

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 6, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2007-0242 to 2007-0266
ORDINANCES – 2007-0280 to 2007-0294
RESOLUTION – None

2007-0241-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lovell

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 2007-0242 – Procedural motion
Motion 2007-0243 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 7, 2007 - 9:00 A. M.

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

MAYOR'S REPORT - Mobility Response Team

Motion 2007-0246 – Accept Report

9:00 A.M. - **REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 through 6

Motion 2007-0244 – Suspend rules to consider Item 1 out of order

1. Motion 2007-0245

REQUEST from Mayor for confirmation of the appointment of **MR. RICHARD CELLI** as Director of the **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

MISCELLANEOUS - continued

2. Motion 2007-0247

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 (UPPER KIRBY MANAGEMENT DISTRICT) BOARD OF DIRECTORS:**

- Position One - **MR. ROBERT AXELSON**, reappointment, for a term to expire 6/1/2007
- Position Two - **MS. PATRICIA ANN CHESNICK**, appointment, for a term to expire 6/1/2007
- Position Three - **MR. WILLIAM T. "TOMMY" DICKEY**, reappointment, for a term to expire 6/1/2009
- Position Four - **MR. ALBERT KELLER**, reappointment from Position Six, for a term to expire 6/1/2009
- Position Five - **MR. ROBERT H. SCHULTZ**, reappointment, for a term to expire 6/1/2009

3. Motion 2007-0248

REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON LIBRARY BOARD OF DIRECTORS**, for terms to expire March 1, 2009:

- Position Two - **DR. EUGENIO AGUILAR, III**
- Position Four - **MS. CATHRYN RODD SELMAN**
- Position Six - **MR. JESSE H. JONES, II**
- Position Eight - **DR. J. S. STONE, II**
- Position Ten - **MS. HARRIET CALVIN LATIMER**
- Position Twelve - **MS. CYVIA G. WOLFF**
- Position Thirteen - **MS. TINA ARIAS PETERMAN**
- Position Fourteen - **MR. ROBERT B. TUDOR, III**
- Position Sixteen - **MS. BONNIE GAYLE BROOKS**
- Position Seventeen - **MS. JUANITA ELIZONDO**
- Position Eighteen - **MS. ANNE SHEN CHAO**

4. Motion 2007-0249

REQUEST from Mayor for confirmation of appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MARKET SQUARE), BOARD OF DIRECTORS:**

- Position 1 - **MR. JAMIE MIZE**, reappointment, for a term to expire 12/31/2007
- Position 2 - **MR. PHILIP M. SCHNEIDAU**, appointment, for a term to expire 12/31/2008
- Position 3 - **MR. SAMUEL R. PINK**, reappointment, for a term to expire 12/31/2007
- Position 4 - **MS. MINNETTE BOESEL**, reappointment, for a term to expire 12/31/2008 and to serve as Chair for a term ending 12/31/2008
- Position 5 - **MR. CHARLES M. BUSH**, appointment, for a term to expire 12/31/2007
- Position 8 - **MS. DEBORAH KEYSER**, appointment, for a term to expire 12/31/2008
- Position 9 - **MR. RICHARD H. WILSON**, appointment, for a term to expire 12/31/2007

5. Motion 2007-0250

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT) BOARD OF DIRECTORS:**

- Position 1 - **MR. RODERICK DAWSON**, reappointment, for a term to expire 8/31/2008
- Position 2 - **MR. CHARLES H. MOCK**, appointment, for a term to expire 8/31/2008
- Position 3 - **MR. ART MURILLO**, appointment, for a term to expire 8/31/2008
- Position 4 - **MS. ELLEN LAPOINTE**, reappointment, for a term to expire 8/31/2007
- Position 5 - **MR. ERVIN H. BAUMEYER**, appointment, for a term to expire 8/31/2008

6. Motion 2007-0251

REQUEST from Mayor for confirmation of the reappointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for terms to expire March 1, 2009:

- Position One - **MR. MURDOCK SMITH, JR.**
- Position Three - **MR. F. WILLIAM (BILL) OTHON**

ACCEPT WORK - NUMBERS 7 through 9

7. Motion 2007-0252

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$3,156,300.00 and acceptance of work on contract with **R. HASSELL BUILDERS, INC** for Construction of New Fire Station 86, WBS C-000061-0001-4 - 5.00% over the original contract amount - **DISTRICT G - HOLM**

8. Motion 2007-0257

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount and final payment of \$3,417,501.35 to the **Surety, HARTFORD FIRE INSURANCE COMPANY** and acceptance of work on contract awarded to **ZAKHEM-AJS CONSTRUCTION GROUP, INC** for Anderson Road Reconstruction from South Post Oak to Hiram Clarke, WBS N-000644-0007-4 and S-000521-00A2-4 (N-0644-07) - 2.05% under the original contract amount - **DISTRICT D - EDWARDS**

