

AGENDA - COUNCIL MEETING - TUESDAY - MAY 13, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0317 to 2008-0330
ORDINANCES - 2008-0415 to 2008-0442
RESOLUTION – None

2008-0316-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Rodriguez

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 2008-0317 – Procedural motion
Motion 2008-0318 – Procedural motion
Motion 2008-0319 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 14, 2008 - 9:00 A. M.

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

MAYOR'S REPORT - Fiscal Year 2009 Budget

CONSENT AGENDA NUMBERS 1 through 34

MISCELLANEOUS - NUMBER 1

1. Motion 2008-0321

REQUEST from Mayor for confirmation of the appointment of the following to the panel of hearing officials to consider appeals from the denial, suspension, or revocation of permits to operate adult arcades, adult mini-theatres, and sexually oriented businesses:

MR. MARK TRACHTENBERG
MR. JOEL W. MOHRMAN
MR. DAVID E. HARRELL, JR.
MR. ROBERT L. KETCHAND

ACCEPT WORK - NUMBER 2

2. Motion 2008-0322

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$704,043.03 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Godwin Park, WBS F-504A07-0001-4 - 4.96% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 6

3. Motion 2008-0326

COMCAST for advertisements, marketing and promotional materials for the Houston Health Choice Initiative for the Department of Health and Human Services - \$100,204.00 - General Fund

4. Ordinance 2008-0416

ORDINANCE appropriating \$550,000.00 out of Public Health Consolidated Construction Fund for Purchase of Office Furniture for Department of Health & Human Services, WBS H-000053-0001-5, D-000080-0001-5, H-000054-0001-5

a. Motion 2008-0323

CONTRACT RESOURCE GROUP, LLC - \$841,345.00 and **MITY-LITE, INC** - \$75,000.00 for Office Furniture through the State of Texas Building and Procurement Commission's Contract for the Department of Health & Human Services – General, Grant and Special Revenue Funds

5. Motion 2008-0324

AT&T for Routers and related equipment through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Public Library - \$234,331.42 - HALAN Fund

6. Motion 2008-0325

TOMMIE VAUGHN MOTORS, INC for Automotive, Air and Spring Brake Parts for Various Departments - \$772,822.16 - General Fund

ORDINANCES - NUMBERS 7 through 34

7. Ordinance 2008-0435

ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2008, and ending June 30, 2009; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Co-Bond Counsel Agreement; making other findings and provisions relating to such notes and matters incident thereto; and declaring an emergency

8. Ordinance 2008-0436

ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2008, and ending June 30, 2009; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency

ORDINANCES - continued

9. Ordinance 2008-0417

ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the transfer of Parking Management duties from the Convention & Entertainment Facilities Department to the Public Works & Engineering Department

10. Council Members Holm, Johnson, Khan, Green, Brown, Clutterbuck, Noriega, Adams and Jones tagged

ORDINANCE **AMENDING SECTION 4620 OF THE CITY OF HOUSTON BUILDING CODE, ("The Houston Sign Code")**, to expand and revise the application of the provisions thereof currently applying to the East Side Sports and Convention Complex District and the Theater District to include a Retail and Entertainment District; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date - **DISTRICT I - RODRIGUEZ**

11. Ordinance 2008-0418

ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS, (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)** - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

a. Ordinance 2008-0419

ORDINANCE approving fourth amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)**; determining the portion of tax increment the City will pay from the area annexed into the Zone; authorizing the City Secretary to distribute such plans **DISTRICTS D - ADAMS and I - RODRIGUEZ**

b. Ordinance 2008-0420

ORDINANCE relating to the fiscal affairs of the Old Spanish Trail/Almeda Corridors Redevelopment Authority on behalf of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Year 2009-2013 Capital Improvement Budget for the Zone **DISTRICTS D - ADAMS and I - RODRIGUEZ**

12. Ordinance 2008-0421

ORDINANCE approving second amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREENSPPOINT ZONE)**; authorizing the City Secretary to distribute such plans - **DISTRICT B - JOHNSON**

a. Ordinance 2008-0422

ORDINANCE relating to the fiscal affairs of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREENSPPOINT ZONE)**; approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Year 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT B - JOHNSON**

Motion 2008-0320 – Suspend rules to consider Item 13 out of order

13. Ordinance 2008-0415

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **BUREAU OF JUSTICE ASSISTANCE** under the Smart Office Support Program for the Adam Walsh Act Implementation Grant Program FY2009; 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

