

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 2, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-0959 to 2007-0990
ORDINANCES – 2007-1078 to 2007-1113
RESOLUTION – 2007-0038 to 2007-0040

2007-0958-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

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 2007-0959 – Procedural motion
Motion 2007-0960 – Procedural motion
Motion 2007-0961 – Procedural motion
Motion 2007-0962 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 3, 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 2007-0963 – 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 59

MISCELLANEOUS - NUMBERS 1 through 8

Motion 2007-0964 – Suspend rules to consider Items 2, 1 and 1a out of order

1. Motion 2007-0966

NOTE: Item 1 is a MATTER HELD but must be considered prior to 1a.

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt 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 **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 3 on Agenda of September 19, 2007

a. Motion 2007-0967

RECOMMENDATION from the Director of the Department of Finance and Administration (1) to place the proposed 2007 tax rate of \$.64375/\$100 of value on the November 7, 2007 Council Agenda, (2) to set dates for three public hearings and (3) to publish an analysis of anticipated increased revenues

SUGGESTED HEARING DATES - 6:00 P.M. - TUESDAY - OCTOBER 9, 2007; 6:00 P.M. - TUESDAY - OCTOBER 16, 2007 and 9:00 A.M. - WEDNESDAY - OCTOBER 24, 2007

2. Motion 2007-0965

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE BRAYS OAKS MANAGEMENT DISTRICT (HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5)**, for terms to expire June 1, 2011:

Position Seven - **MR. ALLEN C. GOODLOW, SR.**, reappointment

Position Eight - **MS. ELAINE GASKAMP**, reappointment

Position Nine - **MR. CARY P. YATES**, appointment

Position Ten - **MR. MICHAEL MUCASEY**, reappointment

Position Eleven - **DR. DAWN J. BRADFORD**, reappointment

3. Motion 2007-0968

RECOMMENDATION from Director Human Resources to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency

4. Ordinance 2007-1078

ORDINANCE appropriating \$287,916.14 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4 under construction contract with **BOYER, INC** (approved by Ordinance No. 2005-682)

a. Motion 2007-0969

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$399,456.00 on contract with **BOYER, INC** for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4

5. Motion 2007-0970

RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2008 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$224,543.08 - Enterprise Fund

MISCELLANEOUS - continued

6. **Motion 2007-0971**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** - 1 Year \$91,884.00 - Enterprise Fund

7. **Motion 2007-0972**

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.398 per square foot for properties connecting to the 8-inch water line located along Dreyfus Street constructed by **LLGK ENTERPRISES, LLC** **DISTRICT D - EDWARDS**

8. **Motion 2007-0984**

RECOMMENDATION from Director Department of Public Works & Engineering for allocation and payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** \$196,076.40 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO**

ACCEPT WORK - NUMBERS 9 through 13

9. **Motion 2007-0973**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,541,002.00 and acceptance of work on contract with **CONSTRUCTION, LTD.** for Parks Master Plan - Bid Package 2 Melrose Park, Montie Beach Park and Garden Villas Park, WBS F-504A02-0001-4 / F-504A18-0001-4 / F-504A20-0001-4 - 14.60% over the original contract amount - **DISTRICTS B - JOHNSON; H - GARCIA and I - ALVARADO**

10. **Motion 2007-0974**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$791,411.41 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Crestmont Park, WBS F-504A10-0010-4 - 4.58% over the original contract amount **DISTRICT D - EDWARDS**

11. **Motion 2007-0975**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$511,957.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Willow Park, WBS F-0504C9-0009-4 - 4.96% over the original contract amount **DISTRICT C - CLUTTERBUCK**

12. **Motion 2007-0976**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$723,412.65 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of Well Collection Line and Flow Meters, WBS S-000936-0011-4 15.46% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK and F - KHAN**

13. **Motion 2007-0977**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,473,172.36 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D3-4 - 3.92% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO**

