

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 23, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-1043 to 2007-1064
ORDINANCES – 2007-1169 to 2007-1194
RESOLUTION – None

2007-1042-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lawrence

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 2007-1043 – Procedural motion
Motion 2007-1044 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 24, 2007 - 9:00 A. M.

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

HEARING - 9:00 A.M.

1. **Motion 2007-1045 – Close hearing**
PUBLIC HEARING on the proposal to establish a tax rate of \$.64375/\$100 of value for Tax Year 2007

MAYOR'S REPORT - Regional Participation Agreement with The Woodlands – “Presented”

CONSENT AGENDA NUMBERS 2 through 40

Motion 2007-1046 – Suspend rules to remain in session beyond the scheduled noon recess

ACCEPT WORK - NUMBERS 2 through 6

2. Motion 2007-1048

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,146,972.75 and acceptance of work on contract with **RESICOM, INC** for Westbury Park, WBS F-504A08-0001-4 - 5.00% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

3. Motion 2007-1049

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$90,038.00 and acceptance of work on contract with **PLAYPOWER LT FARMINGTON, INC** for Briarbend Park, WBS F-504B16-0001-4 - 3.54% over the original contract amount - **DISTRICT G - HOLM**

4. Motion 2007-1050

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,708,616.63 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Timbergrove Storm Sewer Improvements Project, WBS M-000254-0001-4 - 4.68% over the original contract amount - **DISTRICT A - LAWRENCE**

5. Motion 2007-1051

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$529,709.71 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Safe Sidewalk Program C4 Project, WBS N-00610A-C4-4 11.53% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM**

6. Motion 2007-1052

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$170,725.43 and acceptance of work on contract with **RESICOM, INC** for Various Water Plant Locations, WBS S-001000-0024-4 - 27.90% under the original contract amount - **DISTRICT A - LAWRENCE**

PROPERTY - NUMBER 7

7. Motion 2007-1053

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Heather Guillen of Walter P. Moore & Associates, Inc., on behalf of Texas Children's Hospital, for abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645, Parcel SY8-021 - **APPRAISERS - DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 15

8. Motion 2007-1054

DIGITAL SANDBOX, INC for Site Profiler for Critical Infrastructures and Key Resources \$273,866.45 - Grant Fund

9. Motion 2007-1055

HEWLETT-PACKARD COMPANY for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with Texas Department of Information Resources for the Houston Emergency Center - \$324,362.07 - Houston Emergency Center Fund

PURCHASING AND TABULATION OF BIDS - continued

10. **Motion 2007-1056**
ALL PLAY, INC - \$150,092.00, **HUNTER KNEPSHIELD OF TEXAS, INC** - \$169,025.90 and **PLAYPOWER LT FARMINGTON, INC** - \$98,782.20 for Playground Equipment for the Parks & Recreation Department - General Fund
11. **Motion 2007-1057**
MD HELICOPTERS, INC for One MD 500E Helicopter for Police Department - \$2,100,818.00
Police Special Services Fund
12. **Motion 2007-1058**
NATIONAL TECHNOLOGY TRANSFER, INC for Industrial Technology Training for Public Works & Engineering Department - \$118,978.00 - Enterprise Fund
13. **Motion 2007-1059**
HALLMARK INDUSTRIAL SUPPLY for Pipe, PVC SDR-21 and DR-18 for Department of Public Works & Engineering - \$259,933.86 - Enterprise Fund
14. **Motion 2007-1060**
MCNEILUS TRUCK & MANUFACTURING for Special Truck and Body Replacement Parts for Solid Waste Management Department - \$1,200,000.00 - General Fund
15. **Motion 2007-1061**
METRO FIRE APPARATUS SPECIALIST, INC - \$212,793.96 and **NEVADA PACIFIC FIRE & SAFETY, INC** - \$1,650,015.40 for Fire Hose for Various Departments - General and Enterprise Funds

