

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 28, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-0890 to 2007-0910
ORDINANCES – 2007-0964 to 2007-0988
RESOLUTIONS – 2007-0034 to 2007-0035

2007-0889-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Brown

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 2007-0890 – Procedural motion
Motion 2007-0891 – Procedural motion
Motion 2007-0892 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 29, 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 2007-0893 – Close hearing

PUBLIC HEARING - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing

a. Ordinance 2007-0964

ORDINANCE READOPTING ARTICLE XII, CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability

MAYOR'S REPORT - Technology Initiatives

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2007-0894

REQUEST from Mayor for confirmation of the appointment of **MR. J. KENT FRIEDMAN**, as Chair of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2009, and the reappointment of the following to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for terms to expire August 31, 2009:

Position Four - **MR. CURTIS V. FLOWERS**
Position Five - **MS. JANIE REYES**

3. Motion 2007-0895

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **MEADOW CHASE CONDOMINIUM ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 7 - **DISTRICT C - CLUTTERBUCK**

ACCEPT WORK - NUMBERS 4 through 7

4. Motion 2007-0902

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,564,753.09 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Renovation of West End Health Center and West End Multi-Service Center - Phase I, WBS H-000068-0001-4 - 04.97% over the original contract amount - **DISTRICT H - GARCIA**

5. Motion 2007-0896

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,150,081.84 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Neighborhood Street Reconstruction Project No. 438, WBS N-000371-0001-4 - 1.59% under the original contract amount - **DISTRICTS A - LAWRENCE and G - HOLM**

6. Pulled-Not Considered

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,323,201.05 and acceptance of work on contract with **D. E. WILLIAMS CONTRACTING COMPANY, INC** for Sanitary Sewer Repairs by Point Repair (Maintenance Repair Contract), WBS R-000266-0070-4 - 1.94% over the original contract amount

7. Motion 2007-0897

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,739,543.23 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC (formerly C AND C SERVICES)** for Water Line Replacement in the Belfort North Subdivision, WBS S-000035-00B5-4 - 6.07% under the original contract amount **DISTRICT I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. Council Members Garcia and Johnson tagged

BADGER METER, INC - \$8,630,476.00, **HD SUPPLY WATERWORKS** - \$1,130,125.00, **AQUA-METRIC SALES COMPANY** - \$1,370,908.00 and **MACAULAY CONTROLS COMPANY** - \$1,037,529.00 for Water Meters and Water Meter Replacement Parts for Department of Public Works & Engineering - 5 Years - \$12,169,038.00 - Enterprise Funds

PURCHASING AND TABULATION OF BIDS - continued

9. Pulled-Not Considered

MACAULAY CONTROLS COMPANY for Replacement Parts for Metering Pumps and Analyzers for Department of Public Works & Engineering - 5 Years - \$996,032.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 34

10. Resolution 2007-0034

RESOLUTION designating property at 2215 Decatur Street within the City of Houston as a Landmark and a Protected Landmark (Augusta Franck House) - **DISTRICT H - GARCIA**

11. Resolution 2007-0035

RESOLUTION designating certain properties within the City of Houston as Historic Landmarks:

W. T. Carter, Jr. House - 18 Courtlandt Place Boulevard - **DISTRICT D - EDWARDS**

Charles W. Duncan Sr., House - 3664 Inverness Drive - **DISTRICT G - HOLM**

12. Ordinance 2007-0965

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a combination 10-foot-wide water line and five-foot-by-ten-foot fire hydrant easement, containing ±8,490 square feet of land, located in the John D. Taylor, Survey, A-72, Houston, Harris County, Texas (Parcel SY6-068); vacation and abandoning said easement to Second Baptist Church, the abutting owner, in consideration of its payment of \$250,455.00 and other consideration to the City - **DISTRICT G - HOLM**

13. Ordinance 2007-0977

ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of nine (9) Non-profit organizations: [(1) **CHANCELLORS FAMILY CENTER**, (2) **CHINESE COMMUNITY CENTER**, (3) **COMMUNITY FAMILY CENTERS**, (4) **HOUSTON GATEWAY ACADEMY, INC**, (5) **JULIA C. HESTER HOUSE, INC**, (6) **LIVING WORD FELLOWSHIP CHURCH OF HOUSTON**, (7) **ST. JAMES SCHOOL**, (8) **URBAN AFFAIRS CORPORATION DBA COMMUNITY PARTNERS**, and (9) **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA**] to administer an After School Achievement Program ("ASAP") - \$490,000.00 - General Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**