9. Council Member Garcia tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,106,627.93 payable to the **Surety, ST. PAUL FIRE AND MARINE INSURANCE COMPANY**, on contract awarded to **CONTRACTOR TECHNOLOGY, INC** and acceptance of work for Construction of 36-inch Water Line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard, WBS S-000900-0078-4 - 00.04% under the original contract amount - **DISTRICT E - WISEMAN**

PROPERTY - NUMBER 10

10. Motion 2007-0258

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-589, in the 2000 block of McKinney Street, owned by Union Pacific Railroad Company, a/k/a Southern Pacific Transportation Company, Pat Moran, Real Estate Property Manager, for the **COLUMBIA TAP UNION STATION HIKE AND BIKE TRAIL PROJECT**, N-000420-0037-2-01 - **DISTRICT I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 17

11. Motion 2007-0253

DYNAPAC USA, INC d/b/a DYNAPAC COMPACTION, PAVING AND MILLING for Compaction Roller through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Houston Airport System - \$88,827.00 - Enterprise Fund

12. Motion 2007-0254

APPROVE spending authority for National Registry Testing Fees through the **NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS** the sole vendor for the Texas Department of State Health Services for the Houston Fire Department - 3 Years - \$195,000.00 General Fund

13. Motion 2007-0255

APPROVE spending authority for payment of Certification Fees to the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for Fire Department - 3 Years - \$380,000.00 - General Fund

14. Council Member Holm tagged

TEXAS DEPARTMENT OF PUBLIC SAFETY for State Inspection Stickers for Police Department \$46,900.00 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

15. Motion 2007-0259

ALTIVIA CORPORATION, INC (Bid No. 3) for Chemicals, Inorganic Metal Salt Coagulant for Department of Public Works & Engineering - \$27,583,500.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$27,563,500.00 - Enterprise Fund

16. Motion 2007-0256

RUSH TRUCKS CENTER OF TEXAS, L.P. - \$351,992.00; **TEXAS UNDERGROUND, INC** \$417,037.12 and **VACTOR MANUFACTURING, INC** - \$196,505.02 for Cab & Chassis, Truck Bodies and a Trailer-Mounted Sewer Cleaner through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - Enterprise Fund

17. Motion 2007-0260

PHILPOTT MOTORS, LTD. - \$4,055,515.00; **BABY JACK II AUTOMOTIVE, LTD d.b.a. CALDWELL COUNTRY CHEVROLET** - \$319,246.00 and **PFPP, L.P., d.b.a. PLANET DODGE** - \$1,298,916.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - Grant, Enterprise, Equipment Acquisition Consolidated and Other Funds

ORDINANCES - NUMBERS 18 through 33

18. Ordinance 2007-0286

ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Massage Establishments

Written motion by Council Member Lawrence to amend Item 19 as follows:

“Amend Section 3 of the Ordinance so that the introductory paragraph of Subsection 42-163(e) shall read as follows:

- (e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be constructed building line farthest from the street that the constructed building line of at least 70 percent of the structures in the area is the same as or farther from the street than. If the proposed special building line requirement area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist.

19. Council Members Wiseman, Lovell and Holm tagged

ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to minimum building line and minimum lot size areas; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; containing a savings clause

ORDINANCES - continued

20. Ordinance 2007-0287

ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT), City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007B (NON-AMT) and such other Series or Subseries as designated herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of certain Outstanding Airport System Senior Lien Commercial Paper Notes and Outstanding Subordinate Lien Airport System Bonds; approving the sale of the Bonds and authorizing the execution and delivery of one or more Bond Purchase Agreements; authorizing the execution and delivery of various Escrow Agreements by and between the City and the Refunded Note Escrow Agent and Refunded Bond Escrow Agent; authorizing the purchase of Bond Insurance and one or more Reserve Fund Surety Policies; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, and other related and necessary agreements pertaining to the Bonds; and declaring an emergency

21. Council Member Wiseman tagged

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2006-747), to amend the Master Pay Structure by increasing the pay grade maximums by eight percent (8%), to add, revise and/or delete certain classifications substituting the amended exhibits as part of the current Master Classification Listing; providing for severability

22. Ordinance 2007-0288

ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant offers up to \$60,000,000.00 for various projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; declaring the City's eligibility for such grants - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

23. Ordinance 2007-0280

ORDINANCE approving and authorizing Purchase and Sale Agreement between the **UNIVERSITY OF HOUSTON SYSTEM**, as purchaser, and the City of Houston, as seller, for the sale of a tract of land, containing 31,250 square feet of land, more or less, being out of the John Austin Survey No. 1, Parcel SY6-116, in consideration for the payment of \$1,431,652.00 to be paid at closing by the University of Houston System **DISTRICT I - ALVARADO**

24. Ordinance 2007-0289

ORDINANCE approving and authorizing contract between the City and **CLAYTON LIBRARY FRIENDS** for a Renovation Agreement for the Repair and Renovation of the Clayton Family Buildings, WBS E-000156-0001-4 - **DISTRICT D - EDWARDS**

