

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 5, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-0524 to 2007-0556
ORDINANCES – 2007-0638 to 2007-0660
RESOLUTION – None

2007-0523-1

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 2007-0524 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JUNE 6, 2007 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 43

MISCELLANEOUS - NUMBER 1

Motion 2007-0534 – Postpone Item 1 to the end of the Agenda

Written motion by Council Member Garcia to amend Item 1 as follows:

“Department of Building Services will submit an annual report to Council on manpower to vehicle ratio and functionality detailing average life expectancy standards per department vehicles and environmental standards per department vehicles.” – Tagged by Council Members Wiseman and Clutterbuck

- 1. Council Members Wiseman and Clutterbuck tagged**
RECOMMENDATION for approval of the Fiscal Year 2008 Equipment Acquisition Plan

ACCEPT WORK - NUMBERS 2 through 6

2. Motion 2007-0525

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$480,522.62 and acceptance of work on contract with **ICE CONTRACTORS, INC** for Terminal C-Hazardous Material Abatement at George Bush Intercontinental Airport/Houston, Project 490R, WBS A-000131-0001-4-01 - 21.42% under the original contract amount - **DISTRICT B - JOHNSON**

3. Motion 2007-0526

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,333,365.71 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION L. P.** for Construction of Hermann Drive Storm Sewer Relief Project - Segment 1 (600 feet east of Jackson Street to Brays Bayou), WBS M-000260-0001-4 0.63% over the original contract amount - **DISTRICT D - EDWARDS**

4. Motion 2007-0527

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,556,950.31 and acceptance of work on contract awarded to **KINSEL INDUSTRIES, INC (now INSITUFORM TECHNOLOGIES, INC)** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00A4-4 - .80% over the original contract amount

5. Motion 2007-0528

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,826,893.63 and acceptance of work on contract awarded to **KINSEL INDUSTRIES, INC (now INSITUFORM TECHNOLOGIES, INC)** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00S7-4 - .46% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO**

6. Motion 2007-0535

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,012,179.03 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for 69th Street Wastewater Treatment Plant Improvements - Package 2; WBS R-000509-0009-4 - 14.60% over the original contract amount - **DISTRICT I - ALVARADO**

PROPERTY - NUMBERS 7 through 14

7. Motion 2007-0529

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Gamez of Gamez + Walker, on behalf of Advanced Diagnostics Management, L.L.P. (Lucky Chopra, M.D., General Partner), for sale of fee-owned right of way being part of Lots 2 and 8, in Fractional Block 4, of the West End Addition and out of Fractional Block 5, of the Hadley and Franklin Addition, out of the Obedience Smith Survey, Parcel SY7-128 - **APPRAISERS - DISTRICT D - EDWARDS**

8. Motion 2007-0536

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bryan Miller, Seven Acres Jewish Senior Care Services, Inc., for sale of ±3,490-square-feet of excess fee-owned property within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of Tract 1A, the H. Aiken Survey, Abstract 98, Parcels SY7-132 and QY7-008 - **STAFF APPRAISERS - DISTRICT C - CLUTTERBUCK**

PROPERTY - continued

9. Motion 2007-0537

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie D. Harris of Brown & Gay Engineers, Inc., on behalf of Belle Meade Investment 2006 LP [Grayco Project Sackett GP LLC (John J. Gray III, President), General Partner], for abandonment and sale of a 7-foot-wide sanitary sewer easement between Sackett Avenue and Ferndale Place, at the rear of Lots 3 and 4, Block 19, E. C. Crawford Addition in exchange for the conveyance to the City of a 15-foot-wide access easement, from the new terminus of the sanitary sewer line east along the southern boundary line of Tract 1, Block 5, Kerr's Ferndale Annex to the Ferndale Place right of way, all out of the A. C. Reynolds Survey, South Side Buffalo Bayou, Parcels SY7-058 and AY7-442 - **STAFF APPRAISERS - DISTRICT C - CLUTTERBUCK**

10. Motion 2007-0538

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Belinda King of Metropolitan Planning, L. P., on behalf of Avishai Ron and Villages of Chartres, LLC (Joseph L. Ranieri, Managing Partner), for abandonment and sale of Drew Avenue, from Chartres Street to St. Emanuel Street, located within the Subdivision of Blk 16 Holman Survey, out of the J. S. Holman Survey, A-323, Parcels SY7-105 and SY7-138 - **APPRAISERS - DISTRICT I - ALVARADO**

