

AGENDA - COUNCIL MEETING - TUESDAY - JULY 22, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0569 to 2008-0596
ORDINANCES - 2008-0633 to 2008-0668
RESOLUTIONS – 2008-0020 to 2008-0021

2008-0568-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

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 - JULY 23, 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 2008-0569 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston to annex certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row in Harris County, Texas - **DISTRICT A - LAWRENCE**

MAYOR'S REPORT - Update on Plan to End Chronic Homelessness in Houston - Presented

CONSENT AGENDA NUMBERS 2 through 58

MISCELLANEOUS - NUMBERS 2 through 6

2. Pulled - Not Considered

REQUEST from Mayor for confirmation of the appointment of **MR. HAROON R. SHAIKH**, to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2010

3. Motion 2008-0570

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT**:

- Position Eight - **MS. GENORA KENDRICK BOYKINS**, appointment, for a term to expire 6/1/2009
- Position Sixteen - **MS. EDNA L. RAMOS**, reappointment, for a term to expire 6/1/2010
- Position Seventeen - **MS. SHEREA A. MCKENZIE**, reappointment, for a term to expire 6/1/2010
- Position Eighteen - **MS. GIGI HUANG**, reappointment, for a term to expire 6/1/2010
- Position Nineteen - **MR. DONALD J. HENDERSON**, reappointment, for a term to expire 6/1/2010
- Position Twenty - **MS. JACQUELINE C. TRAYWICK**, appointment, for a term to expire 6/1/2010
- Position Twenty-One - **MR. JERRY THOMPSON**, appointment, for a term to expire 6/1/2010
- Position Twenty-Two - **MR. GARY W. WARWICK**, reappointment, for a term to expire 6/1/2010
- Position Twenty-Three - **MR. KENNY MEYER**, reappointment, for a term to expire 6/1/2010
- Position Twenty-Five - **MS. IRMA G. GALVAN**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Six - **MS. JERI A. BALLARD**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Seven - **MR. ROLAND MALDONADO**, appointment, for a term to expire 6/1/2011
- Position Twenty-Eight - **MR. THOMAS (J. T.) CHENG**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Nine - **MS. PATRICIA B. LODEN**, reappointment, for a term to expire 6/1/2011
- Position Thirty - **MR. FRANK G. STAATS**, reappointment, for a term to expire 6/1/2011

4. Motion 2008-0584

CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for three year terms to expire June 30, 2011:

- Position 10 - **MR. ART MORALES**, appointment
- Position 11 - **MR. RICHARD BADGER**, reappointment

5. Council Members Garcia and Johnson tagged

RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval of Goal for participation of Disadvantaged Business Enterprises in Department of Transportation/Federal Aviation Administration funded contracts from October 1, 2008 through September 30, 2009, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements

6. Motion 2008-0587

RECOMMENDATION from Director Finance Department for approval of proposed Equipment Acquisition Plan for FY2009

DAMAGES - NUMBER 7

7. Motion 2008-0571

RECOMMENDATION from City Attorney for settlement of lawsuit styled **AMANDA WILLIAMS** vs. City of Houston; in the 221st District Court, Montgomery County, Texas; Cause No. 05-03-02176-CV - \$110,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 8 through 17

8. Motion 2008-0572

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$271,855.40 and acceptance of work on contract with **KOCH CORPORATION** for Sound Reduction Program Phase 3 at George Bush Intercontinental Airport/Houston (IAH), Project No. 617C, WBS A-000476-0004-4-01 - 12.85% under the original contract amount - **DISTRICT B - JOHNSON**

9. Motion 2008-0573

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$978,148.15 and acceptance of work on contract with **BOYER, INC** for Meyerland Park and Reeves Park, WBS F-0504C8-0001-4, F-0504C7-0001-4 - 4.06% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

10. Motion 2008-0588

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,603,175.53 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Distribution Rehabilitation and Renewal, (WA 10873-02) - 1.60% under the original contract amount

11. Motion 2008-0574

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$549,814.58 and acceptance of work on contract with **JERDON ENTERPRISES, L.P.**, for Safe Sidewalk Program H1 Work Order Project; WBS N-00610A-00H1-4 - 22.76% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM and I - RODRIGUEZ**

