

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 7, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0742 to 2008-0759
ORDINANCES - 2008-0878 to 2008-0897
RESOLUTIONS – 2008-0025 to 2008-0028

2008-0741-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

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 - OCTOBER 8, 2008 - 9:00 A. M.

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

HEARING - 9:00 A.M.

1. **Motion 2008-0742 – Close hearing**
PUBLIC HEARING on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008

MAYOR'S REPORT - Hurricane Ike recovery update

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBER 2

2. **Motion 2008-0753**
RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2009 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$270,135.19 - Enterprise Fund

ACCEPT WORK - NUMBERS 3 through 7

3. Motion 2008-0754

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,197,758.94 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Northwest Maintenance Facility Underground Storage Tank System Modification, WBS R-000520-0006-4 - 10.56% under the original contract amount - **DISTRICT A - LAWRENCE**

4. Motion 2008-0746

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$755,524.40 and acceptance of work on contract with **R & B GROUP, INC** for Ridegreek Lift Station Replacement, WBS R-000267-0087-4 - 3.97% under the original contract amount - **DISTRICT D - ADAMS**

5. Motion 2008-0747

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,557,171.87 and acceptance of work on contract with **BL TECHNOLOGY, INC** for Automation and SCADA Improvements at 69th Street, Sims North, and Beltway Wastewater Treatment Plants, WBS R-000512-0011-4 - 4.73% over the original contract amount - **DISTRICTS F - KHAN and I - RODRIGUEZ**

6. Motion 2008-0748

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,552,742.05 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Turner Area, WBS S-000035-00E1-4 7.77% under the original contract amount - **DISTRICTS B - JOHNSON and H - GARCIA**

7. Motion 2008-0749

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,746,087.30 and acceptance of work on contract with **COLLINS CONSTRUCTION, L.L.C.** for Water Line Replacement in Parker Road Area, WBS S-000035-00F5-4 - 9.04% under the original contract amount - **DISTRICT B - JOHNSON**

PROPERTY - NUMBER 8

8. Motion 2008-0755

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nancy W. Hargrove, Thompson & Knight, L.L.P., on behalf of Mary Wilson and Ellen W. Schultz, et al, for the abandonment and sale of a 10-foot-wide sanitary sewer easement located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey, Parcels SY8-097 and SY8-098 **DISTRICT G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 11

9. Motion 2008-0750

HEWLETT-PACKARD COMPANY for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources - \$323,014.45 - Houston Emergency Center Fund

10. Ordinance 2008-0878

ORDINANCE appropriating \$437,875.00 out of Limited Use Roadway & Mobility Capital Fund for Purchase and Installation of Playground Equipment for the Playground Without Limits-Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4

PURCHASING AND TABULATION OF BIDS - continued

a. Motion 2008-0751

LONE STAR RECREATION, INC through the Texas Local Government Purchasing Cooperative (Buy Board) - \$287,585.00 and **LANDSCAPE STRUCTURES, INC** through the U. S. Communities Government Purchasing Alliance - \$150,290.00 for the Playground Without Limits - Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4 **DISTRICT F - KHAN**

11. Motion 2008-0752

CPR SERVICES AND SUPPLIES, INC dba MDN ENTERPRISES for Sewer Casting Products for Department of Public Works & Engineering - \$1,019,007.00 - Stormwater Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 32

12. Council Members Garcia, Khan and Green tagged

RESOLUTION in support of Economic Incentives for the development of hotels in the Central Business District - **DISTRICT I - RODRIGUEZ**

13. Resolution 2008-0025

RESOLUTION designating certain properties within the City of Houston as historic landmarks:
Thomas H. Monroe House 1624 Kirby Drive **DISTRICT G - HOLM**
Lester L. Neuhaus House 2227 Brentwood Drive **DISTRICT G - HOLM**

14. Resolution 2008-0026

RESOLUTION designating certain properties within the City of Houston as historic landmarks:
George M. Dow House 2211 Brentwood Drive **DISTRICT G - HOLM**
Craig-Amburn House 3214 Locke Lane **DISTRICT G - HOLM**
Dillon and Lena Carroll
Anderson House 3414 Del Monte Drive **DISTRICT G - HOLM**

