

AGENDA - COUNCIL MEETING - TUESDAY - JULY 17, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2007-0767 to 2007-0790
ORDINANCES – 2007-0833 to 2007-0852
RESOLUTION – 2007-0031

2007-0766-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

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 2007-0767 – Procedural motion
Motion 2007-0768 – Procedural motion
Motion 2007-0769 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 18, 2007 - 9:00 A. M.

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

MAYOR'S REPORT - Employee Training

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBER 1

1. **Motion 2007-0772**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON DOWNTOWN PARK CORPORATION BOARD OF DIRECTORS**, for terms to expire June 30, 2010:

Position One - **MR. BARRON F. WALLACE**, reappointment

Position Two - **MR. DAVID L. MENDEZ**, appointment

ACCEPT WORK - NUMBERS 2 through 6

2. Motion 2007-0773

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$9,123,554.55 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. (DBA CONSTRUCTION, LTD.)** for Light Aircraft Hangars & Airfield and Grounds Building Expansion at Ellington Field; Project No. 515, WBS A-000347-0001-4-01 and A-000386-0001-4-01 - 1.40% over the original contract amount - **DISTRICT E - WISEMAN**

3. Motion 2007-0787

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,345,541.46 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of Pech Road from Westview Drive to Long Point Road, WBS N-000754-0001-4 - 2.93% over the original contract amount - **DISTRICT A - LAWRENCE**

4. Motion 2007-0774

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,372,124.32 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for East Lake Houston Unserved Areas Project - Package III, WBS R-000801-0009-4 - 6.96% under the original contract amount - **DISTRICT E - WISEMAN**

5. Motion 2007-0775

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$895,201.96 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Extensions and Crossings in the Willowbrook Service Area, WBS S-000100-0012-4 - 2.52% under the original contract amount - **DISTRICT A - LAWRENCE**

6. Motion 2007-0776

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,322,041.00 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for 12-inch Water Line along Post Oak Boulevard from Richmond Avenue to Westheimer, WBS S-000521-0015-4 - 7.92% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and G - HOLM**

PROPERTY - NUMBERS 7 and 8

7. Motion 2007-0777

RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2007-231, 2/28/07, AND AUTHORIZE** abandonment and sale of Clarborough Place/Clarborough Drive, from the West Sam Houston Tollway Service Road westward ±845 feet to a point ±923 feet north of Westview Drive, in exchange for the conveyance to the City of right-of-way for and construction of Clarborough Place from Clarborough Drive to West Sam Houston Tollway Road, all located in Clarborough Park Subdivision, within the E. Williams Survey, A-834, Parcels SY6-061 and AY7-257A, AY7-257B and AY7-257C - **APPRAISERS - DISTRICT A - LAWRENCE**

8. Motion 2007-0778

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Andrew Wong, Vice President, Amerifirst Corporation (sole general partner of Sunlake Limited), for the sale of a ±5.5-acre tract of fee-owned land, south of Aldine Bender Road and east of John F. Kennedy Boulevard, located in the Willis Avery Survey, A-104, Parcel SY6-001 - **APPRAISERS - DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 12

9. Motion 2007-0779

SOUTHWEST SOLUTIONS GROUP, INC for Moving Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Fire Department - \$55,271.67 - General Fund

10. Council Member Clutterbuck tagged

BOWLING BICYCLES, INC for Mountain Bicycles for Police Department - \$239,746.20 - General Fund

11. Motion 2007-0788

HELI-MART, INC for MD Helicopter Replacement Parts for Police Department - \$1,275,000.00 General Fund

12. Motion 2007-0780

POLARIS SALES, INC for Utility Vehicles from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$59,065.56 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 38

13. Resolution 2007-0031

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Costa Vizcaya Apartments) Series 2007

14. Omitted

15. Council Members Wiseman, Clutterbuck, Garcia and Lawrence tagged

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

16. Ordinance 2007-0845

ORDINANCE amending second amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a third amended and restated Credit Agreement, a third amended and restated Dealer Agreement, a third amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; approving updated Offering Memoranda for City of Houston, Texas, General Obligation Commercial Paper Notes, Series D and City of Houston, Texas, General Obligation Commercial Paper Notes, Series F; and declaring an emergency

17. Ordinance 2007-0846

ORDINANCE amending Ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a first amendment to the Credit Agreement, an amended and restated Issuing and Paying Agency Agreement and an amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency

Motion 2007-0789 – Suspend rules to remain in session beyond the scheduled noon recess to complete the Agenda

