

**AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 18, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

MOTIONS - 2007-0940 to 2007-0958  
ORDINANCES – 2007-1054 to 2007-1077  
RESOLUTION – 2007-36 to 2007-37

2007-0939-1

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Wiseman

**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 2007-0940 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - SEPTEMBER 19, 2007 - 9:00 A. M.**

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

**HEARINGS**

1. **Motion 2007-0941 – Close hearing**  
**PUBLIC HEARING** relating to amendments to Chapter 42, Code of Ordinances, related to the provision of Parks and Open Spaces

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 39**

**AGENDA - SEPTEMBER 19, 2007 - PAGE 2**

**MISCELLANEOUS** - NUMBERS 2 through 4

**2. Motion 2007-0952**

REQUEST from Mayor for confirmation of the reappointment of **MR. ROLAND GARCIA**, to Position 11 of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2009

**3. Council Member Wiseman tagged**

RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code

**4. Council Member Wiseman tagged**

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form

**ACCEPT WORK** - NUMBERS 5 through 7

**5. Motion 2007-0953**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,284,605.72 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Kirkwood from Bellaire Boulevard to Alief Clodine, WBS N-000575-0002-4 - 5.45% under the original contract amount - **DISTRICT F - KHAN**

**6. Motion 2007-0956**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$737,133.58 and acceptance of work on contract with **SHUMAKER-HARVEY EQUIPMENT CO., INC dba SHE-CO, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B7-4 - 0.22% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**

**7. Motion 2007-0954**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,742,605.68 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0011-4 - 4.86% over the original contract amount **DISTRICTS F - KHAN; H - GARCIA and I - ALVARADO**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 10

**8. Motion 2007-0957**

**MARTIN ASPHALT COMPANY** for Asphalt Emulsion for Various Departments \$1,602,881.45 General Fund

**9. Motion 2007-0958**

**3M COMPANY** - \$961,894.46, **NIPPON CARBIDE INDUSTRIES (USA), INC.** - \$283,633.25 and **AVERY DENNISON CORPORATION** - \$60,950.00 for Reflective and Non-Reflective Materials for Various Departments - General and Enterprise Funds

**10. Motion 2007-0955**

**AMEND MOTION #2005-267, 3/30/05, TO INCREASE** spending authority from \$232,831.43 to \$281,831.43, for Automotive Air and Spring Brake Replacement Parts for Various Departments, awarded to **TOMMIE VAUGHN MOTORS, INC** - \$49,000.00 - General Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 39

**11. Resolution 2007-0036**

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Hometowne on Bellfort) Series 2007 and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT F - KHAN**

**12. Resolution 2007-0037**

RESOLUTION authorizing the Houston Parks and Recreation Department (HPARD) to submit an application for a \$3,750,000.00 Outdoor Recreation Grant to the Texas Parks and Wildlife Department (TPWD) for West 11th Street Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT A - LAWRENCE**

**Motion 2007-0944 – Suspend rules to consider Item 13 out of order**

**13. Council Members Edwards and Khan tagged**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Valet Parking in the City; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing an effective date; providing for severability

**Motion 2007-0945 – Suspend rules to remain in session beyond the scheduled 12 noon recess**

**14. Ordinance 2007-1056**

ORDINANCE approving certain Broker Dealer Agreements relating to the Airport System Subordinate Lien Revenue Bonds, Series 2002D; making certain findings in connection therewith; and declaring an emergency

15. Omitted

**16. Ordinance 2007-1057**

ORDINANCE establishing the north and south sides of the 1500 block of Harold Avenue 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 D - EDWARDS**

**17. Ordinance 2007-1058**

ORDINANCE establishing the north and south sides of the 1500 block of Kipling Street 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 D - EDWARDS**

**18. Ordinance 2007-1059**

ORDINANCE establishing the north and south sides of the 1600 block of Marshall Avenue 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 D - EDWARDS**

**19. Ordinance 2007-1060**

ORDINANCE establishing the north side of the 1100 block of Milford Street 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**

**20. Ordinance 2007-1061**

ORDINANCE establishing the north and south sides of the 900 block of W. 15th ½ Street 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 H - GARCIA**

**RESOLUTIONS AND ORDINANCES** - continued

**21. Ordinance 2007-1062**

ORDINANCE establishing the north and south sides of the 1700 block of West Main Street 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 D - EDWARDS**

**Motion 2007-0951 – Suspend rules to consider Item 22 out of order**

**22. Ordinance 2007-1077**

ORDINANCE amending Ordinance No. 2007-539 that established 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

