTER**

Mr. Thomas reported that staff is preparing for an audit of the FY 2021 financial statements to take place. The fiscal year is completed, and the books have been closed. All invoices have been received.

In preparation for the annual audit Mr. Thomas reported that the auditors have provided an updated engagement letter. The updated engagement letter was provided to the Board of Directors prior to the meeting. Staff has received FY 2021 audit packets and are moving forward collecting and providing the required information and data to complete the audit process.

Director Young made a motion to approve the audit engagement letter as presented. The motion was seconded by Director Douglas and carried by unanimous vote.

**F. Community Activity Report – Christopher Johnston, Liaison**

**i. Super Neighborhood #62**

**G. Nominating Committee- Gloria Haney, Chair**

Director Haney reported that the nominating committee had met to review the proposed candidates that were nominated by Board Members for officer positions. The committee recommended the following:

Chair – Darcy Lefsrud

Vice Chair- James Llamas

Treasurer- Kelly Young

Secretary – Marylene Chan

Assistant Secretary – Desmond Bertrand- Pitts

Nominations were called for from the floor and hearing none. Each candidate was nominated and elected by the Board individually. This slate of officers were elected by acclamation. There term will be June 1, 2022 – June 1, 2024.

**H. Public Safety Committee- J. Allen Douglas, Chair**

**i. Security Coordinators Report**

**I. Executive Committee – Darcy Lefsrud, Vice-Chair**

Items that were presented at the Executive Committee are action items on this agenda.

**REPORT ON CAPITAL PROJECTS OF THE MIDTOWN REDEVELOPMENT AUTHORITY(MRA)**

**Caroline Street** – Contractors continue to work. The back of curb improvements from Pierce Street to Elgin Street remain to be completed. MRA staff continues to work with utilities companies to remove the remaining utility poles. Remaining projects include installation of pavers, bike racks, signs and striping.

**Baldwin Park** – Additional playground equipment installation is projected to be

completed by late summer.

### **PARTNER PROJECTS**

**The Gray Street Bike Buffer Design** – This project is moving forward. This partnership with the Urban Planning Committee and the City of Houston will enhance bike safety on Tuam.

**Glover Park** – Bidding of this project has been completed. Bids will be submitted at the next MRA board meeting for their approval. Project enhancements include a bike rack and a bike fix-it station.

**Parks and the Public Realm** – The first advisory meeting was held. MRA is hoping to receive and compile public feedback by the end of May.

### **WITH RESPECT TO THE FOREGOING AGENDA ITEMS, THE BOARD MAY CONDUCT AN EXECUTIVE SESSION WITH REGARDS TO THE FOLLOWING AS APPROPRIATE AND NECESSARY.**

- a. Consultation with attorney (Section 551.071, Texas Government Code);
- b. Personnel matters (Section 551.074, Texas Government Code).

There was no Executive Session.

### **ANNOUNCEMENTS**

Ms. Alvarado introduced the new MMD Operations Supervisor, Chrystal Robinson-Davis.

### **Presentations:**

Mr. Jason Cunningham RPA, CCA, the Deputy Chief Appraiser for the Harris County Appraisal District provided an in-depth presentation about how property values are determined in the county and how stakeholders can protest their property value.

Ms. Pat Hall the District Assessor & Collector at Equi-Tax provided a presentation about the way the annual Midtown Management District assessment is collected and timelines that determine when they are late.

Mr. Carl O. Sandin who is with the firm Perdue Brandon Fielder Collins & Mott LLP, is our attorney who collects delinquent assessments on behalf of the District. He reported on the process of collecting delinquent assessments.

### **NEXT MEETING DATE**

Vice-Chair Lefsrud announced that the next Midtown Management District Board of Directors meeting will be held on Wednesday, June 1, 2022, at 11:00 a.m. and that more details will be forthcoming.

### **ADJOURN**



There being no other business, the meeting was adjourned.

\_\_\_\_\_  
Marylene Chan  
Board Secretary

\_\_\_\_\_  
Date

DRAFT



## MIDTOWN MANAGEMENT DISTRICT

### Committee Notes

#### Service and Maintenance Committee and Urban Planning Committee

Monday, April 18, 2022, at 4:00p.m.

**1. Welcome and receive public comments –**

**Updates from the Service and Maintenance Committee**

**2. Dark Blocks Project.**

Is being revisited to see where additional Midtown signature streetlights can be placed in the community.

**3. Main Street Landscaping Progress.**

New landscaping is being placed up and down the rail line.

**4. Baldwin Park tree assessment and care.**

Staff is following up to see what funds are available to care and maintain the trees in Baldwin Park after the construction is complete.

**5. Ongoing projects.**

Marlon Marshall received an email from Metropolitan Landscape the company that provides our Field Services Maintenance Team regarding a price increase of \$54,198 to offset increases in their labor, Insurance, equipment, miscellaneous repairs, golf cart upkeep, trash bags, trash haul off services, and water services. They have not had a price increase since 2018. They are under contract to the end of 2022.

**Updates on Urban Planning Committee**

**6. City of Houston Maintenance Agreement.**

**7. STEPS/Pedestrian Enhancements.**

**8. City of Houston Parking Benefits District and Community Parking Program.**

Was on City Council March 30th agenda. It was tagged and presented again on Wednesday, April 6<sup>th</sup> and passed. The next step is an MOU with Midtown and the COH. That process is in city legal.

**9. City of Houston Vision Zero.**

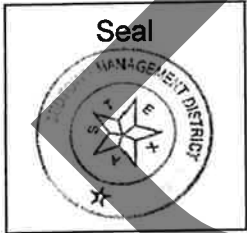
**10. Partnership Projects**

- **Glover Park** – the plans for the park have been approved. Staff is soliciting bids.
- **City of Houston water line projects**
- **Tuam Triangle** – The waterline for Tuam will begin in the 3<sup>rd</sup> quarter of the year
- **Sidewalk repairs**

11. Other business.

Next meeting date: Monday, May 16, 2022, at 4:00pm  
Meeting links will be provided closer to the date

9. Adjourn



*James Llamas/ca*

*Christopher Johnston/ca*

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Christopher Johnston, Service & Maintenance Committee Chair  
James Llamas, Urban Planning Committee Chair  
Midtown Management District

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**MIDTOWN MANAGEMENT DISTRICT  
Committee Notes**

**Marketing and Economic Development Committee and the Cultural Arts and Entertainment Committee**  
Tuesday, April 19, 2022, at 3:00 p.m.

Debbie Tyler-Dillard, Chari  
Ashley Small – Medley Inc.  
Cynthia Alvarado – Operations Manager Midtown Management District

1. **Welcome Guests and receive public comments** – no guests were present.

2. **Updates on Marketing and Economic Development Committee**

a. **Report on Social Media numbers for March**

Ashley Small of Medley Inc provide the committee with a detailed report outlining the statistics for social media. She stated that there were some discrepancies in the report and that it would be updated for the committee chair.

b. **Discuss Advertising Campaigns**

c. **Digital Kiosks in Midtown**

3. **Updates on Cultural Arts and Entertainment Committee**

a. **Debrief Midtown Art in the Park 2022**

The sign wrap day (Tuesday, March 29<sup>th</sup>) and Art in the Park were successful events. Art in the Park consisted of 18 artists, 7 musical artists and 3 ArtJams. It was combined with Chalk on the Block. We have wonderful photos and are waiting for the video team to complete the video recap.

b. **City-wide Juneteenth Events**

Charles Washington (Chair) and Cynthia Alvarado continue to participate in the citywide planning for this historic event. Ms. Alvarado is working with FreshArts to complete the Call for Artists scheduled to launch on Monday, April 11 and closes on May 11, 2022. The installation day is scheduled for Monday, June 6<sup>th</sup>.

c. **City-wide Make Music Day - June 21, 2022**

The city has opened registration for musicians to apply to participate in this one-day event. Ms. Alvarado will be seeking out musicians to participate in various locations throughout Midtown.

d. **midtownHOU Arts Micro Grants 2022**

Ms. Alvarado will begin working with the Committee Chair and FreshArts to determine a timeline. Ms. Alvarado will prepare the needed documents for the grant launch.

e. **Citywide 713 Day** – no plans yet.