14. Ordinance 2007-0966

ORDINANCE appropriating \$25,000.00 out of Public Library Consolidated Construction Fund for Professional Architectural Services for the HPL Express Discovery Green; WBS E-000119-0001-3; under purchase order with **mARCHITECTS, LLC** - **DISTRICT I - ALVARADO**

15. Ordinance 2007-0967

ORDINANCE approving and authorizing first amendments to contracts between the City and (1) **AAR INCORPORATED**, (2) **ORTHO CONSTRUCTION RENOVATION COMPANY**, (3) **ALFRED M. TORRES, JR. d/b/a R & A BUILDING SPECIALIST**, (4) **TREBOR INCORPORATED**, and (5) **LONNIE CHARLES WATSON d/b/a WATSON CONSOLIDATED** for Lead-Base Paint Hazard Reduction Construction Services

16. Ordinance 2007-0968

ORDINANCE approving and authorizing lease agreement between the City of Houston and **HUMBLE PLAZA, LTD, d/b/a MEADOWBROOK RETAIL CENTER**, for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

17. Ordinance 2007-0978

ORDINANCE approving and authorizing Amendment No. 3 to contract between the City of Houston and **ROGER H. BATES**, a sole proprietor, for professional consulting services in connection with a traffic and earnings report and general advisory services for the Houston Airport System - \$100,000.00 - Enterprise Fund

18. Ordinance 2007-0979

ORDINANCE approving and authorizing contract between the City of Houston and **BRACEWELL & GIULIANI, LLP** for Legal Services relating to Cause No. 2007-11183, Felix Michael Kubosh et. al. v. City of Houston, in the 127th Judicial District Court of Harris County, Texas, establishing a maximum contract amount - \$175,000.00 - Property and Casualty Fund

19. Council Members Khan and Holm tagged

ORDINANCE amending Ordinance No. 2006-118 to increase the maximum contract amount and approving and authorizing first amendment to Contract #C62204 between the City of Houston and **PHOENIX BUSINESS CONSULTING** for Professional SAP Programming Services; containing provisions relating to the subject - \$2,250,000.00 - Equipment Acquisition Consolidated and Other Funds

20. Ordinance 2007-0980

ORDINANCE approving and authorizing contract between the City of Houston and **SWAGIT PRODUCTIONS, LLC** for Streaming Video Services for Municipal Channel; providing a maximum contract amount - 3 Years with two one-year options - \$99,666.00 - Cable Television Fund

21. Council Members Clutterbuck and Holm tagged

ORDINANCE approving and authorizing contract between the City of Houston and **VECTRAREPORTS.COM, INC** for Scanning, Storing and providing web-based retrieval of traffic accident reports for the Houston Police Department; providing a maximum contract amount 3 Years with two one-year options - \$70,000.00 - General Fund

22. Ordinance 2007-0981

ORDINANCE appropriating \$4,781,139.91 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409) for use in the Reinspection and Repair of Homes, as mandated by the United States Department of Housing and Urban Development, through the competitive bid process

23. Council Member Holm tagged

ORDINANCE approving and authorizing professional services contract with **HUDSON & MARSHALL OF TEXAS, INC.**, a Texas Corporation, to advertise and conduct an auction of thirty-six (36) surplus tracts of land owned by the City of Houston; approving and authorizing a form of purchase and sale agreement to be entered into for such property, by the City of Houston, seller, and the highest bidder at auction for each such property, purchaser; authorizing the Mayor to execute, and the city secretary to attest, special warranty deeds conveying the properties to the highest bidder - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and I - ALVARADO**

24. Ordinance 2007-0969

ORDINANCE amending Ordinance No. 2002-1180 to increase the maximum contract amount between the City of Houston and **GRACE INDUSTRIES, INC (formerly known as GRACE SALES, INC)** for Fire Rescue Monitoring and Accountability System for the Fire Department \$173,410.80 - General Fund

RESOLUTIONS AND ORDINANCES - continued

25. Council Members Johnson, Khan, Holm, Clutterbuck and Edwards tagged

ORDINANCE amending Ordinance No. 2004-1130 to increase the maximum contract amount to contract between the City of Houston, **GT DISTRIBUTORS, INC** and **TASER INTERNATIONAL, INC** for Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department - \$1,871,942.22 - General Fund