15. Resolution 2008-0028

RESOLUTION designating certain properties within the City of Houston as historic landmarks:
Norman D. Adams House 2116 Chilton Road **DISTRICT G - HOLM**
Houston National Bank Building 201 Travis Street (aka 202 Main) **DISTRICT I - RODRIGUEZ**

16. Resolution 2008-0027

RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:
Sterling-Hamman House 401 Emerson Street **DISTRICT D - ADAMS**
David Frame House 403 Westminster Drive **DISTRICT G - HOLM**
Sweeney and Coombs Building 310 Main Street **DISTRICT I - RODRIGUEZ**
Frederic L. Bouknight House 3023 Ella Lee Lane **DISTRICT G - HOLM**

16-1. Council Members Green, Clutterbuck, Jones, Lawrence and Sullivan tagged

ORDINANCE **AMENDING CHAPTERS 1 and 2 OF THE BUILDING CODE** and **CHAPTER 1 OF THE RESIDENTIAL CODE OF THE CITY OF HOUSTON, TEXAS**, relating to registration of roofing contractors; containing findings and other provisions relating to the foregoing subject; providing for severability

Motion 2008-0744 – Suspend rules to hear Mr. Andy Icken on Item 16-1

Motion 2008-0745 – Suspend rules to hear a representative of the roofing industry

17. Ordinance 2008-0879

ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2008-0880

ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard 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**

19. Ordinance 2008-0885

ORDINANCE establishing the north side of the 2400-2500 block of Wheeler 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 I - RODRIGUEZ**

20. Ordinance 2008-0881

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SALVATORE AIR TRANSPORTATION CORP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ**

21. Ordinance 2008-0886

ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$378,220.00 - General Fund

22. Ordinance 2008-0887

ORDINANCE approving and authorizing agreement between the City of Houston and **A. JOE WINTER INVESTIGATIONS** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options \$645,444.95 - General Fund

23. Ordinance 2008-0888

ORDINANCE amending Ordinance No. 2008-0274 to increase the maximum contract amount; appropriating \$60,000.00 out of Police Consolidated Construction Fund; approving and authorizing first amendment to contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.** for Legal Services regarding the Trunked Radio System; providing a maximum contract amount

24. Ordinance 2008-0889

ORDINANCE awarding construction contract to **AAA ASPHALT PAVING, INC** for the Police Academy Running Track, WBS G-HPD002-0001-4; 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 materials testing services, and contingencies relating to construction of facilities financed by the Police Special Services Fund - \$517,000.00 - **DISTRICT B - JOHNSON**

25. Ordinance 2008-0890

ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund; \$150,000.00 out of Public Library Consolidated Construction Fund; \$100,000.00 out of Public Health Consolidated Construction Fund; and \$200,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Roof Consulting Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments, WBS D-000130-0001-3; E-000038-0001-3; H-0000018-0001-3; G-000102-0001-3 and E-000181-0001-3; providing a maximum contract amount

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2008-0891

ORDINANCE appropriating \$873,000.00 out of General Improvement Consolidated Construction Fund, \$2,560,000.00 out of Public Health Consolidated Construction Fund and \$750,000.00 out of Public Library Consolidated Construction Fund and awarding contract to **CHARTER ROOFING COMPANY, INC** in an amount not to exceed \$7,500,000.00 for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston; establishing a maximum contract amount - 3 Years with two one-year options - General, Enterprise, Fleet Management and Building Inspection Funds

27. Ordinance 2008-0892

ORDNANCE awarding contract to **THE FIERO GROUP LTD. CO. d/b/a FENCEMASTER OF HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments; providing a maximum contract amount - \$6,849,744.50 - 3 Years with two one-year options General, Enterprise, Fleet Management, Building Inspection and Storm Water Funds

28. Ordinance 2008-0882

ORDINANCE appropriating \$237,329.14 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CLAUNCH & MILLER, INC** for Neighborhood Street Reconstruction (NSR) 457 (approved by Ordinance No. 05-0392), WBS N-000392-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

