

**AGENDA - COUNCIL MEETING - TUESDAY - APRIL 29, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

MOTIONS - 2008-0284 to 2008-0302  
ORDINANCES - 2008-0361 to 2008-0388  
RESOLUTION – None

2008-0283-1

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

**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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - APRIL 30, 2008 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Public Safety 700MHz Radio System

**Motion 2008-0284 – Suspend rules to consider the financial report out of order**

**Motion 2008-0285 – Receive reports**

**9:00 A.M. - 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 and a Quarterly Investment Report by the City Controller

**CONSENT AGENDA NUMBERS 1 through 41**

**MISCELLANEOUS** - NUMBERS 1 through 3

1. **Motion 2008-0289**

REQUEST from Mayor for confirmation of the appointment of **MR. LARRY B. BELL**, to Position Nine of the **HOUSTON READ COMMISSION**, for a term to expire 1/1/2011

**MISCELLANEOUS** - continued

**2. Motion 2008-0290**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MECHANICAL CODE REVIEW BOARD (formerly known as the AIR CONDITIONING BOARD)**

Position Three - **MR. RICHARD W. BURR**, reappointment, for a term to expire 1/2/2009

Position Four - **MR. AJAY C. SHAH**, appointment, for a term to expire 1/2/2010

Position Five - **MR. JAMES R. "DICK" GRAVES**, reappointment, and to serve as Chair, for a term to expire 1/2/2009

Position Six - **MR. LEVI MOSS, JR.**, reappointment, for a term to expire 1/2/2010

**3. Motion 2008-0291**

RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account to **DONALD R. MATHIS** - \$99,000.00 - Enterprise Fund

**ACCEPT WORK** - NUMBERS 4 through 8

**4. Motion 2008-0292**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$647,492.43 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Renovation of Renwick Maintenance Facility, WBS R-000268-0040-4 - 2.06% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

**5. Motion 2008-0293**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,436,847.68 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Chimney Rock Paving Project from Beltway 8 to W. Fuqua, WBS N-000665-0001-4 - 4.83% under the original contract amount - **DISTRICT D - ADAMS**

**6. Motion 2008-0294**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,376,868.70 and acceptance of work on contract with **GREYSTAR EIG, L.P.** for Kingwood Wastewater Treatment Plant Improvements, WBS R-001000-0003-4 1.18% under the original contract amount - **DISTRICT E - SULLIVAN**

**7. Motion 2008-0298**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,330,264.40 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in the Gulf Meadows Subdivision, WBS S-000035-0081-4 - 3.74% under the original contract amount - **DISTRICT E - SULLIVAN**

**8. Motion 2008-0299**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,857,015.30 and acceptance of work on contract with **ALSAY, INCORPORATED** for Rehabilitation of Existing Water Wells, WBS S-000200-0015-4 - 0.16% under the original contract amount

**PROPERTY** - NUMBER 9

**9. Motion 2008-0295**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-041, located in the 1000 block of Redhaw Street, owned by Charles D. Yates, Trustee, for the **PARK ROW ROAD PAVING PROJECT from State Highway 6 to Eldridge Parkway**, WBS N-000723-0001-2 - **DISTRICT A - LAWRENCE**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 and 11

**10. Motion 2008-0296**

**AMEND MOTION #2007-218, 2/28/07, TO PURCHASE** additional patrol vehicles for Houston Airport System, awarded to **PHILPOT MOTORS, LTD., d/b/a PHILPOT FORD** - \$154,098.00 Enterprise Fund

**11. Motion 2008-0297**

**SHI GOVERNMENT SOLUTIONS, INC** for Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Houston Airport System - \$939,928.00 - Enterprise Fund

**ORDINANCES** - NUMBERS 12 through 41

**12. Ordinance 2008-0382**

ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance No. 2004-299; supplementing and amending Ordinance No. 2004-300 as it relates to City of Houston Combined Utility System First Lien Revenue Refunding Bonds, Series 2004C-1, Series 2004C-2A, Series 2004C-2B and Series 2004C-2E (50%); authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Tender Agent Agreement, Remarketing Agreement, Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; making other provisions regarding the conversion of the interest rate mode on such bonds; and declaring an emergency

**13. Council Members Noriega and Clutterbuck tagged**

ORDINANCE **AMENDING SECTIONS 21-161, 21-164, and 21-166 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to registration of air pollution sources; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful, providing affirmative defenses thereto and penalties therefor; containing a savings clause; providing for severability

**14. Ordinance 2008-0383**

ORDINANCE relating to the amendment of the City's Energy Conservation Code; adopting a new Energy Code applicable to commercial uses and structures only, together with local amendments thereto; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability; containing a repealer