**f. Mini Murals Maintenance Proposal**

Ms. Alvarado noticed graffiti damage to the Guerra Girl Mini Mural located at McGowen and Fannin. She contacted UP Art Studio the project managers for the citywide Mini Murals to see if it could be repaired. During the inspection process UP Art noted that the clear coat, designed to protect the mural from fading and graffiti was almost nonexistent. Like paint the clear coat does need to be reapplied after a certain length of time. The mural was installed in 2016. Due to the age of the mini murals UP Art Studio recommended a maintenance assessment. The assessment includes recommendations for each Mini Murals which can be updated with a new layer of clear coat, note any areas that need to be repainted, or if the Mini Mural needs to be replaced with new artwork or decommissioned. Midtown has 12 mini murals that have been installed over the years since 2016. The cost of the assessment is \$450. There is an approved line item in the budget for Mini Murals.

4. **Next Committee meetings –** Marketing and Economic Development Committee  
Cultural Arts and Entertainment Committee  
Tuesday, May 17, 2022, at 3:00pm  
Meeting links will be provided closer to the date



5. Adjourn

*Debbie Tyler-Dillard/ca*

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Debbie Tyler-Dillard, Chair  
Marketing and Economic Development Committee

*Charles Washington/ca*

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Charles Washington, Chair  
Cultural Arts and Entertainment Committee

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**Midtown Management District  
Committee Notes  
Finance and Budget Committee  
Tuesday, April 26, 2022, at 4:00 p.m.**

**1. Welcome Guests.**

Kelly A. Young – Vice-Chair Finance and Budget Committee  
David Thomas – Accounting Manager; Midtown  
Kandi Schramm – Administrative Manager – Midtown  
Peggy Foreman – Burney & Foreman

**2. Receive Public Comments.** No public comments

**3. Review and discuss unaudited 2022 Financials compared to Budget.**

Accounting Manager, David Thomas reviewed and reported on the approved budget and the current expenditures. There are no anomalies.

**4. Other business.**

Mr. Thomas reported that as requested at the March meeting the presentations for the May 4 Management District Board meeting have been coordinated. Presenters are:

Jason Cunningham RPA, CCA – Deputy Chief Appraiser, HCAD  
Pat Hall – Tax Assessor & Collector at Equi-Tax based in Houston, Texas  
Carl O. Sandin – Attorney with Perdue Brandon Fielder Collins & Mott LLP

The Management District has received the final payment from Houston Arts Alliance for the \$140,000 City of Houston Initiatives Grant secured by the Cultural Arts Committee for projects related to public art in Midtown.

**5. Next Meeting Date:**

**Tuesday, May 31, 2022, at 4:00PM**  
**Meeting information will be provided closer to the date**

**6. Adjourn.**



*Kelly A. Young/ca*

Kelly Young,  
Vice-Chair Finance & Budget Committee  
Midtown Management District

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**MIDTOWN MANAGEMENT DISTRICT  
Committee Notes  
Public Safety Committee  
Tuesday, April 19, 2022, at 11:30 a.m.**

Jeanette Criglar Ph. D – Public Safety Committee Vice Chair  
James Llamas – MMD Board Member  
Cynthia Alvarado – Operations Manager  
Jaime Giraldo – Security Coordinator  
Mark Sullivan – Maintenance Supervisor  
Peggy Foreman- Burney and Foreman

Kay Walton SN #62

HPD South Central-  
Commander Johnson  
Lt. Cory Cloud  
Lt. Roseman  
Sgt. Brian Alms

HPD Central – Lucy Viera

Precinct 7 Constables – Sgt Odell Haynes

METRO PD- Lt. Ramirez

Houston Community College – Not Present

SEAL Security-  
Erica Rocha  
Jesse Sampson

Public Intoxication Transport Team (PITT) –  
Susana Del Toro  
Brandon Wyatt

SEARCH Homeless Outreach Team -  
Alexis Loving  
Sean Quitzau  
Ferma  
Kelly Ward

Henriette Bodmer de Heer  
Melissa  
Aline Lostombo  
Bob Jacobson  
Erika Garcia  
Guadalupe Serrato – McDonalds on Gray Street  
Jeanette Baughman – San Jose Christus

**1. Welcome Guests and Receive Public Comments**

There were no public comments.

**2. Receive, discuss, and take necessary action regarding monthly reports from:**

**a. Houston Police Department – South Central Division**

South Central Officers will be working to streamline the process to work the noise concerns. They will be using a packet of information with pre-written citations and detailed information to help explain noise concerns. The commander and the DRT officers met with the city attorney. Officers have been going out to the Gray Hound Bus Station and have been interacting with individuals who are coming out of TX Department of Criminal Justice. Commander Johnson is working on officers attending court for citations issued and is looking at options with the municipal courts. **ACTION ITEM – Security Coordinator will send out a list of top loud noise violators. Completed.**

**b. Houston Police Department – Central Division**

Officer Viera reported that burglary of motor vehicles is up and there were three guns stolen from vehicles. They cleared two vacant houses in a neighboring community that were being used by homeless and are concerned that some of them may make their way to Midtown. Central Patrol is still using same overtime protocols including some new overtime from their council member to supplement patrol and their calls for service.

**c. Harris County Constable- Precinct 7**

Sargent Haynes reported that they have increased patrol in the 3200-3400 block of Louisiana in response to a request from Midtown Security Coordinator and stakeholders. Also reported his monthly stats and that his patrol deputies continue to focus on Midtown's hotspots.

**d. METRO Police Dept**

Lt Ramirez reports no incidents on the rail line in April.

**e. Houston Community College Police Dept**

Did not attend.

**f. S.E.A.L. Security Solutions**

Commander Jesse Sampson reports an increase in homeless activity at 2850 Fannin. They have increased patrols in that area and are concerned about a vacant lot next door to the apartment complex and businesses.

**g. Public Intoxication Transport Team**

Brandon Wyatt reports they are getting more cooperation from the homeless and addicted community and have seen an increase in their stats.

**h. SEARCH Homeless Outreach**

Midtown SEARCH Homeless Outreach Team has been working with the Coalition for the Homeless in outreaching to the camps located at Spur 527 at Travis and Alabama. The camp on Spur 527 and Travis was decommissioned on 4/14/2022 with the aid of Midtown Mgmt District Coalition for the Homeless, HPD and the City of Houston.