PROPERTY - NUMBER 14

14. Motion 2007-0978

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Harvey & Sonjia Preston, et al., Cause No. 875,669, for acquisition of Parcel CY4-005; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-2 - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 20

15. Motion 2007-0979

TEXAS COMMISSION ON FIRE PROTECTION for payment of Annual Certification/ Re-certification of Firefighters for Fire Department - \$140,000.00 - General Fund

16. Motion 2007-0980

FLOTEC, INC for Medical Oxygen Regulators and Flowmeters for Fire Department - \$187,125.00 General Fund

17. Motion 2007-0981

FIRE PUMP SPECIALTY for Equipment, Hale Pump Replacement Parts for Fire Department \$330,000.00 - General Fund

18. Motion 2007-0982

BABY JACK II AUTOMOTIVE, LTD. d/b/a CALDWELL COUNTRY CHEVROLET - \$115,444.00 and **DALLAS DODGE CHRYSLER JEEP** - \$93,529.00 for Special Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department - Asset Forfeiture-Justice Fund

19. Ordinance 2007-1079

ORDINANCE appropriating \$128,962.60 out of Water & Sewer Consolidated Construction Fund for Emergency Replacement of the 24" Gravity Sewer Pipeline at 200 Hirsch Road at Clinton Drive for the Public Works & Engineering Department, WBS R-000119-0043-4-01-01 - **DISTRICT B - JOHNSON**

a. Motion 2007-0983

TROY CONSTRUCTION, L.L.P. for Emergency Replacement of 24" Gravity Sewer Line for the Department of Public Works & Engineering - \$128,962.60 - **DISTRICT B - JOHNSON**

20. Council Members Johnson, Lawrence and Green tagged

STAR AUTOMOTIVE WAREHOUSE for Automotive, Associated Replacement Parts for Various Departments - \$2,119,355.20 - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 59

21. Resolution 2007-0038

RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board

22. Resolution 2007-0039

RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks - **DISTRICT I - ALVARADO**
J. Vance Lewis House - 1218 Wilson Street (aka 1408 Andrews)
Reverend Ned P. Pullum House - 1319 Andrews Street

23. Resolution 2007-0040

RESOLUTION designating certain property at 1314 Andrews Street within the City of Houston as a landmark and protected landmark - (Rutherford B. H. Yates, Sr. House) - **DISTRICT I - ALVARADO**

24. Council Members Wiseman, Johnson, Lawrence, Garcia, Holm and Clutterbuck tagged
ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

Written motion by Council Member Clutterbuck to amend Item 25 as follows:

"I move that Sections 42-251 through 42-257 be amended in the following way – with the appropriate language to be drafted by the Legal Department:

- In calculating the amount of land to be dedicated, allow for as little as one half acre in urban areas and one acre in suburban areas
- Require written notice to the developer when the director requires fees in lieu of dedicating land and stating the reason for the decision. Allow for the director's determination to be appealed to the Director of Planning & Development.
- Allow for 100% credit for dedicated land, including private parks, greenbelts, links to other parks.
- Change the hold time for funds from developers to a three-year time period with two one-year extensions.
- All funds not expended in four years should be refunded to the current owners. The city should identify the current owners and make every effort to notify them of their right to a pro rata refund.

Council Members Wiseman and Clutterbuck tagged

Written motion by Council Member Clutterbuck to amend Item 25 as follows:

"I move that Sections 42-251 and 42-257 be amended in the following way – with the appropriate language to be drafted by the Legal Department:

- To make the definition of PPDU 1.8 for multi-family and single family
- The fee in lieu of dedication shall be \$600 per dwelling unit

Council Members Wiseman and Clutterbuck tagged

Written motion by Council Member Brown to amend Item 25 as follows:

" Proposed Amendments, Item No. 25

Amendment A: (Under 42-257 Park land acceptance standards)

- Add
- (1) For actual dedication of park land on-site in an urban area: the minimum size of a park is one-half (1/2) acre
 - (2) For actual dedication of parkland in a non-urban area: the minimum size of parkland (on-site) is one (1) acre.

