

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 15, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0251 to 2008-0265
ORDINANCES - 2008-0311 to 2008-0336
RESOLUTION – None

2008-0250-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

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 2008-0251 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 16, 2008 - 9:00 A. M.

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

MAYOR'S REPORT - City of Houston Internet Purchasing Catalog

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBERS 1 through 3

1. **Motion 2008-0253**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION**:

- Position Two - **MS. BETTY TRAPP CHAPMAN**, reappointment, for a term to expire 3/1/2010
- Position Five - **MR. FERNANDO L. BRAVE**, appointment, for an unexpired term ending 3/1/2009
- Position Six - **MS. VENITA RAY**, appointment, for a term to expire 3/1/2010
- Position Eight - **MS. FAYE BRYANT**, reappointment, for a term to expire 3/1/2010

MISCELLANEOUS - continued

2. Motion 2008-0261

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER SEVENTEEN (MEMORIAL CITY), CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS:**

Position One - **MR. CHARLES S. TURET, JR.**, reappointment, for a term to expire 7/20/2009, to serve as Chair for a term ending 12/31/2008

Position Three - **MR. DAN MOODY, III**, reappointment, for a term to expire 7/20/2009

Position Five - **DR. ZACHARY R. HODGES**, appointment, for a term to expire 7/20/2009

Position Six - **MR. BRADLEY FREELS**, appointment, for an unexpired term ending 7/20/2008

Position Seven - **MR. GLENN AIROLA**, appointment, for a term to expire 7/20/2009

3. Motion 2008-0254

RECOMMENDATION from Director Houston Airport System for participation by the Houston Airport System in the Airports Council International's Airport Service Quality Survey Program for George Bush Intercontinental Airport/Houston and William P. Hobby Airport - \$179,800.00 Enterprise Fund

ACCEPT WORK - NUMBERS 4 and 5

4. Council Members Rodriguez, Garcia, Jones, Green and Adams tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,028,219.25 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Reconstruction of West Little York Bridge over Vogel Creek, WBS N-000687-0004-4 - 1.95% under the original contract amount - **DISTRICT A - LAWRENCE**

5. Motion 2008-0255

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,540,660.40 and acceptance of work on contract with **LAYNE-TEXAS, a division of LAYNE CHRISTENSEN COMPANY** for Park Glen Plant No. 1 Water Well No. 3, WBS S-000100-0015-4 - 8.80% under the original contract amount - **DISTRICT F - KHAN**

PROPERTY - NUMBER 6

6. Motion 2008-0256

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY3-003, located at 6040 and 6060 Armour Drive, owned by RailWorks Track Systems-Texas, Inc. Jack A. Wilt, President, for the **69TH STREET WASTEWATER TREATMENT PLANT EXPANSION AND BUFFER ZONE PROJECT**, WBS R-000509-0007-2-01 - **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11A

7. Motion 2008-0257

GOWAN, INC for Domestic Water Pump Replacement at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department - \$113,284.00 and contingencies for a total amount not to exceed \$118,948.20 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

8. Ordinance 2008-0311

ORDINANCE appropriating \$1,732,575.04 out of Fleet/Equipment Acquisition Internal Services Fund for the purchase of Pumper Trucks for Fire Department

a. Motion 2008-0258

TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC for Pumper Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department

9. Motion 2008-0262

CRYSTAL COMMUNICATIONS, LTD. for purchase of Wireless extended-range gigabit Ethernet Links through the Texas Local Government Purchasing Cooperative - \$111,722.00 - Grant Fund

10. Motion 2008-0259

RCC CONSULTANTS, INC for Purchase of Consulting Services through the Houston-Galveston Area Council for the development of a Citywide Radio System - \$244,493.20 - Grant Fund

11. Ordinance 2008-0312

ORDINANCE appropriating \$225,791.00 out of Equipment Acquisition Consolidated Fund for Purchase of Computer Equipment and Professional Consulting Services for Police Department

a. Motion 2008-0260

SHI GOVERNMENT SOLUTIONS, INC for Professional Consulting Services to design and implement a software upgrade through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Houston Police Department - \$225,791.00

ORDINANCES - NUMBERS 12 through 38

12. Motion 2008-0263 – Postpone two (2) weeks

ORDINANCE **AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to burglar alarms, panic, holdup and similar alarm systems; containing findings and other provisions relating to the foregoing subject; providing for civil fees and penalties and criminal penalties; providing an effective date; providing for severability

13. Ordinance 2008-0313

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2008-170 by adding one hundred (100) probationary fire fighter positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance

14. Ordinance 2008-0325

ORDINANCE authorizing and approving Loan Agreement between the City of Houston and **CLOUDBREAK HOUSTON, LLC** to provide \$300,000.00 of Federal CDBG Funds to pay off certain existing senior debt in connection with the Renovation of a Multi-unit residential development known as Midtown Terrace to house qualifying U.S. Veterans; extending the time to complete the renovations - **DISTRICT D - ADAMS**

15. Council Member Green tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **MEMORIAL ASSISTANCE MINISTRIES, INC** to provide a \$150,000.00 grant of Federal Community Development Block Grant ("CDBG") Funds for costs to construct additional parking at a facility located at 1625 Blalock Road, Houston, Texas, which provides services to low-income persons

ORDINANCES - continued

Motion 2008-0252 – Suspend rules to consider Items 16 and 16a out of order

16. Council Member Johnson tagged

ORDINANCE approving and authorizing a Term Sheet with **CONTINENTAL AIRLINES, INC** for Terminal B Expansion Program at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

a. Council Member Johnson tagged

ORDINANCE providing for Passenger Facility Charges at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

17. Ordinance 2008-0326

ORDINANCE appropriating \$4,800,064.00 out of Airport System Consolidated 2004 AMT Construction Fund and \$84,001.00 out of Airports Improvement Fund; and approving and authorizing amendment No. 1 to contract for Professional Architectural/Engineering Services by and between the City of Houston and **HELLMUTH, OBATA & KASSABAUM, L.P.** for Construction Phase Services for the APM System Extension from Terminal B to Terminal A at George Bush Intercontinental Airport/Houston, WBS A-000354-0001-3-02-01; Project No. 536F; providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**

18. Ordinance 2008-0327

ORDINANCE appropriating \$24,551,904.00 out of HAS Consolidated 2004 AMT Construction Fund and \$397,832.00 out of Airports Improvement Fund; Project No. 536J; WBS A-000354-0003-4-01; and awarding construction contract for **W. W. WEBBER, LLC** for Automated People Mover Phase 3, Package 2 - APM Guideway at George Bush Intercontinental Airport/Houston; setting a deadline for W. W. Webber, LLC's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding W. W. Webber, LLC in default if it fails to meet the deadlines; providing funding for engineering testing services, and for contingencies and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT B - JOHNSON**

19. Ordinance 2008-0328

ORDINANCE deappropriating \$683,837.00 from Contract No. 4600004519 which sum was appropriated under Ordinance 2004-0866, WBS A-000486-0001-3-03-01 from FAA Grant No. 3-48-0111-47-03; and appropriating \$683,837.00 out of Airports Improvement Fund, WBS A-000486-0001-3-01-01 for Contract No. 4600004519 between the City of Houston and **PARSONS WATER & INFRASTRUCTURE INC** for Project 612, Security Program Consulting Services for the Houston Airport System - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

20. Ordinance 2008-0329

ORDINANCE approving and authorizing acceptance of an application and approval of the Intergovernmental Agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** to fund the Solid Waste Implementation 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 Director of the Solid Waste Management Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT H - GARCIA**

21. Ordinance 2008-0314

ORDINANCE appropriating \$82,714.50 out of Equipment Acquisition Fund for the Purchase of various information technology equipment items for the Houston Fire Department's Arson Division

ORDINANCES - continued

22. Ordinance 2008-0315

ORDINANCE appropriating \$83,876.67 out of Fire Consolidated Construction Fund, WBS C-000089-0004-4 to reimburse the Public Works & Engineering Department for the Construction of a Parking Lot at 400 Jefferson Street for the Houston Fire Department

23. Ordinance 2008-0330

ORDINANCE amending Ordinance Number 2005-0950 to increase the maximum contract amount for contract between the City and **SPAY NEUTER ASSISTANCE PROGRAM, INC** (#C57212) for continuation of Spay/Neuter Program for low income neighborhoods - \$400,000.00 - General Fund

24. Council Members Green and Rodriguez tagged

ORDINANCE amending Ordinance No. 2008-118 relating to the City of Houston's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing certain incentives, designating a liaison for communication with interested parties, and nominating **DELOITTE LLP** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an enterprise project

25. Ordinance 2008-0331

ORDINANCE amending Ordinance No. 2005-0405 (passed by City Council on April 27, 2005) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **SAP PUBLIC SERVICES, INC** for Software Licenses and Professional Services for the Enterprise Resource Planning System for the Information and Technology Department

26. Ordinance 2008-0316

ORDINANCE approving and authorizing contract between the City and **INFOSOL, INC** for Software Maintenance and Support Services for the Capital Improvement Maintenance System for the Public Works and Engineering Department; providing maximum contract amount - 2 Years with two one-year options - \$339,910.00 - General and CIP Salary Recovery Funds

27. Ordinance 2008-0317

ORDINANCE amending Ordinance 2005-241 to increase the maximum contract amount; providing for an allocation of funds from the Central Service Revolving Fund for contract between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Professional Energy Management Services relating to the City's Electricity Contract - \$200,000.00 - Central Service Revolving Fund