11. Motion 2007-0539

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jim Peterson, on behalf of the Estate of R. B. Scott (Arvis Scott Cato, Executor), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley from Mulvey Street to Nichols Street, between Lockwood Drive and Harlem Street, out of Block 20, Englewood Addition, Parcel SY7-081 - **DISTRICT B - JOHNSON**

12. Motion 2007-0530

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dena Kriticos, South Texas Surveying, Inc., on behalf of Samshi Homes, LLC (Vinay Karna, Chief Executive Officer), declining the acceptance of, rejecting, and refusing the dedication of a 5-foot-wide storm sewer easement within Lot 9, Block 32, of amended plat of Riverside Terrace, Fifth Section, out of the G. P. Foster Survey, Parcel SY7-108 - **DISTRICT D - EDWARDS**

13. Motion 2007-0531

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Hugh Blanchard, Brown & Gay Engineers, Inc., on behalf of Metro National Corporation (Bill Huntsinger, Vice President), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide water line easement, a 10-foot-wide fire hydrant easement, and a 10-foot-wide water meter easement, located in the Monarch School Subdivision, out of the A. T. Miles Survey, A-556, Parcels SY7-136A, SY7-136B and SY7-136C - **DISTRICT A - LAWRENCE**

14. Motion 2007-0532

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-126, located at 10545 Aldine Westfield Road, owned by Earl and Sandra Farrell, for the **ALDINE WESTFIELD PAVING PROJECT from Tidwell to Little York**, N-000577-0001-2-01 **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 18

15. Motion 2007-0556

JOHN DEERE COMPANY - \$167,967.50, **PROFESSIONAL TURF PRODUCTS, L.P.** - \$202,437.64, **EARLE KINLAW AND ASSOCIATES INC d/b/a EKA, INC** - \$54,734.15 and **LANSDOWNE-MOODY COMPANY** - \$55,088.56 for Purchase of Grounds Keeping Equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative for Parks & Recreation Department - \$480,227.85 - Equipment Acquisition Consolidated Fund

16. Council Member Holm tagged

PHILPOTT MOTORS, LTD. for Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department - \$28,235.30 - Major Accessories Shop 15 Fund

Motion 2007-0540 – Postpone Item 17 to the end of the Agenda

17. Council Members Wiseman and Khan tagged

ASHLAND, INC - \$10,800,000.00 and **POLYDYNE, INC** - \$7,200,000.00 for Chemicals, Liquid Polymer Flocculant for Department of Public Works & Engineering - Enterprise Fund

18. Motion 2007-0533

CHANNELVIEW SUPPLY COMPANY for Equipment, Onan Generator Replacement Parts and Services for Various Departments - \$300,550.00 - General Fund

ORDINANCES - NUMBERS 19 through 43

19. Council Members Wiseman, Lawrence, Garcia and Edwards tagged

ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the parking of vehicles on certain residential properties; containing other provisions relating to the foregoing subject; providing a penalty; providing for severability; providing an effective date

20. Council Members Wiseman, Khan and Clutterbuck tagged

ORDINANCE CREATING A NEW ARTICLE VIII TO CHAPTER 34 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS, providing for the creation of a Public Safety Video Program; making other findings and provisions related to the subject; providing a severability clause

21. Ordinance 2007-0647

ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY, TEXAS**, for the purposes of holding a Runoff Election on June 16, 2007; providing a maximum contract amount - \$900,000.00 - General Fund

22. Ordinance 2007-0648

ORDINANCE approving and authorizing the City of Houston to submit the 2007 Consolidated Annual Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2007-2008 Grant Applications: 1) 33RD Program Year Community Development Block Grant in the amount of \$33,789,209.00 (\$30,789,209.00 Entitlement Grant, and \$3,000,000.00 Program Income; 2) Home Investment Partnerships Grant in the amount of \$13,580,098 (\$13,113,762.00 Grant, \$200,000.00 Program Income and \$266,336.00 from the American Dream Down Payment Initiative [ADDI]); 3) Housing Opportunities For Persons With AIDS Grant in the amount of \$6,579,000.00; and 4) Emergency Shelter Grants in the amount of \$1,326,494.00; and to accept the aforementioned grant funds, if awarded

ORDINANCES - continued

23. Ordinance 2007-0649

ORDINANCE approving and authorizing contract between the City of Houston and **THE HOUSTON HOUSING AUTHORITY** to provide \$750,000.00 in Community Development Block Grant Funds for Handicap Accessibility Site Improvements to Kelly Village and Telephone Road Public Housing Developments - **DISTRICTS B - JOHNSON and I - ALVARADO**

