

**AGENDA - COUNCIL MEETING - TUESDAY - APRIL 3, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS - 2007-0330 to 2007-0350  
ORDINANCES – 2007-0428 to 2007-0449  
RESOLUTION – 2007-0013

2007-0329-1

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

**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

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

**RECONVENE**

**WEDNESDAY - APRIL 4, 2007 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**Motion 2007-0330 – Accept report**

**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

**CONSENT AGENDA NUMBERS 1 through 37**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. **Motion 2007-0337**

RECOMMENDATION from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **BEECHNUT MUNICIPAL UTILITY DISTRICT**

**MISCELLANEOUS** - continued

**2. Motion 2007-0338**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,012,146.00 permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for Permit Year 2007 aggregated Ground Water Withdrawal and accrual of Over-Conversion Credits Enterprise Fund

**DAMAGES** - NUMBER 3

**3. Motion 2007-0339**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **DAVID FALK v. City of Houston**; in the County Civil Court at Law Number Three (3) of Harris County, Texas; Cause No. 856,583 - \$110,000.00 - Property and Casualty Fund

**PROPERTY** - NUMBER 4

**4. Motion 2007-0340**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dan Bankhead, Rey De La Reza Architects, Inc, on behalf of Houston Community College, for abandonment and sale of Redwood Street from Palmetto Street to Rustic Lane, in exchange for the conveyance to the City of a full-width utility easement, both located in the Pecan Park Replat and Extension, out of the Jacob Thomas Survey, A-74, Parcels SY7-019 and VY7-031 - **APPRAISERS - DISTRICT I - ALVARADO**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 11

**5. Motion 2007-0346**

**E-ONE, INC** for Automotive, E-One Fire Truck Replacement Parts and Services for Fire Department - \$2,000,000.00 - General Fund

**6. Motion 2007-0347**

**TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC** for Firefighting Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department - \$4,114,828.00 - Equipment Acquisition Consolidated Fund

**7. Motion 2007-0341**

**SHI GOVERNMENT SOLUTIONS, INC** for Maintenance Agreement and License Renewal of NETIQ 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 Information Technology Department - \$112,019.50 - Central Service Revolving Fund

**8. Motion 2007-0342**

**CHECKFREEPAY CORPORATION** for Automated Bill Collection and Payment Processing Services for the Department of Public Works & Engineering - \$162,000.00 - Enterprise Fund

**9. Motion 2007-0343**

**AMEND MOTION #2005-1066, 11/9/05, TO INCREASE** spending authority from \$136,184.00 to \$170,230.00, for John Deere Tractor Replacement Parts and Service for Various Departments, awarded to **BROOKSIDE EQUIPMENT SALES, INC**

**10. Motion 2007-0344**

**PITTSBURGH PAINT COMPANY (Bid No. 2)** - \$240,100.00 and **SOUTHWESTERN PAINT & WALLPAPER COMPANY** - \$895,200.00 for Paints, Solvents and Supplies for Various Departments - General and Enterprise Funds

**PURCHASING AND TABULATION OF BIDS** - continued

**11. Motion 2007-0345**

**DALLAS DODGE CHRYSLER JEEP** - \$184,055.00 and **PHILPOTT MOTORS, LTD.** - \$39,104.35 for Vans and Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - Enterprise and Other Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 37

**12. Resolution 2007-0013**

RESOLUTION designating a certain property at 2003 Decatur Street (Davies-Falk House) within the City of Houston as a landmark and a protected landmark - **DISTRICT H - GARCIA**

**Motion 2007-0332 – Suspend rules to consider Item 13 out of order**

**13. Council Members Wiseman and Berry tagged**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability

**14. Council Member Wiseman tagged**

ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation

**15. Ordinance 2007-0429**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 13,681 square feet of land (0.3141 acres), more or less, Parcel LY5-012 of Stassen Street (a/k/a Roosevelt Avenue) right-of-way from Bassett Street to Mariah Street, located in the Benton H. Freeling Survey, A-270 and as shown on the plat of the Grigsby Terrace Subdivision in Houston, Harris County, Texas; vacating and abandoning the parcel to the City of Houston, as abutting owner; in consideration of its agreement to construct a detention basin for the Sunnyside Court Storm Sewer Laterals Project - **DISTRICT D - EDWARDS**