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2007-0847

ORDINANCE approving and authorizing lease agreement between the City of Houston and **1859-HISTORIC HOTELS, LTD.** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO**

19. Ordinance 2007-0848

ORDINANCE approving and authorizing lease agreement between **DUKE STREET PARTNERS, LTD., a Texas Limited Partnership**, as Landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for a total of 15,673 square feet of office space located at 2102 Austin Street, Houston, Harris County, Texas, for a five-year lease term at a monthly rental of \$14,366.92, with an increase in monthly rental at the beginning of the third and fifth years consisting of the greater of 1.5% or the increase in the Consumer Price Index, with one five-year renewal option at a Market Rental Rate, for use by the Planning and Development Services Division of the Public Works & Engineering Department, and allocating funds therefore **DISTRICT I - ALVARADO**

20. Ordinance 2007-0849

ORDINANCE approving and authorizing Agreement between the City of Houston, the **FIFTH WARD REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)** in connection with the City's Reinvestment Zone Number Eighteen over the Fifth Ward Area - **DISTRICT B - JOHNSON**

21. Council Member Wiseman tagged

ORDINANCE consenting to the creation of the **HARRIS COUNTY ROAD IMPROVEMENT DISTRICT NO. 1** and the inclusion of certain land within the district - **DISTRICT E - WISEMAN**

22. Ordinance 2007-0842

ORDINANCE approving and authorizing agreement between the City of Houston and **SSFP REED ROAD V L.P.** to provide a \$4,250,000.00 Performance-based Loan of Federal "HOME" Funds for costs to construct a Senior Living Community in the 2800 block of Reed Road, Houston, Texas, to be known as Mariposa at Reed Road to house low income residents **DISTRICT D - EDWARDS**

Motion 2007-0786 – Suspend rules to consider Items 23 and 15 out of order

23. Ordinance 2007-0844

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

24. Ordinance 2007-0833

ORDINANCE approving and authorizing agreement for Professional Services by and between the City of Houston, Texas and **GREATER HOUSTON PARTNERSHIP** - \$785,000.00 Enterprise Funds

Motion 2007-0770 – Suspend rules to consider Items 25 and 46 out of order after the consent

25. Ordinance 2007-0839

ORDINANCE approving and authorizing third amendment to an Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** and to increase the maximum contract amount (approved by Ordinance No. 04-0273 and amendments one and two approved by Ordinance Nos. 06-0014 and 06-0439) - \$628,000,000.00 - Central Service Revolving Fund

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2007-0834 – Passed first reading

ORDINANCE approving and authorizing grant agreement between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** and interlocal agreements between the City of Houston and **HARRIS COUNTY, GALVESTON COUNTY, the CITY OF PASADENA,** and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the Project Safe Neighborhood Grant - \$30,000.00 Grant Fund

27. Council Members Lawrence, Wiseman and Clutterbuck tagged

ORDINANCE approving and authorizing one-year contract, with four one-year options for renewal, between the City of Houston and **TUTOR.COM, INC** to provide online live homework help services to students verified as Houston Public Library Users; providing a maximum contract amount - 5 Years - \$994,615.00 - General Fund

28. Omitted

29. Council Member Edwards tagged

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Hurricane Evacuation Education Program - \$34,855.00 - Greater Houston Transportation and Emergency Center Fund

30. Council Member Wiseman tagged

ORDINANCE appropriating \$422,583.49 out of the Water & Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4 - **DISTRICT E - WISEMAN**

31. Council Member Wiseman tagged

ORDINANCE appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4 **DISTRICT B - JOHNSON**

32. Council Member Wiseman tagged

ORDINANCE appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4 - **DISTRICT E - WISEMAN**

33. Council Member Wiseman tagged

ORDINANCE appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FAFB, LLC** for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4 - **DISTRICT E - WISEMAN**

34. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **BECK DISASTER RECOVERY, INC** for Disaster Management Recovery and Consulting Services for the Solid Waste Management Department - 5 Years with two one-year options

RESOLUTIONS AND ORDINANCES - continued

35. Ordinance 2007-0835

ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INCORPORATED** for Various Small Diameter Water Line Replacement Projects, WBS S-000035-00F9-4

36. Ordinance 2007-0836

ORDINANCE granting to **EAGLE PRENTICE, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

37. Ordinance 2007-0837 – Passed first reading

ORDINANCE granting to **HAZWASTE ENVIRONMENTAL, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