**15. Ordinance 2008-0363**

ORDINANCE finding and determining public convenience and necessity no longer require the continued use of excess fee-owned property within the Northside Disposal Plant Site (Parcel SY7-061), being out of the 15.99 acre tract comprising the west half of Lot 16, Harris and Wilson Survey, A-32, Houston, Harris County, Texas, containing 0.2772 acres (12,074 square feet) of land, more or less; vacating and abandoning said tract of land as well as authorizing a special warranty deed conveying same to Emanon Facilities, Ltd., abutting owner, in consideration of owner's payment of \$33,807.00 and other consideration to the City - **DISTRICT H - GARCIA**

**16. Ordinance 2008-0384**

ORDINANCE appropriating \$6,990,805.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund; approving and authorizing Project Development Agreement by and between the City of Houston and **CONTINENTAL AIRLINES, INC** relating to the Construction of the APM System at George Bush Intercontinental Airport/Houston (Project Number 536G); WBS A-000354-0004-4-01, and \$122,339.00 out of Airports Improvement Fund for the Civic Art Program - **DISTRICT B - JOHNSON**

**ORDINANCES** - continued

**17. Ordinance 2008-0364**

ORDINANCE approving and authorizing amendment No. 1 to Lease Agreement by and between the City of Houston and **CENTRAL HELICOPTER SERVICE, INC** at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ**

**18. Ordinance 2008-0365**

ORDINANCE appropriating \$1,500,917.00 out of FAA Grant Funds and \$693,879.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 2 to construction contract by and between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; WBS A-000486-0011-4-01 and A-000486-0011-4-02 (Project No. 612H); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**

**19. Ordinance 2008-0366**

ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC**, providing up to \$64,233.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Administration of a Computer Literacy Training Program, along with supportive services

**20. Ordinance 2008-0385**

ORDINANCE approving and authorizing the City of Houston to submit the 2008 Consolidated Action Plan to the United States Department of Housing and Urban Development, including the following 2008-2009 Grant Applications: 1) 34th Program Year Community Development Block Grant in the amount of \$33,717,217.00 (\$29,798,698.00 Entitlement Grant, and \$3,918,519.00 Program Income); 2) Home Investment Partnerships Grant in the amount of \$13,130,151.00 (\$12,722,540.00 Grant, \$300,000.00 Program Income and \$107,611.00 from the American Dream Down Payment Initiative [ADDI]); 3) Housing Opportunities for Persons with AIDS Grant in the amount of \$6,038,000.00; and 4) Emergency Shelter Grants in the amount of \$1,326,597.00; and to accept the aforementioned grant funds, if awarded

**21. Ordinance 2008-0367**

ORDINANCE making general appropriation of certain revenues of the City in support of annual budgets for fiscal Year 2008; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2008; making additional appropriations

**22. Ordinance 2008-0368**

ORDINANCE approving and authorizing third amendment to an interlocal contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Law Enforcement, General Surveillance and Traffic Control in TXDOT Construction Zones

**23. Ordinance 2008-0369**

ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Automobile Burglary & Theft Prevention Authority ("ABTPA") for the Major Accessory Shop Enforcement/17 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

**24. Ordinance 2008-0370**

ORDINANCE consenting to the addition of 29.1237 acres of land to **ADDICKS UTILITY DISTRICT**, for inclusion in its district

**25. Ordinance 2008-0371**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 497**

**ORDINANCES** - continued

**26. Ordinance 2008-0372**

ORDINANCE consenting to the addition of 38.916 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

**27. Ordinance 2008-0373**

ORDINANCE amending Ordinance No. 2007-1319 to increase the maximum contract amount from \$225,000.00 to \$355,000.00 for Legal Services relating to the defense of claims concerning the City's Sign Ordinance in the extra territorial jurisdiction under a contract between the City of Houston and **SMYSER, KAPLAN & VESELKA, L.L.P.** - \$130,000.00 - Property and Casualty Fund

**28. Ordinance 2008-0374**

ORDINANCE appropriating \$250,000.00 out of General Improvements Consolidated Construction Fund, \$50,000.00 out of Solid Waste Consolidated Construction Fund, \$100,000.00 out of Public Library Consolidated Construction Fund and \$100,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Task Order Contract between the City of Houston and **BRAVE/ARCHITECTURE, INC**, for Various City Departments, WBS D-000115-0005-3, L-000072-0001-3, E-00ARCH-0001-3 and G-00ARCH-0001-3; providing a maximum contract amount

**29. Ordinance 2008-0375**

ORDINANCE appropriating \$47,718.00 out of Parks Special Fund for Purchase of Shade Structures through the Texas Local Government Purchasing Cooperative for the Lee and Joe Jamail Skatepark, WBS F-000560-0002-4 - **DISTRICT H - GARCIA**

**30. Ordinance 2008-0376**

ORDINANCE appropriating \$24,427.00 out of Parks Consolidated Construction Fund for Purchase of Playground Structure through the Texas Local Government Purchasing Cooperative for the Neighborhood Partnership - Braeswood Park Playground, WBS F-000244-0001-4 **DISTRICT C - CLUTTERBUCK**