ORDINANCES - NUMBERS 16 through 40

16. **Council Members Holm, Edwards and Clutterbuck tagged**
ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to rates for contract parking in parking lots operated by the Convention and Entertainment Facilities Department
17. **Ordinance 2007-1183**
ORDINANCE supplementing Ordinance No. 2007-287 relating to the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT), and such other series or subseries as authorized herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of Certain Outstanding Airport System Senior Lien Commercial Paper Notes and Certain Outstanding Special Facility Bonds; approving the sale of the bonds and authorizing the execution and delivery of a Bond Purchase Agreement, one or more Escrow Agreements by and between the City and the Refunded Note Escrow Agent and Refunded Bond Escrow Agent, and a Paying Agent/Registrar Agreement; authorizing the purchase of Bond Insurance and a Reserve Fund Surety Policy; authorizing a supplemental Co-Bond Counsel Agreement and a Supplemental Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of bonds; and declaring an emergency
18. **Ordinance 2007-1170**
ORDINANCES finding and determining that public convenience and necessity no longer require the continued use of two 12-foot-wide waterline easements and a 10-foot-wide waterline easement; vacating and abandoning said easements to Baylor College of Medicine, the abutting owner ("owner"), in consideration of owner's conveyance to the City of a 20-foot-wide waterline easement, Parcel No. KY7-239, and other good and valuable consideration; all easements located within a 34.592 acre, more or less, tract of land out of the D.W.C. Harris Survey, A-325, Harris County, Texas - **DISTRICT D - EDWARDS**

ORDINANCES - continued

19. Ordinance 2007-1184

ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8** and inclusion of certain land within the district - **DISTRICT D - EDWARDS**

20. Council Member Holm tagged

ORDINANCE consenting to the creation of the **TOWNE LAKE MANAGEMENT DISTRICT** and inclusion of certain land within the district

21. Motion 2007-1062 – Postpone two (2) weeks

ORDINANCE approving and authorizing agreement between the City of Houston, **THE LELAND WOODS REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWENTY-TWO**, City of Houston, Texas (Leland Woods Zone) in connection with the City's Reinvestment Zone Number Twenty-two over the Leland Woods Area - **DISTRICT B - JOHNSON**

22. Ordinance 2007-1185

ORDINANCE amending Ordinance No. 2004-1079 which approved contract with **MAXIMUS, INC** for the development of annual cost allocation plans for the Finance and Administration Department in compliance with OMB Circular A-87, to increase the maximum contract amount \$113,292.00 - General Fund

23. Ordinance 2007-1171

ORDINANCE approving and authorizing Lease Agreement between the **FOURTH WARD CLINIC, dba GOOD NEIGHBOR HEALTHCARE CENTER, as tenant**, and the City of Houston, as landlord, for the purpose of having the tenant offer Primary Healthcare, OB/GYN Care, Dental Services, Behavioral Health Services and other Health Services to low-income persons at the West End Health Center - Revenue - **DISTRICT H - GARCIA**

24. Ordinance 2007-1172

ORDINANCE approving and authorizing contract for Legal Services in connection with the City of Houston's Single Family Home Repair Program between the City of Houston and the **LAW OFFICES OF JENNINE HOVELL-COX** in the amount of \$350,000.00, which sum includes a limitation of additional funding in the amount of \$175,000.00

25. Ordinance 2007-1169

ORDINANCE approving and authorizing Regional Participation Agreement between the City of Houston and **TOWN CENTER IMPROVEMENT DISTRICT OF MONTGOMERY COUNTY, TEXAS**

