

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 19, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0646 to 2008-0662
ORDINANCES - 2008-0724 to 2008-0742
RESOLUTION – None

2008-0645-1

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

Motion 2008-0646 – Procedural motion
Motion 2008-0647 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 20, 2008 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **Motion 2008-0648 – Close hearing**

PUBLIC HEARING to consider a Municipal Setting Designation ordinance (MSD) for the following:

Randall's Center/West Bellfort site located at 8671 West Bellfort

DISTRICTS C - CLUTTERBUCK; D - ADAMS and F - KHAN

Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet

DISTRICTS C - CLUTTERBUCK and F - KHAN

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 28

MISCELLANEOUS - NUMBERS 2 and 3

2. **Motion 2008-0656**

RECOMMENDATION from Director General Services Department for the designation of seven residential parking permit areas in the Super Neighborhood of the Greater Fourth Ward
DISTRICT I - RODRIGUEZ

3. **Motion 2008-0657**

RECOMMENDATION from Director Parks & Recreation Department for approval to change the name of Cliff Tuttle Skate Park to **JOE AND THERESA PADILLA SKATE PARK** -
DISTRICT H - GARCIA

ACCEPT WORK - NUMBERS 4 through 6

4. **Motion 2008-0649**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$493,138.78 and acceptance of work on contract with **APACHE SERVICES, INC** for Driving Range Upgrade - Memorial Park, WBS F-000596-0001-4 - 4.90% over the original contract amount - **DISTRICT G - HOLM**

5. **Motion 2008-0650**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,203,021.63 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Old Westheimer Reconstruction; Brays Bayou to Westheimer, WBS N-000749-0001-4 - 4.05% under the original contract amount - **DISTRICT G - HOLM**

6. **Motion 2008-0651**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$364,376.96 and acceptance of work on contract with **E. P. BRADY, LTD.**, for McCarty No. 1 Lift Station Force Main Replacement, WBS R-002011-0039-4 - 34.28% under the original contract amount - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11A

7. **Ordinance 2008-0738**

ORDINANCE appropriating \$427,315.90 out of General Improvement Consolidated Construction Fund for Pierce Elevated Parking Lot Lighting Upgrade for the General Services Department, WBS D-000127-0001-4-01

a. **Motion 2008-0658**

C. F. MCDONALD ELECTRIC, INC for Pierce Elevated Parking Lot Lighting Upgrade for the General Services Department - \$388,469.00 and contingencies for a total amount not to exceed \$427,315.90

8. **Motion 2008-0652**

ORACLE USA, INC for Oracle Software License and Support Service Agreement through the City's Master Agreement with Texas Department of Information Resources for the Information Technology Department - \$412,770.29 - Central Service Revolving Fund

9. **Ordinance 2008-0724**

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for Leased Vehicles and related items for the Houston Police Department 1 Year with 4 one-year options

PURCHASING AND TABULATION OF BIDS - continued

a. **Motion 2008-0653**

ENTERPRISE LEASING COMPANY OF HOUSTON for Leased Vehicles for Police Department -6,499,140.00 - Grant, Auto Dealers, Asset Forfeiture and Police Special Services Funds

10. **Motion 2008-0654**

CPR SERVICES AND SUPPLIES, INC d.b.a. MDN ENTERPRISES for Fittings and Appurtenances for Department of Public Works & Engineering - \$1,577,127.00 - Enterprise Fund

11. **Ordinance 2008-0725**

ORDINANCE appropriating \$78,721.44 out of Solid Waste Consolidated Construction Fund and \$90,000.00 out of General Improvement Consolidated Construction Fund for Purchase of Office Furniture and Equipment for the Solid Waste Management and Municipal Courts Administration Departments, WBS L-000036-0001-5, D-000113-0001-5

a. **Motion 2008-0655**

CONTRACT RESOURCE GROUP, LLC for Office Furniture and Equipment through the State of Texas Building and Procurement Commission's Contract for Municipal Courts Administration Department - \$90,000.00 - General Improvement Consolidated Construction Fund