**3. Discuss and review:**

**4. Next meeting date –**

**Tuesday, May 17, 2022, at 11:30 a.m.**



5. Adjourn.

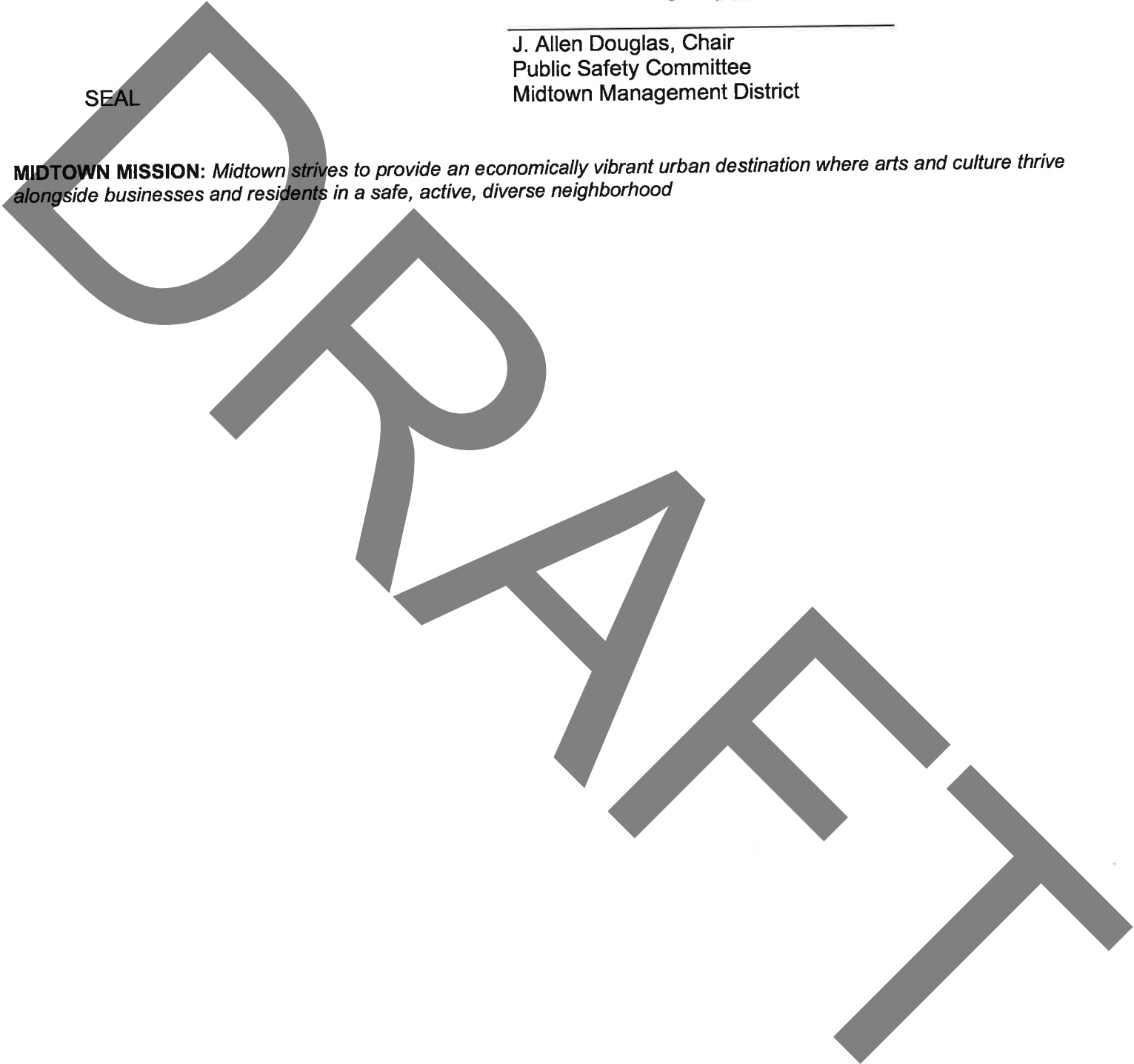
*J. Allen Douglas/jg*

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J. Allen Douglas, Chair  
Public Safety Committee  
Midtown Management District

SEAL

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# Midtown Management District 2022 Sources and Uses of Funds

January through April 2022

	Jan - Apr 22	Budget	\$ Over Budget
<b>Sources of Funds</b>			
<b>400000 · Revenue - Assessments</b>			
400080 · FY21 Assessment Revenue	2,956,833.28	3,012,097.00	-55,263.72
400081 · FY20 Assessment Revenue	28,126.40	45,000.00	-16,873.60
400082 · FY19 Assessment Revenue	-1,739.36	4,600.00	-6,339.36
400083 · FY18 Assessment Revenue	372.36	3,600.00	-3,227.64
400084 · FY17 Assessment Revenue	0.00	1,600.00	-1,600.00
400085 · FY16 Assessment Revenue	0.00	400.00	-400.00
400086 · FY15 Assessment Revenue	0.00	300.00	-300.00
400087 · FY14 Assessment Revenue	0.00	200.00	-200.00
400088 · FY13 Assessment Revenue	0.00	72.00	-72.00
400089 · FY12 Assessment Revenue	0.00	36.00	-36.00
400090 · FY11 Assessment Revenue	0.00	36.00	-36.00
400091 · FY10 Assessment Revenue	0.00	32.00	-32.00
400092 · FY09 Assessment Revenue	0.00	28.00	-28.00
400093 · FY08 Assessment Revenue	0.00	32.00	-32.00
400500 · Penalties & Interest	12,200.45	10,000.00	2,200.45
402400 · Over Payments (Overpayments)	7,996.80	3,800.00	4,196.80
402500 · Refunds/Assessment Adjustments	-45,592.50	-30,666.64	-14,925.86
402510 · Collection Costs (Fees charged to MMD for collections)	-21,401.40	-16,000.00	-5,401.40
402511 · CAD Correctons	0.00	300.00	-300.00
402512 · CAD Lawsuit Corrections	11,026.05	16,000.00	-4,973.95
402600 · Assessment Collection Costs	1,620.92	4,800.00	-3,179.08
400000 · Revenue - Assessments - Other	-31,857.48	0.00	-31,857.48
<b>Total 400000 · Revenue - Assessments</b>	<b>2,917,585.52</b>	<b>3,056,266.36</b>	<b>-138,680.84</b>
400102 · Grant Revenue	35,000.00	0.00	35,000.00
<b>403000 · Other Income (Other Income)</b>			
403100 · Booth and Events Fees (Booth and Events Fees)	2,700.00	0.00	2,700.00
403105 · Application Fees (Non-Refundable Application Fees)	775.00	0.00	775.00
<b>Total 403000 · Other Income (Other Income)</b>	<b>3,475.00</b>	<b>0.00</b>	<b>3,475.00</b>
404000 · Int Income (Invest Interest Earned)	1,985.65	933.32	1,052.33
406000 · Interest on CD (Interest earned on CD purchases)	0.00	1.00	-1.00
<b>Total Sources</b>	<b>2,958,046.17</b>	<b>3,057,200.68</b>	<b>-99,154.51</b>
<b>Total Sources</b>	<b>2,958,046.17</b>	<b>3,057,200.68</b>	<b>-99,154.51</b>
<b>Uses of Funds</b>			
<b>500000 · Security and Public Safety</b>			
501000 · Street Lighting - Electricity	33,333.32	33,333.32	0.00
<b>502000 · Enhancement Public Safety (Public Safety)</b>			
502011 · Harris County Precinct 7 (Harris County Precinct 7)	145,328.00	149,692.00	-4,364.00
502012 · S.E.A.L. Security Program (S.E.A.L. Security Program)	66,960.00	77,626.64	-10,666.64
502013 · PIT Program (PIT Program)	22,263.32	22,260.00	3.32
50214 · SEARCH {Homeless Services} (SEARCH {Homeless Services})	26,432.74	42,929.68	-16,496.94
<b>Total 502000 · Enhancement Public Safety (Public Safety)</b>	<b>260,984.06</b>	<b>292,508.32</b>	<b>-31,524.26</b>
504000 · Security Coordinator	419.21	400.00	19.21