24. Ordinance 2007-0650

ORDINANCE approving and authorizing agreement between the City of Houston, Whitney Community Development Corporation and **GREATER HOUSTON DEVELOPMENT, INC** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT B - JOHNSON**

25. Pulled-Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and **TALENTO BILINGUE DE HOUSTON**, to provide \$220,000.00 in Community Development Block Grant Funds to allow for the Renovation of a Public Facility located at 333 South Jensen Street **DISTRICT H - GARCIA**

26. Council Members Wiseman, Lawrence and Holm tagged

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

27. Ordinance 2007-0651

ORDINANCE approving and authorizing two Telecommunications License Agreement forms for use in the event that granting a license to a provider of telecommunications services to install equipment on City property is in the best interest of the City; authorizing the Director of the Building Services Department or his or her designee to enter into agreements substantially in the form approved

28. Council Member Alvarado tagged

ORDINANCE approving and authorizing contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of Oxygen Plant, 69th Street Wastewater Treatment Facility for the Public Works Department; providing a maximum contract amount - 3 Years with two one-year options - \$8,492,400.00 - Enterprise Fund

29. Ordinance 2007-0638

ORDINANCE approving and authorizing Sanitary Sewer Service Contract between the City of Houston and the **BISSONNET MUNICIPAL UTILITY DISTRICT**

30. Ordinance 2007-0639

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **CITY OF BUNKER HILL VILLAGE** for the Construction of Sandalwood Area Water Line Replacement Project, WBS S-000035-00D3-2-01 - **DISTRICT G - HOLM**

31. Ordinance 2007-0640

ORDINANCE appropriating \$5,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Neighborhood Street Reconstruction 448, WBS N-000380-0001-4 - **DISTRICTS D - EDWARDS and E - WISEMAN**

ORDINANCES - continued

32. Ordinance 2007-0641

ORDINANCE appropriating \$5,000.00 out of Metro Improvements Commercial Paper Series E Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Street and Bridge Projects, WBS N-000574-0001-4 - **DISTRICTS B - JOHNSON and E - WISEMAN**

33. Ordinance 2007-0642

ORDINANCE appropriating \$219,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services Contract between the City of Houston and **RABA-KISTNER CONSULTANTS, INC** for Design of Environmental Assessments for the City's State Revolving Fund Program, WBS R-000265-0057-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

34. Ordinance 2007-0643

ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **LJA ENGINEERING AND SURVEYING, INC** for Various Small Diameter Water Line Replacement Projects, WBS S-000035-00M7-4

35. Ordinance 2007-0652

ORDINANCE appropriating \$150,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **THE UNIVERSITY OF HOUSTON** for Research of Small Diameter Water Lines, WBS S-000035-00Y2-3

36. Ordinance 2007-0644

ORDINANCE appropriating \$896,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R & B GROUP, INC** for Dairy Ashford #4 Lift Station Rehabilitation, WBS R-000267-00G2-4; 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 G - HOLM**

37. Ordinance 2007-0653

ORDINANCE appropriating \$3,257,610.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Method, WBS R-000294-0013-4; 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 **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO**

38. Ordinance 2007-0645

ORDINANCE appropriating \$2,889,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Westheimer to West Alabama Sewer Relocation, WBS R-002011-0045-4; 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 - **DISTRICTS C - CLUTTERBUCK and D - EDWARDS**

ORDINANCES - continued

39. Ordinance 2007-0654

ORDINANCE appropriating \$8,763,700.00 out of Water & Sewer System Consolidated Construction Fund No. 8500, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for 42-inch water line along Holmes, Parcel Three, Uptown, Taintor, and West Airport Boulevard from 4300 feet west of Kirby to Hiram Clarke, WBS S-000900-00AD-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 No. 8500 - **DISTRICT D - EDWARDS**

40. Ordinance 2007-0646

ORDINANCE appropriating \$780,094.25 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for 611 Walker Phase I Interior Renovations, WBS R-000268-0056-4; 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 construction management, Civic Art Program and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO**

41. Ordinance 2007-0655

ORDINANCE appropriating \$4,660,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-000663-00RE-2-01), and approving and authorizing 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

42. Council Member Holm tagged

ORDINANCE appropriating \$209,043.82 out of Street & Bridge Consolidated Construction Fund for Landscaping and Beautification of City Streets and Thoroughfares, WBS N-000675-0006-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**

43. Ordinance 2007-0633 – Passed second reading in full

ORDINANCE No. 2007-633, passed first reading May 30, 2007

ORDINANCE granting to **MOUSER CONTAINER SERVICE, INC, a Texas 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 - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

