

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 26, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0843 to 2006-0854
ORDINANCES – 2006-0976 to 2006-0995
RESOLUTIONS – 2006-0015 to 2006-0016

2006-0842-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sekula-Gibbs

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 2006-0843 – Procedural motion

Motion 2006-0844 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 27, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - "Project Houston Hope" Update

CONSENT AGENDA NUMBERS 1 through 29

MISCELLANEOUS - NUMBERS 1 and 2

1. **Motion 2006-0846**

RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2006 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, 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

2. **Motion 2006-0845**

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **WALNUT BEND HOME ASSOCIATION** for law enforcement services of two (2) deputies from Harris County Constable Precinct 5

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 7

3. **Motion 2006-0847**
STEWART AND STEVENSON for Emergency Repair of Houston Fire Department's Emergency Response Vehicle, Engine 75 and approve payment and allocation of funds in the amount of \$29,365.12 - General Fund
4. **Motion 2006-0848**
BABY JACK II AUTOMOTIVE LTD., D/B/A CALDWELL COUNTRY for Pickup Trucks and Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department - \$225,256.00 - Grant Fund
5. **Motion 2006-0849**
RUSH TRUCK CENTERS OF TEXAS, L.P. for Heavy-Duty Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Parks & Recreation Department - \$301,877.00 - Grant and Equipment Acquisition Consolidated Funds
6. **Motion 2006-0850**
PRECISION DYNAMICS CORPORATION (Bid No. 2) for Prisoner I.D. Wristbands Contract for Houston Police Department - \$156,975.00, minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC. for a net award not to exceed \$153,835.50 - General Fund
7. **Motion 2006-0851**
PHILPOTT MOTORS, LTD. for Hybrid-Electric Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$777,344.21 - Building Inspection and Sign Administration Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 29

8. **Resolution 2006-0015**
RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board
9. **Resolution 2006-0016**
RESOLUTION supporting the placement of the Boone Road right-of-way from Westpark Drive to the Westpark Toll Road on the Harris County Road Log - **DISTRICT G - HOLM**
10. **Ordinance 2006-0978**
ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Purchasing Functions
11. **Council Member Sekula-Gibbs tagged**
ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicles
12. **Council Member Sekula-Gibbs tagged**
ORDINANCE **AMENDING CHAPTER 46 OF THE BUILDING CODE, HOUSTON, TEXAS**, relating to the regulation of Signs; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date
13. **Ordinance 2006-0979**
ORDINANCE appropriating \$60,000.00 out of TIRZ Affordable Housing Fund and approving and authorizing an agreement between the City of Houston and **THE ENCLAVE, LTD.**, to assist in the development of affordable single family housing - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

14. Ordinance 2006-0980

ORDINANCE approving and authorizing contract between the City and **LEGACY COMMUNITY HEALTH SERVICES, INC** for Primary Care Services to uninsured and underinsured residents of Houston at the Lyons Health Center - 3 Years - **DISTRICT H - GARCIA**

15. Ordinance 2006-0981

ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of two (2) Independent School Districts [**ALIEF ISD** and **SPRING BRANCH ISD**] and with each of three (3) Non-profit organizations [**CHINESE COMMUNITY CENTER, JULIA C. HESTER HOUSE, INC.,** and **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA**] to administer an After School Achievement Program ("ASAP") - \$330,000.00 - General Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; F - KHAN; G - HOLM and I - ALVARADO**

16. Ordinance 2006-0982

ORDINANCE appropriating \$15,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing contract between the City of Houston and **HARRY AFADAPA & ASSOCIATES, P.C.** for Accounting Services in connection with HUD Audit Findings

17. Ordinance 2006-0983

ORDINANCE approving and authorizing Lease Agreement DTFASW-07-L-00066 between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for the Automated Surface Observing System at William P. Hobby Airport - **DISTRICT I - ALVARADO**

18. Ordinance 2006-0984

ORDINANCE relating to the Emergency application to change retail water rates by **TEXAS AMERICAN WATER COMPANY AS TEMPORARY MANAGER OF VERGIL D. MARTIN DBA H&J UTILITY AKA MATCO** within the City of Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer **DISTRICT A - LAWRENCE**

