

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 31, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2006-0980 to 2006-1001
ORDINANCES – 2006-1094 to 2006-1109
RESOLUTION – None

2006-0979-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

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 2006-0980 – Procedural motion
Motion 2006-0981 – Procedural motion
Motion 2006-0982 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - NOVEMBER 1, 2006 - 9:00 A. M.

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

MAYOR'S REPORT

Motion 2006-0984 – Accept reports

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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2006-0989

RECOMMENDATION from Chief of Police for Injury on duty leave extension for Officer **RUBEN CALDERON**

2. Motion 2006-0994

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,191,585.20 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for annual Consolidated Water Quality Fee for FY07 - Enterprise Fund

ACCEPT WORK - NUMBER 3

3. Motion 2006-0990

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$748,372.52 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for Rehabilitation to Elysian Viaduct Bridge, GFS N-0445-05-3 03.19% over the original contract amount - **DISTRICT G - HOLM**

PROPERTY - NUMBER 4

4. Motion 2006-0995

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Johnny G. Castillo, for encroachment agreement for a ±3.5-foot x 29.5-foot building encroachment into Delmar Street, adjacent to 5314 Canal Street, located in the Lenox Grove Addition, out of the S. M. Williams Survey, Parcel ENY7-002 - **DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 9

5. Motion 2006-0996

LION APPAREL, INC for Uniforms from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Fire Department - \$2,077,884.00 - General Fund

6. Motion 2006-0997

HEWLETT-PACKARD COMPANY for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Emergency Center (HEC) - \$342,582.73 - Houston Emergency Center

7. Motion 2006-0991

GOLDEN ENGINEERING, INC for Portable X-ray Systems for Police Department - \$47,328.00 Grant Fund

8. Motion 2006-0992

TROY CONSTRUCTION, L.L.P. for Emergency Repair of the Sewer Force Main at McCarty Drive and Portwall for Department of Public Works & Engineering - \$35,000.00 - Enterprise Fund

9. Motion 2006-0993

EQUIPMENT DEPOT, LTD for Forklifts for Various Departments - \$171,940.22 - Enterprise and Equipment Acquisition Consolidated Fund

ORDINANCES - NUMBERS 10 through 36

Motion 2006-0985 – Suspend rules to consider Items 10, 11, 11a, 35, 36 and 42 out of order

10. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE **AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to establish a program to reduce or abate criminal activity in apartment communities in the City to promote the health, safety and welfare of residents of such apartment communities; requiring the owners of apartment communities in the City to register such ownership; requiring the implementation of remedial measures to reduce criminal activity at affected apartment communities; declaring certain conduct to be unlawful and providing penalties therefor; declaring certain conduct to constitute a nuisance and providing for the abatement thereof; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

Motion by Council Member Wiseman/Seconded by Council Member Sekula-Gibbs to amend Item 11 to adopt a Tax Rate equal to the assessed value of the effective tax rate for Tax Year 2006 (\$.62955/\$100 of assessed value)

11. Council Members Sekula-Gibbs, Wiseman and Clutterbuck tagged

ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2006

a. Council Member Sekula-Gibbs tagged

RECOMMENDATION from City Attorney in conformance with the requirements of the State Tax Code that Council adopt a motion that property taxes be increased by the adoption of a tax rate of \$.6450/\$100 valuation

12. Ordinance 2006-1096

ORDINANCE relating to the fiscal affairs of the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICTS D - EDWARDS and I - ALVARADO**

13. Ordinance 2006-1097

ORDINANCE relating to the fiscal affairs of the Main Street/Market Square Redevelopment Authority on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving the Fiscal Year 2007 Operating Budget for the Authority **DISTRICT I - ALVARADO**

14. Ordinance 2006-1098

ORDINANCE approving and authorizing an agreement for Grant Fund Disbursement between the City of Houston and **THE MAIN STREET COALITION** for acquiring Professional Services for Phase II and III Urban Corridor Plans - \$175,000.00 - Grant Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; H - GARCIA and I - ALVARADO**

15. Ordinance 2006-1095

ORDINANCE consenting to the addition of 59.1763 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district

16. Council Member Sekula-Gibbs tagged

ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST WORKFORCE BOARD** for Certification of qualified child care costs and transfer of funds under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA")

ORDINANCES - continued

17. Ordinance 2006-1099

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

18. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Houston Airport System - \$68,712.54 previously appropriated Civic Art Funds

19. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Convention and Entertainment Facilities Department - \$607,775.04 previously appropriated Civic Art Funds

20. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Building Services Department - \$56,950.04 previously appropriated Civic Art Funds

21. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for City-Wide Art Consulting Services on behalf of the Building Services Department - \$80,000.00 - General Fund

22. Council Member Wiseman tagged

ORDINANCE appropriating \$1,250,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City and **VERIZON SELECT SERVICES, INC** for Telecommunication Equipment Maintenance for the Houston Airport System (WBS No. A-000348-0002-3-01-01); providing a maximum contract amount; providing funding for contingencies relating to the project - 3 Years with two one-year options - \$10,094,387.60 - Enterprise Fund **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

23. Ordinance 2006-1100

ORDINANCE appropriating \$2,100,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-000663-00RE-2-01-01), 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, the capital improvement projects identified in the body of this ordinance

24. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE amending Ordinance Number 2005-637 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **MILLER & VAN EATON, P.L.L.C.** for Expert Legal Services related to Telecommunications, Wireless Broadband Networks and Cable Television Law - \$110,000.00 for a total contract amount of \$150,000.00 General Fund

ORDINANCES - continued

25. Ordinance 2006-1101

ORDINANCE awarding contract to **MCCARTY ROAD LANDFILL TEXAS, LP**, for Disposal of Waste Materials from Sewer Cleanouts for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$574,188.75 - Enterprise Fund

26. Ordinance 2006-1102

ORDINANCE awarding contract to **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering and Disposal Services for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,999,829.76 - Enterprise Fund

27. Council Member Johnson tagged

ORDINANCE appropriating \$319,378.00 out of Water & Sewer Consolidated Construction Fund and \$387,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing an interlocal cost sharing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Oaks of the Lakewood Village Subdivision (WBS Nos. S-000800-00K7, R-000800-00K7 & M-000800-0012) - **DISTRICT B - JOHNSON**

Motion 2006-0986 – Suspend rules to consider Items 28, 29, 32 and 33 out of order

28. Council Member Edwards tagged

ORDINANCE appropriating \$294,021.72 out of Water & Sewer Consolidated Construction Fund and \$198,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PARKWAY MANOR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Parkway Manor Subdivision (WBS Nos. S-000800-00K1, R-000800-00K1 & M-000800-00K1) - **DISTRICT D - EDWARDS**

29. Council Member Edwards tagged

ORDINANCE appropriating \$164,642.23 out of Water & Sewer Consolidated Construction Fund and \$231,957.97 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PARKWAY MANOR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Parkway Manor Subdivision (WBS Nos. S-000800-00K2, R-000800-00K2 & M-000800-00K2) - **DISTRICT D - EDWARDS**

30. Ordinance 2006-1103

ORDINANCE appropriating \$259,724.60 out of Water & Sewer Consolidated Construction Fund and \$231,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MEADOW CREST DEVELOPERS 226, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Meadow Crest Subdivision (WBS Nos. S-000800-00K5, R-000800-00K5 & M-000800-00K5) - **DISTRICT D - EDWARDS**

31. Ordinance 2006-1104

ORDINANCE appropriating \$291,713.15 out of Water & Sewer Consolidated Construction Fund and \$234,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **NEW CENTURY DEVELOPMENT, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Sections One, Two, Three, Four, Five and Six of the Southview Villas Subdivision (WBS Nos. S-000800-00K4, R-000800-00K4 & M-000800-00K4) - **DISTRICT D - EDWARDS**

ORDINANCES - continued

32. Council Member Edwards tagged

ORDINANCE appropriating \$333,584.99 out of Water & Sewer Consolidated Construction Fund and \$279,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **POST OAK VENTURES II, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight of the Post Oak Place Subdivision (WBS Nos. S-000800-00K9, R-000800-00K9 & M-000800-00K9) - **DISTRICT D - EDWARDS**

33. Council Member Edwards tagged

ORDINANCE appropriating \$129,244.16 out of Water & Sewer Consolidated Construction Fund and appropriating \$85,815.12 out of Affordable Housing Uptown 2002B Fund; approving and authorizing Developer Participation Contract between the City of Houston and **POST OAK VENTURES II L L, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Nine of the Post Oak Place Subdivision (WBS Nos. S-000800-00L1, R-000800-00L1 & M-000800-00L1) - **DISTRICT D - EDWARDS**

34. Ordinance 2006-1105

ORDINANCE appropriating \$208,817.75 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OREM PARTNERS I, LTD** for Construction of Water and Sanitary Sewer Lines to serve Sections One and Two of the Daybreak Subdivision (WBS No. S-000802-0046 & R-000802-0046) **DISTRICT E - WISEMAN**

