

**AGENDA - COUNCIL MEETING - WEDNESDAY - SEPTEMBER 5, 2007 - 9:00 A. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

**MOTIONS - 2007-0911 to 2007-0924**  
**ORDINANCES – 2007-0989 to 2007-1009**  
**RESOLUTION – None**

**2007-0910-1**

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

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Clutterbuck

**9:00 A. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**9:30 A. 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 2007-0913 – Procedural motion**

**MAYOR'S REPORT** - Darfur Disinvestments – “Presented”

**Motion 2007-0911 – Suspend rules to consider the Financial Report out of order**

**Motion 2007-0912 – Accept report**

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 1 through 32**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. **Motion 2007-0914**

REQUEST from Mayor for confirmation of the appointment of **MS. LAURA E. ARNOLD** to Position Three on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and on the **FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**, to fill an unexpired term ending June 14, 2008

2. **Motion 2007-0915**

RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Accounts for Diagnostic Center Hospital and Clinic, 6447 Main - \$62,939.48 Enterprise Fund

**ACCEPT WORK** - NUMBER 3

**3. Motion 2007-0919**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$737,204.49 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B6-4 - 2.70% over the original contract amount

**PROPERTY** - NUMBERS 4 through 7

**4. Motion 2007-0920**

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and settle the lawsuit for a total consideration of \$88,380.00 in connection with eminent domain proceeding styled City of Houston v. John M. Anderson and Virginia C. Bowman, et al., Cause No. 875,670, for acquisition of Parcel AY5-041; for the **HERITAGE CORRIDOR TRAILS EAST HIKE & BIKE TRAIL PROJECT**; WBS N-000420-0016-2 - **DISTRICT H - GARCIA**

**5. Motion 2007-0921**

RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Nathaniel F. Starr, et al; Cause No. 866,189; for a total consideration of \$108,000.00 in connection with **SUNNYSIDE COURT STORM SEWER LATERALS PROJECT**; WBS/CIP M-000217-0001-2 - **DISTRICT D - EDWARDS**

**6. Motion 2007-0917**

RECOMMENDATION from Director Department of Public Works & Engineering approving and authorizing payments for appraisal services for **LEY ROAD PAVING IMPROVEMENTS PROJECT (North Wayside to Mesa Road)**, WBS N-000689-0001-2-01 - **DISTRICT B - JOHNSON**

**7. Motion 2007-0922**

RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcels SY6-111, 12949 Westella and SY7-010, 2303 Briarbrook Drive and authorize the City Secretary to advertise the properties for sale **DISTRICT G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 and 9

**8. Motion 2007-0918**

**PHYSIO-CONTROL, INC** for Purchase of Lifepak Defibrillation Pads and Electrodes for Fire Department - \$688,224.00 - General Fund

**9. Council Member Lawrence tagged**

**CENTRAL TURF FARMS, INC** for St. Augustine Sod Blocks for Department of Public Works & Engineering - \$997,864.80 - Enterprise Fund

**ORDINANCES** - NUMBERS 10 through 32

**10. Ordinance 2007-1001**

ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicle Abatement Procedures and notice of hearings for Dangerous Buildings; containing other provisions relating to the foregoing subject; providing for severability

