

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 18, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0858 to 2008-0866
ORDINANCES - 2008-1017 to 2008-1051
RESOLUTION – None

2008-0857-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - NOVEMBER 19, 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 2008-0858 – Close hearing

PUBLIC HEARING to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street - **DISTRICT I - RODRIGUEZ**

2. Motion 2008-0858 – Close hearing

PUBLIC HEARING to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive - **DISTRICTS F - KHAN and G - HOLM**

3. Motion 2008-0859 – Close hearing

PUBLIC HEARING on the proposed airport compatible land use regulations and accompanying maps for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 40

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 and 4A

4. Ordinance 2008-1017

ORDINANCE appropriating \$194,830.90 out of the General Improvement Consolidated Construction Fund for Outdoor Seats for Miller Outdoor Theatre for the General Services Department

a. Motion 2008-0860

AMERICAN SEATING COMPANY for Outdoor Seats from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department - \$194,830.90 - General Improvement Consolidated Construction Fund

ORDINANCES - NUMBERS 5 through 40

5. Ordinance 2008-1049

ORDINANCE relating to Safety Codes adopted for the protection of lives and property from fire and other perils; adopting local amendments to the International Residential Code for One-and Two-Family dwellings and to the International Energy Conservation Code; and containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability

6. Ordinance 2008-1018

ORDINANCE amending table 105.8 of the City of Houston Fire Code relating to a certain permit to use hazardous materials to correct a scrivener's error; containing other provisions relating to the foregoing subject; providing for severability

Written motion by Council Member Holm to amend Item 7 as follows:

"(a) Definition. When used in this section, the term subdivision identification marker means a free-standing marker located in the median of a public street right of way or in excess public street right of way of a street within, intended to identify a residential community or residential development, ~~with 50 or more platted single family residential lots. The city engineer may issue a variance for subdivision identification markers for a residential community or residential development with less than 50 single family residential lots.~~"

Written motion by Council Member Holm to amend Item 7 as follows:

"Encroachment permit required. A subdivision identification marker installed after December 31, 2008, in the median of a public street right-of-way or in unimproved excess public street right-of-way of a street within, abutting or adjacent to the subdivision must have an encroachment permit issued by the city engineer's office and shall not be subject to the requirements of the Houston Sign Code (Chapter 46 of the City of Houston Building Code). ~~A subdivision identification marker on private property must have a sign permit issued by the city's sign administration pursuant to the Houston Sign Code.~~"

7. Council Member Holm tagged

ORDINANCE adding a new Section 41-12, relating to Residential Subdivision Identification Markers, to Article I of Chapter 41 of the Code of Ordinances, Houston, Texas

ORDINANCES - continued

8. Ordinance 2008-1019

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and the **UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with a new terminal radar approach control facility (TRACON) at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

9. Ordinance 2008-1020

ORDINANCE approving Lease Agreement between the City of Houston, Texas and **HOUSTON MUNICIPAL EMPLOYEES FEDERAL CREDIT UNION**, as tenant, for space at 611 Walker **DISTRICT I - RODRIGUEZ**

10. Ordinance 2008-1021

ORDINANCE approving and authorizing Lease Agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and Dorothy L. Conley, trustee of the Conley Residuary Trust created under Article IV of the last will and testament of Harry E. Conley, deceased, also known as the Conley Marital trust, ("Tenant") for approximately 20,716 net rentable square feet of parking space located beneath the N. Durham Drive Bridge between White Oak Bayou and the M. K. T. Railroad, Houston, Harris County, Texas, for five (5) years with three five-year renewal options, at a monthly rental of \$200.00 - **DISTRICT H - GARCIA**

11. Ordinance 2008-1022

ORDINANCE consenting to the addition of 28.0669 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

12. Ordinance 2008-1023

ORDINANCE consenting to the addition of 9.1467 acres of land to **GREEN TRAILS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

13. Ordinance 2008-1024

ORDINANCE consenting to the addition of 121.297 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134A**, for inclusion in its district

14. Ordinance 2008-1025

ORDINANCE consenting to the addition of 331.295 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134B**, for inclusion in its district

15. Ordinance 2008-1026

ORDINANCE consenting to the addition of 104.496 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134C**, for inclusion in its district

16. Ordinance 2008-1027

ORDINANCE consenting to the addition of 30.13 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district

17. Ordinance 2008-1028

ORDINANCE consenting to the addition of 6.003 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, of Harris County, Texas, for inclusion in its district

18. Ordinance 2008-1029

ORDINANCE consenting to the addition of 3.019 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district

ORDINANCES - continued

19. Ordinance 2008-1030

ORDINANCE consenting to the addition of 13.788 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67**, for inclusion in its district

20. Ordinance 2008-1031

ORDINANCE consenting to the addition of 11.7120 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its district

