

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 15, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0716 to 2006-0729
ORDINANCES – 2006-0830 to 2006-0862
RESOLUTION – None

2006-0715-1

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 2006-0716 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 16, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - Initiatives to reduce street solicitation and homelessness

CONSENT AGENDA NUMBERS 1 through 45

ACCEPT WORK - NUMBERS 1 and 2

1. Motion 2006-0722

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$431,960.09 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Sylvan Rodriguez Park, GFS F-504B-05-3 - 02.38% over the original contract amount - **DISTRICT E - WISEMAN**

2. Motion 2006-0719

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$520,608.00 and acceptance of work on contract with **ROYAL AMERICAN SERVICES, INC** for Roof Replacement for La Nueva Casa de Amigos and Sunnyside Health Center, GFS H-0018-03-3 - 00.20% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA**

PROPERTY - NUMBER 3

3. Motion 2006-0720

RECOMMENDATION from Director Department of Public Works & Engineering for approval of motion declining, the acceptance of, rejecting, and refusing the dedication of a 15-foot-wide alley, between Stassen Street and DeBois Avenue, within Block 81, Sunnyside Place Addition, Parcel SY6-123 - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 9A

4. Motion 2006-0721

TEXAS YAMAHA SOUTH for Personal Rescue Watercraft for Houston Fire Department \$58,614.00 - Grant Fund

5. Ordinance 2006-0845

ORDINANCE appropriating an additional \$500,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund and authorizing spending authority to use the TIRZ Funds to continue to Repair Homes as mandated by the U. S. Department of Housing & Urban Development (HUD), through the Texas Local Government Purchasing Cooperative, for the Housing & Community Development Department

a. Motion 2006-0723

JAMAIL CONSTRUCTION for Home Repairs for the Housing Program in the HOME Program through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Housing & Community Development Department

6. Motion 2006-0724

ORACLE USA, INC for Software License and Support Service through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$389,075.58 - Central Service Revolving Fund

7. Motion 2006-0728

AMEND MOTION #2005-358, 4/20/05, for Change Order in an amount not to exceed \$130,424.00 for Purchase of a Four-Person Turbine Helicopter for Police Department, awarded to **MD HELICOPTERS, INC**

8. Motion 2006-0725

MAGNA FLOW ENVIRONMENTAL for spending authority to address Emergency Removal of Sludge at the Southeast Water Production Plant for Department of Public Works & Engineering \$391,000.00 - Enterprise Fund

9. Ordinance 2006-0861

ORDINANCE appropriating \$4,800,490.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Equipment for the Solid Waste Management Department

a. Motion 2006-0729

HOUSTON FREIGHTLINER, INC - \$2,228,847.00 and **MCNEILUS TRUCK AND MANUFACTURING COMPANY** - \$1,360,108.00 for Cabs & Chassis and Refuse Collection Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department

ORDINANCES - NUMBERS 10 through 45

10. Council Members Wiseman and Garcia tagged

ORDINANCE amending the City of Houston Construction Code, the City of Houston Fire Code, and the Local Amendments to the International Residential Code for One- and Two-Family Dwellings; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

11. Ordinance 2006-0846

ORDINANCE consenting to the creation of the **BAYBROOK MANAGEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT E - WISEMAN**

12. Ordinance 2006-0847

ORDINANCE consenting to the creation of the **SPRING BRANCH AREA COMMUNITY IMPROVEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT A - LAWRENCE**

13. Ordinance 2006-0848

ORDINANCE consenting to the creation of the **GREATER SHARPSTOWN MANAGEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT F - KHAN**

14. Ordinance 2006-0849

ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5** and inclusion of certain land within the district - **DISTRICT C - CLUTTERBUCK**

15. Council Member Holm tagged

ORDINANCE relating to **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1**; consenting to the inclusion of certain land within the district; providing conditions for consent of the city to the creation of, and inclusion of land within, the district - **DISTRICT G - HOLM**

16. Ordinance 2006-0833

ORDINANCE consenting to the addition of 15.2657 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

17. Ordinance 2006-0834

ORDINANCE consenting to the addition of 19.639 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64**, for inclusion in its district

18. Ordinance 2006-0835

ORDINANCE consenting to the addition of 0.926 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185**, for inclusion in its district

19. Ordinance 2006-0836

ORDINANCE consenting to the addition of 7.89246 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

20. Ordinance 2006-0837

ORDINANCE consenting to the addition of 1.0130 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, for inclusion in its district

21. Ordinance 2006-0838

ORDINANCE consenting to the addition of 99.80 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238**, for inclusion in its district; containing findings and other provisions relating to the foregoing subject; repealing City of Houston, Texas, Ordinance No. 2004-1253

