

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 16, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-1023 to 2007-1042
ORDINANCES – 2007-1146 to 2007-1168
RESOLUTION – None

2007-1022-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Edwards

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 2007-1023 – Procedural motion
Motion 2007-1024 – Procedural motion
Motion 2007-1025 – Procedural motion

5:00 P. M. - RECESS TO 6:00 P.M.

HEARING - 6:00 P.M.

1. Motion 2007-1026 – close hearing

PUBLIC HEARING on the proposal to establish a tax rate of \$.64375/\$100 of value for Tax Year 2007

RECONVENE

WEDNESDAY - OCTOBER 17, 2007 - 9:00 A. M.

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

MAYOR'S REPORT - Julia Ideson Building - **Presented**

Presentation of Adell and Dan Hedges' residence designed by Adams Architects, Inc. to be free of dependence on the power grid

CONSENT AGENDA NUMBERS 2 through 41A

MISCELLANEOUS - NUMBERS 2 through 6

2. **Ordinance 2007-1157**

ORDINANCE **AMENDING SECTION 16-63 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appointment and confirmation of Adjudication Hearing Officers for Parking and Other Violations

a. **Motion 2007-1040**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to serve as **ADJUDICATION HEARING OFFICERS**, for two year terms:

MR. MANUEL BARRERA. - Full-Time
MR. A. ROBERT HINOJOSA - Full-Time
MR. JOSE LOPEZ II - Part-Time
MS. BEVERLY A. SPENCER - Part-Time
MR. DON R. BYRNES - Part-Time
MR. GERARDO CANTU - Part-Time
MS. SYLVIA G. CASTILLO - Part-Time
MR. JOHN PAUL BARNICH - Part-Time

3. **Motion 2007-1041**

REQUEST from Mayor for confirmation of the appointment of **MR. JOHN PAUL BARNICH**, Part-Time to serve as **ADJUDICATION HEARING OFFICER** for the Photographic Traffic Signal Enforcement Program for a two year term

4. **Motion 2007-1039**

REQUEST from Mayor for confirmation of the appointment of **MS. MEG A. OSWALD** as Full-Time **MUNICIPAL COURT JUDGE** for a two year term

5. **Motion 2007-1027**

RECOMMENDATION from Director Department of Convention & Entertainment Facilities for the designation of a residential parking permit area and related parking regulations in the Super Neighborhood of University Place - **DISTRICT C - CLUTTERBUCK**

6. **Motion 2007-1038**

RECOMMENDATION from Director Department of Convention & Entertainment Facilities to amend the parking regulations to extend the residential parking permit hours for an existing permit area in the Super Neighborhood of Midtown - **DISTRICT D - EDWARDS**

ACCEPT WORK - NUMBERS 7 through 10

7. **Motion 2007-1028**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$526,919.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Hermann Park Electrical Upgrade, WBS F-504D05-0011-4 - 4.96% over the original contract amount - **DISTRICT D - EDWARDS**

8. **Motion 2007-1029**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$7,565,731.00 and acceptance of work on contract with **SPAWGLASS CONSTRUCTION CORPORATION** for Westside Command Station Repair Project, WBS G-000020-0005-4 - 5.74% under the original contract amount - **DISTRICT G - HOLM**

ACCEPT WORK - continued

9. Motion 2007-1030

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$821,147.84 and acceptance of work on contract with **TJ & T ENTERPRISES, INC** for Local Drainage Improvement Projects: Ruiz Street Storm Sewer Outfall Replacement and Regg Drive Ditch Rehabilitation, WBS M-000126-00S6-4 - 1.13% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA**

10. Motion 2007-1031

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,437,053.66 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Garden Villas Storm Sewer Improvements, WBS M-000226-0001-4 - 2% under the original contract amount - **DISTRICT I - ALVARADO**

PROPERTY - NUMBER 11

11. Motion 2007-1032

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert C. Orr, Jr. and Paul J. Dobrowski, for abandonment and sale of a 15-foot wide alley from Fowler Street to Parker Street, between Lots 1 through 6 and 7 through 12, Block 44, in the Brunner Addition, Parcel SY8-014 **DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15

12. Motion 2007-1033

FISHER SCIENTIFIC for RIT Group Search System Kits for Fire Department - \$78,841.00 - Grant Fund

13. Motion 2007-1034

METRO FIRE APPARATUS for Large Capacity Positive Pressure Ventilation Device for Fire Department - \$82,200.79 - Grant Fund

14. Motion 2007-1035

AMEND MOTION #2006-977, 10/24/06, TO PURCHASE additional Perennial Rye Grass Seed for Parks & Recreation Department, awarded to **PRO ALLIANCE** - \$58,716.00 - General and Parks Special Revenue Funds

15. Motion 2007-1036

LAWRENCE MARSHALL DEALERSHIPS for Automotive, Caterpillar Diesel Replacement Parts and Repair Services for Various Departments - \$504,671.00 - General and Fleet Management Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 41A