**ORDINANCES** - continued

11. **Council Members Noriega, Clutterbuck and Holm tagged**  
ORDINANCE **AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to food and food establishments; containing other provisions relating to the foregoing subject; providing for severability
12. **Council Members Noriega, Clutterbuck, Khan, Edwards and Lovell tagged**  
ORDINANCE **AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Mobile Food Units and Commissaries; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing for severability
13. **Ordinance 2007-0990**  
ORDINANCE consenting to the addition of 27.5811 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district
14. **Ordinance 2007-0991**  
ORDINANCE establishing the north and south sides of the 600 block of Aurora Street and the north side of the 700 block of Aurora 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 H - GARCIA**
15. **Ordinance 2007-0992**  
ORDINANCE establishing the east and west sides of the 1200 block of Columbia 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 H - GARCIA**
16. **Ordinance 2007-0993**  
ORDINANCE establishing the north and south sides of the 1900 block of West Lamar Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**
17. **Ordinance 2007-1002**  
ORDINANCE approving and authorizing option agreement between the City and **EARTHLINK, INC** for matters relating to the Broadband Network License and Service Agreements
18. **Ordinance 2007-1003**  
ORDINANCE appropriating \$2,278,000.00 out of Houston Airport System Airports Improvement Fund (8011); authorizing the purchase of 63.948 acres of land and improvements thereon out of the A. R. Bodman Survey, A-141, Houston, Harris County, Texas, for Expansion of Bush Intercontinental Airport, CIP A-0421.13.1; approving a purchase and sale agreement with the owner of the land (Donald E. Fisher, Jr., Trustee) - **DISTRICT B - JOHNSON**
19. **Council Members Noriega, Lawrence and Johnson tagged**  
ORDINANCE appropriating \$949,709.06 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; (Project No. 516C; WBS A-000138-0018-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

**ORDINANCES** - continued

**20. Ordinance 2007-0994**

ORDINANCE approving and authorizing lease agreement between the City of Houston and **MANNING FAMILY PARTNERSHIP, LP.** for certain premises at William P. Hobby Airport  
**DISTRICT I - ALVARADO**

**21. Ordinance 2007-1004**

ORDINANCE approving and authorizing lease agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and **BRENNANS OF HOUSTON, INC,** ("Tenant") for approximately 5,831 net rentable square feet of parking space located beneath the 527 Spur Overpass near the intersection of Hawthorne Street and Smith Street, Houston, Harris County, Texas 77006, for five (5) years with three five-year renewal options, at a monthly rental of \$600.00 **DISTRICT I - ALVARADO**

**22. Ordinance 2007-1005**

ORDINANCE appropriating \$1,246,349.10 out of Public Library Consolidated Construction Fund as an additional appropriation for Jesse H. Jones Central Library Renovation, WBS E-000011-0001-4, Carnegie Regional Branch Library Renovation, WBS E-000142-0001-4, and Marston Administration Building, WBS E-000158- 0001-4; and approving and authorizing first amendment to construction contract between the City of Houston and **3D/INTERNATIONAL, INC** (approved by Ordinance No. 2006-191); providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT I - ALVARADO**

**23. Ordinance 2007-0995**

ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Commercial Motor Vehicle Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**24. Ordinance 2007-0996**

ORDINANCE approving and authorizing a grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**25. Ordinance 2007-0997**

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **BUREAU OF JUSTICE ASSISTANCE** and acceptance of the grant under the SMART Office Support Program for Adam Walsh Act Implementation Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; containing provisions relating to the subject - \$20,581.89 - General Fund

**26. Ordinance 2007-0998**

ORDINANCE approving and authorizing contract between the City of Houston and **THE CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide \$200,000.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services to individuals with a primary diagnosis of mental retardation - 1 Year

**ORDINANCES** - continued

**27. Council Members Lawrence and Edwards tagged**

ORDINANCE appropriating \$196,000.00 out of Fire Consolidated Construction Fund and awarding contract to **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments, WBS C-000089-0002-4-01, C-000089-003-4-01-01, establish a maximum contract amount - 1 Year with two one-year options - \$2,625,020.44 - General, Enterprise and Other Funds

**28. Council Members Noriega and Johnson tagged**

ORDINANCE appropriating \$176,452.00 out of Water & Sewer System Consolidated Construction Fund and \$128,477.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Four of the Clearview Village Subdivision, CIP S-000800-0102-4, R-000800-0102-4 & M-000800-0102-4 - **DISTRICT E - WISEMAN**

**29. Council Members Noriega and Johnson tagged**

ORDINANCE appropriating \$270,606.00 out of Water & Sewer System Consolidated Construction Fund and \$300,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Five of the Clearview Village Subdivision, CIP S-000800-0108-4, R-000800-0108-4 & M-000800-0108-4 - **DISTRICT E - WISEMAN**