12. Motion 2008-0575

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$750,263.91 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program T8 Project, WBS N-00610A-00T8-4 - 0.12% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; G - HOLM and H - GARCIA**

13. Council Member Lawrence tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,640,895.56 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A9-4 - 1.32% over the original contract amount

14. Motion 2008-0576

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,749,239.69 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in Cambridge Village, WBS S-000035-00B6-4 - 4.95% over the original contract amount - **DISTRICT D - ADAMS**

15. Motion 2008-0577

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,802,646.51 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Nance Area Subdivision, WBS S-000035-00C9-4 - 3.69% under the original contract amount - **DISTRICT B - JOHNSON**

ACCEPT WORK - continued

16. Motion 2008-0578

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,920,382.60 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in the Stratton Place Area, WBS S-000035-00D8-4 3.90% under the original contract amount - **DISTRICT H - GARCIA**

17. Motion 2008-0579

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,217,421.99 and acceptance of work on contract with **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at Various Groundwater Production Facilities, WBS S-000522-0007-4 - 9.74% under the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 23

18. Ordinance 2008-0659

ORDINANCE appropriating \$431,682.80 out of Equipment Acquisition Consolidated Fund for Purchase of Mobile Data Terminals and Mobile Radios for the Fire Department

a. Motion 2008-0590

MOTOROLA, INC - \$770,769.40 and **KUSTOM SIGNALS, INC** - \$160,582.80 for Mobile Data Terminals, Mobile Radios and Radar Detectors through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire and Police Departments - General, DARLEP, Fleet/Equipment Acquisition Internal Services and Equipment Acquisition Consolidated Funds

19. Motion 2008-0580

SMITH-MOBLEY, INC for Securing Services for Multi-family Buildings and Swimming Pools for Police Department - \$101,920.00 and contingencies for a total amount not to exceed \$112,112.00 General Fund

20. Motion 2008-0589

TEXAS ASSOCIATION OF LOCAL HEALTH OFFICIALS (TALHO) for Professional Services for the Real-time Outbreak and Disease Surveillance (RODS) System - \$75,440.00 - Grant Fund

21. Pulled - Not Considered

TEXAS DEPARTMENT OF INFORMATION RESOURCES for Dell® computer equipment and peripheral components through the City's Master Agreement for the Public Health Information Network (PHIN) Portal Project - \$117,342.13 - Grant Fund

22. Motion 2008-0581

INFORMATION BUILDERS, INC for Software Maintenance Services for the WebFOCUS® Pro Server and iWay Licenses for the Department of Public Works & Engineering - \$191,320.00 Building Inspection and Enterprise Funds

23. Motion 2008-0582

REMA OF TEXAS for Automotive Tire and Tube Materials & Repair Services for Various Departments - \$448,100.00 - General and Fleet Management Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 24 through 58

24. Resolution 2008-0020

RESOLUTION designating certain properties within the City of Houston as historic landmarks:
John B. Hines House - 2219 Brentwood Drive - **DISTRICT G - HOLM**
Dr. Everett Seale House - 3408 Ella Lee Lane - **DISTRICT G - HOLM**

25. Resolution 2008-0021

RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:
Reid Memorial United Methodist Church - 5203 Fulton Street - **DISTRICT H - GARCIA**
R. E. Avery House - 504 Woodland Street - **DISTRICT H - GARCIA**
St. James United Methodist Church - 1217 Wilson Street - **DISTRICT I - RODRIGUEZ**
Building at 1404 Victor Street - **DISTRICT I - RODRIGUEZ**

26. Ordinance 2008-0660

ORDINANCE authorizing the issuance of City of Houston, Texas Taxable Pension Obligation Refunding Bonds, Series 2008; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; authorizing payment for financial advisory services in connection with the issuance of the bonds; authorizing and approving the filing of validation proceedings pursuant to state law; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency

27. Ordinance 2008-0633

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three fire hydrant easements (Parcels SY7-082A, SY7-082B, SY7-082C) and a 10-foot-wide water line easement (Parcel SY7-082D); vacating and abandoning said easements to Tishman Speyer Archstone-Smith Memorial Heights I, L.P., abutting owner, in consideration of its conveyance to the City of a fire hydrant easement (Parcel KY7-248), all within the Memorial Heights, Section One Replat, John Austin Survey, A-1, Houston, Harris County, Texas, and owner's payment to the City of \$86,350.00 - **DISTRICT H - GARCIA**

28. Ordinance 2008-0634

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a waterline easement, a water meter easement, two fire hydrant easements, a utility easement and attendant aerial easement containing an aggregate of 7,245 square feet of land, more or less, Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D and SY5-033E; all five easements being out of Restricted Reserve "A", Continental 32 Fund Subdivision, Harris County, Texas; vacating and abandoning Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D and SY5-033E to Home Depot U.S.A. Inc., abutting owner in consideration of owner's dedication of one waterline easement, two fire hydrant easements and one utility easement containing an aggregate of 6,341 square feet of land, more or less, and payment of \$8,000.00 and other consideration to the City - **DISTRICT G - HOLM**

29. Ordinance 2008-0635

ORDINANCE consenting to the addition of 294.67 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**, for inclusion in its district

30. Ordinance 2008-0636

ORDINANCE consenting to the addition of 20.698 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, for inclusion in its district

RESOLUTIONS AND ORDINANCES - continued

31. Ordinance 2008-0637

ORDINANCE consenting to the addition of 44.8019 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district

32. Ordinance 2008-0638

ORDINANCE consenting to the addition of 3.866 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district

33. Pulled - Not Considered

ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AVIS RENT A CAR SYSTEM, LLC** for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**

34. Ordinance 2008-0639

ORDINANCE approving and authorizing Amendment No. 1 to Food and Beverage Concession Agreement by and between the City of Houston and **4 FAMILIES OF HOUSTON, Joint Venture** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**

35. Ordinance 2008-0640

ORDINANCE approving and authorizing Amendment No. 1 to News, Gifts and Specialty Retail Concession Agreement by and between the City of Houston and **HUDSON NEWS COMPANY** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**

36. Ordinance 2008-0641

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional City-wide Art Consulting Services on behalf of the General Services Department; providing a maximum contract amount - \$80,000.00 - General Fund

37. Ordinance 2008-0642

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an additional \$135,902.73 in Community Development Block Grant ("CDBG") Funds for the administration of an Emergency Shelter Grants Program

38. Council Members Green and Adams tagged

ORDINANCE approving and authorizing first amended and restated Administrative Guidelines for the Single Family Home Repair Program

39. Ordinance 2008-0661

ORDINANCE amending Ordinance No. 2007-1193 and appropriating an additional \$1,500,000.00 out of TIRZ Affordable Housing Fund 2409 to implement the City's Workforce Housing Downpayment Assistance Program by assisting persons earning from 80% to 110% of area median income to purchase new affordable housing in areas selected by the Mayor for revitalization

Motion 2008-0591 – Suspend rules to remain in session beyond the scheduled noon recess

40. Ordinance 2008-0662

ORDINANCE approving and authorizing contract between the City and **KROLL LABORATORY SPECIALISTS, INC** for Alcohol and Controlled Substance Testing Services; providing a maximum contract amount - \$2,500,000.00 - Central Services Revolving Fund

RESOLUTIONS AND ORDINANCES - continued

41. Ordinance 2008-0643

ORDINANCE appropriating \$328,914.00 out of Equipment Acquisition Consolidated Fund for the purchase of Information Technology Equipment for the Houston Public Library

42. Ordinance 2008-0644

ORDINANCE approving and authorizing submission of a joint application for grant assistance from the Bureau of Justice Assistance to fund the FY2008 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and Harris County as joint applicants for such 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 Houston Police Department, or Acting Chief, or any designated Assistant 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 application - \$1,125,140.00 - Grant Fund