Amendment B: (Under Section 42-254 Deductions and credits)

The minimum percentage of parkland to be provided on-site, after payment in lieu of on-site, and off-site dedications, is 15% (subject to a minimum size of ¼ acre).

Amendment C: (Under Section 42-254 Deductions and credits)

The effective date of this ordinance is changed to January 1, 2008.

Amendment D: (Under Section 42-254 Deductions and credits)

Any increases by City Council of the \$800/unit payment in lieu of fee shall be limited to increases in the Consumer Price Index (CPI).

RESOLUTIONS AND ORDINANCES - continued

Written motion – continued

Amendment E:

Within 4 months of the adoption of this ordinance, the administration will submit to City Council an amendment providing for the calculation of the total required parkland and open space based on a simple percentage of the tract area.

For example:

Urban area:	3 acres minimum size, 12 % of tract area
Non-urban area:	10 acres minimum size, 15% of tract area

Credits or reductions to be considered in the above may include reductions/credits for rear alley access to parking, and other considerations.

Amendment F: Appropriate illustrative diagrams and charts will be included in the final version of the ordinance.

Council Members Wiseman and Brown tagged

Motion by Council Member Lawrence/seconded by Council Member Khan to amend Item 25 as follows:

“Amend Sections 42-251 through 42-257 to make the definition of PPDU 1.8 for multi-family and single family inside the loop

Council Member Wiseman tagged

25. Council Members Wiseman, Johnson, Lovell, Lawrence, Garcia, Holm, Alvarado, Khan, Green, Brown, Clutterbuck and Noriega tagged

ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the provision of Parks and Open Spaces; adding a new Division 7 to Article III; establishing the Park and Recreation Dedication Fund; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date

26. Ordinance 2007-1080

ORDINANCE finding and determining that public convenience and necessity no longer requires the continued use of a portion of Tavern Street right-of-way (Parcel SY6-089) located in the Dow Acres Addition, Houston, Harris County, Texas, containing 16,293 square feet of land, more or less; vacating and abandoning said tract of land to the Welkey 1996 Descendants' Trusts, abutting owner, in consideration of owner's payment to the City of \$40,733.00 - **DISTRICT A - LAWRENCE**

27. Ordinance 2007-1081

ORDINANCE establishing the north and south sides of the 1600 block of Harold 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**

28. Ordinance 2007-1082

ORDINANCE establishing the north side of the 1700 block of Harold Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

29. Ordinance 2007-1083

ORDINANCE establishing the north side of the 1700 block of Harold 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**

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2007-1084

ORDINANCE establishing the north side of the 1900 block of Harold Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

31. Ordinance 2007-1085

ORDINANCE establishing the north and south sides of the 1900 block of Harold 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**

32. Ordinance 2007-1086

ORDINANCE establishing the north and south sides of the 1500 block of Hawthorne 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**

33. Ordinance 2007-1087

ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

34. Ordinance 2007-1088

ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne 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**

35. Ordinance 2007-1089

ORDINANCE establishing the north and south sides of the 1000 block of Nadine 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**

36. Ordinance 2007-1090

ORDINANCE establishing the north side of the 2300 block of Prospect Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

37. Ordinance 2007-1091

ORDINANCE establishing the north side of the 2300 block of Prospect 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**

38. Ordinance 2007-1092

ORDINANCE establishing the north and south sides of the 2400-2500 block of Prospect 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**

39. Ordinance 2007-1093

ORDINANCE establishing the north and south sides of the 1700 block of Sul Ross 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**

40. Motion 2007-0985 – Postpone two (2) weeks

ORDINANCE establishing the north and south sides of the 2300 block of Wordsworth Boulevard 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**

RESOLUTIONS AND ORDINANCES - continued

41. Ordinance 2007-1094

ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston General Election to be held on November 6, 2007, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct; containing findings and other provisions related to the subject; providing for severability