ORDINANCES - continued

22. Ordinance 2006-0850

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 465**

23. Ordinance 2006-0839

ORDINANCE consenting to the addition of 0.9787 acre of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district

24. Ordinance 2006-0840

ORDINANCE consenting to the addition of 23.532 acres of land to **PARKWAY UTILITY DISTRICT**, for inclusion in its district

25. Ordinance 2006-0841

ORDINANCE consenting to the addition of 228.101 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

26. Ordinance 2006-0842

ORDINANCE establishing the north and south sides of the 2300 block of Addison Road 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**

27. Ordinance 2006-0830

ORDINANCE establishing the north side of the 600 and 700 blocks of East 19th 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**

28. Ordinance 2006-0831

ORDINANCE establishing the north and south sides of the 300 block of East 24th 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**

29. Ordinance 2006-0832

ORDINANCE establishing the north side of the 700 block of East 26th Street and the north and south sides of the 800 block of East 26th 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**

30. Ordinance 2006-0843

ORDINANCE establishing the north and south sides of the 4400 block of McKinney 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 I - ALVARADO**

31. Ordinance 2006-0862

ORDINANCE approving and authorizing acceptance of Buffer Zone Protection Program Funding from the U. S. Department of Homeland Security, as subawarded to the City of Houston through the Governor's Division of Emergency Management

ORDINANCES - continued

32. Ordinance 2006-0851

ORDINANCE approving and authorizing the Mayor to act as the City's Representative to approve and accept funding from the United States Department of Homeland Security, Transportation Security Administration in the amount of \$16,400,000.00, if awarded, for the In-Line Baggage System, utilizing Explosive Detection Systems at George Bush Intercontinental Airport/Houston ("Project"); declaring the City's eligibility for such funding; and further authorizing the Mayor to apply for and accept all subsequent awards of funding, if any, pertaining to the project - **DISTRICT B - JOHNSON**

33. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing amendment to Municipal Maintenance Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the furnishing, installing, operation and maintenance of cameras on State Highway rights-of-way to monitor compliance with traffic-control signals

34. Ordinance 2006-0852

ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **FEDERAL HIGHWAY ADMINISTRATION** to receive and utilize funds from the Transportation, Community, and System Preservation Program (TCSP) for Houston Computerized Traffic Signal System

35. Ordinance 2006-0853

ORDINANCE approving and authorizing Interlocal Cooperation Contract between the City of Houston and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the provision of Death Certificates for people who have died while on parole in Houston

36. Ordinance 2006-0854

ORDINANCE approving and authorizing contract between the City and the Texas Commission on Environmental Quality for an Air Monitoring System related to Biowatch Activities - \$906,000.00 Grant Fund

37. Ordinance 2006-0855

ORDINANCE approving and authorizing contract between the City and the Texas Commission on Environmental Quality for an PM2.5 Air Monitoring System - \$68,000.00 - Grant Fund

38. Ordinance 2006-0856

ORDINANCE approving and authorizing International Facilities Agreements between the City of Houston and **CHINA AIRLINES LTD** and **KLM ROYAL DUTCH AIRLINES** at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

39. Not Received-Not Considered

ORDINANCE approving and authorizing agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide \$500,000.00. in Community Development Block Grant Funds for partial funding of the construction of a gymnasium to be located at 7318 Avenue F, Houston, Texas - **DISTRICT I - ALVARADO**

40. Council Member Edwards tagged

ORDINANCE appropriating \$303,201.91 out of Water & Sewer Consolidated Construction Fund and \$210,000.00 out of Affordable Housing Uptown Series 2004D Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Umland Park Subdivision, WBS S-000800-00H3 & R-000800-00H3 **DISTRICT D - EDWARDS**

ORDINANCES - continued

41. Council Member Edwards tagged

ORDINANCE appropriating \$189,194.47 out of Water & Sewer Consolidated Construction Fund and \$106,740.96 out of TIRZ Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Umland Park Subdivision, WBS S-000800-00H9 & R-000800-00H9 - **DISTRICT D - EDWARDS**

42. Ordinance 2006-0857

ORDINANCE approving and authorizing contract between the City of Houston and **AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC**, for Charge Card Processing Services for Various Departments

43. Ordinance 2006-0858

ORDINANCE approving and authorizing contract between the City of Houston and **DISCOVER FINANCIAL SERVICES LLC** for Charge Card Processing Services For Various Departments