ORDINANCES - NUMBERS 12 through 28

12. **Ordinance 2008-0726**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a water line easement (Parcels SY7-028) extending from 65th Street to 66th Street, located between Blocks 36 and 46, Central Park Subdivision, Houston, Harris County, Texas; vacating and abandoning said easement to Houston Independent School District, the abutting owner, in consideration of its payment of \$15,106.00 and other consideration to the City **DISTRICT I - RODRIGUEZ**

13. **Ordinance 2008-0727**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 38,700 square foot subsurface pipeline easement (Parcel SY8-067) within an existing CenterPoint easement, located in the Reels and Trobough League, A-59, Houston, Harris County, Texas; vacating and abandoning said easement to Magellan Pipeline Company, L.P., in consideration of its payment to the City of \$5,805.00 - **DISTRICT I - RODRIGUEZ**

14. **Ordinance 2008-0728 – Passed first reading**

ORDINANCE annexing to the City of Houston, Texas territory located adjacent to I-10 and in the vicinity of Barker Cypress and Park Row, in Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to its corporate limits the territory included in such boundaries; containing findings and other provisions relating to the foregoing subject; adopting a service plan for certain areas adjacent to I-10 and in the vicinity of Barker Cypress and Park Row; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability **DISTRICT A - LAWRENCE**

15. **Ordinance 2008-0729**

ORDINANCE approving and authorizing contract between the City of Houston and John M. Fultz, Receiver for **VERGIL MARTIN D/B/A/ H&J UTILITIES** for the transfer of customers to City of Houston Retail Water Service - **DISTRICT A - LAWRENCE**

ORDINANCES - continued

16. Ordinance 2008-0730

MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 1.85 acre site located in the John Austin Survey, Abstract No. 1, Harris County, Texas, commonly known as 1200 Givens, Houston, Texas, 77007 and a portion of the Givens Street right of way, 1200 Givens, City of Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission On Environmental Quality - **DISTRICT H - GARCIA**

17. Ordinance 2008-0731

ORDINANCE approving and authorizing contract between the City and **DISABILITY MANAGEMENT ALTERNATIVES, LLC** for Third Party Administrative Services for the City's Long Term Disability Plan; approving and adopting the Long Term Disability Plan which is incorporated as an exhibit to the contract; providing a maximum contract amount - 3 Years with two one-year options - \$935,000.00 - Long Term Disability Fund

18. Ordinance 2008-0732

ORDINANCE appropriating \$15,878.00 out of FY08 Equipment Acquisition Fund, WBS V-1800-2008-02-05-02 and \$12,647.00 out of Fleet/Equipment Internal Service Fund for the Purchase of Three NFPA Compliant Breathing Air Fill Containment Devices and One Power Stretcher for the Houston Fire Department

19. Council Member Holm tagged

ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$514,000.00 - General Fund

20. Council Members Clutterbuck and Holm tagged

ORDINANCE creating the Drainage Supplemental Interest and Sinking Fund ("The Fund"); establishing the sources and uses of the funds therein for City Drainage Programs; appropriating from the General Fund Fund Balance and transferring to the fund an amount based upon the City's ad valorem tax revenue for Fiscal Year 2009 for the purposes set out herein; amending Ordinance No. 2004-403 to include such funds as additional security for the City's General Obligation Commercial Paper Notes, Series F

21. Ordinance 2008-0733

ORDINANCE approving and authorizing contract between the City and **ELEVATOR REPAIR SERVICE, INC** for Maintenance and Repair Elevators and Escalators for the Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$6,279,295.26 - Enterprise Fund

22. Council Member Holm tagged

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein, and awarding contract to **TIBH INDUSTRIES, INC** for Litter Removal Services for the Public Works & Engineering Department - 5 Years - \$7,500,000.00 - Stormwater Fund