19. Ordinance 2006-0985

ORDINANCE amending Ordinance No. 2006-672, relating to the first amendment to Strategic Partnership Agreement between the City of Houston and Cy-Champ Public Utility District, in Harris County, Texas - **DISTRICT A - LAWRENCE**

20. Ordinance 2006-0986

ORDINANCE approving and authorizing second contract between the City of Houston and **FRIED, FRANK, HARRIS** and **SHRIVER & JACOBSON, LLP**, for Crime Laboratory Investigation \$2,246,389.41 - General Fund

21. Ordinance 2006-0987

ORDINANCE approving and authorizing contract between the City of Houston and **CONNELLY BAKER MASTON WOTRING JACKSON, LLP**, for Professional Legal Services; providing a maximum contract amount - \$225,000.00 - Property and Casualty Fund

22. Ordinance 2006-0988

ORDINANCE setting the dates and times of three public hearings on Propositions "A" through "F" and Proposition "H" to be submitted to the voters at a Regular Election on November 7, 2006, for Tuesday, October 3, 2006, at 6:00 p.m., Tuesday, October 10, 2006, at 6:00 p.m., and Wednesday, October 18, 2006, at 9:00 a.m.

RESOLUTIONS AND ORDINANCES - continued

23. Ordinance 2006-0989

ORDINANCE approving and authorizing contract between the City of Houston and **IPC COMMAND SYSTEMS, INC** for Service and Maintenance of the Houston Emergency Center's Digital Radio Network; providing a maximum contract amount - \$491,790.00 - Houston Emergency Center Fund - 3 Years with two one-year options

24. Ordinance 2006-0976

ORDINANCE awarding contract to **CENTRAL LANDSCAPE & MAINTENANCE** for Landscaping Services for the Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,158,431.25 - Enterprise Fund - **DISTRICT I - ALVARADO**

25. Ordinance 2006-0990

ORDINANCE appropriating \$3,068,840.26 out of Water & Sewer Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Utility Adjustments along Little York Road from Hardy Toll Road to US 59 (WBS Nos. S-000521-0026-4 & R-000521-0026-4) (SB9280) - **DISTRICT B - JOHNSON**

26. Ordinance 2006-0991

ORDINANCE finding and declaring public convenience and necessity for the acquisition of fee simple title to real property for a Sanitary Control Buffer Zone in connection with the Public Improvement Project known as the Fresh Water Supply District #23 Buffer Zone Project; authorizing the acquisition of certain real property interests within the Buffer Zone 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 in connection with the acquisition of fee simple title to 8 parcels of land situated in the Eli Nolan Survey, Abstract No. 600, Harris County, Texas, and being more specifically situated within Lots 92 and 93 of Block 5 of Commercial Reserve of Roane Oaks Section 2, Commercial Reserve, Block 3, of Roane Oaks, Section 2, and Lots 184, 185, 186 and 187, Block 8 Dorchester Place a subdivision in Houston, Harris County Texas, CIP R-0265-27-3 (R-000265-0027-3) - **DISTRICT B - JOHNSON**

27. Ordinance 2006-0992

ORDINANCE approving and authorizing second amendment to Professional Architectural Services Contract between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC** for Renovation of Police Stations: NW, SW, Central & Magnolia Airport Pistol Range Relocation (WBS G-000064-0001-3) - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; H - GARCIA and I - ALVARADO**

28. Ordinance 2006-0977

ORDINANCE appropriating \$119,200.00 out of Police Consolidated Fund, approving and authorizing first amendment to construction contract between the City of Houston and **MERIDIAN COMMERCIAL, L.P.**, for Renovation of Northwest, Southwest, Central and Magnolia Police Stations - (passed by Ordinance No. 2005-601) (WBS G-000064-0001-4) - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; H - GARCIA and I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2006-0993

ORDINANCE appropriating \$130,000.00 out of Fire Consolidated Construction Fund (WBS C-000018-0002-3); \$125,000.00 out of General Improvements Consolidated Construction Fund (WBS D-000107-0002-3); \$250,000.00 out of Public Library Consolidated Fund (WBS E-000143-00001-3); \$31,000.00 out of Parks Consolidated Fund (WBS F-00504D-0001-3); and \$50,000.00 out of Public Health Consolidated Construction Fund (WBS H-000066-0001-3) as an additional appropriation for Project Management Services Contract (approved by Ordinance No. 05-0390) between the City of Houston and **JACOBS FACILITIES, INC** for Project Management Services; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund, the General Improvements Consolidated Construction Fund; the Public Library Consolidated Fund; the Parks Consolidated Fund and the Public Health Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 30 through 34