43. Ordinance 2008-0645

ORDINANCE approving and authorizing Public Safety Interoperable Communications (PSIC) Grant Subrecipient Agreement between the City of Houston and the **GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM)**; declaring the City's eligibility for such grant; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept such grant funds, to request any needed grant adjustments, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$10,029,120.00 - Grant Fund

44. Ordinance 2008-0646

ORDINANCE appropriating \$555,386.00 out of Water & Sewer System Consolidated Construction Fund and \$627,694.00 out of Drainage Improvements Commercial Paper Series F Fund as an additional appropriation to an agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY (METRO)** (approved by Ordinance No. 93-274) for the Downtown/ Midtown Transit Street Program - Travis Street from Pierce Street to Commerce Street, WBS R-000537-0032-4 and M-000672-0002-4; providing funding for 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 I - RODRIGUEZ**

45. Ordinance 2008-0647

ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and the **NORTH FORT BEND WATER AUTHORITY**

46. Ordinance 2008-0648

ORDINANCE approving and authorizing amendment to 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 to serve Section One of the Bayou Oaks at West Orem Subdivision - **DISTRICT D - ADAMS**

47. Ordinance 2008-0649

ORDINANCE approving and authorizing amendment to 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 to serve Section Two of the Bayou Oaks at West Orem Subdivision - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

48. Ordinance 2008-0663

ORDINANCE amending Ordinance No. 2000-882 to increase the authority of the City's Purchasing Agent to issue purchase orders under contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T TEXAS (SUCCESSOR TO SOUTHWESTERN BELL TELEPHONE, L.P.)** for Local Telephone and Data Services Citywide and approving and authorizing the third amendment to the same contract - \$4,500,000.00 Central Service Revolving Fund

49. Ordinance 2008-0650

ORDINANCE approving and authorizing Professional Materials Engineering Laboratory Contract between the City of Houston and **KENALL, INC** for Testing Laboratory Services

50. Ordinance 2008-0651

ORDINANCE appropriating \$119,584.00 out of Fire Consolidated Construction Fund; awarding construction contract to **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Remediation and Underground Storage Tank Removal at Fire Station 56 and Fire Station 66, WBS C-000170-0011-4; 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 project management, construction oversight and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - JOHNSON**

51. Ordinance 2008-0652

ORDINANCE appropriating \$4,275,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$1,291,000.00 out of Water & Sewer System Consolidated Construction Fund, \$50,000.00 out of Community Development Block Grant Funds and allocating \$3,000,000.00 out of Community Development Block Grant Funding conditioned upon receipt of funds from the U. S. Department of Housing and Urban Development for FY09; awarding contract to **TRIPLE B SERVICES, L.L.P.** for Trinity Houston Gardens Drainage Improvements, WBS M-000292-0001-4, R-000500-0065-4 and S-000500-0065-4; 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, the Drainage Improvement Commercial Paper Series F Fund and the Community Development Block Grant Fund **DISTRICT G - HOLM**

52. Ordinance 2008-0653

ORDINANCE appropriating \$602,599.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0124-4; 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

53. Ordinance 2008-0654

ORDINANCE appropriating \$3,276,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Shepherd Park Terrace Area, WBS S-000035-00N5-4; 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 A - LAWRENCE**

RESOLUTIONS AND ORDINANCES - continued

54. Council Members Jones and Holm tagged

ORDINANCE appropriating \$4,988,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for Condition Assessment of Large Diameter Water Lines, WBS S-000901-0005-4; 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, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM and I - RODRIGUEZ**

55. Ordinance 2008-0655 – Passed first reading

ORDINANCE granting to **GONZALEZ TRUCKING COMPANY, 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 - **FIRST READING**

56. Ordinance 2008-0656 – Passed first reading

ORDINANCE granting to **JOAQUINA TRUCKING, 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 - **FIRST READING**

57. Ordinance 2008-0657 – Passed first reading

ORDINANCE granting to **REPIPE CONSTRUCTION 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 - **FIRST READING**

58. Ordinance 2008-0628 – Passed second reading

ORDINANCE No. 2008-628, passed first reading July 9, 2008

ORDINANCE granting to **MARTIN GARZA CLEAN UP 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 - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