# Midtown Management District 2022 Sources and Uses of Funds

January through April 2022

	Jan - Apr 22	Budget	\$ Over Budget
507000 · Street Outage Survey	850.00	900.00	-50.00
509700 · Staffing (Allocated Staffing hours)	40,364.47	40,838.28	-473.81
<b>Total 500000 · Security and Public Safety</b>	<b>335,951.06</b>	<b>367,979.92</b>	<b>-32,028.86</b>
600000 · Marketing & Economic Developmen			
601000 · Media, Advertising & Promotion			
601007 · Media, Advertising, & Promotion	2,500.00	2,500.00	0.00
<b>Total 601000 · Media, Advertising &amp; Promotion</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>0.00</b>
603004 · Resident/.Stake Holder Foc Cmmu	932.55	999.99	-67.44
603005 · Midtown Newspaper (Newspaper for Midtown Stakeholders and Residen	9,560.00	4,000.00	5,560.00
607000 · Midtown eNews	0.00	150.00	-150.00
609700 · Staffing (Allocated Staffing hours)	7,246.02	8,666.64	-1,420.62
<b>Total 600000 · Marketing &amp; Economic Developmen</b>	<b>20,238.57</b>	<b>16,316.63</b>	<b>3,921.94</b>
700000 · Urban Planning			
706700 · Staffing (Allocated Staffing hours)	6,502.56	7,533.32	-1,030.76
<b>Total 700000 · Urban Planning</b>	<b>6,502.56</b>	<b>7,533.32</b>	<b>-1,030.76</b>
710000 · Cultural Arts & Entertainment			
710102 · Art Project Sponsorships	860.00	1,000.00	-140.00
710106 · Art in the Park			
Credit Card Charges (Credit Card Charges)	117.38	0.00	117.38
710106 · Art in the Park - Other	52,955.16	42,000.00	10,955.16
<b>Total 710106 · Art in the Park</b>	<b>53,072.54</b>	<b>42,000.00</b>	<b>11,072.54</b>
710700 · Staffing (Allocated Staffing hours)	17,702.66	17,400.00	302.66
<b>Total 710000 · Cultural Arts &amp; Entertainment</b>	<b>71,635.20</b>	<b>60,400.00</b>	<b>11,235.20</b>
720000 · Service & Maintenance			
722005 · Baldwin/Glover Park Maintenance			
722051 · Water	1,039.95	1,400.00	-360.05
722052 · Electric	290.79	660.00	-369.21
722056 · Baldwin/Glover Landscape Contra (Monthly General Maintenance)	6,420.00	6,420.00	0.00
<b>Total 722005 · Baldwin/Glover Park Maintenance</b>	<b>7,750.74</b>	<b>8,480.00</b>	<b>-729.26</b>
725000 · Midtown Field Service Prog			
725001 · Field Service TEAM			
Field Service TEAM	95,696.00	91,696.00	4,000.00
<b>Total 725001 · Field Service TEAM</b>	<b>95,696.00</b>	<b>91,696.00</b>	<b>4,000.00</b>
725002 · Graffiti	0.00	800.00	-800.00
725004 · Storage	996.00	1,196.00	-200.00
<b>Total 725000 · Midtown Field Service Prog</b>	<b>96,692.00</b>	<b>93,692.00</b>	<b>3,000.00</b>
726000 · Service Maintenance - Other			
726010 · SeeClickFix (SeeClickFix)	8,356.35	8,356.35	0.00
726100 · Legacy Maintenance	318,810.00	318,810.00	0.00
726200 · District New Improvement Prgs	150,853.00	150,853.00	0.00
<b>Total 726000 · Service Maintenance - Other</b>	<b>478,019.35</b>	<b>478,019.35</b>	<b>0.00</b>
728000 · Staffing (Allocated Staffing hours)	16,487.35	18,084.00	-1,596.65
<b>Total 720000 · Service &amp; Maintenance</b>	<b>598,949.44</b>	<b>598,275.35</b>	<b>674.09</b>
800000 · District Administration			

**Midtown Management District**  
**2022 Sources and Uses of Funds**  
 January through April 2022

	<b>Jan - Apr 22</b>	<b>Budget</b>	<b>\$ Over Budget</b>
802000 · Legal Counsel	29,918.75	37,500.00	-7,581.25
805000 · Assessment Collection Costs			
805130 · Returned Checks	3,846.89	0.00	3,846.89
<b>Total 805000 · Assessment Collection Costs</b>	<b>3,846.89</b>	<b>0.00</b>	<b>3,846.89</b>
806000 · General Operating/Admin. Exp.	3,208.80	4,570.00	-1,361.20
807000 · Board Meeting & Misc. Exp.	860.57	1,250.00	-389.43
<b>Total 800000 · District Administration</b>	<b>37,835.01</b>	<b>43,320.00</b>	<b>-5,484.99</b>
<b>Total Uses</b>	<b>1,071,111.84</b>	<b>1,093,825.22</b>	<b>-22,713.38</b>
<b>Net Increase (/Decrease) for the Period</b>	<b>1,886,934.33</b>	<b>1,963,375.46</b>	<b>-76,441.13</b>

# Midtown Management District Balance Sheet

As of April 30, 2022

Apr 30, 22

**ASSETS**

**Current Assets**

**Checking/Savings**

10000 · Operating Funds 3,656,474.98

10002 · Restricted Funds 11,422.70

**Total Checking/Savings** 3,667,897.68

**Accounts Receivable**

120000 · Assessments Receivable 242,172.78

**Total Accounts Receivable** 242,172.78

**Total Current Assets** 3,910,070.46

**Other Assets**

130501 · Other Misc Assets 41,896.75

**Total Other Assets** 41,896.75

**TOTAL ASSETS** 3,951,967.21

**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

**Accounts Payable**

200000 · Accounts Payable 187,938.03

**Total Accounts Payable** 187,938.03

**Other Current Liabilities**

203001 · Other Misc Liabilities 33,333.32

205000 · Deferred Assessment Revenues 253,772.78

206000 · Accrued liability 159,612.25

207000 · Bal due to MRA from FTA Reimbur 11,322.95

**Total Other Current Liabilities** 458,041.30

**Total Current Liabilities** 645,979.33

**Total Liabilities** 645,979.33

**Equity**

390000 · Fund Balance-Prior 1,419,053.55

**Net Income** 1,886,934.33

**Total Equity** 3,305,987.88

**TOTAL LIABILITIES & EQUITY** 3,951,967.21

**Midtown Management District**  
**Account Transaction Detailed by Account**  
**As of June 01, 2022**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
				<b>May 2022</b>			<b>2,156,067.97</b>
Deposit				May Deposits	4,214.72		2,160,282.69
Bill Pmt -Cr	05/04/2022	9046	SEAL Security Solutio	APRIL 2022 - Commissioned Security Officers and Occasional K-9/ 2022 ART IN THE PARK APRIL 1-2,...		19,568.00	2,140,714.69
Bill Pmt -Cr	05/04/2022	9047	LIMB DESIGN, INC.	[MIDH 001 22 Midtown Arts Hosting Transfer)Programming & Consulting		240.00	2,140,474.69
Bill Pmt -Cr	05/04/2022	9048	Medley Incorporated	MAY 2022 Retainer: Social Media Services/May social media Ads/		2,700.00	2,137,774.69
Bill Pmt -Cr	05/10/2022	9049	Jaime Giraldo	Reimbursements: Texas CIT Conference/Meetings/Travel in District/Reports: building sites		324.08	2,137,450.61
Check	05/10/2022	9050	Cynthia Alvarado	Expense Reimbursement:GroundTransportation/Parking/M		121.19	2,137,329.42
Check	05/12/2022	9051	Cynthia Alvarado	Expense Reimbursement: National Night Out 2022 National Night Out Coordinator Training Seminar Registration Fee ( May 31 - June 1, 2022)		29.20	2,137,300.22
Bill Pmt -Cr	05/16/2022	9052	Central Texas Crime F	500 Business Cards - Operations Manager & Operation Suprevisor		50.00	2,137,250.22
Bill Pmt -Cr	05/26/2022	9053	VISION	Bank Transfer for 2019 Mayorial Directive Gant		208.00	2,137,042.22
Transfer	06/01/2022			Finall Installment Payment	35,000.00		2,172,042.22
Check	06/01/2022	9054	Kozadino Interest Ltd	81 120 017 001 0008 4916 Main St TAX YEAR: 2019		412.17	2,136,630.05
Check	06/01/2022	9055	JP Morgan Chase Bar	81 129 072 001 0001 600 MCGOWEN STREET TAX YEAR: 2021		214.66	2,136,415.39
Check	06/01/2022	9056	ATH HOLDING LLC	81 013 228 000 0003 410 ANITA STREET 13 TAX YEAR: 2021		134.68	2,136,280.71
Check	06/01/2022	9057	DETERLING MARK T	81 130 097 000 0011 2900 HAMILTON STREET 11: TAX YEAR 2019 & TAX YEAR: 2020		130.83	2,136,149.88
Bill Pmt -Cr	06/01/2022	9058	Equi-Tax, Inc.	Monthly Fee per contract for Assessment Collection:--- JUNE 2022		2,657.64	2,133,492.24
Bill Pmt -Cr	06/01/2022	9059	Goode Systems & Coi	Security Coordinator -AC Adapter, USB C Dual Video Dock 100w		184.99	2,133,307.25
Bill Pmt -Cr	06/01/2022	9060	Harris County Treasur	Constable Services for JULY 2022		36,332.00	2,096,975.25
Bill Pmt -Cr	06/01/2022	9061	Perdue, Brandon, Fiel	03/31/2022 -04/27/2022 - Professional Services rendered in the collection of delinquent taxes, ...		709.12	2,096,266.13
Bill Pmt -Cr	06/01/2022	9062	SEARCH Homeless S	Monthly Contribution/Reimburseuables expenses to support Program{ APRIL 2022}		9,666.93	2,086,599.20
Bill Pmt -Cr	06/01/2022	9063	Greater East End Mar	Graffiti Abatement JANUARY - APRIL 2022 Field Maintenance Services in Midtown -APRIL		3,060.00	2,083,539.20
Bill Pmt -Cr	06/01/2022	9064	Metropolitan Landscap	SERVICES 2022'		24,529.00	2,059,010.20
Total 106010 · Wells Fargo Assessment Acct					39,214.72	101,272.49	2,059,010.20
Total 106000 · Wells Fargo Bank					39,214.72	101,272.49	2,059,010.20
<b>TOTAL</b>					<b>39,214.72</b>	<b>101,272.49</b>	<b>2,059,010.20</b>

