

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 9, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-0991 to 2007-1022
ORDINANCES – 2007-1114 to 2007-1145
RESOLUTION – 2007-0041

2007-0990-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lovell

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 2007-0991 – Procedural motion
Motion 2007-0992 – Procedural motion
Motion 2007-0993 – Procedural motion

5:00 P. M. - RECESS TO 6:00 P.M.

HEARING - 6:00 P.M.

1. **Motion 2007-0994 – Close hearing**
PUBLIC HEARING on the proposal to establish a tax rate of \$.64375/\$100 of value for Tax Year 2007

RECONVENE

WEDNESDAY - OCTOBER 10, 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 2 through 42

MISCELLANEOUS - NUMBERS 2 through 4

2. **Motion 2007-0995**
RECOMMENDATION from Acting Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2008

MISCELLANEOUS - continued

3. **Motion 2007-0996**

RECOMMENDATION from Director General Services Department for approval of application for approval of Redevelopment Plan and Homeless Assistance Submission for United States Army Reserve Centers #2 and #3 to the Department of Defense and Department of Housing and Urban Development - **DISTRICT A - LAWRENCE**

4. **Motion 2007-0997**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of sale of a water tank to **SPANISH COVE PUBLIC UTILITY DISTRICT - DISTRICT E - WISEMAN**

ACCEPT WORK - NUMBERS 5 through 9

5. **Motion 2007-0998**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,801,104.75 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project, NSR 439A, WBS N-000372-0002-4 - 0.30% under the original contract amount - **DISTRICT E - WISEMAN**

6. **Motion 2007-0999**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$662,638.70 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, LTD.**, for Lang Lift Station Replacement, WBS R-000267-0070-4 17.97% over the original contract amount - **DISTRICT A - LAWRENCE**

7. **Motion 2007-1000**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,681,688.96 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0001-4 - 1.50% under the original contract amount **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

8. **Motion 2007-1001**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,016,295.00 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Two Ground Storage Tanks at District 218 and Heights Pumping Stations, WBS S-000600-00B2-4 - 12.21% under the original contract amount - **DISTRICTS G - HOLM and H - GARCIA**

9. **Motion 2007-1002**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,027,026.75 and acceptance of work contract with **TEXAS STERLING CONSTRUCTION, L.P.** for On-Call Rehabilitation to Large Diameter Water Lines, Valves, and Appurtenances, Package 3, WBS S-000701-0001-4 - 61.11% under the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14

10. **Ordinance 2007-1138**

ORDINANCE appropriating \$831,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulances and Cabs and Chassis for Fire Department

PURCHASING AND TABULATION OF BIDS - continued

a. **Motion 2007-1006**

KNAPP CHEVROLET, INC for Ambulances and Cabs & Chassis through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department

11. **Ordinance 2007-1139**

ORDINANCE appropriating \$3,195,865.40 out of Equipment Acquisition Consolidated Fund for Purchase of Refuse Trucks and Trash Collection Trailers for Solid Waste Management Department

a. **Motion 2007-1007**

SANTEX TRUCK CENTER, LTD. - \$623,090.00, **TEXAN WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$799,191.40, **HOUSTON FREIGHTLINER, INC** - \$822,600.00 and **G & H TRUCK EQUIPMENT, INC** - \$855,784.00 for Refuse Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department - \$3,100,665.40

b. **Motion 2007-1008**

AMEND MOTION #2006-968, 10/24/06, previously amended by Motion #2007-82, 1/24/07, to purchase two additional Trash Collection Trailers for Solid Waste Management Department, awarded to **NICK'S DIESEL SERVICE, INC** - \$95,200.00

12. **Motion 2007-1009**

AMEND MOTION #2005-198, 3/2/05, TO INCREASE spending authority from \$535,501.40 to \$749,701.96, for Barcoded Traffic and Non-Traffic Citations for Municipal Courts Administration and Judicial Departments, awarded to **WORKFLOW ONE (formerly THE RELIZON COMPANY)** \$214,200.56 - General and Parking Management Funds

13. **Motion 2007-1004**

AMEND MOTION #2002-1414, 12/11/02, previously amended by Motion #2005-1184, 12/7/05, TO INCREASE spending authority for Chemical, Chlorine for Department of Public Works & Engineering, awarded to **DXI INDUSTRIES, INC** from \$2,635,825.00 to \$2,952,124.00 and **ALTIVIA CORPORATION** from \$2,177,889.24 to \$2,439,235.00 - \$577,644.76 - Enterprise Fund