38. Ordinance 2007-0838 – Passed first reading

ORDINANCE granting to **SPECIALIZED MAINTENANCE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 39 through 48

39. Motion 2007-0783 – Refer back to the Administration

ORDINANCE appropriating \$6,140,959.95 out of Street & Bridge Consolidated Construction Fund, \$2,683.075.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for York Street Reconstruction from Polk Street to Navigation, WBS N-000698-0001-4; S-000500-0058-4 and R-000500-0058-4; 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 Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - ALVARADO**

POSTPONED BY MOTION #2007-751, 7/3/07

This was Item 58 on Agenda of July 3, 2007

MATTERS HELD - continued

40. Motion 2007-0784

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of an amendment to the FY2007 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** - \$550,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 1 on Agenda of July 11, 2007

41. Motion 2007-0785

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of FY2008 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** - \$23,351,450.00 Enterprise Fund - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 2 on Agenda of July 11, 2007

42. Motion 2007-0790

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,234,567.92 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Construction of Safe Sidewalk Program 01 Project, WBS N-00646H-001-4 - 18.45% under the original contract amount - **DISTRICT H - GARCIA**

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 4 on Agenda of July 11, 2007

Motion 2007-0771 – Suspend rules to consider Items 43, 43a, 43b, 22, 39, 40, 41, 47 and 46 out of order after the consent

43. Ordinance 2007-0841

ORDINANCE appropriating \$10,388,670.00 out of Equipment Acquisition Consolidated Fund for 290 Patrol Vehicles and Ancillary Equipment (to include Vehicle Consoles, Mobile Data Terminals, Police Radios, Antennas and Sirens) for Police Department

TAGGED BY COUNCIL MEMBERS JOHNSON, CLUTTERBUCK, HOLM and LOVELL

a. Motion 2007-0781

RECOMMENDATION from Director Finance & Administration Department to **AMEND MOTION #2007-218, 2/28/07, TO PURCHASE** 304 additional Patrol Vehicles for Police Department, for a total increase of \$7,807,632.00, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** Equipment Acquisition Consolidated and Police Special Services Funds

TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, JOHNSON, LOVELL and HOLM

b. Motion 2007-0782

RECOMMENDATION from Director Finance & Administration Department to **AMEND MOTION #2007-57, 1/17/07, TO PURCHASE** additional Vehicle Console Systems for Police Department, for a total increase of \$88,953.44, awarded to **BISON PROFAB, INC** Equipment Acquisition Consolidated and Police Special Services Funds

TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, JOHNSON, LOVELL and HOLM

These were Items 10, 10A and 10B on Agenda of July 11, 2007

44. Ordinance 2007-0850

ORDINANCE approving and authorizing the use of \$659,482.85 in Community Development Block Grant ("CDBG") Funds to reimburse the City's CDBG Treasury Account due to an expenditure correction made by the City's Public Works & Engineering Department

TAGGED BY COUNCIL MEMBER HOLM

This was Item 19 on Agenda of July 11, 2007

MATTERS HELD - continued

45. Ordinance 2007-0851

ORDINANCE amending Ordinance 2006-1043 to increase the maximum contract amount of contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, LP., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P., and SILVER & ASSOCIATES, INC** for Temporary Employee Services and Information Technology Staffing Services - \$17,500,000.00 Central Service Revolving Fund

TAGGED BY COUNCIL MEMBERS BROWN, HOLM, JOHNSON and LAWRENCE

This was Item 20 on Agenda of July 11, 2007

46. Ordinance 2007-0840

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to redesignating the Building Services Department as the General Services Department

TAGGED BY COUNCIL MEMBER GREEN

This was Item 27 on Agenda of July 11, 2007

47. Ordinance 2007-0843

ORDINANCE approving and authorizing contract between the City and **GROTE CONSULTING CORPORATION** for employee relations training pertaining to discipline without punishment; providing a maximum contract amount - \$73,500.00 - Enterprise Fund to be reimbursed by user departments - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 28 on Agenda of July 11, 2007

48. Ordinance 2007-0852

ORDINANCE appropriating \$358,276.18 out of Water & Sewer System Consolidated Construction Fund and \$378,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INWOOD MONTGOMERY, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Inwood Park Subdivision, WBS S-000800-00M7-4, R-000800-00M7-4 & M-000800-00M7-4 **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 32 on Agenda of July 11, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Clutterbuck 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

7/17/2007 – Council Member Johnson absent on personal business

7/18/2007 – Council Members Johnson and Holm absent on personal business