**Motion 2007-0916 – Suspend rules to consider Item 30 out of order**

**30. Ordinance 2007-0989**

ORDINANCE issuing a permit to **AMERESCO MCCARTY ENERGY, LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - JOHNSON and I - ALVARADO**

**31. Ordinance 2007-0999 – Passed first reading**

ORDINANCE granting to **TNT WASTE CONTAINER SERVICE, 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**

**32. Ordinance 2007-1000 – Passed first reading**

ORDINANCE granting to **MAYFIELD TRUCKING, LLC, a Texas Limited Liability 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 33 through 38

**33. Motion 2007-0923 – Adopt**

RECOMMENDATION from Finance & Administration Department to adopt award to **BADGER METER, INC** - \$8,630,476.00, **HD SUPPLY WATERWORKS** - \$1,130,125.00, **AQUA-METRIC SALES COMPANY** - \$1,370,908.00 and **MACAULAY CONTROLS COMPANY** - \$1,037,529.00 for Water Meters and Water Meter Replacement Parts for Department of Public Works & Engineering - 5 Years - \$12,169,038.00 - Enterprise Funds

**TAGGED BY COUNCIL MEMBERS GARCIA and JOHNSON (Note: Council Member Clutterbuck also tagged Item 8 on 8/29/07)**

This was Item 8 on Agenda of August 29, 2007

**34. Ordinance 2007-1006**

ORDINANCE amending Ordinance No. 2006-118 to increase the maximum contract amount and approving and authorizing first amendment to Contract #C62204 between the City of Houston and **PHOENIX BUSINESS CONSULTING** for Professional SAP Programming Services; containing provisions relating to the subject - \$2,250,000.00 - Equipment Acquisition Consolidated and Other Funds - **TAGGED BY COUNCIL MEMBERS KHAN and HOLM**

This was Item 19 on Agenda of August 29, 2007

**35. Ordinance 2007-1007**

ORDINANCE approving and authorizing contract between the City of Houston and **VECTRAREPORTS.COM, INC** for Scanning, Storing and providing web-based retrieval of traffic accident reports for the Houston Police Department; providing a maximum contract amount 3 Years with two one-year options - \$70,000.00 - General Fund

**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and HOLM**

This was Item 21 on Agenda of August 29, 2007

**36. Ordinance 2007-1008**

ORDINANCE approving and authorizing professional services contract with **HUDSON & MARSHALL OF TEXAS, INC.**, a Texas Corporation, to advertise and conduct an auction of thirty-six (36) surplus tracts of land owned by the City of Houston; approving and authorizing a form of purchase and sale agreement to be entered into for such property, by the City of Houston, seller, and the highest bidder at auction for each such property, purchaser; authorizing the Mayor to execute, and the city secretary to attest, special warranty deeds conveying the properties to the highest bidder - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and I - ALVARADO** - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 23 on Agenda of August 29, 2007

**37. Motion 2007-0924 – Postpone one (1) week**

ORDINANCE amending Ordinance No. 2004-1130 to increase the maximum contract amount to contract between the City of Houston, **GT DISTRIBUTORS, INC** and **TASER INTERNATIONAL, INC** for Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department - \$1,871,942.22 - General Fund - **TAGGED BY COUNCIL MEMBERS JOHNSON, KHAN, HOLM, CLUTTERBUCK and EDWARDS**

This was Item 25 on Agenda of August 29, 2007

**MATTERS HELD** - continued

**38. Ordinance 2007-1009**

ORDINANCE appropriating \$200,851.00 out of Water & Sewer System Consolidated Construction Fund and \$171,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing an interlocal cost sharing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Six of the Clearview Village Subdivision; CIP S-000800-0107-4, R-000800-0107-4 and M-000800-0107-4 - **DISTRICT E -**

**WISEMAN**

**TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 30 on Agenda of August 29, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Lawrence 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

**9/5/2007 – Council Members Wiseman and Garcia out of the City on City business**