14. **Motion 2007-1005**

AZTECA SYSTEMS, INC for Software Maintenance Services Agreement for Infrastructure Management System for Department of Public Works & Engineering - \$110,000.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 42

Motion 2007-1003 – Suspend rules to consider Item 15 out of order

15. **Resolution 2007-0041**

RESOLUTION designating **AVONDALE WEST** as an historic district - **DISTRICT D - EDWARDS**

16. **Ordinance 2007-1114**

ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2007A, for the purpose of refunding certain Public Improvement Bonds previously issued by the City of Houston and refunding Certain General Obligation Commercial Paper Notes, Series D (2001 Voter Authorized, certain General Obligation Commercial Paper Notes, Series E (Rolling Stock, Information Technology, SAP Project, SWD Equipment and West 11th Street Park) and certain General Obligation Commercial Paper Notes, Series F (Drainage); making other provisions regarding such Bonds and matters incident thereto; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

17. Ordinance 2007-1115

ORDINANCE authorizing the issuance of City of Houston, Texas, Certificates of Obligation, Series 2007B; making other provisions regarding such Certificates and matters incident thereto; and declaring an emergency

18. Ordinance 2007-1116

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 5-foot-wide water line easements and a 10-foot-wide prescriptive sanitary sewer easement, comprised of Parcels SY6-081A, SY6-081B, SY6-103A, SY6-103B and SY6-103C, vacating and abandoning said parcels to Northline Mall Limited Partnership and to Houston Community College System Public Facility Corporation, the abutting owners, in consideration of their dedication of a 35-foot-wide storm sewer easement, comprised of Parcels LY6-014 and LY7-001, and the payment of \$24,683.00 and other consideration to the City; all seven parcels being out of the O. P. Kelton Survey, Abstract 493, Houston, Harris County, Texas - **DISTRICT H - GARCIA**

19. Council Member Garcia tagged

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the remaining portion of a 12-foot-wide alley adjacent to Lots 5 through 9, Block 3, located within the Settegast and Dodge Addition, comprising Parcel Numbers SY5-069 and SY6-033, and of the 12-foot-wide alley, along the east property line of Lot 12, Block 1, located within the Courtyards at Lillian, comprising Parcel Number SY6-034, vacating and abandoning (i) Parcel Number SY5-069 to UR Properties I, L.P., the abutting owner, in consideration of its payment of \$53,130.00 and other consideration to the City, (ii) Parcel Number SY6-033 to Steve Houck, the abutting owner, in consideration of the payment of \$10,500.00, and other consideration to the City, and (iii) Parcel Number SY6-034 to Paul John Siwek and wife, Georgianna Liesz Siwek, the abutting owners, in consideration of the payment of \$44,520.00, and other consideration to the City - **DISTRICT H - GARCIA**

20. Pulled-Not Considered

ORDINANCE consenting to the addition of 29.270 acres of land to **NEW CANEY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district; and inclusion of land in Certificates of Convenience and Necessity Nos. 11969 and 20575 in connection therewith

21. Ordinance 2007-1117

ORDINANCE releasing certain territory consisting of approximately 973.43 acres in Waller and Harris Counties in the vicinity of the City of Waller, Texas, from the extraterritorial jurisdiction of the City of Houston

22. Ordinance 2007-1142

ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS, (MEMORIAL HEIGHTS)** - **DISTRICTS A - LAWRENCE; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**

23. Ordinance 2007-1118

ORDINANCE amending Ordinance No. 2007-0736 relating to the Fiscal Affairs of the Main Street/Market Square Redevelopment Authority on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving an amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2007-1119

ORDINANCE approving and authorizing contracts between the City and (1) **AIDS FOUNDATION HOUSTON, INC**, (2) **BEE BUSY LEARNING ACADEMY, INC**, (3) **LEGACY COMMUNITY HEALTH SERVICES, INC**, (4) **MONTROSE COUNSELING CENTER**, (5) **ST. HOPE FOUNDATION** and (6) **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for HIV/STD Services; providing maximum contract amounts - \$6,525,000.00 - Grant and General Funds

25. Ordinance 2007-1120

ORDINANCE approving and authorizing first amendment to Lease Agreement (City Contract C50810) between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES FEDERAL CREDIT UNION**, as tenant, reducing the amount of rentable square feet of space in the leased premises and establishing a new monthly rental for space located at 611 Walker, 5th Floor and Basement Level, Houston, Texas, 77002, as approved by City Council Ordinance No. 99-978 Revenue - **DISTRICT I - ALVARADO**

