

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 24, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2007-0388 to 2007-0406
ORDINANCES – 2007-0500 to 2007-0520
RESOLUTION – 2007-0020

2007-0387-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Khan

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - 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 of 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

Motion 2007-0388 – Procedural motion
Motion 2007-0389 – Procedural motion
Motion 2007-0390 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 25, 2007 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. Motion 2007-0391 – Close hearing

Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 40

MISCELLANEOUS - NUMBERS 2 through 4

Motion 2007-0392 – Suspend rules to consider Item 2 out of order

2. Motion 2007-0393

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON PARKS BOARD**:

- Position One - **MR. DON S. ARON**, reappointment, for a term to expire 1/1/2010
- Position Two - **MR. JOHN ODAM**, appointment, for a term to expire 1/1/2010
- Position Three - **MR. TERRY S. CHENG**, reappointment, for a term to expire 1/1/2010
- Position Five - **MS. TRINIDAD (TRINI) MENDENHALL**, appointment, for a term to expire 1/1/2009
- Position Six - **MR. S. REED MORIAN**, reappointment, for a term to expire 1/1/2009
- Position Seven - **MS. TERESE (TERRY) HERSHEY**, reappointment, for a term to expire 1/1/2008
- Position Nine - **MR. BRADY F. CARRUTH**, reappointment, for a term to expire 1/1/2008
- Position Ten - **MR. JAMES (JIM) A. ELKINS, III**, reappointment, for a term to expire 1/1/2010
- Position Eleven - **MR. DON K. CLARK**, reappointment, for a term to expire 1/1/2009
- Position Thirteen - **MS. YOLANDA BLACK NAVARRO**, reappointment, for a term to expire 1/1/2010
- Position Fourteen - **MR. PHILLIP FRANSHAW**, appointment, for a term to expire 1/1/2009
- Position Fifteen - **MR. MICHAEL Y. CHOU**, reappointment, for a term to expire 1/1/2008
- Position Sixteen - **MS. VIVIAN R. KING**, appointment, for a term to expire 1/1/2010
- Position Seventeen - **MR. BENITO GUERRIER**, reappointment, for a term to expire 1/1/2009
- Position Eighteen - **MS. DONNA FUJIMOTO COLE**, reappointment, for a term to expire 1/1/2009
- Position Nineteen - **MR. W. CHARLES “CHUCK” CARLBERG**, reappointment, for a term to expire 1/1/2010
- Position Twenty - **MR. THOMAS G. BACON**, reappointment, for a term to expire 1/1/2010

3. Ordinance 2007-0519

ORDINANCE appropriating \$79,000.00 out of Water & Sewer Consolidated Construction Fund and \$237,202.36 out of Drainage Improvement Commercial Paper Series F, Fund No. 4030 as additional funding for contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Project, WBS M-000210-0001-4, (approved by Ordinance No. 05-711)
DISTRICT B - JOHNSON

a. Motion 2007-0406

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$333,261.03 on contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Storm Sewer Project, WBS M-000210-0001-4 - **DISTRICT B - JOHNSON**

4. Motion 2007-0400

RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - \$540,000.00 - General Fund

ACCEPT WORK - NUMBERS 5 through 8

5. Motion 2007-0401

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,783,705.79 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of El Dorado Paving Extension from Beamer Road to 3,000 feet east, WBS N-000712-0001-4 - 8.38% under the original contract amount **DISTRICT E - WISEMAN**

ACCEPT WORK - continued

6. Motion 2007-0402

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,309,234.40 and acceptance of work on contract with **BOYER, INC** for Construction of Buffalo Bayou Hike and Bike Trail - Bagby to Sabine, WBS N-00420T-0038-4 3.88% over the original contract amount - **DISTRICT I - ALVARADO**

7. Motion 2007-0394

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,716,820.95 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal Contract, WBS R-000266-00E2-4 - 0.07% under the original contract amount

8. Motion 2007-0395

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$941,449.64 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, WBS R-000266-00T1-4 - 24.40% under the original contract amount

PROPERTY - NUMBER 9

9. Motion 2007-0396

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Don B. Sheffield, President, Emanon Facilities, Ltd., for sale of ±15,000 square feet of fee-owned land out of the North Side Disposal Plant site, in the west half of Lot 16, out of the Harris and Wilson Survey, A-32, Parcel SY7-061 **APPRAISERS - DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14