ORDINANCES - continued

14. Ordinance 2008-0423

ORDINANCE approving and authorizing amendment No. 1 to Lease Agreement between the City of Houston and **HAM'S AVIATION MAINTENANCE SERVICE, INC** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**

15. Ordinance 2008-0424

ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to an agreement for Job Order Contracting between the City of Houston and **KELLOGG, BROWN & ROOT SERVICES, INC** (Project No. 516); WBS A-000348-0001-4-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

16. Ordinance 2008-0425

ORDINANCE appropriating \$45,318,002.00 out of HAS Consolidated 2004 AMT Construction Fund and \$744,662.00 out of Airports Improvement Fund (Project No. 536K) WBS A-000354-00005-4-01 and awarding construction contract to **BOMBARDIER TRANSPORTATION USA, INC** for Automated People Mover Phase 3, System Fabrication and Installation at George Bush Intercontinental Airport/Houston; setting a deadline for Bombardier Transportation USA, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding Bombardier Transportation USA, Inc in default if it fails to meet the deadlines; providing funding for contingencies and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT B - JOHNSON**

17. Ordinance 2008-0426

ORDINANCE approving and authorizing an agreement between the City of Houston and **SSFP 288 VII LLC** to provide \$1,500,000.00 Performance-Based Loan of Federal "HOME" Funds for costs to construct apartments to be known as Cypress Creek at Reed Road, located in the 2900 block of Reed Road, Houston, Texas, to house qualified low income residents - **DISTRICT D - ADAMS**

18. Ordinance 2008-0437

ORDINANCE approving and authorizing sixteen (16) Single Family Home Repair Contracts between the City as the Repair Agency, acting on behalf of sixteen (16) Homeowners, and seven (7) Construction Contractors (**MARCO ANTONIO RAMIRIZ FRAMING, SF ADVANCE DRYWALL, PPMG CUSTOM HOMES, CM CONSTRUCTION, KIRKLAND HOMES, GENERAL CONTRACTOR SERVICES, INC, and JOSHUA DADE HOMES**) and providing \$1,356,383.56 (including a 10% contingency of \$123,307.60) in Community Development Block Grant Funds for the demolition and reconstruction work (Tier III) on sixteen (16) houses under the Single Family Home Repair Program Administrative Guidelines, as amended - **DISTRICTS B - JOHNSON; D - ADAMS; H - GARCIA and I - RODRIGUEZ**

19. Council Members Jones, Green, Johnson and Holm tagged

ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, LLP** for Legal Services relating to Civil Action No. 4:07-CV-04021; Shelby Stewart, et al. v. City of Houston, et al; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$150,000.00 - General Fund

20. Ordinance 2008-0427

ORDINANCE appropriating \$260,000.00 out of FY08 Equipment Acquisition Fund for the purchase of Technology Upgrades and Modifications to the Computer Aided Dispatch (CAD) System for the Houston Emergency Center

ORDINANCES - continued

21. Ordinance 2008-0428

ORDINANCE appropriating \$567,000.00 out of Equipment Acquisition Consolidated Fund, WBS X-650003-0001, and awarding contract to **HOWARD R. GREEN COMPANY** for Purchase of a Hosted License and Permit System for Administration & Regulatory Affairs Department; providing a maximum contract amount - 2 Years with three one-year options - \$580,000.00 General Fund

22. Ordinance 2008-0429

ORDINANCE awarding contract to **PORTER LEE CORPORATION** for Software Licenses, Implementation and Maintenance Services for an Integrated Evidence Management System for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$367,690.00 - General and Asset Forfeiture Funds

23. Ordinance 2008-0430

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and appropriating \$3,231,134.98 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **TIBH INDUSTRIES, INC** for Plastic Meter Box and Cover Installation Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options

24. Ordinance 2008-0438

ORDINANCE awarding contract to the **LETCO GROUP, LLC** for Wood Waste Removal Services for the Solid Waste Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,943,700.00 - General Fund

25. Ordinance 2008-0439

ORDINANCE approving and authorizing Professional Energy Audit Services Contracts with the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** and **TAC AMERICAS, INC** for Various City Facilities - \$200,000.00 - In-House Renovation Revolving Fund