ORDINANCES - continued

23. Ordinance 2008-0734

ORDINANCE authorizing the Mayor to act as the City's representative to approve and accept funding from the United States Department of Homeland Security Transportation Security Administration (TSA) in the amount of \$16,440,750.00, if awarded, for the construction of a Fully Automated In-Line Explosion Detection System Baggage Handling System at George Bush Intercontinental Airport/Houston; declaring the City's eligibility for such funding; and further authorizing the Mayor to apply for and accept all subsequent awards of funding and to execute any contracts with the TSA pertaining to the receipt of grant funding from the Homeland Security Program - **DISTRICT B - JOHNSON**

24. Ordinance 2008-0739

ORDINANCE appropriating \$65,850,507.00 out of Airports Improvement Fund and awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** for the Renovation of all levels of Terminal C and adjacent curbsides at George Bush Intercontinental Airport/Houston, (Project No. 490K), WBS A-000322-0007-4-01; providing funding for contingencies relating to construction of facilities financed by such funds for engineering testing services, and for the Civic Art Program - **DISTRICT B - JOHNSON**

a. Ordinance 2008-0740

ORDINANCE appropriating \$4,176,190.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CONTINENTAL AIRLINES, INC** (Project No. 490Y), WBS A-000322-0008-4-01 and the partial assignment of a related construction contract with Spawglass Construction Corporation, after it is awarded, and Laboratory and Testing Contract No. 53725 with Paradigm Consultants, Inc for the Renovation of Terminal C - **DISTRICT B - JOHNSON**

25. Ordinance 2008-0735

ORDINANCE appropriating \$409,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (approved by Ordinance No. 2006-0579) between the City of Houston and **TIMES CONSTRUCTION, INC** for the Renovation and Expansion of Fifth Ward Multi-Service Center, WBS H-000054-0001-4; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON**

26. Ordinance 2008-0736

ORDINANCE approving and authorizing an Inter-Governmental Reimbursement Agreement between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for a Septic System Removal and Abandonment Project to reduce non-point source pollution entering Lake Houston - **DISTRICT E - SULLIVAN**

27. Ordinance 2008-0737

ORDINANCE appropriating \$563,066.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEAN SERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation, WBS R-000266-0125-4; 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

ORDINANCES - continued

28. Ordinance 2008-0702 – Passed third and final reading

ORDINANCE No. 2008-702, passed second reading August 13, 2008

ORDINANCE granting to **AROUND THE CLOCK TRASH HAULING, 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 **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 29 through 31

MISCELLANEOUS

29. Motion 2008-0659

SET A PUBLIC HEARING DATE to consider amendments to Chapter 42 relating to certain replats

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 27, 2008

30. Motion 2008-0660

SET A PUBLIC HEARING DATE regarding second amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone (TIRZ) Number Five, City of Houston, Texas (Memorial Heights Zone) **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GARCIA**

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 3, 2008

31. Motion 2008-0661

SET A PUBLIC HEARING DATE regarding first amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone (TIRZ) Number Eighteen, City of Houston, Texas (Fifth Ward Zone) - **DISTRICT B - JOHNSON**

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 3, 2008

MATTERS HELD - NUMBERS 32 through 34

32. Motion 2008-0662 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director General Services Department for condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, owned by Estrellita H. Redus, Trustee of the Redus Revocable Trust - **DISTRICT I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER RODRIGUEZ

This was Item 11 on Agenda of August 13, 2008

33. Ordinance 2008-0741

ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to developer participation contracts; containing findings and other provisions relating to the subject; providing for severability - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 16 on Agenda of August 13, 2008

MATTERS HELD - continued

34. Ordinance 2008-0742

ORDINANCE appropriating \$12,000,000.00 out of Water & Sewer System Consolidated Construction Fund, \$1,500,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$2,000,000.00 out of Homeless and Housing Consolidated Fund and \$2,000,000.00 out of Affordable Housing Uptown Series 2004 Fund for the City's Developer Participation Contract Program - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 17 on Agenda of August 13, 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

8/19/2008 – Council Member Brown out of the City on City business

8/20/2008 – Council Member Brown out of the City on City business