21. Ordinance 2008-1032

ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

22. Ordinance 2008-1033

ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

23. Ordinance 2008-1034

ORDINANCE establishing the north and south sides of the 2300 block of Quenby Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

24. Ordinance 2008-1035

ORDINANCE establishing the north and south sides of the 2200-2300 block of Rosedale Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

25. Ordinance 2008-1036

ORDINANCE approving and authorizing contract between City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC**, to provide \$202,811.00 in Community Development Block Grant Funds and \$75,000.00 in Housing Opportunities for Persons With Aids Funds for the HEART Program

Motion 2008-0861 – Suspend rules to consider Item 26 out of order

Motion 2008-0862 – Suspend rules to hear from Mr. Richard Celli on Item 26

26. Ordinance 2008-1048

ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (Fund 2409); approving and authorizing the resolution of outstanding issues raised in HUD Monitoring Reports in 2003, 2004, and 2005 of the City's HOME, CDBG, and HOPWA Programs; authorizing the Mayor to execute necessary documents related thereto

27. Ordinance 2008-1037

ORDINANCE approving and authorizing contracts between the City and (1) **AAR INCORPORATED**, (2) **R&A BUILDING SPECIALISTS**, (3) **ORTHO CONSTRUCTION/RENOVATION COMPANY INC**, (4) **TREBOR INCORPORATED**, and (5) **WATSON CONSOLIDATED** for the City's Lead-Based Paint Hazard Reduction Control Program; providing maximum contract amounts - 2 years with 3 one-year options - \$12,500,000.00 - Grant Funds

ORDINANCES - continued

28. Ordinance 2008-1038

ORDINANCE approving and authorizing contract between the City of Houston and **GENERAL DYNAMICS ITRONIX CORPORATION** for Computer Software and Hardware Maintenance Services for the Department of Public Works and Engineering; providing a maximum contract amount - 3 years with 2 one-year options - \$799,190.00 - Enterprise Fund

29. Omitted

30. Ordinance 2008-1039

ORDINANCE making certain findings and approving the use of portion of Kingwood Park by the Houston Public Library Department as a site for the construction of a New Two-Story Public Library Building containing approximately 30,000 square feet and associated parking spaces, which improvements require the use of 4.845 acres (Parcel GY9-001) portion of the total 9.1206 acres of the Park Area; said findings made after a Public Hearing held at 9:00 a.m. on Wednesday, October 29, 2008, in the City Council Chambers, second floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto; providing for the effective date of such findings and approval - **DISTRICT E - SULLIVAN**

a. Ordinance 2008-1040

ORDINANCE approving and authorizing Interlocal Agreement and Lease Agreement between the City of Houston and **HARRIS COUNTY, TEXAS** for the design, construction, operations and maintenance related to the New Kingwood Library; authorizing purchase of current Kingwood Library by City of Houston from Harris County - **DISTRICT E - SULLIVAN**

b. Ordinance 2008-1041

ORDINANCE appropriating \$6,436,625.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing first amendment to a Construction Management-At-Risk Contract (approved by Ordinance No. 2008-0237) between the City of Houston and **SPAW GLASS CONSTRUCTION CORPORATION** for the Construction of New Kingwood Library; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT E - SULLIVAN**

31. Ordinance 2008-1042

ORDINANCE appropriating \$60,358.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Reconstruction of Hempstead Highway for IH-10 to Mangum Road; (approving by Ordinance No. 94-1052); WBS N-000611-0001-2 **DISTRICT A - LAWRENCE and H - GARCIA**

32. Pulled - Not Considered

ORDINANCE approving and authorizing an amendment to the agreement between the City of Houston and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** for Sanitary Sewer Conveyance to the Blackhawk Wastewater Treatment Plant; providing a maximum contract amount - \$85,201.60 - Enterprise Fund

33. Ordinance 2008-1043

ORDINANCE approving and authorizing a contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** for Treated Surface Water Supply

ORDINANCES - continued

34. Ordinance 2008-1044

ORDINANCE appropriating \$4,095,058.24 out of Metro Project Commercial Paper Series E Fund, \$2,612,423.67 from Water & Sewer System Consolidated Construction Fund; and \$297,383.09 from Water & Sewer Contributed Capital Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Monroe Road Paving from Fuqua to Beltway 8 ("The Project"); 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; declaring the City's intent to reimburse all or part of the funds appropriated with proceeds of joint participation contracts with City of Pearland and HCMUD 382 ("The Joint Participation Contracts") - **DISTRICT E - SULLIVAN**

35. Ordinance 2008-1045

ORDINANCE appropriating \$2,965,223.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D.L. ELLIOTT ENTERPRISES, INC** for FY09 Fire Hydrant Replacement; 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 contingences relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