26. Ordinance 2007-1121

ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to joint elections to be held on November 6, 2007; providing a maximum contract amount - \$600,000.00 - General Fund

27. Ordinance 2007-1122

ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston General Election to be held on November 6, 2007

28. Ordinance 2007-1123

ORDINANCE approving and authorizing first amendment to Professional Architectural Services contract between the City of Houston and **SMITH & COMPANY ARCHITECTS** (approved by Ordinance No. 06-1234) for the African-American Library at the Gregory School, WBS E-000144-0004-3 - **DISTRICT I - ALVARADO**

29. Ordinance 2007-1124

ORDINANCE approving and authorizing first amendment to construction contract between the City of Houston and **BOYER, INC** for Meyerland Park and Reeves Park (approved by Ordinance No. 2006-1092), WBS F-0504C7-0001-4 and F-0504C8-0001-4 - **DISTRICT C - CLUTTERBUCK**

30. Ordinance 2007-1125

ORDINANCE appropriating \$190,000.00 out of Water & Sewer System Consolidated Construction Fund and \$75,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing first amendment to negotiated Work Order Professional Engineering Services Contract (approved by Ord. No. 06-0126) between the City of Houston and **CARTER & BURGESS, INC**, WBS R-000268-0044-3 and L-000073-0001-3

31. Ordinance 2007-1126

ORDINANCE amending Ordinance No. 1999-1313 to increase the maximum contract amount between the City of Houston and **FRAZER, LTD.** for Ambulance Module Refurbishing and Repair Services for the Fire Department - \$149,086.50 - General Fund

32. Ordinance 2007-1127

ORDINANCE awarding contract to **GOWAN, INC** for Backflow Preventers Certification, Testing and Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,073,467.82 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2007-1128

ORDINANCE awarding contract to **ALLIANCE DIESEL AND GAS ENGINE REBUILDERS, INC.** for Diesel and Gasoline Engine Machine Work Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,433,588.50 - General Fund

34. Ordinance 2007-1129

ORDINANCE awarding contract to **KELLOGG BROWN & ROOT SERVICES, INC** for On-Call Maintenance and Repair Services for Drinking Water Operations for Public Works & Engineering Department; establishing a maximum contract amount - 3 Years - \$5,000,000.00 - Enterprise Fund

35. Ordinance 2007-1130

ORDINANCE appropriating \$112,107.74 out of Street & Bridge Consolidated Construction Fund, and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **RATNALA & BAHL, INC** to settle a claim - **DISTRICT I - ALVARADO**

36. Ordinance 2007-1131

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Ley Road Paving Improvements Project (from North Wayside to Mesa Road); authorizing the acquisition of certain real property interests required for the projects 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 or easements to 62 parcels of land situated in the J. L. Stanley Survey, Abstract No. 700, in Harris County, Texas, and being more specifically situated out of properties that are situated along the north and south lines of Ley Road between North Wayside and Mesa Road, being a part of Blocks 4, 4A, 5 and 6 of the East Houston Gardens Section One Subdivision according to the plat thereof as recorded in Volume 14, Page 37, Harris County Map Records, and a part of Blocks A, C and D of Knollwood Estate Subdivision according to the plat thereof as recorded in Volume 13, Page 53 of the Harris County Map Records - **DISTRICT B - JOHNSON**

37. Ordinance 2007-1132

ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Construction Management and Inspection Services Contract between the City of Houston and **MENENDEZ-DONNELL & ASSOCIATES, INC** (approved by Ordinance No. 06-0551), WBS N-000668-0013-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

38. Ordinance 2007-1133

ORDINANCE appropriating \$3,611,024.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0104-4; 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

RESOLUTIONS AND ORDINANCES - continued

39. Ordinance 2007-1134

ORDINANCE appropriating \$3,764,727.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0014-4; 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

40. Ordinance 2007-1135

ORDINANCE appropriating \$3,658,785.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0015-4; 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

41. Ordinance 2007-1136

ORDINANCE appropriating \$3,734,768.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS R-000295-0013-4; 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

42. Ordinance 2007-1137

ORDINANCE awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Water & Sewer Service Connections, WBS S-000036-0010-4; 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 Community Development Block Grant Funds - \$750,000.00 - Grant Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 43 through 48

43. Motion 2007-1010 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts for Various Departments \$2,119,355.20 - General and Enterprise Funds

TAGGED BY COUNCIL MEMBERS JOHNSON, LAWRENCE and GREEN

This was Item 20 on Agenda of October 3, 2007

MATTERS HELD – continued

Motion 2007-1011 – Adopted

Written motion by Council Member Lovell to amend Item 44 as follows:

“Amendment to Article 1 § 42-1 Definitions

I propose the following changes be made to these definitions found in Chapter 42:

Multi-family residential shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three or more dwelling units. Multi-family residential includes apartments, condominiums, ~~boarding houses~~, triplexes and quadriplexes.