28. Ordinance 2008-0332

ORDINANCE appropriating \$3,000,000.00 out of General Improvements Consolidated Construction Fund; \$3,000,000.00 out of Reimbursement of Equipment/Projects Fund and \$712,000.00 out of Public Library Consolidated Construction Fund; awarding construction contract to **PRIME CONTRACTORS, INC** for African American Library at the Gregory School, WBS E-000144-0004-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, additional design services, Civic Art Program, and contingencies relating to construction of facilities financed by General Improvements Consolidated Construction Fund; Public Library Consolidated Construction Fund; Reimbursement of Equipment/Projects Fund and Federal Government-Grants Fund - \$2,521,000.00 - CDBG and EDI Grant Funds - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

29. Ordinance 2008-0333

ORDINANCE awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Northwest Maintenance Facility Underground Storage Tank System Modification, 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 services, early completion bonus, project management and construction oversight services and contingencies relating to construction of facilities financed by the Public Works & Engineering Water & Sewer System Operating Fund, R -000520-0006-4 - \$1,581,810.00 - Enterprise Fund - **DISTRICT A - LAWRENCE**

30. Ordinance 2008-0334

ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Pinemont Paving Project: T.C. Jester to Ella Blvd. Detention Pond Construction (Diamond Street at Ruby Street); authorizing the acquisition of certain real property interests within the right-of-way alignment 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 or easements in, over, upon, under, and across 7 parcels of land situated in the Samuel McLelland Survey, Abstract No. 554, Harris County, Texas, and being more specifically situated out of Blocks 9, 10, 15, and 16, including portions of Diamond and Ruby Streets in the Deroloc Addition, a subdivision according to the map or plat thereof recorded in Volume 468, Page 337 of the Deed Records of Harris County, Texas - **DISTRICT A - LAWRENCE**

31. Ordinance 2008-0318

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **COASTAL PUMP SERVICES, INC** to settle a claim - \$114,375.74 Enterprise Fund

32. Ordinance 2008-0319

ORDINANCE appropriating \$207,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** (approved by Ordinance No. 01-1104) for Buffalo Bayou Trail Shepherd to Sabine, WBS N-000420-0018-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ**

33. Ordinance 2008-0320

ORDINANCE appropriating \$873,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **S&B INFRASTRUCTURE, LTD.**, for Design of Sanitary Sewer System for Unserved Areas of Minnetex Place and Golden Glades Estates Subdivisions, WBS R-000801-0016-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and E - SULLIVAN**

34. Ordinance 2008-0321

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 **CARTER & BURGESS, INC** for a 72-inch Sanitary Tunnel on Lyerly, WBS R-002003-0003-4 - **DISTRICT H - GARCIA**

ORDINANCES - continued

35. Ordinance 2008-0335

ORDINANCE appropriating \$6,250,000.00 out of Water & Sewer System Consolidated Construction Fund; \$12,274,000.00 out of Drainage Improvements Commercial Paper Series F Fund; awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Storm Drainage Improvements in the Fonn Villas Subdivision, WBS M-000249-0002-4, S-000500-0063-4, R-000500-0063-4; 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICT G - HOLM**

36. Ordinance 2008-0322 – Passed first reading

ORDINANCE granting to **ARROW SERVICES 123, 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**

37. Ordinance 2008-0323 – Passed first reading

ORDINANCE granting to **PERFORMANCE CONTRACTING, INC, a Kansas 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**

38. Ordinance 2008-0324 – Passed first reading

ORDINANCE granting to **MILLENNIUM PROJECT SOLUTIONS, 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 41

39. Motion 2008-0264 – Adopt

MOTION by Council Member Garcia/Seconded by Council Member Lawrence to adopt recommendation from Director General Services Department to approve the Fiscal Year 2009-2013 Capital Improvement Plan and establish a charge of \$75.00 plus postage for the adopted CIP documents - **TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and NORIEGA**

This was Item 1 on Agenda of April 9, 2008

40. Motion 2008-0265 – Adopt

RECOMMENDATION from City Attorney for settlement of lawsuit styled **MICHAEL COX** vs. the City of Houston; Cause No. H-04-4318; in the United States District Court; Southern District of Texas - \$155,000.00 - Property and Casualty Fund

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 2 on Agenda of April 9, 2008

MATTERS HELD - continued

41. Ordinance 2008-0336

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **CLEAR CHANNEL OUTDOOR, INC** to settle outstanding disputes and controversies - **TAGGED BY COUNCIL MEMBER LOVELL**

This was Item 26 on Agenda of April 9, 2008

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

4/15/2008 – All Present

4/16/2008 – All Present