ORDINANCES - continued

26. Ordinance 2007-1173

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on proposed amendments to the strategic partnership agreements between the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** and **CYPRESS HILL MUNICIPAL UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such Districts in Harris County; proposed amendments to the strategic partnership agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** and on proposals for the City of Houston to annex for limited purposes certain territory located within such Districts in Harris and Fort Bend County; proposed strategic partnership agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 400**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 196**; **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**; **HUNTERS GLEN MUNICIPAL UTILITY DISTRICT**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**; **HARRIS - FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3**; **LAKE FOREST UTILITY DISTRICT**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173**; **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**; **RICEWOOD MUNICIPAL UTILITY DISTRICT**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**; **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 167**; **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406**; and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such Districts in Harris and Fort Bend County; proposed strategic partnership agreements between the City of Houston and **CHELFORD ONE MUNICIPAL UTILITY DISTRICT**; **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**; and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 152** and on proposals for the City of Houston to annex for limited purposes certain territory located within such Districts in Harris and Fort Bend County; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

27. Ordinance 2007-1186

ORDINANCE appropriating \$80,000.00 out of CNG Vehicle Replacement Fund; approving and authorizing contract between the City and **MIR FOX & RODRIGUEZ, P.C.** for Consumer-Focused Internet Website of Health Insurance Plans

28. Ordinance 2007-1174

ORDINANCE approving and authorizing contract between the City of Houston and **LABORATORY AUTOMATION SOLUTIONS, INC** for Consulting Services for the Laboratory Information Management System (LIMS) for Houston Police Department; providing a maximum contract amount - \$99,985.00 - Grant Fund - **DISTRICT I - ALVARADO**

29. Ordinance 2007-1187

ORDINANCE approving and authorizing Professional Services Contract between the City and **CLAY POPE** and **CLIFF JOHNSON** for State and Federal Representation related to Water and Wastewater issues; providing a maximum contract amount - 3 Years - \$522,000.00 - Enterprise Fund

ORDINANCES - continued

30. Ordinance 2007-1175

ORDINANCE appropriating \$2,239,788.00 from the Reimbursement of Equipment/Projects Fund 1850 (N-000420-0030-2-01) for purchase of the former Missouri Kansas Texas Railroad Corridor, consisting of approximately 40.907 acres (1,781,929 square feet) of land, for a Hike and Bike Trail and related purposes; approving and authorizing an exchange agreement between the State of Texas, by and through the Texas Department of Transportation, Seller, and the City of Houston, Purchaser, to purchase, in fee and easement, such property - \$160,111.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA**

31. Ordinance 2007-1188

ORDINANCE approving and authorizing an amendment to Contract No. C54690 between the City of Houston and **KINGDOM COME DEVELOPMENT CORPORATION** for the construction of water, sanitary sewer and storm sewer lines serving Section One of the Kingdom Come Place Subdivision - **DISTRICT D - EDWARDS**

32. Ordinance 2007-1176

ORDINANCE appropriating \$500,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to agreement for Professional Engineering Services for the Development and Implementation of a Traffic Management Program by and between the City of Houston and **TRAFFIC ENGINEERS, INC** for Traffic Management Analysis and Supplemental Security Application Services for Houston Airport System; Project 612T; WBS A-000486-0010-3-01 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

33. Ordinance 2007-1177

ORDINANCE appropriating \$682,100.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **SCIENTECH ENGINEERS, INC** for Concrete Pavement Management and Improvement, Kashmere (approved by Ordinance No. 06-0549), WBS N-000782-0002-3 **DISTRICT B - JOHNSON**

34. Ordinance 2007-1178

ORDINANCE appropriating \$120,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **PTI, INC** (approved by Ordinance No. 98-1039) (Contract No. 039755) for services associated with the East Water Purification Plant (EWPP) Expansion and Improvements, WBS S-000056-0012-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**

35. Ordinance 2007-1179

ORDINANCE appropriating \$1,088,000.00 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 **BINKLEY AND BARFIELD, INC** for Sims Bayou, Kingwood West, Northgate, and MUD 203 Wastewater Treatment Plant Improvements, WBS R-000265-0032-4, R-000265-0029-4 and R-000265-0036-4 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