**UNAUDITED FINANCIALS**

MIDTOWN MANAGEMENT DISTRICT  
ASSESSMENT COLLECTION REPORT

May 2022  
BILLING AND COLLECTION SUMMARY  
FISCAL YEAR END  
01/01/2022 TO 12/31/2022

YEAR	RATE	TOTAL LEVY	COLLECTIONS	RECEIVABLE	% COLLECTED
2021	0.1181	\$3,165,202.88	\$2,976,582.63	\$188,620.25	94%
2020	0.1181	\$2,850,407.80	\$2,829,631.33	\$20,776.47	99%
2019	0.1181	\$2,593,537.82	\$2,583,438.80	\$10,099.02	99%
2018	0.1181	\$2,381,703.67	\$2,374,757.21	\$6,946.46	99%
2017	0.1181	\$2,307,825.88	\$2,303,818.17	\$4,007.71	99%
2016	0.1181	\$2,217,803.36	\$2,215,207.31	\$2,596.05	99%
2015	0.1181	\$1,980,324.33	\$1,978,559.87	\$1,764.46	99%
2014	0.1181	\$1,783,793.61	\$1,782,106.79	\$1,686.82	99%
2013	0.1181	\$1,563,555.15	\$1,562,484.06	\$1,071.09	99%
2012	0.1181	\$1,451,155.01	\$1,450,501.43	\$653.58	99%
2011	0.1181	\$1,373,992.65	\$1,373,427.38	\$565.27	99%
2010	0.1181	\$1,366,296.19	\$1,365,689.94	\$606.25	99%
2009	0.1181	\$1,400,596.16	\$1,399,958.95	\$637.21	99%
2008	0.1181	\$1,388,676.58	\$1,388,129.81	\$546.77	99%
2007	0.1181	\$1,205,818.99	\$1,205,400.14	\$418.85	99%
2006	0.1181	\$1,039,513.58	\$1,039,322.08	\$191.50	99%
2005	0.1181	\$965,243.73	\$965,052.23	\$191.50	99%
2004	0.1181	\$766,477.42	\$766,378.36	\$99.06	99%
2003	0.1125	\$690,634.91	\$690,544.86	\$90.05	99%
2002	0.1125	\$631,419.06	\$631,337.20	\$81.86	99%
2001	0.1125	\$554,768.73	\$554,694.31	\$74.42	99%
2000	0.1125	\$472,859.73	\$472,787.76	\$71.97	99%

Current Month Activity

Revenue:

	Current Month	Year to Date
2021 Assessment Collected	4,054.43	2,421,601.69
2020 Assessment Collected	598.56	29,052.76
2019 Assessment Collected	441.36	-1,710.17
2018 Assessment Collected	0.00	372.36
2017 Assessment Collected	0.00	0.00
2016 Assessment Collected	0.00	0.00
2015 Assessment Collected	0.00	0.00
2014 Assessment Collected	0.00	0.00
2013 Assessment Collected	0.00	0.00
2012 Assessment Collected	0.00	0.00
2011 Assessment Collected	0.00	0.00
2010 Assessment Collected	0.00	0.00
2009 Assessment Collected	0.00	0.00
2008 Assessment Collected	0.00	0.00
2007 Assessment Collected	0.00	0.00
2006 Assessment Collected	0.00	0.00
2005 Assessment Collected	0.00	0.00
2004 Assessment Collected	0.00	0.00
2003 Assessment Collected	0.00	0.00
2002 Assessment Collected	0.00	0.00
2001 Assessment Collected	0.00	0.00
2000 Assessment Collected	0.00	0.00
Miscellaneous Revenue	0.00	0.00
Penalty & Interest	952.34	15,182.93
Overpayments	2.39	7,999.19
Estimated Payment	0.00	0.00
CAD Corrections	265.51	876.65
CAD Lawsuit Corrections	782.20	13,723.87
Collection Fees	303.35	2,633.39
<b>Total Revenue</b>	<b>7,400.14</b>	<b>2,489,732.67</b>

Overpayments & CAD Refunds Presented	892.34	42,841.74
Overpayments Applied to Assessment	0.00	0.00

ASSESSMENT PLAN

2015 - 2024

ASSESSED VALUE FOR 2017	1,877,685,086	
ASSESSED VALUE FOR 2018	2,032,442,587	
ASSESSED VALUE FOR 2019	2,184,876,478	
ASSESSED VALUE FOR 2020	2,434,131,767	UNCERTIFIED
ASSESSED VALUE FOR 2021	2,680,103,988	UNCERTIFIED 379,850

Prepared by Equi-Tax Inc  
Collector For the District

**MIDTOWN MANAGEMENT DISTRICT  
ASSESSMENT COLLECTION REPORT  
May 2022**

**2021 TOP TEN ASSESSMENT PAYERS**

PROPERTY OWNER	PROPERTY TYPE	ASSESSED VALUE	ASSESSMENT AMOUNT
Post Midtown Square LP	Multi-Family Units	118,640,200	140,114.08
3300 Main Project Owner LP	Multi-Family Units	118,606,617	140,074.41
Caydon Houston Property LP	Multi-Family Units	112,924,909	133,364.32
2800 Main LLC	Multi-Family Units	78,436,707	92,633.75
William Marsh Rice University	Real, Commercial	69,582,760	82,177.24
VR Calais Holdings Limited Partners	Multi-Family Units	68,705,126	81,140.75
Pearl Residences at Midtown Owner LLC	Multi-Family, Commercial	58,161,550	68,688.79
AB Merion II Metro Midtown LLC	Multi-Family Units	56,849,166	67,138.87
Camden Property Trust	Multi-Family Units	56,051,944	66,197.35
Mid-Main Properties LP	Multi-Family Units	53,940,591	63,703.84