26. Motion 2007-0903 – Postpone one (1) week

ORDINANCE amending Ordinance No. 2004-864 to increase the maximum contract amount to Contract 4600000909 (C56253) between the City of Houston and **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments \$2,260,892.50 - General and Enterprise Funds

27. Pulled-Not Considered

ORDINANCE amending Ordinance No. 2003-1009 to increase the maximum contract amount between the City of Houston and **JOHNSON CONTROLS, INC** for Alarm Monitoring, Inspection, Maintenance and Telephone Response Services for Various Departments - \$160,000.00 General Fund

28. Motion 2007-0904 – Postpone two (2) weeks

ORDINANCE amending Ordinance No. 2003-383 to increase the maximum contract amount between the City of Houston and **HOLLIDAY DOOR & GATE SYSTEMS, INC** for Overhead Door Repair Services for Various Departments - \$280,000.00 - General Fund

29. Ordinance 2007-0970

ORDINANCE approving and authorizing first amendment to contract (approved by Ordinance No. 2007-0832) between the City of Houston and **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Handling and Disposal of Hazardous Materials for Various Departments

Motion 2007-0899 – Suspend rules to consider Items 30, 36, 38, 39 and 49 out of order

30. Council Member Wiseman tagged

ORDINANCE appropriating \$200,851.00 out of Water & Sewer System Consolidated Construction Fund and \$171,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing an interlocal cost sharing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Six of the Clearview Village Subdivision; CIP S-000800-0107-4, R-000800-0107-4 and M-000800-0107-4 - **DISTRICT E - WISEMAN**

31. Ordinance 2007-0971

ORDINANCE appropriating \$481,351.00 out of Water & Sewer System Consolidated Construction Fund and \$465,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PMI SCOTT L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Scott Park Subdivision; CIP S-000800-0105-4, R-000800-0105-4 and M-000800-0105-4 - **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2007-0982

ORDINANCE awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Burnett Bayland Park and Garden Villas Park Improvements; WBS F-000605-0001-4 and F-000640-0004-4; 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 services; construction management; and contingencies relating to construction of facilities financed out of the Federal Government-Grants Fund - \$724,000.00 - CDBG Funds - **DISTRICTS F - KHAN and I - ALVARADO**

33. Ordinance 2007-0940 – Adopted third and final reading

ORDINANCE No. 2007-940, passed second reading August 22, 2007

ORDINANCE granting to **AGGREGATE HAULERS, L.P., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

34. Ordinance 2007-0941 – Adopted third and final reading

ORDINANCE No. 2007-941, passed second reading August 22, 2007

ORDINANCE granting to **VEOLIA ES TECHNICAL SOLUTIONS, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 35

MISCELLANEOUS

35. Motion 2007-0905

SET HEARING DATE on amendments to CHAPTER 42 OF THE CODE OF ORDINANCES SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 1 WEEK FROM DATE OF PASSAGE – Hearing set September 12, 2007 at 9 am

MATTERS HELD - NUMBERS 36 through 49

Motion 2007-0900 – Suspend rules to hear from Mr. Andy Icken on Item 36

Motion 2007-0901 – Refer Item 36 back to the administration – “FAILED”

36. Ordinance 2007-0973

ORDINANCE appropriating \$422,583.49 out of the Water & Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4 - **DISTRICT E - WISEMAN** - **POSTPONED BY MOTION #2007-865, 8/15/07**

This was Item 29 on Agenda of August 15, 2007

MATTERS HELD - continued

37. Ordinance 2007-0983

ORDINANCE appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4 **DISTRICT B - JOHNSON** - **POSTPONED BY MOTION #2007-866, 8/15/07**

This was Item 30 on Agenda of August 15, 2007

38. Ordinance 2007-0974

ORDINANCE appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4 - **DISTRICT E - WISEMAN** - **POSTPONED BY MOTION #2007-867, 8/15/07**

This was Item 31 on Agenda of August 15, 2007

39. Ordinance 2007-0975

ORDINANCE appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FAFB, LLC** for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4 - **DISTRICT E - WISEMAN**

POSTPONED BY MOTION #2007-868, 8/15/07

This was Item 32 on Agenda of August 15, 2007

40. Motion 2007-0906

RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker for **DR. ELIJAH J. THOMAS** - **DISTRICT I - ALVARADO**
TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 4 on Agenda of August 22, 2007