**16. Ordinance 2007-0443**

ORDINANCE granting the petition of Grogan's Forest, Ltd. to include certain land in Montgomery County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with section 42.022(b) of the Texas Local Government Code; containing findings and other provisions relating to the foregoing subject; providing for severability

**17. Ordinance 2007-0430**

ORDINANCE releasing certain territory consisting of approximately .4634 acres in Montgomery County in the vicinity of the City of Shenandoah, Texas, from the extraterritorial jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability

**18. Ordinance 2007-0431**

ORDINANCE consenting to the addition of 8.9967 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 220**, for inclusion in its district

**19. Ordinance 2007-0432**

ORDINANCE consenting to the addition of 16.378 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

**RESOLUTIONS AND ORDINANCES** - continued

**20. Ordinance 2007-0433**

ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**

**21. Ordinance 2007-0434**

ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and the **VILLAGE LEARNING CENTER, INC** to provide an additional \$300,000.00 grant of Federal Community Development Block Grant ("CDBG") Funds and to make other administrative changes - **DISTRICT E - WISEMAN**

**22. Ordinance 2007-0435**

ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, providing up to \$384,999.00 in Housing Opportunities For Persons With Aids ("HOPWA") Funds for the Administration of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program

**23. Ordinance 2007-0444**

ORDINANCE approving and authorizing second amendment to Development Agreement between the City of Houston and **BUILDERS' COMMUNITY DEVELOPMENT CORPORATION** to Modify Development requirements for Leland Woods Subdivision - **DISTRICT B - JOHNSON**

**24. Council Members Wiseman and Khan tagged**

ORDINANCE relating to proposed Citywide Wireless Network; approving and authorizing two contracts between the City and **EARTHLINK, INC** for 1) a Wireless Broadband Network License Agreement and 2) a Wireless Services Agreement; providing a maximum contract amount 5 Years - \$2,500,000.00 - Central Service Revolving Fund

**25. Ordinance 2007-0428**

ORDINANCE amending Ordinance No. 97-543, which authorized contract between the City and **ZUMMO & MIDKIFF, L.L.P. (Formerly ZUMMO & SCHIRRMEISTER)** for Legal Services relating to the defense of the City's Sexually Oriented Businesses Ordinances - \$175,000.00 - Property and Casualty Fund

**26. Ordinance 2007-0445**

ORDINANCE approving and authorizing Concession Contract between the City of Houston and **WALTON GOLF MANAGEMENT** for the Operation of Melrose Golf Course - 8 Years with 2 two-year options - Revenue - **DISTRICT B - JOHNSON**

**27. Ordinance 2007-0446**

ORDINANCE amending Ordinance No. 2005-0137 to increase the maximum contract amount for the Interlocal Agreement between the City of Houston and **HARRIS COUNTY DEPARTMENT OF EDUCATION** for Record Storage and Retrieval Services for Various Departments - \$2,322,169.08 General, Enterprise and Grant Funds

**28. Ordinance 2007-0436**

ORDINANCE appropriating \$1,118,547.00 out of HAS Consolidated 2001 NONAMT Construction Fund; approving and authorizing contract for Professional Consulting Services between the City of Houston and **CH2M HILL, INC** for Consulting Services relating to an Environmental Impact Statement at William P. Hobby Airport; WBS A-000540-0001-3-01 - **DISTRICT I - ALVARADO**

**RESOLUTIONS AND ORDINANCES** - continued

**29. Ordinance 2007-0447**

ORDINANCE appropriating \$99,715.00 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for services related to the Kendall Neighborhood Library Replacement (WBS E-000094-0001-3); providing funding for the Civic Art Program **DISTRICT G - HOLM**