44. Motion 2007-0541

MOTION to suspend the Council Rules to approve rescheduling presentation of the Monthly Financial and Operations Report for period ending May 31, 2007, from July 3, 2007 to July 11, 2007

MATTERS HELD - NUMBERS 45 through 57

45. Motion 2007-0542 – Postpone thirty (30) 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**
POSTPONED BY MOTION #2007-350, 4/4/07
This was Item 43 on Agenda of April 4, 2007

46. Motion 2007-0543 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of contract amount of \$1,398,359.40 and acceptance of work on contract with **TROJAN INDUSTRIAL COATINGS, INC** for Rehabilitation of Three Elevated Storage Tanks, WBS S-000600-0030-4 - 8.78% under the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON** **TAGGED BY COUNCIL MEMBER GARCIA**
This was Item 7 on Agenda of May 30, 2007

47. Motion 2007-0544 – Adopt

RECOMMENDATION from Finance & Administration Department to award to **ALL AMERICA SALES CORPORATION** for Road Spike Systems for Police Department \$39,400.00 - General Fund - **TAGGED BY COUNCIL MEMBER HOLM**
This was Item 17 on Agenda of May 30, 2007

48. Motion 2007-0545 – Adopt

RECOMMENDATION from Finance & Administration Department to award to **TEXAN EQUIPMENT AND TRAILER SALES d/b/a TEXAN TRAILER SALES** for Horse Trailers for Police Department - \$44,750.00 - Police Special Services Fund
TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK
This was Item 18 on Agenda of May 30, 2007

49. Motion 2007-0546 – Adopt

RECOMMENDATION from Finance & Administration Department to award to **MARIO CALDERON d/b/a TEXANS AUTO CENTER** for Vehicle Glider Kit for Department of Public Works & Engineering - \$71,900.00 - Storm Water Fund
TAGGED BY COUNCIL MEMBER ALVARADO
This was Item 21 on Agenda of May 30, 2007

50. Motion 2007-0547 – Adopt

RECOMMENDATION from Finance & Administration Department to award to **BOAT RIGHT MARINE, INC** for Boats, Motors and Trailers for Various Departments - \$97,898.00 - Police Special Services and Enterprise Funds - **TAGGED BY COUNCIL MEMBER HOLM**
This was Item 23 on Agenda of May 30, 2007

MATTERS HELD - continued

51. Motion 2007-0548 – Adopt

RECOMMENDATION from Finance & Administration Department to award to **BAILEY'S HOUSE OF GUNS, INC** - \$25,866.89, **PRECISION DELTA CORP.** - \$68,519.00 and **GT DISTRIBUTORS, INC** - \$1,397,339.46 for Ammunition and Accessories for Various Departments General Fund - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 24 on Agenda of May 30, 2007

Motion 2007-0549 – Adopted

Written motion by Council Member Holm to amend Item 52 as follows:

“1. In Subsection (k) of Section 40-27, amend subsection 3(b)(2) to read as follows:

“[2] Posting of one or more placards along the major thoroughfare or major collector street where the major function will be conducted; and”

2. In Subsection (k) of Section 40-27, amend the final paragraph of subsection 3(b)(2) to read as follows:

“The SEM may require the applicant to provide or pay for newspaper notices or placards posted and to furnish evidence thereof to the SEM. The notice(s) shall be in a form prescribed by the SEM and shall contain the name of the event, date or dates of the event, streets, roadways, and thoroughfares effected by the event, and a city office telephone number that interested persons may call for further information. The placard shall not contain advertising, including but not limited to any information concerning the name or logo of any sponsor, or any persons making a contribution to, or endorsement of, the proposed major function. If the applicant fails to promptly give the notices or provide security for the notices following the SEM's request, the SEM shall return the application to the applicant.”

Motion 2007-0550 – Adopted

Written motion by Council Member Garcia to amend Item 52 as follows:

“1. Change the term "PUBLIC WORKS AND ENGINEERING," everywhere it appears in all capital letters, to read "PWE," in all capital letters.

2. Amend Item (4) of Subsection (k) of Section 40-27 to read as follows:

"(4) Hearings conducted under this subsection, whether for minor functions under item (2) or major functions under item (3) shall be governed by rules established by the SEM, which shall be consistent with principles of due process and shall provide that any party may be represented by legal counsel, may call witnesses and provide evidence and may cross examine witnesses. The burden shall be upon the applicant to demonstrate by clear and convincing evidence that the proposed function will comply in all respects with each requirement of this section. The hearing shall be conducted by a hearing officer appointed by the chief administrative officer who shall issue a decision in writing and shall specify the grounds for denial therein if the application is denied. A copy shall be mailed to the applicant and any intervenors. Upon request of the SEM, the legal department shall act as counsel to the hearing officer."