41. Ordinance 2007-0984

ORDINANCE **AMENDING SECTION 40-455 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to size requirements for newsracks; containing other provisions relating to the foregoing subject; providing for severability - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 16 on Agenda of August 22, 2007

42. Ordinance 2007-0985

ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Photographic Traffic Signal Enforcement Systems; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 17 on Agenda of August 22, 2007

43. Ordinance 2007-0986

ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 9** and the inclusion of certain land within the district

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 19 on Agenda of August 22, 2007

MATTERS HELD - continued

Motion 2007-0907 – Amend Item 44 to correct clerical errors and substitute revised pages

44. Ordinance 2007-0987 – Adopted

ORDINANCE awarding contracts to **DRC EMERGENCY SERVICES, LLC** and **OMNI PINNACLE, LLC** for Disaster Debris Removal Services for the Solid Waste Management Department

TAGGED BY COUNCIL MEMBER HOLM

This was Item 27 on Agenda of August 22, 2007

45. Motion 2007-0985 – Postpone two (2) weeks

ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Contract No. 55521 between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Job Order Contracting Services with the Houston Airport System; WBS #A-000348-0001-4-01 (Proj. 516) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** - **TAGGED BY COUNCIL MEMBERS NORIEGA, GARCIA and ALVARADO**

This was Item 29 on Agenda of August 22, 2007

46. Ordinance 2007-0988

ORDINANCE appropriating \$5,877,250.00 out of Airports Improvement Fund, WBS A-000439-0003-4-01 and awarding construction contract to **HONEYWELL INTERNATIONAL, INC** for Security System Upgrades and Modifications at William P. Hobby Airport, (Project 612W); setting a deadline for Honeywell International, Inc's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding Honeywell International, Inc, in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBERS ALVARADO, GARCIA and JOHNSON

This was Item 30 on Agenda of August 22, 2007

Motion 2007-0909 – Suspend rules to remain in session beyond the scheduled noon recess

47. Motion 2007-0910 – Adopt as amended (amend Item 47 to provide 0% M/WBE goal)

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **APPLE GLASS COMPANY** for Automotive Glass for Various Departments - \$552,246.88 General Fund

TAGGED BY COUNCIL MEMBER GREEN

This was Item 44 on Agenda of August 22, 2007

48. Ordinance 2007-0972

ORDINANCE awarding contract to **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department; providing a maximum contract amount 3 Years with two one-year options - \$16,259,339.00 - General, Grant, Enterprise and Other Funds

TAGGED BY COUNCIL MEMBER GREEN

This was Item 49 on Agenda of August 22, 2007

49. Ordinance 2007-0976

ORDINANCE appropriating \$208,068.00 out of Water & Sewer System Consolidated Construction Fund and \$168,481.00 out of Drainage Improvement CPaper Series F Fund and approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, WBS S-000800-0103-4, R-000800-0103-4, M-000800-0103-4 - **DISTRICT E - WISEMAN** - **POSTPONED BY MOTION #2007-888, 8/22/07**

This was Item 50 on Agenda of August 22, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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

8/28/2007 – Council Member Wiseman absent on personal business

Council Member Berry absent

8/29/2007 – All Present

City of Houston, Texas, Ordinance No. 2007-0964

AN ORDINANCE READOPTING ARTICLE XII OF CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, REGARDING STANDARDS OF CARE FOR HOUSTON YOUTH RECREATION PROGRAMS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston has a long history of providing youth recreation programs that contribute to the overall well-being of youth and families in the City; and

WHEREAS, City Council held a public hearing regarding youth recreation programs; and

WHEREAS, the City desires to readopt standards of care that fulfill the requirements of Section 42.041(b)(14) of the Texas Human Resources Code; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That the Standards of Care for Houston Youth Recreation Programs, which is codified as Article XII of Chapter 32 of the Code of Ordinances, Houston, Texas, and was originally adopted as Ordinance 2002-756, is hereby readopted.

Section 3. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof

has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutional[^], voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect upon the date of its passage and adoption.

PASSED AND APPROVED this ____ day of _____, 2007.

Mayor of the City of Houston

Prepared by Legal Dept. ^
KO:asw 08/22/2007 Assistant City Attorney
Requested by Joe Turner, Director, Parks and Recreation Department
L.D. No. 0490700124001