30. Motion 2006-0853 – Adopt

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all cost of Court and not file any objections to the award in connection with eminent domain proceeding styled City v. Rafael & Maria A. Suarez, et al., Cause No. 862,834; for acquisition of Parcel AY2-049; for the **CENTRAL STREET GRADE SEPARATION PROJECT (Central St. Extension over Manchester Avenue to Train Yard)**; CIP N-000676-0001-2 (N-0676-01-1) - \$115,630.00 - Street & Bridge Consolidated Fund - **DISTRICT I - ALVARADO** - **TAGGED BY COUNCIL MEMBER ALVARADO**
This was Item 6 on Agenda of September 20, 2006

31. Motion 2006-0854 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering, to purchase Parcel CY4-006, located at 8905 Seeker Street, owned by Tony Aundrey Alexander, for **FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT**, CIP R-0265-27-2 (R-0000265-0027-2) - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER JOHNSON**
This was Item 7 on Agenda of September 20, 2006

Motion 2006-0852 – Suspend rules to consider Item 32 out of order

MATTERS HELD - continued

Written motion by Council Member Lawrence to amend Item 32 as follows:

"I move to amend Item 32 by amending provisions in Section 3 of the proposed Ordinance, which amends Article VI of Chapter 6 of the Code of Ordinances, Houston, Texas, as follows:

1. By replacing throughout the ordinance the word "destroyed" with the word "euthanized."
2. By amending the introductory paragraph of Subsection (b) of Section 6-153 of the City Code to read as follows:

"The hearing shall be conducted by the hearing officer under rules consistent with the nature of the proceeding. The burden of proof shall be upon the city to establish, by a preponderance of evidence presented at the hearing, that the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer may:"
3. By amending Item (4) of Subsection (c) of Section 6-153 of the City Code to read as follows:

"(4) That the licensee or owner has a right to appeal a determination of dangerousness or an order to euthanize."
4. By amending Subsection (a) of Section 6-157 of the City Code to read as follows:

"(a) The provisions of this article shall not be construed to require the issuance of an impoundment order or the conduct of a hearing for the impoundment or euthanasia of any dog that is found to be running at large in violation of city ordinances. In the event that any dog impounded for such cause is claimed for redemption, the director may, if he has grounds to believe that it is a dangerous dog, issue notice of a hearing pursuant to section 6-153 of this Code to the person claiming the dog and continue to hold the dog unless and until it is authorized to be released pursuant to section 6-153 or 6-155 of this Code."
5. By amending Section 6-159 of the City Code to read as follows:

"Sec. 6-159. Appeal from an order to euthanize.

If the hearing officer orders a dangerous dog to be humanely euthanized under section 6-153 or section 6-155 of this Code, that decision is final unless the licensee or owner files a written appeal with the municipal court within five business days after receiving notice of the order to euthanize. If an appeal is timely filed, the director shall suspend the order to euthanize pending final determination of the court. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's order to euthanize."
6. By adding Subsection (d) to Section 6-161 of the City Code to read as follows:

"(d) Any defense to an order to euthanize under Section 822.003 (f) of the Texas Health and Safety Code, as amended, is a defense under this article."

Council Member Sekula-Gibbs tagged

MATTERS HELD - continued

32. Council Members Green and Sekula-Gibbs tagged

ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Dangerous Dogs - **TAGGED BY COUNCIL MEMBERS WISEMAN and LOVELL**

This was Item 17 on Agenda of September 20, 2006

33. Ordinance 2006-0994

ORDINANCE appointing presiding and alternate judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston Regular Election to be held on November 7, 2006; prescribing the maximum number of election clerks for each voting precinct

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 21 on Agenda of September 20, 2006

34. Ordinance 2006-0995

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 Elections to be held in 2006; authorizing the payment of certain costs of such elections - \$100,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 22 on Agenda of September 20, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Wiseman 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

9/26/2006 – All Present

9/27/2006 – Council Member Wiseman absent on City business