MATTERS HELD – continued

Motion 2007-0550 - continued

3. Amend Subsection (n) of Section 40-27 to read as follows:

"(n) **Hearings.** Where a right of appeal to city council exists, hearings shall be recorded by a court reporter retained by the SEM for that purpose. The SEM may require the applicant to provide security for the cost of recording the testimony as a condition of conducting the hearing.

(1) If an application for a major function is denied following a hearing, the applicant may appeal the decision to city council. If an application for a minor function is denied following a hearing, the applicant may appeal the decision to city council if the permit application was filed more than 120 days prior to the commencement date of the minor function. If a major function permit is granted, any person who has been given party status as an intervenor may appeal the decision to city council.

(2) Where a right of appeal to city council is not available, the decision of the hearing officer shall exhaust the applicant's administrative remedies regarding the denial of a permit application for a major or minor function.

Any appeal must be filed with the city secretary within ten days following the date that the SEM mails notice of the decision to the parties. The appeal shall be considered on the record as provided in city council rule 12 (section 2-2 of this Code). The cost of the recording and transcription of the record shall be paid by the appellant, and the SEM or city secretary may require the appellant to provide security therefor as a condition of processing the appeal. Appeals shall be governed by the criteria set forth in subsections (c), (l), and (m) above."

52. Ordinance 2007-0656 – Adopt as amended

ORDINANCE AMENDING SECTION 40-27 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Street Functions - TAGGED BY COUNCIL MEMBERS HOLM and WISEMAN

This was Item 26 on Agenda of May 30, 2007

a. Motion 2007-0551 – “FAILED”

WRITTEN Motion by Council Member Holm to amend Item 52B as follows:

In Section 45-232 of the proposed Ordinance, amend Subsection (f) to read as follows:

"(f) If a parade permit applicant is required to use city security and traffic control services along a parade route, the applicant must agree to either:

- (1) Pay to the city the total salary cost(s) of providing the designated number of law enforcement officers, required supervisory personnel, and civilian traffic controllers, in which instance the applicant shall furnish a deposit sufficient to cover the cost of the same prior to the event; or
- (2) Furnish the police chief the proposed number of law enforcement officers certified under the law of this state who will provide security control services during the proposed event; Such law enforcement officers shall be paid directly by the applicant. However, no law enforcement officer who is regularly employed by the city may be utilized under this item (2) unless the officer executes an understanding of third party compensation provided by the city for working at the event. The understanding of third party compensation shall be in a form approved by the city attorney."

TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, GREEN, BROWN, JOHNSON and HOLM

MATTERS HELD – continued

b. Ordinance 2007-0657

ORDINANCE AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Parades - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 26A on Agenda of May 30, 2007

53. Ordinance 2007-0658

ORDINANCE AMENDING SECTION 44-5 and adding SECTION 44-29 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the exemption of certain historic sites from ad valorem taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 27 on Agenda of May 30, 2007

54. Ordinance 2007-0659

ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$2,190,135.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds for the Operation of Multiple Community Residences, administration of a Short-Term Rent, Mortgage and Utility Assistance Program, a tenant based Rental Assistance Program, a Housing Information and Resource Identification Program, and for supportive services - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 38 on Agenda of May 30, 2007

55. Motion 2007-0552 – Postpone two (2) weeks

ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **RE-WARD THIRD WARD** to provide a second lien construction loan of Federal “HOME” Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICTS D - EDWARDS and I - ALVARADO** - **TAGGED BY COUNCIL MEMBER LOVELL**

This was Item 42 on Agenda of May 31, 2007

Motion 2007-0533 – Motion to amend Item 56 for one (1) year term at \$250,000.00

56. Ordinance 2007-0660 – Adopt as amended

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for the Houston Police Department - 1 Year - \$250,000.00 General Fund - **TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM and CLUTTERBUCK**

This was Item 52 on Agenda of May 30, 2007

57. Motion 2007-0554 – Postpone one (1) week

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Trailer Repair Services for the Houston Police Department - 3 Years with two one-year options - \$412,445.00 - General Fund - **TAGGED BY COUNCIL MEMBERS HOLM and WISEMAN**

This was Item 53 on Agenda of May 30, 2007

Motion 2007-0555 – Suspend rules to remain in session beyond the scheduled noon recess

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

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

6/5/2007 – All Present

6/6/2007 – All Present