44. Ordinance 2006-0859

ORDINANCE amending Ordinance No. 97-1476 which authorized legal services contract between the City and **ZUMMO, SCHIRMEISTER & AJAMIE, L.L.P., now known as ZUMMO & MIDKIFF, L.L.P.**, by amending Section 4 of such ordinance relating to the maximum contract amount - \$17,000.00 - Property and Casualty Fund

45. Ordinance 2006-0844

ORDINANCE appropriating \$100,000.00 out of Parks Special Fund and approving and authorizing second amendment to construction contract between City of Houston and **CARRERA CONSTRUCTION, INC** for Parks Master Plan - Sylvester Turner Park (passed by Ordinance No. 05-911), GFS F-504B-02-3 - **DISTRICT A - LAWRENCE**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 46 through 49

46. Motion 2006-0726

RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2006 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$9,188,163.69 to Revenue Bond Debt Service as recommended in the Report - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 3 on Agenda of August 9, 2006

MATTERS HELD – continued

Written motion by Council Member Green to amend as follows:

(1) Amend the caption of the ordinance to add the words “AND A PROPOSITION SUPPORTING PUBLIC SAFETY AND A LIMITATION ON REVENUES;” before the words “CONTAINING FINDINGS AND OTHER PROVISIONS”.

(2) Delete the second and third sentences of the first paragraph of subsection (a) of the proposed Section 21 in Section 2 of the ordinance and delete the first sentence of the second paragraph of subsection (a) of the proposed Section 21 in Section 2 of the ordinance.

(3) Amend the Proposition G ballot language in the current Section 5 of the ordinance to delete the phrase “to allow revenues related to increased public safety expenditures (e.g., police, fire, EMS),”

(4) Add a new Section 3 to read as follows:

“Section 3. That a regular election (the “Election”) shall be held in the City of Houston (the “City”) on Tuesday, November 7, 2006, between the hours of seven o’clock a.m. and seven o’clock p.m. at which election the following proposition shall be submitted to the qualified voters of the City:

PROPOSITION H

[Related to Supporting Public Safety and a Limitation on Revenues]

To pay for the public safety needs of an increased population, the City of Houston may collect revenues of \$90 million for police, fire and emergency medical services and related communications and dispatch costs, so long as the Fiscal Year 2007 (Tax Year 2006) combined property tax rate is at or below the combined property tax rate in Fiscal Year 2006 (Tax Year 2005), notwithstanding any applicable revenue limitations in the Charter. Any amount collected under this authority must be spent on police, fire and emergency medical services and related communications and dispatch costs. This amount shall be added to any applicable revenue limitations in Fiscal Year 2007 (Tax Year 2006) and any base used to calculate revenue limitations in following budget years.”

(5) Re-number the existing Section 3 and all subsequent sections;

(6) Add the following language at the end of the re-numbered Section 6 of the ordinance:

“On such ballots shall appear a proposition corresponding to the proposed proposition set forth above in Section 3 of this Ordinance (“Proposition H”), with provision on such ballots to vote “For” or “Against” the proposition as follows:

PROPOSITION H

[Related to Supporting Public Safety and a Limitation on Revenues]

Shall the City of Houston be authorized to collect and spend \$90 million for increased police, fire and emergency medical services, without raising the property tax rate?”

(7) Insert in the first line of the re-numbered Section 14 after the words “the Proposition” the words “or Proposition H”. – **Tagged by Council Member Wiseman, Sekula-Gibbs, Green and Holm**

MATTERS HELD – continued

Motion 2006-0717 – Suspend rules to consider Items 47, 10, 27, 28 and 29 out of order

47. Motion 2006-0718 – Postpone one (1) week

ORDINANCE ordering a Regular Election to be held on November 7, 2006, for the purpose of submitting to the qualified electors of the City of Houston, Texas, a proposition amending the City Charter retaining certain limitations on property taxes and water and sewer rates, and making certain changes applicable to city revenues

TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, SEKULA-GIBBS and KHAN

This was Item 15 on Agenda of August 9, 2006

48. Ordinance 2006-0860

ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD, LLP**, for Professional Legal Services; providing a maximum contract amount - \$200,000.00 - Property and Casualty Fund

TAGGED BY COUNCIL MEMBER SEKULA-GIBBS

This was Item 21 on Agenda of August 9, 2006

49. Motion 2006-0727 – Refer back to the Administration

RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sealed bid sale of the following properties:

Parcel SY6-107 - Oak Meadows at Howard - **DISTRICT E - WISEMAN**

Parcel SY6-111 - 12949 Westella - **DISTRICT G - HOLM**

and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER**

TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM

This was a portion of Item 29 on Agenda of August 9, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sekula-Gibbs 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

8/15/2006 – Council Member Brown absent on vacation

8/16/2006 – Council Member Brown absent on vacation