**TEN LARGEST DELINQUENT ACCOUNTS**

PROPERTY OWNER	ASSESSMENT YEAR	ASSESSMENT AMOUNT
3300 MAIN PROJECT OWNERS LP	2021	60,163.56
MID-MAIN PROPERTIES LP	2021	6,424.84
TIVOLI REALTY INC	2018 - 2021	5,760.72
MIDTOWN SCOUTS SQUARE PROPERTY LP	2021	5,292.72
CAYDON-HOUSTON PROPERTY 2 LP	2021	5,019.25
BERING OMEGA COMMUNITY SERVICES	2021	4,723.89
COHEN JAY H	2013 - 2021	4,594.64
GALVAN RICHARD R	2018 - 2021	3,951.52
2520 CAROLINE LLC	2021	3,588.80
TIVOLI REALTY INC	2018 - 2021	3,576.21

\*\*Account Deferred

\* Pending HCAD Value Lawsuits

**COLLECTION TREND PERCENTAGE**

	YEAR 2018	YEAR 2019	YEAR 2020	YEAR 2021
January	76%	75%	70%	53%
February	94%	93%	91%	89%
March	95%	95%	92%	93%
April	96%	95%	94%	94%
May	97%	96%	94%	94%
June	98%	98%	94%	
July	98%	98%	95%	
August	99%	99%	95%	
September	99%	99%	97%	
October	99%	99%	97%	
November	99%	99%	98%	
December	99%	99%	98%	



**MIDTOWN MANAGEMENT DISTRICT  
ASSESSMENT COLLECTION REPORT  
May 2022**

**ASSESSMENT PLAN PROJECTIONS**

YEAR	RATE	ESTIMATED ASSESSED VALUE	PROJECTED LEVY	COLLECTIONS @ 95%	CUMULATIVE COLLECTIONS	10 YEAR AVERAGE
2015	0.1181	1,706,201,000	2,015,023.38	1,914,272.21	1,978,559.87	
2016	0.1181	1,842,697,000	2,176,225.16	2,067,413.90	2,215,207.31	
2017	0.1181	1,980,899,000	2,339,441.72	2,222,469.63	2,303,818.17	
2018	0.1181	2,109,657,000	2,491,504.92	2,366,929.67	2,374,757.21	
2019	0.1181	2,236,237,000	2,640,995.90	2,508,946.11	2,583,438.80	
2020	0.1181	2,359,230,000	2,786,250.63	2,646,938.10	2,829,631.33	
2021	0.1181	2,477,191,000	2,925,562.57	2,779,284.44	2,976,582.63	
2022	0.1181	2,601,051,000	3,071,841.23	2,918,249.17		
2023	0.1181	2,731,104,000	3,225,433.82	3,064,162.13		
2024	0.1181	2,867,659,000	3,386,705.28	3,217,370.02		
			27,058,984.61	25,706,035.38		2,570,603.54

MAXIMUM RATE .1500 PER \$100

**2021 EXEMPTIONS**

EXEMPTION TYPE	NUMBER APPLIED	APPROVED AMOUNT	VALUE LOSS
Homestead	1301	20% (State Maximum)	82,104,133
Over 65	185	15,000	2,625,414
Disability	6	15,000	81,021
Disabled Veteran	15	Per Statute	1,606,396
Over 65 Detached Single Family	31	Totally Exempt	8,738,996

**AMENDMENT TO**  
**AGREEMENT BY AND BETWEEN**  
**MIDTOWN MANAGEMENT DISTRICT**  
**AND**  
**METROPOLITAN LANDSCAPE MANAGEMENT, INC.**  
**FOR FIELD MAINTENANCE SERVICES**

This amendment (this “Amendment”) to that certain agreement (the “Agreement”), dated as of January \_\_\_, 2018, by and between the Midtown Management District, a municipal management district created by the 76th Texas Legislature pursuant to H.B. 2894 (the “Special Act”) and operating pursuant to and under the District of Chapter 3809, Special District Local Laws Code and Chapter 375, Texas Local Government Code, as amended, (the "District"), and Metropolitan Landscape Management Inc., a for-profit Texas corporation (the “Contractor”) (each a “Party” and collectively, the “Parties”) is made effective as of April 1, 2022 (the “Effective Date”).

**RECITALS**

WHEREAS, the District and Contractor entered into the Agreement, pursuant to which the District engaged the Contractor to provide certain landscape maintenance, debris/trash removal and other services in the public right-of-way throughout the District (the “Project Site”), as more specifically set forth in Exhibits A and B attached to the Agreement and incorporated as if fully set forth therein, so as to assist the District in achieving its goal of providing for visual improvements within the District; and

WHEREAS, beginning in December 2018 the District authorized the expansion of the Field Services Team from six (6) persons to eight (8) persons to provide additional resources for certain landscape maintenance, debris/trash removal and other services in the Project Site; and

WHEREAS, the Board of Directors of the District (the "District Board") has determined that it is in the best interest of the District to amend certain terms of the Agreement; and

WHEREAS, the District and Contractor desire to amend certain provisions of the Agreement.

NOW THEREFORE, in consideration of the premises and intending to be legally bound hereby, the District and Contractor hereby agree as follows:

**ARTICLE I**  
**AMENDMENTS**

Section 1.1. *Section 4 of the Agreement* under the heading “*Compensation*” is hereby amended and restated as follows:

#### Section 4. Compensation

The District will pay the Contractor a sum not to exceed **TWENTY SIX THOUSAND NINE HUNDRED TWENTY FOUR DOLLARS AND NO CENTS (\$26,924.00)** per month as compensation for the services to be performed under the Agreement, as more fully set forth in Exhibits A and B attached thereto and fully incorporated therein. Compensation for a partial month shall be prorated based on 260 workdays per year and Contractor shall be paid for the days for which services were provided.

As consideration for the compensation to be paid hereunder, Contractor agrees to cause its employees to work a minimum of 8 hours per day per person. In the event Contractor provides fewer than the required number of man-hours per day, the monthly compensation shall be reduced by \$15.00 per man-hour for each man-hour not worked. Contractor shall submit supporting documentation evidencing the man-hours worked in form and substance acceptable to the Executive Director or his designated representative.

In the event of inclement weather conditions which prevent all or a portion of Contractor's employees from providing the services contemplated by this Agreement, Contractor shall immediately notify the Executive Director or his designated representative that Contractor is unable to perform its services due to inclement weather conditions. The Contractor shall thereafter submit to the Executive Director or his designated representative a plan of action detailing how and when Contractor will provide the services that Contractor was unable to provide due to inclement weather conditions. If such a plan of action is not presented within 5 days of the Contractor's inclement weather notice to the Executive Director or his designated representative, then the District shall deduct the sum of \$15.00 per hour for each man-hour not worked from the monthly compensation. No deductions shall be made from the monthly compensation for man-hours not worked on District approved holidays set forth in Appendix I, attached hereto and incorporated herein. Any modification of the number of days and man-hours to be provided under this Agreement, must be in writing and signed by the Executive Director or his designee.

Contractor shall submit a written invoice and any supporting documentation, in form and substance acceptable to the Executive Director, or his designated representative, for services performed in accordance with this Agreement. Contractor will not be compensated separately for attending meetings of the District Board or with District staff regarding services performed pursuant to this Agreement.

Invoices for fees and reimbursement of expenses, if any, shall be submitted to the District each month on or before the 15<sup>th</sup> day of the month and are due and payable on or before the 30<sup>th</sup> day of the following month, provided however, that no payment of such fees or expenses is due until the Executive Director or his designated representative reviews such invoice and the same is reviewed and approved by the District Board. Neither the Executive Director, his designated representative, nor the

District Board shall unreasonably delay the review or payment of any invoices from the Contractor.

Invoices and supporting documentation shall be emailed to David Thomas at **accounting@midtown-tx.org** and **dthomas@midtown-tx.org** or may be mailed or hand-delivered to the following address:

**Midtown Management District**  
Attention: David Thomas or Marlon Marshall  
**410 Pierce Street – Suite 355**  
**Houston, TX 77002**

Section 1.2. The Basic Contract Services set forth in Exhibits A and B attached to the Agreement are hereby amended and restated in the revised Exhibits A and B attached to this Amendment and incorporated as if fully set forth herein.

