

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

with notes of action taken

MOTIONS - 2007-0407 to 2007-0439
ORDINANCES – 2007-0521 to 2007-0544
RESOLUTION – 2007-0021

2007-0406-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

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 2007-0407 – Procedural motion

Motion 2007-0408 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 2, 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 2007-0409 – 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.

Written motion by Council Member Garcia to amend Item 1A as follows:

“In Section 3 of the proposed Ordinance, amend Section 28-171 of the Code of Ordinances, Houston, Texas, by adding, in the appropriate alphabetical order, the following definition:

“*Adult* means an individual who has attained the age of 18.”

- Council Member Wiseman tagged

AGENDA - MAY 2, 2007 - PAGE 2

HEARINGS - 9:00 A.M. - continued

a. **Council Member Wiseman tagged**

ORDINANCE modifying and continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability

2. **Motion 2007-0410 – Close hearing**

PUBLIC HEARING on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, relating to Section 42-40 basic subdivision plat submittal requirements

a. **Council Members Wiseman, Garcia, Holm and Khan tagged**

ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection

MAYOR'S REPORT - TIRZ Issues

Motion 2007-0411 – Accept reports

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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 3 through 40

MISCELLANEOUS - NUMBERS 3 and 4

3. **Motion 2007-0412**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:

- Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2009
- Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2009
- Position 5 - **MR. W. J. BOWEN**, reappointment, for a term to expire 2/1/2009
- Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2009
- Position 9 - **MS. MARIE D. ARCOS**, appointment, for a term to expire 2/1/2009
- Position 11 - **MS. TANAZ CHOUDHURY**, reappointment, for a term to expire 2/1/2009
- Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2009
- Position 15 - **MR. ROBERT A. RIDGE**, reappointment, for a term to expire 2/1/2009
- Position 17 - **MS. CARLA LENA' WYATT**, reappointment, for a term to expire 2/1/2009
- Position 21 - **MR. MICHAEL E. LAVENGCO**, reappointment, for a term to expire 2/1/2009
- Position 25 - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 2/1/2009
- Position 27 - **MS. KATHERINE BUI**, reappointment, for a term to expire 2/1/2009
- Position 28 - **MR. PATRICK CASTILLO**, appointment, for an unexpired term ending 2/1/2008
- Position 29 - **MR. JOSÉ GRIÑÁN**, reappointment, for a term to expire 2/1/2009
- Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2009
- Position 33 - **MR. DARRYL KING**, reappointment, for a term to expire 2/1/2009
- Position 35 - **MR. DARRYL LAMBERT**, appointment, for a term to expire 2/1/2009
- Position 37 - **MR. MICHAEL HATLEY**, reappointment, for a term to expire 2/1/2009
- District A - **MS. JANICE GABRIEL**, reappointment, for a term to expire 2/1/2008
- District B - **MS. THERESA CARMOUCHE-LEDE**, appointment, for a term to expire 2/1/2008
- District C - **MS. JANICE S. ROSE**, reappointment, for a term to expire 2/1/2008
- District D - **MS. BESSIE M. SWINDLE**, reappointment, for a term to expire 2/1/2008
- District E - **MR. PAUL KEVIN DIX**, reappointment, for a term to expire 2/1/2008
- District F - **MS. L'TISHA M. MICHAELS**, appointment, for a term to expire 2/1/2008
- District G - **MR. HARRY J. PHILLIPS, JR.**, reappointment, for a term to expire 2/1/2008
- District H - **MR. JOSE A. MEDRANO**, reappointment, for a term to expire 2/1/2008
- District I - **MR. RAMIRO FONSECA**, reappointment, for a term to expire 2/1/2008

MISCELLANEOUS - continued

4. Motion 2007-0413

REQUEST from Mayor for confirmation of the reappointment of the following to the **MILLER THEATER ADVISORY BOARD**, for terms to expire April 24, 2011:

Position 2 - **MR. GREG SCOTT MARSHALL**, representing Rice University

Position 3 - **MR. JASON OBY**, representing Texas Southern University

Position 14 - **MS. ANTOINETTE M. "TONI" JACKSON**

Position 15 - **MS. TERRYLIN G. NEALE**

Position 17 - **MS. BARBARA J. SNYDER**

Position 19 - **MR. FRANK E. HOOD, JR.**

Position 21 - **MR. RODNEY E. NATHAN**

DAMAGES - NUMBER 5

5. Motion 2007-0414

RECOMMENDATION from City Attorney for settlement of lawsuit styled **SOUTHWESTERN BELL TELEPHONE, L.P.** vs. City of Houston; in the Civil District Court 270th Judicial District of Harris County, Texas, Cause No. 2005-45703 - \$100,000.00 - Property and Casualty Fund

PROPERTY - NUMBERS 6 through 10

6. Motion 2007-0416

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth W. Powell, President, Creative Care Corporation, for sale of ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556, Parcels SY7-056 and QY7-004 - **STAFF APPRAISERS - DISTRICT A - LAWRENCE**

7. Motion 2007-0417

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Sitts, West Belt Surveying, Inc., on behalf of LG Law Limited Partnership, a Texas Limited Partnership [Gables Realty GP, LLC, a Texas Limited Liability Company (Ben Pisklak, Regional Vice President), General Partner], for abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836, Parcel SY7-029 - **APPRAISERS DISTRICT G - HOLM**

8. Motion 2007-0418

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debi Bates-Tribble of Tetra Surveys, on behalf of M. D. Holdings, LLC (Marc Diamond, President), for abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey, Parcel SY7-071 - **STAFF APPRAISERS - DISTRICT D - EDWARDS**

PROPERTY - continued

9. Motion 2007-0419

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Hunsworth, Gene Carroll & Assoc., L.P., on behalf of Highland Village Limited Partnership {Village Holding, Inc. (Haidar Barbouti, President), General Partner], for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61, Parcels SY7-072 and DY7-036 **STAFF APPRAISERS - DISTRICT G - HOLM**

10. Motion 2007-0430

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-043, located at 7811 Long Point, owned by Banco Popular NA, Texas, for the **LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT from Pine Chase to Johanna**), N-000674-0001-2-01-10 - **DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. Motion 2007-0420

AAR, INCORPORATED for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$81,500.00 and contingencies for a total amount not to exceed \$85,575.00 Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO**

12. Motion 2007-0421

WAUKESHA-PEARCE INDUSTRIES, INC for Generator through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$193,096.65 - Grant Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 40

13. Resolution 2007-0021

RESOLUTION in support of proposed amendment to the "State of Texas Partial Action Plan for Disaster Recovery to use Community Development Block Grant (CDBG) Funding to assist with the recovery of distressed areas related to the consequences of Hurricanes Katrina, Rita and Wilma in the Gulf of Mexico in 2005"

Motion 2007-0427 – Suspend rules to consider Item 14 out of order

14. Council Members Wiseman and Holm tagged

ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to concrete crushing sites; establishing a schedule of fees for permits issued in connection therewith

15. Council Members Wiseman and Garcia tagged

ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection in the City; repealing Ordinance No. 85-842 relating to Solid Waste Sponsorship Agreements; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

16. Council Members Wiseman and Johnson tagged

ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2007; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2007

RESOLUTIONS AND ORDINANCES - continued

a. Council Members Wiseman and Johnson tagged

ORDINANCE declaring the intention of the City to Reimburse Dangerous Building Demolition Project Expenditures from future proceeds of Certificates of Obligation, appropriating \$3,500,000 from the General Fund Fund Balance for the purpose of making a cash advance to the Dangerous Building Demolition Fund, appropriating \$3,500,000 from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings

17. Ordinance 2007-0535

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

18. Ordinance 2007-0536

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the refunding, final payment, and discharge of the City's obligations under an amended and restated Treated Water Supply Contract to pay debt service requirements on outstanding bonds of the Houston Area Water Corporation; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

19. Ordinance 2007-0537

ORDINANCE amending a Chart in City of Houston, Texas, Ordinance No. 2007-225 relating to effective dates of the Newsrack Ordinance

20. Ordinance 2007-0538

ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced

a. Ordinance 2007-0539

ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision

RESOLUTIONS AND ORDINANCES - continued

21. Ordinance 2007-0521

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the Lawn Street Cul-de-sac right of way and a 10-foot-wide water main easement containing an aggregate of 31,360 square feet of land, more or less, Parcels SY6-079A and SY6-079B, both parcels being out of Lincoln Park Apartments, recorded in Volume 166, Page 92, Harris County Map Records, and situated in the H.&T.C.R.R. Co. Survey, Section 10, Block 1, A-1068; vacating and abandoning said parcels of land to the Houston Housing Authority, the abutting owner, in consideration of owner's payment of \$26,500.00 and other consideration to the City - **DISTRICT B - JOHNSON**