59. Motion 2008-0592

MOTION TO SET A DATE not less than seven (7) days from July 23, 2008 to receive nominations for Positions 9, 10 and 11 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for two year terms

MATTERS HELD - NUMBERS 60 through 65A

60. Motion 2008-0593

WRITTEN Motion by Council Member Holm to amend Item 60A below as follows:

I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed

TAGGED BY COUNCIL MEMBER JONES

Motion 2008-0594 – Written motion by Council Member Lawrence to amend Item 60a as follows:

“I move to amend agenda Item 60a by adding the below to Sec. 2-241(a):

The director of Public Works and Engineering and the director of General Services shall allow Council Members to submit the names of appraisers to be evaluated for inclusion in list of qualified appraisers.

New Sec. 2-241(a)

The director of Public Works and Engineering and the director of General Services shall allow Council Members to submit the names of appraisers to be evaluated for inclusion in list of qualified appraisers. The director of Public Works and Engineering and the director of General Services shall jointly develop and maintain policies and procedures (i) for obtaining and maintaining a list of qualified appraisers who have applied to receive appraisal engagements from the city, and (ii) for appraisals of city owned real estate. Appraisers with repeated performance violations including refusal of engagements, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, and similar performance issues may be removed from the list of qualified appraisers for no less than one year or more than three years. - Adopted

a. Ordinance 2008-0664 – Adopt as amended

ORDINANCE AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to appraisals for sales or leases of City Real Property; containing findings and other provision relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBER JONES

This was Item 13 on Agenda of July 9, 2008

MATTERS HELD - continued

Motion 2008-0595 – Written motion by Council Member Garcia to amend Item 61 as follows:

“I move to amend Item 61 on the City Council agenda of July 23, 2008, be deleting Sec. 15-151 and replacing it as follows:

- (a) It is the policy of the city to encourage fair competition for city contracts by requiring all contractors to comply with applicable employment laws, statutes and ordinances. It is policy to prevent any unfairness or inequity for contractors who comply with applicable employment laws.
- (b) It is the policy of the city to place an affirmative duty on contractors to demonstrate compliance with all employment laws, statutes and ordinances.
- (c) Contractors awarded contracts for professional services, as defined in § 2254.002 of the Texas Government Code, are excluded from the requirements of this Article.
– Adopted

61. Ordinance 2008-0665 – Adopt as amended

ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Contractor Employee Classification; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing for penalties

TAGGED BY COUNCIL MEMBERS LAWRENCE, KHAN, GREEN and CLUTTERBUCK

This was Item 14 on Agenda of July 9, 2008

Motion 2008-0596 – Motion by Council Member Garcia/seconded by Council Member Holm to amend Item 62 by substituting “August 29, 2008” for “August 18, 2008,” in Article IIa and in the letter attached to the agreement as Exhibit A – Adopted

62. Ordinance 2008-0666 – Adopt as amended

ORDINANCE appropriating \$165,000.00 out of Cable TV Fund 2401; approving and authorizing third amendment to contract between the City of Houston and **HOUSTON MEDIASOURCE** for a Public Access Television Channel; providing a maximum contract amount

TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK

This was Item 21 on Agenda of July 9, 2008

63. Ordinance 2008-0667

ORDINANCE amending Ordinance #2007-907 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T & T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - 1 Year - \$2,148,129.00 Police Special Services Fund (METRO) - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 22 on Agenda of July 9, 2008

64. Ordinance 2008-0668

ORDINANCE approving and authorizing contracts between the City of Houston and **MORRIS AND McDANIEL, INC** and **INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC** for Assessment Process Center Services for the Houston Police Department; providing maximum contract amounts - 3 Years with two one-year options - \$830,280.00 - General Fund

TAGGED BY COUNCIL MEMBER HOLM

This was Item 25 on Agenda of July 9, 2008

MATTERS HELD - continued

Motion 2008-0583 – Suspend rules to consider Items 65 and 65a after Item 4

Motion 2008-0585 – Written motion by Council Member Khan to amend Item 65 as follows:

"I move to amend Item 65 on the July 23, 2008, Agenda as follows:

1. By amending **Section 9** of the proposed Ordinance to read as follows:

"That Subsection (a) of Section 19-43 of the Code of Ordinances, Houston, Texas is hereby amended to read as follows:

'(a) Except as may be otherwise provided in this chapter, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:

- (1) Encroachment by the deposition of fill, or other similar construction, within the floodway, or the special flood hazard area if no floodway has been designated; or
- (2) New construction, additions to existing structures, or substantial improvement of any structure within the floodway, or the special flood hazard area if no floodway has been designated.