26. Ordinance 2008-0431

ORDINANCE appropriating \$25,000.00 out of Public Library Consolidated Construction Fund for Programming Services in connection with the Renovation of the Deluxe Theater in the Fifth Ward, WBS E-000178-0001-3 - **DISTRICT B - JOHNSON**

27. Council Member Jones tagged

ORDINANCE appropriating \$2,214,735.00 out of Parks Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP** for Forestry Complex Relocation, WBS F-504A17-0001-4; 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, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

28. Ordinance 2008-0440

ORDINANCE appropriating \$626,335.00 out of Parks Consolidated Construction Fund; awarding construction contract to **ARROW SERVICES, INC** for Asbestos Abatement and Interior Demolition at Gragg Building, WBS F-0504D1-0003-4; 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, air monitoring and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

29. Ordinance 2008-0432

ORDINANCE appropriating \$106,187.50 out of Parks Consolidated Construction Fund; awarding construction contract to **BOYER, INC** for Hermann Park-Phase II and 5KV Upgrades, WBS F-000508-0001-4; 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 services and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT D - ADAMS**

30. Council Member Johnson tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **CH2M HILL, INC** for Water System Operations Engineering Support, WBS S-000522-0009-3 - 5 Years \$3,000,000.00 - Enterprise Fund

31. Ordinance 2008-0433

ORDINANCE appropriating \$1,701,916.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **NORTH HOUSTON POLE LINE, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-001A-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

32. Ordinance 2008-0434

ORDINANCE appropriating \$1,036,197.20 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS ReEXCAVATION, LC**, for New Front Easement Reconnections (UM), WBS R-002011-0063-4; 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 and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

33. Council Member Adams tagged

ORDINANCE appropriating \$1,397,504.50 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for FY08 Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V12-4; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

34. Ordinance 2008-0441

ORDINANCE appropriating \$3,668,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **WESTERN SUMMIT CONSTRUCTORS, INC**, for Improvements to HSPS3 and Yard Piping at EWPP Plant 3, WBS S-000056-0037-4; 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 E - SULLIVAN**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 35

MISCELLANEOUS

35. Motion 2008-0327

SET HEARING DATE to consider a Municipal Setting Designation ordinance for (MSD) for LUI Houston Studemont, L.P. for property located at 1200 Givens - **DISTRICT H - GARCIA**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 2, 2008

MATTERS HELD - NUMBERS 36 through 39

36. Council Member Green tagged

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,034,808.20 and acceptance of work on contract with **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, WBS M-000241-0002-4 5.36% under the original contract amount - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBERS ADAMS, JONES and RODRIGUEZ**

This was Item 8 on Agenda of May 7, 2008

37. Council Member Green tagged

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,247,170.41 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0099-4 4.88% over the original contract amount

TAGGED BY COUNCIL MEMBERS JONES and RODRIGUEZ

This was Item 9 on Agenda of May 7, 2008

38. Motion 2008-0328 – Adopted

WRITTEN Motion by Council Member Lawrence to amend Item 38A below:

I move to amend Item 38A by making the following change in Section 3 of the proposed Ordinance:

1. Amend Section 26-96 by changing the first sentence to read as follows:
“No person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district.”

Motion 2008-0329 – Written motion by Council Member Adams to amend Item 38a as follows:

“I move to amend Item 38a by making the following change in Section 3 of the proposed Ordinance:

Amend Section 26-96 by changing the second sentence to read as follows:

“It is a defense to prosecution under this section that a large vehicle is:

- (1) Actually in the process of being loaded or unloaded;
- (2) Parked while the driver or operator is performing a service visit; or
- (3) Leased or borrowed and parked for a period of not more than 72 hours.” –

Adopted

**Motion 2008-0330 – Motion by Council Member Lovell/seconded by Council Member Khan to amend caption of Item 38a to change the word “areas” to “districts.” –
Adopted**

MATTERS HELD - continued

a. **Ordinance 2008-0442 – Adopt as amended**

ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the parking of large vehicles in residential districts and on the streets
TAGGED BY COUNCIL MEMBERS ADAMS and KHAN

This was Item 17 on Agenda of May 7, 2008

39. **Council Member Green tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **ACORN HOUSING CORPORATION, INC** to provide \$155,000.00 in Community Development Block Grant Funds for Foreclosure Prevention Counseling Services

TAGGED BY COUNCIL MEMBER RODRIGUEZ

This was Item 34 on Agenda of May 7, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

5/13/2008 – All Present

5/14/2008 – All Present