36. Ordinance 2007-1180

ORDINANCE appropriating \$3,148,000.00 out of Drainage Improvements Commercial Paper Series F Fund; \$3,000,000.00 out of Harris County Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for Brays Bayou Detention Site, WBS M-000260-0005-4; 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 and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund and the Harris County Construction Fund - **DISTRICT C - CLUTTERBUCK**

ORDINANCES - continued

37. Ordinance 2007-1189

ORDINANCE approving and authorizing reimbursement agreement between the City of Houston and the **SOUTH CAMPUS SPORTS ASSOCIATION** for Street and Traffic Control Improvements, WBS N-000571-0001-4 - **DISTRICT C - CLUTTERBUCK**

38. Ordinance 2007-1190

ORDINANCE appropriating \$2,348,000.00 out of Limited Use Roadway and Mobility Capital Fund awarding contract to **TRIPLE B SERVICES, L.L.P.** for West Bellfort Road Extension between Stella Link Road and S. Main Street (US Hwy 90A), WBS N-000571-0001-4 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 Limited Use Roadway and Mobility Capital Fund **DISTRICT C - CLUTTERBUCK**

39. Ordinance 2007-1181

ORDINANCE appropriating \$6,474,100.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for Kingspoint and Torrington Sewer Construction, WBS R-000267-0080-4; 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 E - WISEMAN**

40. Ordinance 2007-1182

ORDINANCE appropriating \$3,318,047.00 out of Water & Sewer System Consolidated Construction Fund and \$989,353.00 out of Water & Sewer Contributed Capital Fund; awarding contract to **HUFF & MITCHELL, INC** for Rehabilitation of Air Release Valves Package #2A/Relocation of 20-inch water line and 36-inch sanitary sewer force main along Alameda Road (FM 521) at Sims Bayou / Condition Assessment of the south 60-inch water transmission line, WBS S-000900-0102-4/S-000521-0038-4/R-000521-0038-4/S-000901-0004-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Water & Sewer Contributed Capital Fund **DISTRICT D - EDWARDS; E - WISEMAN and I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. Motion 2007-1063 – Uphold decision of Board and deny appeal

REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **FRANK AGUILAR** on the denial of an Application for a Manufactured Home Hardship Extension at 2820 N. Main - **DISTRICT H - GARCIA**

MATTERS HELD - NUMBERS 42 through 46

42. Motion 2007-1064 – Postpone one (1) week

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Regency Park Apartments) Series 2007 and approving the Official Statement with respect to such bonds - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 16 on Agenda of October 17, 2007

43. Ordinance 2007-1191 – Adopt

ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Metal Recycling Entities, Secondhand Metal Dealers, and Secondhand Dealers; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability - **TAGGED BY COUNCIL MEMBERS WISEMAN and GREEN**

This was Item 17 on Agenda of October 17, 2007

44. Ordinance 2007-1192 – Adopt

ORDINANCE **AMENDING THE CITY OF HOUSTON FIRE CODE** relating to requirements for atrium buildings; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 19 on Agenda of October 17, 2007

45. Ordinance 2007-1193 – Adopt

ORDINANCE appropriating \$400,000.00 out of TIRZ Affordable Housing Fund 2409 and adopting Administrative Guidelines for the Workforce Housing Downpayment Assistance Program to assist persons earning from 80% to 110% of area median income to purchase new affordable housing in areas selected by the Mayor for revitalization - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 23 on Agenda of October 17, 2007

46. Ordinance 2007-1194 – Adopt

ORDINANCE approving the issuance of Bonds and Notes by the Memorial City Redevelopment Authority - **DISTRICTS A - LAWRENCE and G - HOLM**
TAGGED BY COUNCIL MEMBER HOLM

This was Item 31 on Agenda of October 17, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Berry 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

10/23/2007 – Council Member Wiseman absent due to being ill

10/24/2007 – Council Member Berry absent