29. Ordinance 2008-0883

ORDINANCE appropriating \$2,640,872.50 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Right-of-way and Fleet Maintenance Facilities Expansion, WBS N-00653C-0001-3 and N-00653C-0001-7; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ**

30. Ordinance 2008-0884

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Hirsch Road Reconstruction Project (from Kelly Street to Crosstimbers Street); authorizing the acquisition of certain real property interests by gift, donation, purchase, and/or eminent domain proceedings required for the project and payment of the costs of such purchases and /or eminent domain proceedings of such real property and associated costs for Appraisal fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 91 tracts of land being acquired in fee simple and/or permanent easements, and 29 tracts of land for temporary construction easements to property located in the J. T. Harrell Survey, A-329, or the Harris and Wilson Two League Grant, A-32, in Harris County, Texas, and being more specifically situated out of Blocks 4, 6, 8, 10 and 12 Wilshire Place Subdivision, Blocks 1 and 2 Lumber Lane Subdivision, Blocks 2 and 3 Lumber Lane Section 2 Subdivision, Blocks 4 and 5 of Westcott Gardens Subdivision Number 3, Blocks 1, thru 5 of Bennington Place Subdivision, Blocks 1 and 2 of Field and Tashnek Subdivision, Blocks 1, thru 3 of Bonita Gardens Subdivision, Block 1 of Florida Gardens Subdivision, and Lots 42, 47, 48, 60, 61 and 76 of Cranford Place Subdivision, said parcels of land being along the east and west lines of Hirsch Road from Kelly Street to Crosstimbers Street in Houston, Harris County, Texas - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

31. Council Member Lawrence tagged

ORDINANCE appropriating \$3,445,816.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0121-4; 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 2008-0868 – Passed second reading

ORDINANCE No. 2008-868, passed first reading October 1, 2008

ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 33 and 34

MISCELLANEOUS

33. Motion 2008-0756

SET HEARING DATE 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**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008

34. Motion 2008-0757

SET HEARING DATE 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**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008

MATTERS HELD - NUMBERS 35 through 40

35. Motion 2008-0758 – Adopt

MOTION by Council Member Green/Seconded by Council Member Garcia to adopt recommendation from Purchasing Agent to award to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,265.00 and contingencies for a total amount not to exceed \$135,591.50 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER SULLIVAN**
This was Item 11 on Agenda of October 1, 2008

MATTERS HELD - continued

36. Ordinance 2008-0893

ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBER JONES

This was Item 12 on Agenda of October 1, 2008

37. Ordinance 2008-0894

ORDINANCE approving and authorizing contract between the City of Houston and **OLSON AND OLSON, L.L.P.** for Legal Services relating to preparation of new development ordinance changes necessary to implement the Urban Corridor Planning Process; establishing a maximum contract amount - \$60,000.00 - General Fund - **DISTRICTS C - CLUTTERBUCK; D**

- ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ

TAGGED BY COUNCIL MEMBERS GREEN, JONES and LAWRENCE

This was Item 24 on Agenda of October 1, 2008

38. Ordinance 2008-0895

ORDINANCE awarding contract between the City of Houston and **CHARLOTTE J. WORD** and **ROBIN W. COTTON** for Forensic DNA Consulting Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,250,000.00 General Fund - **TAGGED BY COUNCIL MEMBERS HOLM and JONES**

This was Item 26 on Agenda of October 1, 2008

39. Ordinance 2008-0896

ORDINANCE increasing the maximum contract amount for the agreement between the City of Houston and **ITRON, INC** for implementation of the Automated Meter Reading System for the Department of Public Works & Engineering, WBS S-000956-0002-5 - \$3,500,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBERS LAWRENCE and HOLM**

This was Item 35 on Agenda of October 1, 2008

Motion 2008-0759 – Suspend rules to remain in session beyond the scheduled 12 noon recess

40. Ordinance 2008-0897

ORDINANCE amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** - \$60,000.00 - General Fund

POSTPONED BY MOTION #2008-733, 10/1/08

This was Item 39 on Agenda of October 1, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega 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

10/7/2008 – Council Members Lawrence, Green and Jones absent on City business

10/8/2008 – All Present