Residential shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, boarding houses, and day care centers shall be considered to be residential.

44. Ordinance 2007-1140 – Adopt as amended

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 **TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LAWRENCE, GARCIA, HOLM and CLUTTERBUCK**

This was Item 24 on Agenda of October 3, 2007

Motion 2007-1012 – Suspend rules to hear from Mr. Andy Icken on Item 45

Motion 2007-1013 – Procedural motion

Motion 2007-1015 – Procedural motion

Motion 2007-1016 – Procedural motion

Motion 2007-1017 – Procedural motion

Motion 2007-1014 – Adopted

Written motion by Council Member Clutterbuck to amend Item 45a as follows:

“I move that Sections 42-251 through 42-257 be amended in the following way, with the following appropriate language drafted by the Legal Department.

A. *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*

In Section 5 of the proposed Ordinance, amend subsection (f) of Section 42-252 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(f) If the calculation in subsection (b) of this section results in a requirement of less than one-half acre for property located in the urban area or ~~two acres~~one acre for property located in the suburban area, the parks director may require the developer to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one-half acre of property in the urban area or one acre of property in the suburban area if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. ~~The parks director may approve the dedication of less than two acres in the suburban area if he determines that the area proposed to be dedicated is a neighborhood park the need for which is identified in the Parks Master Plan, or meets the other~~

MATTERS HELD – continued

Motion 2007-1014 - continued

~~criteria of the preceding sentence.~~—This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-185 of this Code.”

B. 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

In Section 5 of the proposed Ordinance, amend subsection (a) of Section 42-253 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(a) In some instances, the parks director may require the developer to pay fees in lieu of dedicating land. In making this determination, the parks director shall consider the following factors:

- (1) Whether sufficient parkland and open space exists in the area of the proposed development; and
- (2) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

The parks director shall notify the developer in writing of the park director’s decision to require a fee in lieu of dedication and the reason for the decision. The developer shall be entitled to appeal the park director’s decision to the commission.”

C. Allow for 100% credit for dedicated land, including private parks, greenbelts, and links to other parks

In Section 5 of the proposed Ordinance, amend part 2 of subsection (b) and subsection (c) of Section 42-254 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

- “(2) The parks director shall reduce the dedication requirement of section 42-254(a)(1) or the fee in lieu of dedication of section 42-254(a)(2), as applicable, by one or more of the following credits:
 - a. Up to a maximum of ~~50~~100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this part. For example, if the total dedication requirement is 5 acres and the applicant proposes to include 2.1 acres of private park within the subdivision, 2.1 acres will be deducted from the total requirement. ~~If the applicant proposes to include 4 acres of private park, 2.5 acres will be deducted from the total dedication requirement.~~ Private park land eligible for credit must be centrally located within the development, designed so that it cannot easily be joined into one or more adjacent lots with a fence, legally and practically accessible to all residents of the development, and of a size, shape and configuration so that it is likely to be used by residents

MATTERS HELD – continued

Motion 2007-1014 - continued

of the development as determined in comparison to city park standards. Equipment in a private park shall comply with city standards applicable to the type of equipment. When private park land is also compensating open space, these requirements prevail over any contrary requirements of section 42-185 of this Code.

- b. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision generating the dedication requirement attributable to lots that are for the provision of low and moderate income single family housing as determined pursuant to section 47-319(2) of this Code. If credit is given on a subdivision plat for low and moderate income single family housing, the property owner shall certify prior to the issuance of a building permit for the house that the initial purchase price does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the then-current fee in lieu of dedication for a single family dwelling unit. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A&M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.
- c. Up to a maximum of ~~15~~100 percent of the total requirement credit shall be given for each acre or portion thereof of park land provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development generating the dedication requirement, including improvements to a hike or bike trail that meet city standards.
- d. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land that links one or more parks.

(c) Credits are cumulative, but in no case other than as provided in subitems b and d above shall credits given under this section exceed ~~75~~100 percent.”