22. Council Member Wiseman tagged

ORDINANCE appropriating \$465,125.00 out of Tax Increment Fund for Reinvestment One Number Ten, City of Houston, Texas (Lake Houston Zone) for Administrative Expenses and payment of project costs as provided herein - **DISTRICT E - WISEMAN**

23. Ordinance 2007-0540

ORDINANCE approving and authorizing lease agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and **HOUSTON ASSOCIATION OF REALTORS, INC** ("Tenant") for approximately 3,600 net rentable square feet of parking space located beneath the Edloe Street overpass at the SW Freeway, Houston, Harris County, Texas 77027, for five (5) years at a monthly rental of \$250.00 - **DISTRICT C - CLUTTERBUCK**

24. Council Member Clutterbuck tagged

ORDINANCE approving and authorizing Lease Agreement between **BRAYS OAKS TOWERS, LTD.**, a Texas Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 10,409 square feet of net rentable office space at 10103 Fondren, Suite 100, Houston, Harris County, Texas 77096, for use by the Houston Public Library Department - **DISTRICT C - CLUTTERBUCK**

25. Ordinance 2007-0522

ORDINANCE approving and authorizing first amendment to Lease Agreement between **CA NEW PLAN ASSET PARTNERSHIP IV, L.P.**, a Delaware Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 11,900 square feet of net rentable office space at 5198 Aldine Mail Route, Houston, Harris County, Texas 77039, for use by the Department of Health & Human Services WIC Program

26. Ordinance 2007-0541

ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Base Station (Telemetry Operations); providing a maximum contract amount - 5 Years \$15,026,464.00 - General Fund

27. Ordinance 2007-0523

ORDINANCE awarding contract to **INDUSTRIAL TX CORP.** for Maintenance and Repair of Sludge Dewatering and Drying Equipment Services for the Public Works & Engineering Department; providing a maximum contract amount - 1 Year with two one-year options \$5,962,915.00 - Enterprise Fund

28. Ordinance 2007-0524

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Professional Materials Engineering Laboratory Contract between the City of Houston **DAE AND ASSOCIATES, LTD., D/B/A GEOTECH ENGINEERING AND TESTING**, for Miscellaneous Projects with the Houston Airport System (Project No. 615E; WBS A-000138-0014-4-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2007-0525

ORDINANCE appropriating \$1,370,454.00 out of Airports Improvement Fund, WBS A-000486-0008-4-01, \$3,426,134.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0008-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal A Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612G); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City holding Vanderlande Industries, 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 B - JOHNSON**

30. Ordinance 2007-0526

ORDINANCE appropriating \$139,782.00 out of Airports Improvement Fund, WBS A-000486-0009-4-01, \$349,454.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0009-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal D Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612H); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding Vanderlande Industries, 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 B - JOHNSON**

31. Ordinance 2007-0542

ORDINANCE appropriating \$141,138.19 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **PMI SCOTT, LP** for Construction of Sanitary Sewer Lines along Scott Street, WBS R-000802-0049-4 - **DISTRICT D - EDWARDS**

32. Ordinance 2007-0527

ORDINANCE appropriating \$100,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract for Work Order Contract between the City of Houston and **ARCHI*TECHNICS/3, INC** for All Departments, WBS D-000115-0004-3; providing a maximum contract amount

33. Ordinance 2007-0528

ORDINANCE appropriating \$608,200.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Drainage Improvement at Grade Separations (approved by Ordinance No. 03-0591), WBS M-000241-0002-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO**

34. Ordinance 2007-0529

ORDINANCE appropriating \$690,800.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES** for Design of the Reconstruction of Buffalo Speedway from North Braeswood Blvd. to Holcombe Blvd., WBS N-000847-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

RESOLUTIONS AND ORDINANCES - continued

35. Ordinance 2007-0530

ORDINANCE appropriating \$1,739,110.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for an Engineering Services Agreement between the City of Houston and **CORPRO COMPANIES, INC** for the Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, WBS S-000037-0002-3