36. Ordinance 2008-1046

ORDINANCE appropriating \$964,377.00 out of Water & Sewer System Consolidated Construction Fund; awarding a contract to **TROY CONSTRUCTION, L.L.C.** for Wastewater Collection System Rehabilitation and Renewal; 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 the engineering testing, project management, and contingencies relating to the construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund

37. Ordinance 2008-1047

ORDINANCE appropriating \$1,651,033.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0118-4; 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 contingences relating to construction of facilities financed out of Water & Sewer System Consolidated Construction Fund

38. Ordinance 2008-1011 – Passed second reading

ORDINANCE No. 2008-1011, passed first reading November 12, 2008

ORDINANCE granting to **J BAR CONTRACTOR'S SERVICES, 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**

39. Ordinance 2008-1012 – Passed second reading

ORDINANCE No. 2008-1012, passed first reading November 12, 2008

ORDINANCE granting to **TAP ENVIRONMENTAL, 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 - **SECOND READING**

ORDINANCES - continued

40. Ordinance 2008-0984- Passed third and final reading

ORDINANCE No. 2008-984, passed second reading November 12, 2008

ORDINANCE granting to **LONGHORN BAG, LLC, A Texas Limited Liability 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 - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 41 through 44

Motion 2008-0863 – Suspend rules to hear from Mr. Joseph Feniger of HPD

Motion 2008-0864 – Written motion by Council Member Noriega to amend Item 41 as follows:

“1. Amend the caption of the Ordinance to read as follows:

“AN ORDINANCE APPROVING AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REGISTRATION HOLDS ON VEHICLES WITH 1) OUTSTANDING PENALTY FOR PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM VIOLATIONS (A.K.A. THE RED LIGHT CAMERA SYSTEM), AND/OR, SUBJECT TO APPROVAL BY CITY COUNCIL, 2) OUTSTANDING WARRANTS FOR FAILURE TO APPEAR OR FAILURE TO PAY A FINE FOR TRAFFIC MOVING VIOLATIONS; PROVIDING A MAXIMUM CONTRACT AMOUNT; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

2. Replace the signature page of the Interlocal Agreement with the attached replacement signature page to remove the signature line for the Director & Chief Clerk of Municipal Courts Administration Department.
3. Replace Attachment F to the Interlocal Agreement with the attached replacement Attachment F to change the contact information and the type of account information.
4. Amend the Original Allocation of funds to be \$40,000.00 DARLEP Funds instead of \$340,000.00.
5. Amend Section 3 of the Ordinance to decrease the maximum contract amount from \$340,000.00 to \$220,000.00. The total allocation for this contract, including the Original Allocation and all Supplemental Allocations, shall never exceed \$220,000.00.
6. Add Section 7 to the Ordinance to direct the Houston Police Chief to commence the process of sending the City Scofflaw HPD's input files requirements to TXDOT to start the Registration Hold for red light camera violators as soon as practicable.
7. Add Section 8 to the Ordinance to direct the Director & Chief Clerk of Municipal Courts Administration Department to delay sending Municipal Courts' City Scofflaw data input requirement files to TXDOT until further approval by City Council.

MATTERS HELD - continued

41. Ordinance 2008-1050 – Adopt as amended

ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Registration holds on vehicles with 1) Outstanding penalty for Photographic Traffic Signal Enforcement System Violations (a.k.a the Red Light Camera System), and/or 2) Subject to approval by City Council, outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations; providing a maximum contract amount - \$340,000.00 General and DARLEP Funds

POSTPONED BY MOTION #2008-777, 10/22/08

This was Item 41 on Agenda of October 22, 2008

42. Motion 2008-0865 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Sullivan to adopt recommendation from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY (CWQ)** fee for FY09 - \$1,175,230.20 - Enterprise Fund
TAGGED BY COUNCIL MEMBER KHAN

This was Item 7 on Agenda of November 12, 2008

43. Motion 2008-0866 – Adopt

MOTION by Council Member Lovell/Seconded by Council Member Khan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Christy B. Smidt of Kerry R. Gilbert & Associates, Inc., on behalf of EBH Development Group, for abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks Subdivision plat out of the William White Survey, A-836, Parcels SY9-010A and SY9-010B - **DISTRICT G - HOLM**
TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 9 on Agenda of November 12, 2008

44. Ordinance 2008-1051

ORDINANCE amending City of Houston Ordinance No. 2008-385, passed on April 30, 2008 which approved and authorized the submission of the 2008 Consolidated Action Plan ("Plan") and various Federal Grant Applications, by making a substantial amendment to the plan to add a new grant application for the Neighborhood Stabilization Program in the amount of \$13,542,193.00 and to accept the aforementioned grant funds, if awarded - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBERS LOVELL, ADAMS and KHAN

This was Item 22 on Agenda of November 12, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lawrence first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

11/18/2008 – All Present

11/19/2008 – All Present