## **ARTICLE II MISCELLANEOUS**

Section 2.1. Severability. If any provision of this Amendment shall be invalid, illegal or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions of the Amendment or the Agreement shall not be affected or impaired thereby.

Section 2.2. Captions and Capitalized Terms. Capitalized Terms used in this Amendment, but not defined in this Amendment, shall have the meanings prescribed in the Agreement. The headings and captions appearing in this Amendment are included solely for convenience of reference only and shall not constitute a part of this Amendment for any other purpose.

Section 2.3. Counterparts. This Amendment may be executed in several identical counterparts, and by the Parties hereto on separate counterparts, and each counterpart, when so executed and delivered, shall constitute an original instrument, and all such separate counterparts shall constitute but one and the same instrument.

Section 2.4. Amendment. Except as modified herein, by its execution of this Amendment in the space provided below, the District and Contractor hereby affirm that the Agreement remains in full force and effect in accordance with its terms.

*[Signatures continue on next page]*

**IN WITNESS WHEREOF**, the parties hereto have signed this Amendment in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same Amendment, effective as of the date set forth in the first paragraph hereof.

**MIDTOWN MANAGEMENT DISTRICT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**METROPOLITAN LANDSCAPE MANAGEMENT,  
INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Exhibit A**  
(Revised)

**Midtown Field Maintenance Services Project**

**Scope of Services**  
*(General Provisions)*

Contractor shall provide all personnel, materials, tools, equipment, and services required to provide daily general maintenance, landscaping and cleanup services including but not limited to mowing, edging, weeding, blowing, hand irrigation, power washing, tree trimming, trash collection, debris and litter removal (“Field Maintenance Services”) in public spaces and right-of-ways in the area commonly known as “Midtown” in the City of Houston, Texas. Contractor will provide at least eight (8) full-time employees, one (1) of which shall be a working supervisor, who are assigned solely to perform Field Maintenance Services on behalf of the Midtown District at least five (5) days a week. Each full-time employee shall work a minimum of 40 hours per week within the District and shall at all times be dressed appropriately (specifically, employees shall wear a Midtown uniform consisting of a shirt and vest containing the Midtown name and logo, which shirt and vest will be supplied by the Midtown District). Contractor represents that it has the necessary current licenses, including but not limited to pest control and irrigation licenses, to perform its obligations under this Agreement.

To the extent the Field Maintenance Services to be performed hereunder entails landscape maintenance, such services shall be provided in accordance with the Midtown Field Maintenance Services Specifications set forth in the Scope of Services (Specific Provisions) attached hereto as Exhibit B.

Contractor shall provide at its sole cost and expense two (2) EZ Go Carts or similar type golf cart vehicles for use in trash and debris collection within the Midtown District. At all times while in the Midtown District, vehicles shall display clearly visible signage containing the Midtown District’s name and logo. Any such signage shall be provided by the Midtown District for use by the Contractor and must be surrendered to the Midtown District upon termination of this Agreement. Contractor shall be solely responsible for the disposal of trash and debris collected and shall properly dispose of any such trash and debris in accordance with any applicable municipal, state or federal law.

Contractor shall provide at its sole cost and expense a pressure washer and water tank, as needed, for pressure washing and hand irrigation within the Midtown District.

Contractor shall provide, at its sole cost and expense, a facility for storage of its materials, tools, and equipment required to provide the services required under this Agreement. The Midtown District shall have no responsibility for any loss or damage to any of the Contractor’s materials, tools or equipment.

Contractor shall provide weekly written reports in form and substance as is required by the Executive Director of the Midtown District or his designee. The form, substance and frequency of such reports shall be in the sole discretion of and may be changed periodically by the Executive Director of the Midtown District or his designee and Contractor shall be given at least 1-week advance notice of such changes in reporting requirements.

Contractor shall coordinate weekly with the Executive Director of the Midtown District or his designee for work assignments and to determine an appropriate schedule for performance of such Field Maintenance Services. In the event of a change in such schedule for any reason, Contractor will notify the Executive Director or his designee immediately of such change.

In the event, Contractor shall be unable to perform the Field Maintenance Services due to inclement weather, such Field Maintenance services shall be performed at the next earliest possible date when inclement weather no longer prohibits Contractor from performing such services.

DRAFT

## Exhibit B

(Revised)

### Midtown Field Maintenance Services Project

#### Scope of Services

*(Specific Provisions)*

#### **PART I GENERAL**

#### **1.01 SCOPE**

A) Work included: perform all work necessary utilizing acceptable horticultural practices for the landscape maintenance of the public spaces and rights of way within the Midtown District. Such work includes, but is not limited to the following:

1. Mowing, edging, and trimming of lawn areas
2. Pruning and trimming of plant material
3. Weeding and cleaning of plant beds
4. Application of fertilizer, insecticides, fungicide, and herbicides
5. Removal of trash, litter and debris
6. Monitor adjustments, coverage and repair of sprinkler systems
7. Hand irrigation of landscaping not serviced by the automatic sprinkler systems
8. Power washing of brick pavers, planters and hardscape material.

B) Related work under a separate contract:

1. Sprinkler repair (excluding that which damaged by Contractor)
2. Plant replacement

C) Extra Services:

All services not covered under this contract shall be considered “**EXTRA SERVICES**” and will be charged separately according to the nature of the task and work involved. **WRITTEN AUTHORIZATION** for **EXTRA SERVICES** must be obtained prior to performance.

#### **1.02 CONTRACTOR’S PERFORMANCE**

The Contractor shall perform all work required as necessary to fulfill the intent of the contract. All work shall be performed in a professional manner, noise shall be kept to a minimum and work staged from a location on the site as to not interfere with the users of the site.



**1.03**            **CONTRACTOR'S RESPONSIBILITIES**

- A) Trees, shrubs or turf that are damaged or killed due to Contractor's operations, chemicals or negligence shall be replaced by the Contractor at no expense to the Midtown District.
- B) Sprinklers or structures that are damaged due to the Contractor's operations or negligence must be repaired or replaced by the Contractor promptly.

**1.04**            **EMERGENCIES**

The Contractor shall respond to emergency or complaint calls regarding conditions in the public right of way requiring immediate attention, including but not limited to, fallen trees or branches or water leaks. Contractor shall immediately notify the Midtown District of any water leaks or other conditions requiring an immediate response.

**PART II**        **EXECUTION**

**2.01**            **TURF MAINTENANCE**

- A)     Mowing, edging, trimming and blowing.
  - 1. During cool weather mow at 1 1/2", hot weather at a height of 2".
  - 2. Never scalp the lawn or remove more than one half the existing top growth in one mowing.
  - 3. Trim grass around sprinkler heads each time the grounds are mowed.

**2.02**            **TREE AND SHRUB MAINTENANCE**

- A)     Contractor shall be responsible for staking and tying of trees at all times. Broken ties and stakes shall be replaced as needed. Adjustments shall be made from time to time to allow proper growth of the tree.
  - 1. All suckers shall be continually removed.
  - 2. Periodically prune or shape trees to promote correct growth (10' below).
  - 3. Periodically adjust or replace ties and stakes to insure the correct growth of trees.
  - 4. All major pruning shall be done only under the direction of the Midtown District.

**2.03**

**FERTILIZATION**

A) Yearly Program-Lawn

Mar 1 - Mar 31: 19-5-9 with 50% SCU, 2% FE  
May 1 - May 31: 19-5-9 with 50% SCU, 2% FE  
July 1 - July 31: 19-0-6 with 2% FE  
Oct 1 - Oct 31: 8-8-19 Winterize

1. Apply at a rate of 10 lbs/1000 sq. ft. in the spring and fall.
2. Apply at a rate of 7 lbs/1000 sq. ft. in the summer.

B) Shrubs and trees need a 13-13-13 analysis fertilizer but at a rate of 8 lbs/1000 sq. ft.