MATTERS RELATED TO RETIREE HEALTH BENEFIT PLANS

35. Council Members Wiseman, Khan and Sekula-Gibbs tagged

RECOMMENDATION from Acting Director Human Resources to exercise the second one-year renewal option for contracts with **SELECT CARE OF TEXAS, INC (TEXANPLUS)** and **TEXAS HEALTHSPRING I, LLC** for Medicare Advantage Health Plans

36. Council Members Wiseman, Khan and Sekula-Gibbs tagged

ORDINANCE relating to Health Care Benefits for city retirees, deferred retirees, survivors and certain dependents; approving and authorizing a Medicare Advantage Private Fee for service plan between the City of Houston and **AETNA LIFE INSURANCE COMPANY** for the aforementioned beneficiaries; approving a maximum contract amount - 5 years - \$6,215,000 - Health Benefits Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. Motion 2006-0998

MOTION to set a date not less than seven (7) days from November 1, 2006 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 on the Board of Directors for **HOUSTON BUSINESS DEVELOPMENT, INC** for three year terms

MATTERS HELD - NUMBERS 38 through 44

Motion 2006-0999 – Adopted

Written motion by Council Member Alvarado to amend Item 38 as follows:

- “1. Amend the third “WHEREAS” paragraph to delete numbered Item 1 and renumber the remaining numbered items in the paragraph.
2. Amend Exhibit “A” by substituting the Exhibit “A” attached hereto.

38. Ordinance 2006-1106 – Adopt as amended

ORDINANCE relating to the fiscal affairs of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE)**; approving the Fiscal Year 2007 Operating Budget for the authority - **DISTRICT I - ALVARADO**

POSTPONED BY MOTION #2006-899, 10/11/06

This was Item 48 on Agenda of October 11, 2006

Motion 2006-1000 – Adopted

Written motion by Council Member Johnson to amend Item 39 as follows:

- “1. On page 2 of the Ordinance, amend the “WHEREAS” paragraph to delete item number “1,” and then renumber the remaining numbered items in the subsection.
2. Amend Exhibit A by substituting the attached “Exhibit A.”

39. Ordinance 2006-1107 – Adopt as amended

ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Zone - **DISTRICT B - JOHNSON**

POSTPONED BY MOTION #2006-900, 10/11/06

This was Item 49 on Agenda of October 11, 2006

40. Ordinance 2006-1108

ORDINANCE repealing Ordinance No. 2006-162; appropriating \$100,000.00 out of Housing Special Revenue Fund; and approving and authorizing grant agreement between the City of Houston and **THE JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, to provide partial assistance for the renovation of a public facility located at 5601 S. Braeswood, Houston, Texas

DISTRICT C - CLUTTERBUCK - TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 31 on Agenda of October 24, 2006

41. Ordinance 2006-1109

ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **KIPP, INC** to provide for a reduction in the term of the “Restricted Use Period” placed on the facility located at 10811 Collingham Street - **DISTRICT F - KHAN**

TAGGED BY COUNCIL MEMBER GREEN

This was Item 32 on Agenda of October 24, 2006

Motion 2006-0987 – Adopted

Written motion by Council Member Clutterbuck to amend Item 42 as follows:

“Section 3.1 (b)(1)(vii) shall be amended by adding the following language:

“however, in no event shall Contractor or HAS place advertising of HAS on off-premise signs;””

42. Motion 2006-0988 – Postpone one (1) week

ORDINANCE approving and authorizing contract for Advertising Support Services for the Houston Airport System by and between the City of Houston and **RIVES CARLBERG, L.P.**; providing a maximum contract amount - \$1,800,000.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM

This was Item 35 on Agenda of October 24, 2006

MATTERS HELD - continued

Motion 2006-0983 – Suspend rules to consider Item 43 out of order

43. Ordinance 2006-1094

ORDINANCE awarding contract to **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC** for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options \$14,069,293.75 - Enterprise Fund - **DISTRICTS D - EDWARDS and I - ALVARADO**
POSTPONED BY MOTION #2006-979, 10/24/06
This was Item 50 on Agenda of October 24, 2006

44. Motion 2006-1001

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2005 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2006 MTFP in map form
POSTPONED BY MOTION #2006-970, 10/24/06
This was Item 51 on Agenda of October 24, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Garcia 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

10/31/2006 – All Present

11/1/2006 – Council Member Holm absent on personal business