**31. Ordinance 2008-0377**

ORDINANCE amending Ordinance No. 2007-1327 to substitute a revised Professional Consulting Services Agreement for a previously approved Professional Consulting Services Agreement between the City of Houston and **ENVIRONMENTAL CONSULTANTS, INC d/b/a ERC** (approved by Ordinance No. 2007-1327) for Asbestos and Lead Program and General Environmental Services, WBS D-000073-0012-4 and F-000509-0040-4

**32. Ordinance 2008-0386**

ORDINANCE approving and authorizing an amendment to the TxDOT Agreement for the Construction of Columbia Tap Union Station Trail - a Joint Project between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No. 04-1114), WBS N-000420-0037-4 - **DISTRICT I - RODRIGUEZ**

**33. Ordinance 2008-0378**

ORDINANCE awarding contract to **CHIEF SOLUTIONS, INC** for Storm Sewer Television Inspection (Work Order Contract), WBS M-000301-0003-4; (SM5052-03) - \$368,967.96 Stormwater Fund

**ORDINANCES** - continued

**34. Ordinance 2008-0379**

ORDINANCE appropriating \$37,674.75 out of Street & Bridge Consolidated Construction Fund; and \$135,125.25 out of Limited Use Roadway and Mobility Capital Fund awarding contract to **JERDON ENTERPRISE, L.P.** for Dryden Street widening from Main to Fannin, WBS N-000396-0009-4; 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 Street & Bridge Consolidated Construction Fund and the Limited Use Roadway and Mobility Capital Fund - **DISTRICT C - CLUTTERBUCK**

**35. Ordinance 2008-0380**

ORDINANCE appropriating \$2,930,802.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0112-4; 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 and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund

**36. Ordinance 2008-0381**

ORDINANCE appropriating \$1,307,751.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Special Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-002013-0021-4; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**37. Ordinance 2008-0322 – Passed third and final reading**

ORDINANCE No. 2008-322, passed second reading April 23, 2008

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 - **THIRD AND FINAL READING**

**38. Ordinance 2008-0323 – Passed third and final reading**

ORDINANCE No. 2008-323, passed second reading April 23, 2008

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 - **THIRD AND FINAL READING**

**39. Ordinance 2008-0324 – Passed third and final reading**

ORDINANCE No. 2008-324, passed second reading April 23, 2008

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 - **THIRD AND FINAL READING**

**ORDINANCES** - continued

**40. Ordinance 2008-0355 – Passed second reading**

ORDINANCE No. 2008-355, passed first reading April 23, 2008

ORDINANCE granting to **INLAND ENVIRONMENTS, LTD., a Texas Limited Partnership**, 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 - **SECOND READING**

**41. Ordinance 2008-0356 – Passed second reading**

ORDINANCE No. 2008-356, passed first reading April 23, 2008

ORDINANCE granting to **STANZ INTEGRATED CLEANING SOLUTIONS, 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 - **SECOND READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 42 through 46

**Motion 2008-0300 – Motion to amend Item 42**

**Motion 2008-0301 – Motion to amend Item 42**

**42. Ordinance 2008-0387 – Adopt as amended**

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

**POSTPONED BY MOTION #2008-263, 4/16/08**

This was Item 12 on Agenda of April 16, 2008

**43. Motion 2008-0302**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$200,986.80 General Fund - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 4 on Agenda of April 23, 2008

**Motion 2008-0286 – Suspend rules to consider Item 44, 44a, 45, 45a out of order**

**44. Ordinance 2008-0361**

ORDINANCE appropriating \$1,484,013.00 out of Equipment Acquisition Consolidated Fund for purchase of 2-Passenger Helicopters for the Police Department

**a. Motion 2008-0287**

**AIR-FLITE, INC** for 2-Passenger Helicopters for Police Department

**TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK**

These were Items 13 and 13A on Agenda of April 23, 2008

**MATTERS HELD** - continued

**45. Ordinance 2008-0362**

ORDINANCE appropriating \$15,192,816.00 out of Equipment Acquisition Consolidated Fund for purchase of 4-Passenger Helicopters for the Police Department

**a. Motion 2008-0288**

**MD HELICOPTERS, INC** for 4-Passenger Helicopters for Police Department

**TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK**

These were Items 14 and 14A on Agenda of April 23, 2008

**46. Ordinance 2008-0388**

ORDINANCE appropriating \$430,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Design of Water Lines and Brick Street Preservation and Restoration in the Freedman's Town Area, WBS S-000455-0001-3 and N-001315-0001-3; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

**TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 27 on Agenda of April 23, 2008

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

**4/29/2008 – All Present**

**4/30/2008 – All Present**