10. Motion 2007-0403

SILVA CONTRACTING COMPANY, INC for Runway Pavement Repair for Houston Airport System - \$412,269.00 and contingencies for a total amount not to exceed \$432,882.45 Enterprise Fund

11. Motion 2007-0397

TYLER MOTOR CO., INC d/b/a HALL BUICK PONTIAC GMC VOLVO for Pumper through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department - \$449,674.00 - CDBG Fund

12. Motion 2007-0398

SHI GOVERNMENT SOLUTIONS, INC for Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Airport System - \$505,026.00 - Enterprise Fund

13. Motion 2007-0399

VF IMAGEWEAR, INC for Uniforms and Accessories from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$360,517.50 - General Fund

14. Motion 2007-0404

BAYOU CITY PUMP WORKS for Emergency Pump Repair Services for Department of Public Works & Engineering - \$44,716.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 40

Written Motion by Council Member Wiseman to amend the proposed ordinance amending the Code of Ordinances relating to transportation and treatment of certain waste, as follows:

I would like to make a motion to Amend Item 15 to read:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent

Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512(e), shall be exempted from the requirement of section 47-512(c), unless a health officer denies such exemption based on the criteria set forth in section 47-512(e). In any event, a generator shall evacuate a grease trap or holding tank a least once every 180 days, as forth under section 47-512(f)

15. Council Members Khan, Lovell and Johnson tagged

ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to transportation and treatment of certain wastes; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

16. Ordinance 2007-0516

ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to screening of bulk containers; containing other provisions relating to the foregoing subject; providing an effective date

RESOLUTIONS AND ORDINANCES - continued

17. Council Members Garcia, Holm, Johnson, Clutterbuck, Khan, Green and Wiseman tagged

ORDINANCE adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Tax Abatements

RESOLUTIONS AND ORDINANCES - continued

18. Council Members Holm, Johnson, Wiseman, Garcia and Brown tagged

ORDINANCE relating to Health Benefits for Employees of City Contractors and Responsibility of bidders on certain City contracts

19. Ordinance 2007-0500

ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to Joint Elections to be held on May 12, 2007; providing a maximum contract amount - \$400,000.00 - General Fund

20. Ordinance 2007-0501

ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston Special Election to fill the unexpired term for Council Member, At-Large Position 3, to be held on May 12, 2007, and any required Runoff Election; prescribing the maximum number of Election Clerks for each voting precinct

21. Ordinance 2007-0502

ORDINANCE authorizing the Mayor to make certain arrangements and procure certain supplies and services not provided under Election Services and Translation Agreements in connection with the City of Houston Special Election to be held in 2007; authorizing the payment of certain costs of such election - \$250,000.00 - General Fund

22. Ordinance 2007-0503

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 2.0274 acres, more or less, of public street right-of-way known as J. W. Peavey Drive (Formerly known as South Harbor Drive), Parcel IT6-001, lying between the easterly right-of-way of 70th Street (60 feet wide), as shown on the map of the Central Park Area of the City of Magnolia Park, a subdivision of the City of Houston, Harris County, Texas, and the westerly right-of-way of West Hedrick Street (40 feet wide), as shown on such map; vacating and abandoning such parcel to the City of Houston in order to incorporate such parcel into Hidalgo Park and allow for safe pedestrian access from such park to the hike and bike trail planned for Buffalo Bayou and the new Harris County Precinct Two Park along Wayside Drive - **DISTRICT I - ALVARADO**

23. Ordinance 2007-0517

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Florence Avenue from Merrill Street to Redan Street (Parcel SY5-020A) and Redan Street from Beauchamp Avenue to Rural Street (Parcel SY5-020B); vacating and abandoning said streets to Houston Independent School District (HISD), the abutting owner ("HISD"), in consideration of HISD's conveyance to the City of a five-foot-wide strip of right-of-way to widen Rural Street (Parcel AY5-043A), a five-foot-wide strip of right-of-way to widen Quinn Street (Parcel AY5-043B), a one-foot-wide strip of right-of-way to widen Beauchamp Avenue (Parcel AY5-043C), and right-of-way to extend and construct Rural Street to Merrill Street (Parcel AY5-043D), all located in either Stinde's 2nd Addition or Woodland Park Addition, and other good and valuable consideration; declining the acceptance of, rejecting and refusing the dedication of a portion of an alley contiguous to Lots 3, 4, and 7, Block 3, Stinde's 2nd Addition (Parcels Nos. SY5-020C and SY5-026); approving the crediting of \$29,316 to HISD's Credit Account - **DISTRICT H - GARCIA**