36. Ordinance 2007-0531

ORDINANCE appropriating \$385,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Rehabilitation of Ground Storage Tanks at Plant 3, Improvements to Chemical Storage and Improvements to plant entrances at East Water Purification Plant, WBS S-000056-0045-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - WISEMAN**

37. Ordinance 2007-0532

ORDINANCE appropriating \$333,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **REPUBLIC ELECTRIC** for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and 21 various locations, WBS N-000650-0024-4; 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 contingencies and project management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**

38. Ordinance 2007-0533

ORDINANCE appropriating \$3,800,773.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00G2-4; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

39. Council Member Johnson tagged

ORDINANCE appropriating \$1,735,374.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-00G4-4; 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 and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund

40. Ordinance 2007-0489 – Passed third and final reading

ORDINANCE No. 2007-489, passed second reading April 25, 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 - **THIRD AND FINAL READING**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 41 through 45

Motion 2007-0415 – Suspend rules to consider Items 41, 41a and 41b after consent Agenda

NOTE: Item 41 is presented for the first time and is taggable.

41. Motion 2007-0422 – Adopt

MOTION to amend Item 41B as follows:

1. By amending Subsection (b) of Section 47-416 in **Section 9** of the proposed Ordinance to read as follows:
 - (b) The city official is authorized to issue citations charging the violation of any of the provisions of this article."
2. By amending Subsection (e) of Section 47-512 in **Section 35** of the proposed Ordinance to read as follows:
 - (e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed "Notice of Waiver (NOW)" form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violation of this article. A generator may not resubmit a NOW form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:
 - (1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and
 - (2) The generator's transporter section of the form shall require the transporter to certify that, based on the transporter's judgment, at the generator's site, the frequency of cleaning is sufficient to:
 - a. Produce an effluent in consistent compliance with the discharge parameters in this article, or
 - b. Demonstrate that less than 25% of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases. "

MATTERS HELD – continued

Item 41 – continued

a. Motion 2007-0423 – Table

WRITTEN Motion by Council Member Wiseman to amend Item 41B below:

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)

TAGGED BY COUNCIL MEMBERS KHAN, WISEMAN, ALVARADO, LOVELL and GARCIA

Motion 2007-0424 – Postpone Item 41b to a later time in the Agenda

Motion 2007-0431 – Written motion by Council Member Alvarado to amend Item 41b as follows:

“Sec. 47-532. Verification of registration.

It shall be unlawful for any transporter to remove or receive Class B or C waste from any site that has never been issued an original permit or registration to the current generator as provided in division 2 of this article. It is an affirmative defense to prosecution under this section that the waste consists exclusively or portable toilet waste. - **Adopted**

b. Ordinance 2007-0544 – Adopt as amended

ORDINANCE **AMENDING CHAPTERS 47 AND 20 OF 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

TAGGED BY COUNCIL MEMBERS KHAN, LOVELL and JOHNSON

This was Item 15 on Agenda of April 25, 2007

42. Motion 2007-0426 – Postpone one (1) week

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 - **TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, JOHNSON, CLUTTERBUCK, KHAN, GREEN and WISEMAN**

This was Item 17 on Agenda of April 25, 2007

MATTERS HELD – continued

Motion 2007-0425 – Suspend rules to consider Items 43, 22 and 42 out of order

43. Ordinance 2007-0534

ORDINANCE relating to Health Benefits for Employees of City Contractors and Responsibility of bidders on certain City contracts - **TAGGED BY COUNCIL MEMBERS HOLM, JOHNSON, WISEMAN, GARCIA and BROWN**

This was Item 18 on Agenda of April 25, 2007

Motion 2007-0428 – Suspend rules to consider Item 44 out of order

44. Motion 2007-0429 – Postpone one (1) week

ORDINANCE approving and authorizing an amendment to the City of Houston's Citizen Participation Plan - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 30 on Agenda of April 25, 2007

45. Ordinance 2007-0543

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** - **TAGGED BY COUNCIL MEMBER BROWN**

This was Item 34 on Agenda of April 25, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lovell 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

5/1/2007 – Council Member Wiseman absent on City business

5/2/2007 – All Present