25. Council Members Wiseman, Lovell, Garcia, Holm, Alvarado, Khan, Green, Clutterbuck, Edwards and Johnson tagged

ORDINANCE approving and authorizing contract between the City of Houston and **JACKSON LEWIS LLP**, for Legal Services to include representation of the City of Houston relating to negotiations with the Houston Organization of Public Employees (H.O.P.E.); providing a maximum contract amount - \$150,000.00 - General Fund

ORDINANCES - continued

26. Ordinance 2007-0281

ORDINANCE appropriating \$2,540,000.00 out of Fire Consolidated Fund; \$65,000.00 out of Public Health Consolidated Fund; \$67,000.00 out of General Improvement Consolidated Fund; and \$150,000.00 out of Police Consolidated Fund as an additional appropriation to the In-House Renovation Revolving Fund for Renovation/Reconstruction of various City facilities during FY 07, WBS C-000122-0003-4

27. Pulled-Not Considered

ORDINANCE appropriating \$288,367.13 out of General Improvement Consolidated Fund; and \$135,308.75 out of Solid Waste Consolidated Fund, as an additional appropriation, under contract with **CHARTER ROOFING COMPANY, INC** for Roof Repair Services for the Metropolitan Multi-Service Center, D-000128-0001-4 and the Solid Waste Northwest Service Center - L-0000NA-003-4 - **DISTRICTS A - LAWRENCE and D - EDWARDS**

28. Ordinance 2007-0290

ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause

29. Ordinance 2007-0291

ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Congress Avenue Bridge at Buffalo Bayou, WBS N-001320-0001-3 **DISTRICT I - ALVARADO**

30. Ordinance 2007-0282

ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Groeschke Road Bridge at Mayde Creek, WBS N-001320-0002-3 - **DISTRICT A - LAWRENCE**

31. Ordinance 2007-0283

ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Wynnwood Lane Bridge at HCFCD Ditch, WBS N-001320-0003-3 - **DISTRICT A - LAWRENCE**

32. Ordinance 2007-0284

ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Farther Point Bridge at Buffalo Bayou, WBS N-001320-0004-3 - **DISTRICT G - HOLM**

33. Ordinance 2007-0285

ORDINANCE appropriating \$300,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of 5 MG Ground Storage Tank at Bellaire Braes Water Plant, WBS S-000610-00A2-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT F - KHAN**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 34

MISCELLANEOUS

34. Motion 2007-0261

RECOMMENDATION from Director Finance & Administration Department to set a public hearing date regarding amendments to the Project and Financing Plan for **TIRZ #14 (FOURTH WARD ZONE) - DISTRICTS D - EDWARDS and I - ALVARADO**
SUGGESTED HEARING DATE - WEDNESDAY - MARCH 28, 2007 - 9:00A.M.

MATTERS HELD - NUMBERS 35 through 41

35. Motion 2007-0262 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,220,857.85 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Ella Boulevard from Pinemont to West Little York, WBS No. N-000546-0001-4 - 04.64% under the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON**
POSTPONED BY MOTION 2007-199, 2/21/07
This was Item 44 on Agenda of February 21, 2007

36. Motion 2007-0263 – Postpone to March 21, 2007

RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City
TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and GREEN
This was Item 3 on Agenda of February 28, 2007

37. Motion 2007-0264 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY7-368, owned by H. H. Clark and R. D. Clark, for the **PROPOSED BEALL STREET EXTENSION PROJECT between West 14th and Wynnwood Streets**, N-000663-00RE-2-01 **DISTRICT A - LAWRENCE** - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 16 on Agenda of February 28, 2007

38. Motion 2007-0265 – Postpone to March 28, 2007

ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Screening of Dumpsters; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability
TAGGED BY COUNCIL MEMBER WISEMAN
This was Item 25 on Agenda of February 28, 2007

39. Ordinance 2007-0292

ORDINANCE discontinuing the applicability of Subsection 33-250(a) of the Code of Ordinances, Houston, Texas, relating to the demolition of historic structures in the Old Sixth Ward Historic District; making findings and containing other provisions relating to the demolition of historic structures in the Old Sixth Ward Historic District; providing for severability - **DISTRICT H - GARCIA** - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 26 on Agenda of February 28, 2007

MATTERS HELD – continued

40. Ordinance 2007-0293

ORDINANCE establishing Minority Business Enterprise, Women Business Enterprise and Small Business Enterprise Goals for Non-Aviation City Construction Projects; containing other provisions relating to the foregoing subject; providing for severability - **TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, HOLM, KHAN, GREEN and CLUTTERBUCK**

This was Item 27 on Agenda of February 28, 2007

Motion 2007-0266 – Postpone Item 41 within this meeting

41. Ordinance 2007-0294

ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION - DISTRICT H - GARCIA** - **TAGGED BY COUNCIL MEMBERS EDWARDS and WISEMAN**

This was Item 31 on Agenda of February 28, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

3/6/2007 – All Present

3/7/2007 – All Present