**23. Ordinance 2007-1063**

ORDINANCE approving and authorizing contract between the City and the **HOUSTON-HARRIS COUNTY IMMUNIZATION REGISTRY** for Immunization Reminder-Recall Activities for Children - \$62,680.00 - Grant Fund

**24. Ordinance 2007-1069**

ORDINANCE approving and authorizing Workforce Contract Amendment #2 to Houston-Galveston Area Council ("H-GAC") Contract No. 235-07 between the City of Houston and **H-GAC** pertaining to a Katrina and Rita Assistance Grant - \$499,940.00 - Grant Fund

**25. Ordinance 2007-1064**

ORDINANCE amending Ordinance Number 2004-0185 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **NEIGHBORHOOD CENTERS, INC** for Elderly Services - \$1,392,626.25 - Grant Fund

**26. Ordinance 2007-1065**

ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of two (2) Independent School Districts [**CLEAR CREEK ISD** and **SPRING BRANCH ISD**] to administer an After School Achievement Program ("ASAP") - \$115,000.00 - General Fund

**27. Ordinance 2007-1066**

ORDINANCE appropriating \$24,200.00 out of Public Library Consolidated Construction Fund for Professional Consulting Services for Marston Roof Replacement, WBS E-000038-0021-3 under purchase order with **BUILDING ENVELOPE CONSULTANTS, LLC** - **DISTRICT H - GARCIA**

**28. Pulled-Not Considered**

ORDINANCE awarding contract to **HEIGHTS TRANSPORTATION, INC** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$825,750.00 - General Fund

**29. Pulled-Not Considered**

ORDINANCE awarding contract to **GBJ, INC dba AFC TRANSIT** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$415,605.00 - General Fund

**30. Ordinance 2007-1070**

ORDINANCE approving and authorizing contract between the City of Houston and **NIGHTINGALE ADULT DAY CENTER** for the Performance of Deaf and Hearing Impaired Interpreter and Closed Captioning Services for Houston Police Department Employees; providing a maximum contract amount - 3 Years with 2 one-year options - \$150,000.00 General Fund

**RESOLUTIONS AND ORDINANCES** - continued

**31. Council Member Khan tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees; providing a maximum contract amount - 3 Years with 3 one-year options - \$192,755.00 General Fund

**32. Ordinance 2007-1071**

ORDINANCE approving and authorizing contract between the City of Houston and **CENTURY ASPHALT, LTD.** for sale of Street Millings for the Public Works & Engineering Department 3 Years with 2 one-year options - Revenue

**33. Ordinance 2007-1072**

ORDINANCE approving and authorizing contract between the City of Houston and **CHECKFREEPAY CORPORATION** for Automated Bill Collection and Processing Services for the Public Works Department; providing a maximum contract amount - 5 Years - Not to exceed \$1,500,000.00 - Enterprise Fund

**34. Ordinance 2007-1067**

ORDINANCE appropriating \$4,480,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-00663A-00RE-2-01), and approving and authorizing the purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, various projects identified in the body of this ordinance

**35. Ordinance 2007-1068**

ORDINANCE appropriating \$648,640.61 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **ESPA CORP.** for Edloe Storm Drainage Improvements Project, Segment 1, WBS M-000253-0001-4 - **DISTRICTS C - CLUTTERBUCK and G - HOLM**

**36. Ordinance 2007-1073**

ORDINANCE appropriating \$440,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (approved by Ordinance No. 07-0028), WBS N-000668-0011-3 - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**

**37. Council Member Wiseman tagged**

ORDINANCE appropriating \$380,731.00 out of Water & Sewer System Consolidated Construction Fund and \$321,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southridge Crossing Subdivision, WBS S-000800-0106-4/R-000800-0106-4/M-000800-0106-4 - **DISTRICT E - WISEMAN**

**RESOLUTIONS AND ORDINANCES** - continued

**38. Ordinance 2007-0999 - Passed third and final reading**

ORDINANCE No. 2007-999, passed second reading September 12, 2007

ORDINANCE granting to **TNT WASTE CONTAINER SERVICE, a Texas Sole Proprietorship**, 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**

**39. Ordinance 2007-1000 - Passed third and final reading**

ORDINANCE No. 2007-1000, passed second reading September 12, 2007

ORDINANCE granting to **MAYFIELD TRUCKING, 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**