**30. Ordinance 2007-0437**

ORDINANCE approving and authorizing Sanitary Sewer Service Agreement between the City of Houston and the **CITY OF GALENA PARK**

**31. Ordinance 2007-0448**

ORDINANCE approving and authorizing Untreated Water Supply Contract between the City of Houston and **ROHM AND HAAS COMPANY-BAYPORT PLANT** - Revenue

**32. Ordinance 2007-0438**

ORDINANCE amending Ordinance No. 2006-1269, which awarded contract to **STANDARD CEMENT MATERIALS, INC** for Wastewater Collection System Rehabilitation and Renewal to correct the engineering and testing services contract number

**33. Ordinance 2007-0439**

ORDINANCE appropriating \$7,385,625.00 out of Street & Bridge Consolidated Construction Fund, \$1,162,375.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project (NSR) 446, WBS N-000378-0001-4, S-000500-0050-4, R-000500-0050-4; 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 and Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

**34. Ordinance 2007-0449**

ORDINANCE appropriating \$4,810,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Buffalo Speedway Area, WBS S-000035-00E3-4; 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 and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

**35. Ordinance 2007-0440**

ORDINANCE appropriating \$2,399,300.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacements in Northwood Manor Area, WBS S-000035-00F4-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - continued

**36. Ordinance 2007-0441**

ORDINANCE appropriating \$2,185,800.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline Replacements in Parker Road Area, WBS S-000035-00F5-4; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**37. Ordinance 2007-0442**

ORDINANCE appropriating \$4,913,900.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for 36-Inch Waterline along Eldridge Parkway, WBS S-000900-00AC-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 Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBER 38

**PROPERTY**

**38. Motion 2007-0335**

RECOMMENDATION from Director Building Services Department that City Council draw lots to determine the successful bidder inasmuch as identical high bids were received from **WASHINGTON 4500, LP** and **MATT TABRIZI** in connection with the sealed bid sale of Parcels S98-46A and S98-46B, the 7,750-square foot former Fire Station No. 11 and Center Street Lift Station, located at 4520 Washington Avenue, Lots 6 and 7, portion of abandoned alleyway, all within Block 56, Brunner Addition, John Austin Survey - **DISTRICT H – GARCIA**  
**MATT TABRIZI drawn**

**MATTERS HELD** - NUMBERS 39 through 43

**39. Motion 2007-0348 – Adopt**

APPROVE a motion giving the Director of the Houston Airport System the authority to determine which alternative project delivery method for construction projects provides the best value for the City as set forth in Chapter 271, Subchapter H of the Texas Local Government Code, as it may be amended from time to time - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
**This was Item 3 on Agenda of March 28, 2007**

**MATTERS HELD** - continued

**40. Motion 2007-0349 – Adopt**

APPROVE a motion giving the Director Department of Public Works & Engineering the authority to determine which alternative project delivery method for construction projects provides the best value for the City as set forth in Chapter 271, Subchapter H of the Texas Local Government Code, as it may be amended from time to time - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** - TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 4 on Agenda of March 28, 2007

**Motion 2007-0333 – Suspend rules to consider Item 41 out of order**

**41. Motion 2007-0336 – Postpone one (1) week**

ORDINANCE consenting to the addition of 28.099 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460**; for inclusion in its district - **DISTRICT D - EDWARDS**

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 26 on Agenda of March 28, 2007

**Motion 2007-0331 – Suspend rules to consider Items 42, 38, 14, 24 and 25 out of order**

**42. Motion 2007-0334 – Postpone one (1) week**

ORDINANCE approving and authorizing one-year contract between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department \$300,000.00 - General Fund

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

This was Item 48 on Agenda of March 28, 2007

**43. Motion 2007-0350 – Postpone sixty (60) days**

REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **TERESA ARGUETA** on the denial of an Application for a Manufactured Home Hardship Extension at 7911 Brays - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBER ALVARADO

This was Item 58 on Agenda of March 28, 2007

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

**4/3/2007 – All Present**

**4/4/2007 – Council Member Johnson absent on personal business  
Council Member Green absent due to being ill**