The general restriction stated herein shall not apply to a repair or renovation that is not a substantial improvement."

2. By amending **Section 10** of the proposed Ordinance to read as follows:

"That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:

'(c) The city engineer shall issue a permit for development for an addition to, or for the replacement or substantial improvement of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction; and
- (3) The applicant has paid all fees required by section 19-17(e) of this Code.

If the city engineer cannot so determine, then the city engineer shall deny the permit.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer shall issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

MATTERS HELD - continued

Motion 2008-0585 – continued

If the city engineer cannot so determine, then the city engineer shall deny the permit. If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer shall issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
- (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

If the city engineer cannot so determine, then the city engineer shall deny the permit.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

- (1) The improvement is insubstantial;
- (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and
- (3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' "

65. Motion 2008-0586 – Adopted as amended by Motion 2008-0585

WRITTEN Motion by Council Member Khan to amend Item 65A below:

I move to amend Item 30 on the July 9, 2008 Agenda as follows:

1. By amending **Section 2** of the proposed Ordinance to read as follows:

"That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms *floodway conveyance offset volume* and *Lake Houston*, in the appropriate alphabetical order, that read as follows:

'*Floodway conveyance offset volume* shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.'

'*Lake Houston* shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.' "

MATTERS HELD - continued

Motion 2008-0586 – continued

2. By amending **Section 4** of the proposed Ordinance to read as follows:
“That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:
‘(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.’ ”
3. By amending **Section 5** of the proposed Ordinance to read as follows:
“That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:
‘(1) Identifies an amount of fill associated with pier and beam construction that, although the amount may be approaching zero, is recognized by the city engineer as sufficiently important to be addressed, but for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or’ ”
4. By amending **Section 8** of the proposed Ordinance to read as follows:
“That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:
‘(f) The city engineer shall grant a variance for reconstruction of a structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing foundation that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the foundation.’ ”
5. By amending **Section 10** of the proposed Ordinance to read as follows:
“That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:
‘(c) The city engineer may issue a permit for development for an addition to, or for the repair, renovation, replacement or reconstruction of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:
 - (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
 - (4) The foundation system for the structure will be pier and beam construction;
 - (5) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and
 - (6) The applicant has paid all fees required by section 19-17(e) of this Code.
‘(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

MATTERS HELD - continued

Motion 2008-0586 – continued

(1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;

(2) The foundation system for the structure will be pier and beam construction;

(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);

(4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and

(2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

(1) The improvement is insubstantial;

(2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and

(4) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' ”

6. By adding a new **Section 11A** to the proposed Ordinance, which shall read as follows:

“That Subsection (d) of Section 19-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated June 18, 2007, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.’ ”

MATTERS HELD - continued

Motion 2008-0586 – continued

7. By adding a new **Section 11B** to the proposed Ordinance, which shall read as follows:
“That Subsection (d) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:
‘(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall establish a case on behalf of the city that presents sufficient evidence, that unless it were otherwise rebutted, shows that grounds exist for revocation of the permit in question.’ ”
8. By adding a new **Section 11C** to the proposed Ordinance, which shall read as follows:
“That Subsection (g) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:
‘(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.’ ”

TAGGED BY COUNCIL MEMBERS JOHNSON and NORIEGA

a. **Ordinance 2008-0658- Adopt as amended**

ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to flood plain; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBER NORIEGA

This was Item 30 on Agenda of July 9, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sullivan 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

7/22/2008 – Council Member Johnson absent on personal business

Council Member Clutterbuck out of the City on personal business

7/23/2008 - Council Member Clutterbuck out of the City on personal business