C) Contractor shall notify the Midtown District prior to fertilization application.

**2.04**

**PESTICIDES OR CHEMICAL APPLICATIONS**

A) The Contractor is hereby granted permission to use such pesticides and chemicals as found necessary and advantageous. The Contractor assumes all liability for damage and/or injury from use of these products or equipment. The Midtown District shall be notified prior to application and advised of any potential danger associated with the use of these products.

- 1) An approved insecticide shall be used as required for chinch bugs and grubs.
- 2) Plant material insecticides will be used as necessary to control brownpatch.
- 3) Lawn fungicides will be used as required to control brownpatch.
- 4) Plant fungicides shall be used as necessary to control fungus.
- 5) A herbicide spray shall be used to prevent growth in paved areas where vegetation growth is not permitted.

**2.05**

**HAND IRRIGATION**

A) Contractor shall be responsible for hand watering of landscaping in areas not serviced by automatic sprinkler systems.

**2.06**

**POWER WASHING**

A) Contractor shall be responsible for power washing of brick pavers, planters, and hardscape material in designated areas of the District.

**2.07**

**GENERAL CLEAN UP**

- A) The Contractor shall remove and dispose of all waste material or refuse from his operations immediately after maintenance functions have been performed.
  - 1) Leaves, paper, grass clippings or other debris shall be bagged and removed from site during each visit.
  - 2) No turf clippings, litter or debris should be raked or blown in such a way that it ends up on privately owned property, public streets, sidewalks or in the City of Houston's water and sewer system.

**Part III**

**SPRINKLER MAINTENANCE SPECIFICATIONS**

**3.01**

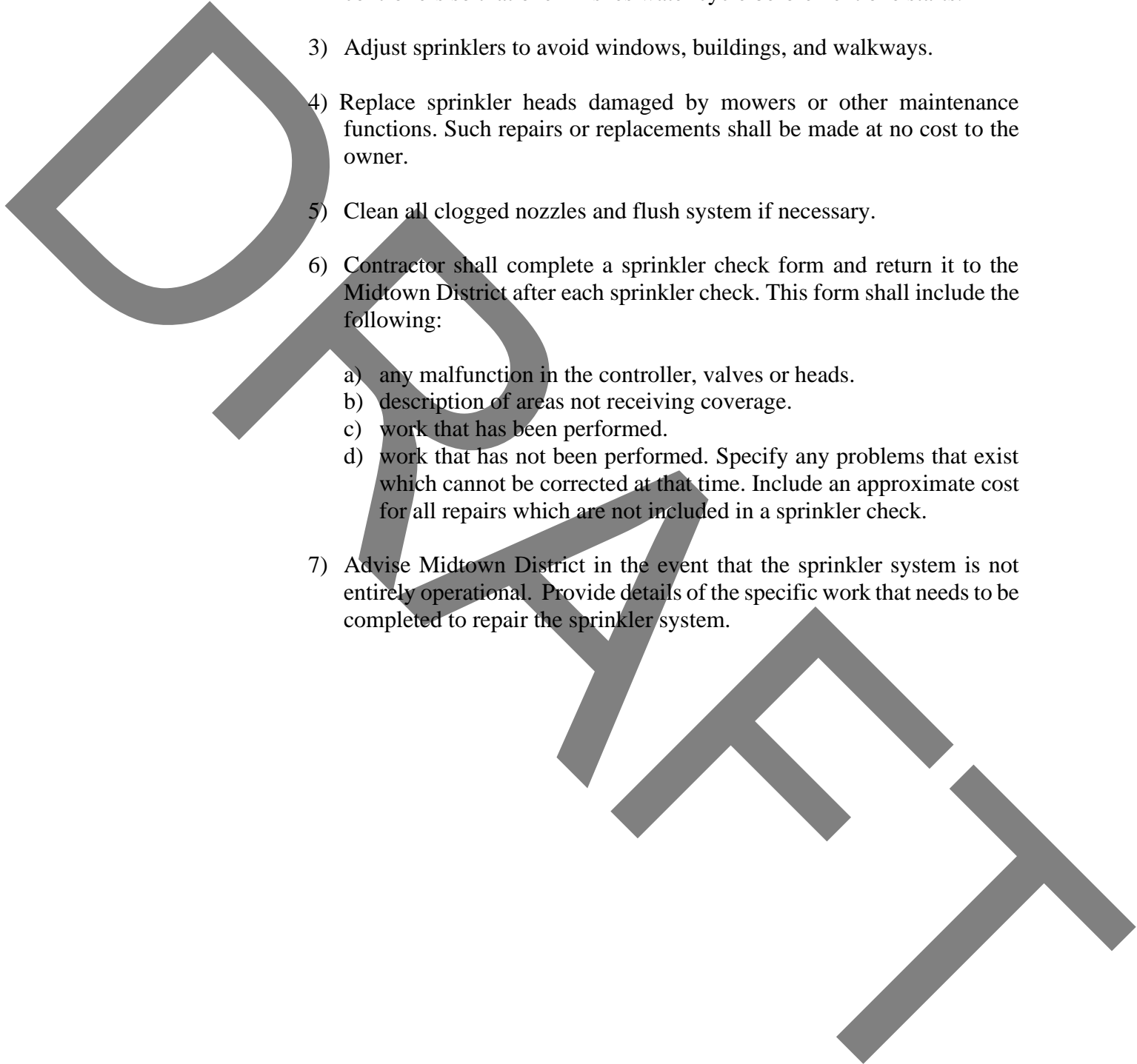
**SCOPE**

- A) Work included: perform all work necessary utilizing acceptable practices for the sprinkler maintenance of the project as required herein. Such work includes but is not limited to:
  - 1) Check controller settings for proper operations.
  - 2) Activate system and check each station for the following:
    - a) Proper valve operation
    - b) Broken lines
    - c) Proper operation of heads and nozzles
    - d) Proper coverage of all landscaped areas
    - e) Proper elevation and alignment of sprinkler heads
- B) Work not included:
  - 1) Repair work on controllers and valves
  - 2) Repair of broken lines
  - 3) Correction of improper elevation of sprinkler heads
  - 4) Placement of donuts

**3.02**

**EXECUTION**

- A) The Contractor shall monitor and program the automatic controlling devices to provide optimum moisture levels in all areas.
  - 1) Irrigation cycles shall be set to take place prior to sunrise (usually 4:00-5:00 a.m.) unless otherwise instructed by the District. Avoid watering on days scheduled for maintenance visits by landscape personnel.

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- 2) If there is more than one irrigation controller, do not program to water during the same time period, as overdraft of water meters will result. Set controllers so that one finishes water cycle before next one starts.
  - 3) Adjust sprinklers to avoid windows, buildings, and walkways.
  - 4) Replace sprinkler heads damaged by mowers or other maintenance functions. Such repairs or replacements shall be made at no cost to the owner.
  - 5) Clean all clogged nozzles and flush system if necessary.
  - 6) Contractor shall complete a sprinkler check form and return it to the Midtown District after each sprinkler check. This form shall include the following:
    - a) any malfunction in the controller, valves or heads.
    - b) description of areas not receiving coverage.
    - c) work that has been performed.
    - d) work that has not been performed. Specify any problems that exist which cannot be corrected at that time. Include an approximate cost for all repairs which are not included in a sprinkler check.
  - 7) Advise Midtown District in the event that the sprinkler system is not entirely operational. Provide details of the specific work that needs to be completed to repair the sprinkler system.

**APPENDIX I**

to

AMENDMENT TO  
AGREEMENT BY AND BETWEEN  
MIDTOWN MANAGEMENT DISTRICT  
AND  
METROPOLITAN LANDSCAPE MANAGEMENT, INC.  
FOR FIELD MAINTENANCE SERVICES

*MIDTOWN MANAGEMENT DISTRICT APPROVED HOLIDAYS*

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day