42. Ordinance 2007-1095

ORDINANCE approving and authorizing lease agreement between the City of Houston and **JACK IN THE BOX EASTERN DIVISION, LP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO**

43. Ordinance 2007-1096

ORDINANCE amending Ordinance No. 2007-1001, which amended certain provisions in Chapter 10 of the Code of Ordinances relating to junked motor vehicles, to correct a typographical error

44. Ordinance 2007-1097

ORDINANCE approving and authorizing loan agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide \$9,264,198.00 in Home Investment Partnerships Funds for the acquisition and rehabilitation of a single room occupancy housing facility located at 6311 Gulf Freeway - **DISTRICT I - ALVARADO**

45. Ordinance 2007-1098

ORDINANCE approving and authorizing Joint Funding Agreement between the City of Houston and the **UNITED STATES GEOLOGICAL SOCIETY** for Water Resources Investigations \$1,172,420.00 - Enterprise Fund

46. Ordinance 2007-1099

ORDINANCE approving and authorizing contract between the City of Houston and **APPLIED BIOSYSTEMS NORTH AMERICAN SALES AND SERVICE** for Repair and Preventative Maintenance Services on Crime Lab Analytical Instruments for the Houston Police Department; providing a maximum contract amount - \$169,759.26 - General Fund

47. Ordinance 2007-1100

ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, seller, and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, a Texas Nonprofit Corporation**, purchaser, to sell the former Fire Station No. 6, located at 901 Henderson Street (Parcel SY6-115), Houston, Texas, to purchaser for the purpose of preserving the historic building and converting the property to affordable rental housing for low-income households, in consideration of such preservation and use for low-income housing, and the payment of \$111,000.00 to the City by Purchaser - **DISTRICT H - GARCIA**

48. Ordinance 2007-1101

ORDINANCE awarding contract to **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System; providing a maximum contract amount - 3 Years with 2 one-year options - \$4,446,891.63 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

49. Ordinance 2007-1102

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 - Parks Special Revenue Fund

RESOLUTIONS AND ORDINANCES - continued

50. Ordinance 2007-1103

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 - Parks Special Revenue Fund

51. Ordinance 2007-1104

ORDINANCE awarding contract to **DUPS INC** for Fuel Dispenser Repair & Automated Network Systems and Maintenance Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$1,542,180.00 - General, Enterprise and Fleet Management Funds

52. Ordinance 2007-1105

ORDINANCE appropriating \$46,807.68 out of General Improvement Consolidated Construction Fund for Emergency Purchase of Mold Remediation Services and Professional Air Quality Assessment and Air Monitoring at the Fifth Ward Multi-Service Center Library for the General Services Department, WBS D-000073-0083-4-01, D-000073-3-01 - **DISTRICT B - JOHNSON**

53. Council Member Wiseman tagged

ORDINANCE appropriating \$242,108.00 out of Water & Sewer System Consolidated Construction Fund and \$243,714.00 out of Homeless and Housing Consolidated Fund; approving and authorizing developer participation contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD.** for construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of El Tesoro Subdivision, WBS S-000800-0101-4, R-000800-0101-4, & M-000800-0101-4 - **DISTRICT E - WISEMAN**

54. Ordinance 2007-1106

ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **PROJECT SURVEILLANCE, INC** for Street and Bridge Projects, WBS N-000780-0001-4 - **DISTRICT G - HOLM**

55. Council Members Wiseman, Johnson and Holm tagged

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for Sustainable Development Program Design for Homes and Buildings in Houston, Texas; providing a maximum contract amount - \$2,000,000.00

56. Ordinance 2007-1107

ORDINANCE appropriating \$8,171,386.83 out of Metro Project Commercial Paper Series E Fund, \$511,130.17 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Monroe Road Paving Improvements from Almeda Genoa Road to Fuqua, WBS N-000574-0001-4; S-000500-0060-4; 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 Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**