**MATTERS HELD** - NUMBERS 40 through 46

**Motion 2007-0943 – Suspend rules to consider Items 40, 42 and 43 out of order**

**40. Motion 2007-0947 - Postpone two (2) weeks**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability

**TAGGED BY COUNCIL MEMBERS GARCIA and WISEMAN**

This was Item 8 on the Agenda of September 12, 2007

**Motion 2007-0942– Suspend rules to consider Item 41 out of order**

**Motion 2007-0946 – Amend Item 41 “FAILED”**

**41. Ordinance 2007-1054**

ORDINANCE approving and authorizing Amendment No. 4 to Managing Agent Agreement at George Bush Intercontinental Airport/Houston by and between the City of Houston and **JDDA SSP, JOINT VENTURE** - Revenue

**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and ALVARADO**

This was Item 36 on Agenda of September 12, 2007

**42. Motion 2007-0948**

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **CENTRAL TURF FARMS, INC** for St. Augustine Sod Blocks for Department of Public Works & Engineering \$997,864.80 - Enterprise Fund

**POSTPONED BY MOTION #2007-938, 9/12/07**

This was Item 53 on Agenda of September 12, 2007

**MATTERS HELD** – continued

**43. Motion 2007-0949 - Tabled**

WRITTEN Motion by Council Member Holm to amend the proposed Ordinance **AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Mobile Food Units and Commissaries; as follows:

I move to amend Section 20-22, subsection (c), section (6) to read as follows:

- (6) **Signage.** Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon no more than two sides of the unit, in letters not less than three inches in height and not to exceed eight inches in height. Each sign must not exceed nine square feet in area and must be and remain in compliance with all standards set in the Sign Code.

**TAGGED BY COUNCIL MEMBERS GARCIA and ALVARADO**

**Motion 2007-0950 – Motion to amend Item 43a as follows:**

Motion by Council Member Noriega/Seconded by Council Member Garcia to amend Item 43A, as follows:

1. By renumbering **Sections 2, 3, and 4** as **Sections 3, 4, and 5** and adding a new **Section 2** to the proposed Ordinance to read as follows:

**Section 2.** That Section 20-18 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of *food preparation area* or *kitchen* to read as follows:

*"Food preparation area or kitchen shall mean each physically separated area of a food establishment in which food is manufactured, produced, prepared, processed or packaged. In the instance of mobile food units, each mobile food unit that does not meet the criteria for restricted operations established in section 20-22(a) of this Code shall constitute a food preparation area or kitchen."*

2. In Section 1 of the proposed Ordinance, amend the first two sentences of Item (5) of Subsection (c) of Section 20-22 to read as follows:

*"Prior to the issuance of a medallion or renewal, the operator of a mobile food unit, other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets for the use of the mobile food unit employees located in a business establishment within 500 feet of each location where the mobile food unit will be in operation for more than 1 hour in any single day. Proof of availability of adequate facilities shall be in the form of a written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours or operation, granting permission for use of the facilities."*

3. In Section 1 of the proposed Ordinance, amend Item (1) of Subsection (f) of Section 20-22 to read as follows:

*"(1) **Permitting of commissaries as food establishments.** A commissary servicing any mobile food unit, other than a restricted service mobile food unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink."*

4. In Section 1 of the proposed Ordinance, amend the last paragraph of Subsection (h) of Section 20-22 to read as follows:

*"A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (g) above and was first operated under a medallion on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (g) above provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination."*

**MATTERS HELD** – continued

a. **Ordinance 2007-1055 – Adopt as amended**

ORDINANCE AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Mobile Food Units and Commissaries; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing for severability

**TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 55 on Agenda of September 12, 2007

44. **Ordinance 2007-1074**

ORDINANCE appropriating \$949,709.06 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; (Project No. 516C; WBS A-000138-0018-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

**POSTPONED BY MOTION #2007-939, 9/12/07**

This was Item 56 on Agenda of September 12, 2007

45. **Ordinance 2007-1075**

ORDINANCE appropriating \$176,452.00 out of Water & Sewer System Consolidated Construction Fund and \$128,477.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing 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 Four of the Clearview Village Subdivision, CIP S-000800-0102-4, R-000800-0102-4 & M-000800-0102-4 - **DISTRICT E - WISEMAN - TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 58 on Agenda of September 12, 2007

46. **Ordinance 2007-1076**

ORDINANCE appropriating \$270,606.00 out of Water & Sewer System Consolidated Construction Fund and \$300,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing 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 Five of the Clearview Village Subdivision, CIP S-000800-0108-4, R-000800-0108-4 & M-000800-0108-4 - **DISTRICT E - WISEMAN - TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 59 on Agenda of September 12, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Holm 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**

**AGENDA - SEPTEMBER 19, 2007 - PAGE 9**

**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

**9/18/2007 – Council Member Holm absent on personal business**

**Council Member Berry absent**

**9/19/2007 – Council Member Holm absent on personal business**

**Council Member Berry absent**