16. Council Member Wiseman tagged

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Regency Park Apartments) Series 2007 and approving the Official Statement with respect to such bonds

17. Council Members Wiseman and Green tagged

ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Metal Recycling Entities, Secondhand Metal Dealers, and Secondhand Dealers; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2007-1147

ORDINANCE **AMENDING SECTION 18-103 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Electronic Filing of Campaign Finance Reports to correct a Scrivener's Error

19. Council Member Wiseman tagged

ORDINANCE **AMENDING THE CITY OF HOUSTON FIRE CODE** relating to requirements for atrium buildings; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability

20. Ordinance 2007-1148

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the Former Scarsdale Municipal Utility District Wastewater Treatment Plant, 12047 Ryewater Drive and the adjacent 15 to 30 foot wide access easement extending south to Ryewater Drive (Parcels S95-050A and S95-050B), located in the August Whitlock Survey, A-795, Houston, Harris County, Texas, containing an aggregate of 51,407 square feet of land, more or less; vacating and abandoning said tracts of land to the Lutheran Education Association of Houston, sole abutting owner, in consideration of owner's payment of \$51,407.00 and other consideration to the City - **DISTRICT E - WISEMAN**

21. Ordinance 2007-1149

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Excess fee-owned right-of-way located at 4200 North Freeway, (Parcel SY7-031), being out of Lot 38, Block 2 of the Pine Grove Addition, Houston, Harris County, Texas, containing 3,103 square feet of land, more or less; vacating and abandoning said tract of land to James Coney Island, Inc., abutting owner, in consideration of owner's payment of \$27,927.00 and other consideration to the City - **DISTRICT H - GARCIA**

22. Ordinance 2007-1150

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Prospect Avenue Street right of way from Fannin Street to San Jacinto Street, containing an aggregate of 0.287 acre, more or less, Parcels SY7-039 and SY7-063, located in the MacGregor and DeMerrit's Southmore Addition, Section 2, J. Christy Survey, A-212, Houston, Harris County, Texas; vacating and abandoning said tracts of land to Saint Paul's United Methodist Church and Grayco Lui Museum Investment 2006 LP, abutting owners, in consideration of each owner's payment of \$268,750.00 and other consideration to the City - **DISTRICT D - EDWARDS**

23. Council Member Wiseman tagged

ORDINANCE appropriating \$400,000.00 out of TIRZ Affordable Housing Fund 2409 and adopting Administrative Guidelines for the Workforce Housing Downpayment Assistance Program to assist persons earning from 80% to 110% of area median income to purchase new affordable housing in areas selected by the Mayor for revitalization

24. Ordinance 2007-1158

ORDINANCE approving and authorizing an agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide \$50,000.00 in Federal Home Investment Partnerships ("HOME") Funds to cover operating expenses associated with the development of a 57 unit single room occupancy complex located at 1414 Congress **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2007-1151

ORDINANCE consenting to the addition of 29.270 acres of land to **NEW CANEY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district; consenting to the partial transfer of Certificates of Convenience and Necessity Nos. 12894 and 20859 for the land to the New Caney Municipal Utility District's Certificates of Convenience and Necessity Nos. 11969 and 20575 in connection therewith

26. Ordinance 2007-1159

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 General and Run-Off Elections to be held in 2007; authorizing the payment of certain costs of such election - Not to exceed \$300,000.00 - General Fund

27. Ordinance 2007-1152

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

28. Ordinance 2007-1160

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GULF COAST CONCESSIONS AND CATERING** for Food and Beverage Concessions at Brock Park Golf Course and Sharpstown Park Golf Course - Revenue - **DISTRICTS B - JOHNSON and F - KHAN**

29. Ordinance 2007-1153

ORDINANCE approving and authorizing second amendment to Lease Agreement between **INLAND AMERICAN RETAIL MANAGEMENT, LLC**, a Delaware Limited Liability Company, as landlord, and the City of Houston, Texas, as tenant, for 3,090 square feet of leased space at 11430 Interstate 10 East, Suite 340, Houston, Harris County, Texas, at a monthly rental of \$3,090.00 from November 1, 2007 through October 31, 2008 and at a monthly rental of \$3,862.50 from November 1, 2008 through October 31, 2013, for the Women, Infants and Children (WIC) Program of the Health and Human Services Department - **DISTRICT E - WISEMAN**

30. Ordinance 2007-1146

ORDINANCE appropriating \$740,693.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Agreement among the City of Houston, Reinvestment Zone Number Two, and the Midtown Redevelopment Authority for the Parker District Project, WBS S-000521-00VZ-4 - R-000521-00VZ-4 - **DISTRICT D - EDWARDS**

31. Council Member Holm tagged

ORDINANCE approving the issuance of Bonds and Notes by the Memorial City Redevelopment Authority - **DISTRICTS A - LAWRENCE and G - HOLM**