RESOLUTIONS AND ORDINANCES - continued

57. Ordinance 2007-1108

ORDINANCE appropriating \$3,484,684.00 out of Metro Project Commercial Paper Series E Fund, \$243,035.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ISI CONTRACTING, INC** for the Paving Improvements of Long Point Road at Wirt Road Intersection and approaches, WBS N-000674-0001-4; S-000500-0059-4; 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 Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

58. Ordinance 2007-1109

ORDINANCE appropriating \$840,400.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **BOYER, INC** for Repair of Elevated Parking Garage located at 4200 Leeland Street, WBS S-000955-0002-4; 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 I - ALVARADO**

59. Ordinance 2007-1110

ORDINANCE appropriating \$5,660,358.36 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Gulfgate), Reinvestment Zone Number Eight, City of Houston (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), and Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, and certain redevelopment authorities as provided herein; containing provisions relating to the subject **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 60 through 65

60. Motion 2007-0986 – Postpone sixty (60) days

ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability

POSTPONED BY MOTION #2007-805, 8/1/07

This was Item 56 on Agenda of August 1, 2007

MATTERS HELD – continued

61. Motion 2007-0987 – Adopt

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 - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 4 on Agenda of September 19, 2007

62. Ordinance 2007-1111

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
TAGGED BY COUNCIL MEMBERS EDWARDS and KHAN
This was Item 13 on Agenda of September 19, 2007

63. Council Member Holm 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 - **TAGGED BY COUNCIL MEMBER KHAN**
This was Item 31 on Agenda of September 19, 2007

Motion 2007-0988 – Suspend rules to remain in session beyond the scheduled noon recess

64. Ordinance 2007-1112

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**
TAGGED BY COUNCIL MEMBER WISEMAN
This was Item 37 on Agenda of September 19, 2007

Motion 2007-0989 – Written motion by Council Member Lawrence to amend Item 65 as follows:

“In Section 2 of the proposed Ordinance, amend the definition of “amusement redemption machine” to read as follows:

“Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine; symbols or numbers are matched to a randomly selected symbol or number determined by the machine; a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker; or a combination of cards is arrived at and points assigned for purposes of blackjack.”

and

In the proposed Ordinance, amend Section 5 to read as follows:

“**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the thirtieth day next following the date of its passage and approval by the Mayor.”

- Adopt

MATTERS HELD – continued

Motion 2007-0990 – Written motion by Council Member Garcia to amend Item 65 as follows:

“In the proposed Ordinance, amend Section 3 to read as follows:

“Section 3. That Section 44-85 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.

(a) The decal issued by tax assessor-collector to evidence payment of the tax levied herein shall be securely attached with its own adhesive to be fixed, noninterchangeable part of the coin-operated machine so as to be easily seen by the public. This decal shall be of such a nature that the word “void” will appear if one attempts to remove it.

(b) During the period commencing on December fifteenth and ending on December thirty-first of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January first. Prior to moving a registered machine to a new location, the owner shall submit in person a change of street address location form to the tax-assessor collector.

(c) If, during each calendar year, an owner desires to register machines in addition to the machines registered during the period from December fifteenth through December thirty-first, decals for such machines shall be issued upon registration of the machines and payment of the tax applicable to the calendar quarter in which such decals are obtained.

(d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.

(e) The owner of a coin-operated machine on which the tax has not been paid shall forfeit to the city as a penalty the sum of \$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division.”

and

In the proposed Ordinance, add a new Section 4, and renumber all subsequent Sections, to read as follows:

“Section 4. That the last sentence of Subsection (a) of Section 44-83 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘Upon payment of the tax every owner shall register each machine by make, model and serial number, street address location with the tax assessor-collector or his designated agents.’”

- Adopted

65. Ordinance 2007-1113 – Adopt as amended

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 - **POSTPONED BY MOTION #2007-947, 9/19/07**

This was Item 40 on Agenda of September 19, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Alvarado 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

10/2/2007 – Council Member Wiseman absent on personal business

10/3/2007 – All Present