24. Ordinance 2007-0518

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 507**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2007-0504

ORDINANCE consenting to the addition of 4.5029 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 92**, for inclusion in its district

26. Ordinance 2007-0505

ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**

27. Ordinance 2007-0506

ORDINANCE consenting to the addition of 10.7999 acres of land to **TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

28. Ordinance 2007-0507

ORDINANCE approving and authorizing first amendment to Loan Agreement and modification of Note and First Lien Leasehold Deed of Trust, Security Agreement and Financing Statement between the City of Houston and **100 VICTORY, L.P. - DISTRICT I - ALVARADO**

29. Ordinance 2007-0520

ORDINANCE approving and authorizing an agreement between the City of Houston and **LANGWICK SENIOR RESIDENCES, L.P.** to provide an \$835,000.00 loan of Federal "HOME" Funds for eligible costs in connection with construction of a Senior Housing Apartment Complex to be located in the 900 block of Langwick Drive, Houston, Texas to house qualified low income elderly residents - **DISTRICT B - JOHNSON**

30. Council Member Wiseman tagged

ORDINANCE approving and authorizing an amendment to the City of Houston's Citizen Participation Plan

31. Ordinance 2007-0508

ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD") for the Police Storefront Crisis Team Grant/15 Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

32. Ordinance 2007-0509

ORDINANCE approving and authorizing submission of an application for grant assistance to the Texas Automobile Theft Prevention Authority ("ATPA") for the Major Accessory Shop Enforcement/16 Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

33. Ordinance 2007-0510

ORDINANCE appropriating \$18,900.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of White Heather Street and Storm Sewer Improvements, WBS M-000262-0001-3 - **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

34. Council Member Brown tagged

ORDINANCE appropriating \$85,743.39 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONE STAR, LP** for Construction of Water & Sanitary Sewer Lines to serve Section Six of the Sky View Park Subdivision, WBS S-000802-0048-4 & R-000802-0048-4 **DISTRICT D - EDWARDS**

35. Ordinance 2007-0511

ORDINANCE appropriating \$50,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PERSOHN/HAHN ASSOCIATES, INC** for Police Headquarters Upgrade - Elevator Modernization and Code Upgrades, WBS G-000118-0001-3 - **DISTRICT I - ALVARADO**

36. Ordinance 2007-0512

ORDINANCE appropriating \$590,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Design of Reconstruction for Sampson Street from Navigation Boulevard to Polk Street, WBS N-000717-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS H - GARCIA and I - ALVARADO**

37. Ordinance 2007-0513

ORDINANCE appropriating \$2,649,232.00 out of Fire Consolidated Construction Fund; awarding construction contract to the **GONZALEZ GROUP, LP** for the Val Jahnke Fire Training Academy Simulator Building, WBS C-000068-0005-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN**

38. Ordinance 2007-0514

ORDINANCE appropriating \$867,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **MOMENTUM CONTRACTORS, INC** for Burress, Japhet and Dalton Fleet Maintenance Facilities, WBS R-000268-0002-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for material testing and inspection services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - ALVARADO**

39. Ordinance 2007-0515

ORDINANCE appropriating \$553,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** for Tanya Circle Lift Station Renewal, WBS R-000267-00D3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

RESOLUTIONS AND ORDINANCES - continued

40. Ordinance 2007-0489 – Passed 2nd reading in full

ORDINANCE No. 2007-489, passed first reading April 18, 2007

ORDINANCE granting to **CENTERPOINT ENERGY RESOURCES CORPORATION, DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS**, the right, privilege and franchise to construct, install, retire, operate, and maintain its facilities within the public rights-of-way of the City of Houston, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability and providing an effective date - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. Motion 2007-0405

SET A DATE for hearing on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, requiring the filing of a solid waste collection plan with a single family residential subdivision plat

SUGGESTED HEARING DATE - WEDNESDAY - MAY 2, 2007 - 9:00 A.M.

MATTERS HELD - NUMBER 42

42. Resolution 2007-0020

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Single Family Mortgage Revenue Bonds (GNMA, Fannie Mae, and Freddie Mac Mortgage-backed Securities Program) Series 2007A and approving the Preliminary Official Statement with respect to such bonds - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 10 on Agenda of April 18, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Johnson 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

4/24/2007 – Council Member Wiseman absent on personal business

4/25/2007 – Council Member Lawrence absent on City business