D. Change the hold time for funds from developers to a three-year time period with two one-year extensions.

E. 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 the right to a pro rata refund.

In Section 5 of the proposed Ordinance, amend (b) of Section 42-255 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

MATTERS HELD – continued

Motion 2007-1014 - continued

“(b) The city shall account for all sums paid in lieu of land dedication under this division with reference to the individual subdivisions or developments that generate the dedication requirement. Any funds paid for such purpose must be obligated by the city within ~~five~~three years after the completion of the contributing subdivision or development, or the completion of the final phase or section of the respective subdivision or development. If the funds cannot be encumbered within the initial ~~five~~three year time period, the parks director may request from the city council a time extension for a period not to exceed an additional ~~two years~~one year for the expenditure of the funds. If the extension request is granted and the funds cannot be expended within the one-year extension, the parks director may request from the city council an additional one year extension. ~~The~~Each extension request(s) shall be submitted in writing by the parks director 60 days prior to the expiration period for the funds to be committed by the city, and shall include a detailed justification for the extension request(s). ~~If the extension is not granted,~~ ~~the~~The owners of the property on the last day of the initial three year period, ~~or any extension thereof,~~ shall be entitled to a pro rata refund of the sum, computed on a dwelling unit basis. The city shall give notice to the owner of the property as shown on the most recent certified tax roll of the county in which the property is located of the right to a refund and the procedure to claim a refund. Notice shall be given by letter deposited into the United States postal service, postage paid, and shall be deemed given on the date of deposit into the United States postal service. The owners of the property must request a refund within one year of notice entitlement. Such request must be made in writing to the parks director, or such right shall be barred.”

Motion 2007-1018 – Adopt “A”

Written motion by Council Member Clutterbuck to amend Item 45 as follows:

A. *To make the definition of PPDU 1.8 for multi-family and single-family*

In Section 5 of the proposed Ordinance, amend subsection (b) of Section 42-252 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$$\frac{10 \text{ ac. X No. of DU X PPDU}}{1000}$$

Where:

DU = the number of dwelling units in the development;

PPDU = ~~2.6, the number of persons per dwelling unit for each single family dwelling unit; and 1.8, the number of persons per dwelling unit for each multi-family dwelling unit; and~~

1000 = the number of residents per 10 acres of park land.”

MATTERS HELD – continued

Motion 2007-1020 – Adopt “B”

Written motion by Council Member Clutterbuck to amend Item 45a as follows:

B. The fee in lieu of dedication shall be \$700 per dwelling unit.

In Section 5 of the proposed Ordinance, amend the first sentence of subsection (c) of Section 42-253 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“The initial fee in lieu of dedication shall be ~~\$800~~\$700 per dwelling unit.”

Motion 2007-1021 – Adopt Item 45a as amended by Council Motions 2007-1018 and 2007-1020

45. Motion 2007-1014 – Adopted

WRITTEN Motion by Council Member Clutterbuck to amend Item 45D to provide 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 on 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.

TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK

- a. WRITTEN Motion by Council Member Clutterbuck to amend Item 45D to provide that Sections 42-251 through 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

TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK

b. Motion 2007-1022 – Tabled

WRITTEN Motion by Council Member Brown to amend Item 45D as follows:

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).

MATTERS HELD – continued

Item 45b - 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.

TAGGED BY COUNCIL MEMBERS WISEMAN and BROWN

c. No Action – MOOT

MOTION by Council Member Lawrence/Seconded by Council Member Khan to amend Item 45D, Sections 42-251 through 42-257 as follows:

- To make the definition of PPDU 1.8 for multi-family and single family inside the loop

TAGGED BY COUNCIL MEMBER WISEMAN

d. Ordinance 2007-1141 – Adopt as amended

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

TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LOVELL, LAWRENCE, GARCIA, HOLM, ALVARADO, KHAN, GREEN, BROWN, CLUTTERBUCK and NORIEGA

This was Item 25 on Agenda of October 3, 2007

Motion 2007-1019 – Suspend rules to remain in session beyond the scheduled noon recess

46. Ordinance 2007-1143

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** - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 53 on Agenda of October 3, 2007

47. Ordinance 2007-1144

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

TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and HOLM

This was Item 55 on Agenda of October 3, 2007

MATTERS HELD – continued

48. Ordinance 2007-1145

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 HOLM**

This was Item 63 on Agenda of October 3, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

10/9/2007 – Council Member Wiseman absent due to being ill

10/10/2007 – Council Member Wiseman absent due to being ill