32. Ordinance 2007-1161

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural Services between the City of Houston and **OSBORN & VANE ARCHITECTS, INC** for Miscellaneous Projects with the Houston Airport System; Proj. No. 615C; WBS A-000138-0016-3-01 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2007-1162

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing agreement for Professional Engineering Services between the City of Houston and **CONCEPT ENGINEERS, INC** for Miscellaneous Projects with the Houston Airport System; Proj. No. 615J; WBS A-000138-0017-3-01 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

34. Ordinance 2007-1163

ORDINANCE appropriating \$976,000.00 out of Houston Airport System Consolidated 2001 Non AMT Construction Fund and approving and authorizing Amendment No. 1 to Professional Engineering Services Contract between the City of Houston and **RATNALA & BAHL, INC** for Extension of Taxiway "NC" from Taxiway "NG" to Taxiway "NJ" at George Bush Intercontinental Airport/Houston (Project No. 575; WBS A-000397-0001-3-01-01) - **DISTRICT B - JOHNSON**

35. Ordinance 2007-1164

ORDINANCE appropriating \$1,893,656.15 out of Street & Bridge Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program-E2, WBS N-00610A-00E2-4; 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, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - ALVARADO**

36. Ordinance 2007-1165

ORDINANCE appropriating \$839,437.92 out of Street & Bridge Consolidated Construction Fund; awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program-E3, WBS N-00610A-00E3-4; 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, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS F - KHAN and G - HOLM**

37. Ordinance 2007-1154

ORDINANCE appropriating \$3,853,274.00 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 Methods, WBS R-000266-0105-4; 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

38. Ordinance 2007-1155

ORDINANCE appropriating \$3,797,956.00 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 Methods, WBS R-000266-0106-4; 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

RESOLUTIONS AND ORDINANCES - continued

39. Pulled-Not Considered

ORDINANCE awarding construction contract to **THE GONZALEZ GROUP, LP** for Renovation of Kashmere Multi-Service Center, WBS H-000053-0001-4; 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 services, air quality monitoring, construction management, and contingencies relating to construction of facilities financed out of the Federal Government-Grants Fund - \$3,053,000.00 CDBG Fund - **DISTRICT B - JOHNSON**

40. Ordinance 2007-1156

ORDINANCE appropriating \$53,835.00 out of Street & Bridge Consolidated Construction Fund, \$235,448.00 out of Fire Consolidated Construction Fund, \$674,919.00 out of Parks Consolidated Construction Fund, \$129,079.00 out of Solid Waste Consolidated Construction Fund, \$325,351.00 out of Police Consolidated Construction Fund, \$421,425.00 out of Public Library Consolidated Construction Fund, \$16,673.00 out of Public Health Consolidated Construction Fund, \$402,478.00 out of General Improvements Consolidated Construction Fund and \$181,116.00 out of the PWE_W & S System Consolidated Construction Fund for Project Management Costs

41. Ordinance 2007-1166

ORDINANCE authorizing the creation of Reimbursement of Equipment/Projects Fund; appropriating \$973,558.00 out of Reimbursement of Equipment/Projects Fund and \$1,935,797.00 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments - \$2,756,239.00 - Equipment Acquisition Consolidated, Enterprise, Stormwater, Grant and Revenue Funds

a. Motion 2007-1042

PHILPOTT MOTORS, LTD. - \$4,430,822.00 and **PFPP, L.P. d/b/a PLANET DODGE** - \$1,234,772.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 42 and 43

42. Ordinance 2007-1167

ORDINANCE establishing the north and south sides of the 2300 block of Wordsworth Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**
POSTPONED BY MOTION #2007-985, 10/3/07
This was Item 40 on Agenda of October 3, 2007

MATTERS HELD - continued

43. Ordinance 2007-1168

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the remaining portion of a 12-foot-wide alley adjacent to Lots 5 through 9, Block 3, located within the Settegast and Dodge Addition, comprising Parcel Numbers SY5-069 and SY6-033, and of the 12-foot-wide alley, along the east property line of Lot 12, Block 1, located within the Courtyards at Lillian, comprising Parcel Number SY6-034, vacating and abandoning (i) Parcel Number SY5-069 to UR Properties I, L.P., the abutting owner, in consideration of its payment of \$53,130.00 and other consideration to the City, (ii) Parcel Number SY6-033 to Steve Houck, the abutting owner, in consideration of the payment of \$10,500.00, and other consideration to the City, and (iii) Parcel Number SY6-034 to Paul John Siwek and wife, Georgianna Liesz Siwek, the abutting owners, in consideration of the payment of \$44,520.00, and other consideration to the City - **DISTRICT H - GARCIA**

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 19 on Agenda of October 10, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green 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

10/16/2007 – Council Member Berry absent

10/17/2007 – Council Member Khan out of the City on City business

Council Member Berry absent