

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 14, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0760 to 2008-0774
ORDINANCES - 2008-0898 to 2008-00925
RESOLUTION – 2008-0029

2008-0759-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

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 15, 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 2008-0760 – Recess the Hearing to October 22, 2008**
PUBLIC HEARING to determine just and reasonable Retail Water and Sewer Rates of
SOUTHERN WATER CORPORATION within the City of Houston - **DISTRICT B - JOHNSON**

MAYOR'S REPORT -
1. Hurricane Ike Recovery Update
2. Public Safety Radio Safety

CONSENT AGENDA NUMBERS 2 through 43

MISCELLANEOUS - NUMBERS 2 through 3A

Motion 2008-0761 – Suspend rules to consider Items 2, 31, 44 and 45 out of order

2. Motion 2008-0762

REQUEST from Mayor for confirmation of the appointment of **MR. QUI VUONG**, to Position Two of the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS**, for a term to expire August 1, 2009

3. Council Member Rodriguez tagged

RECOMMENDATION from Director Department of Public Works & Engineering to amend the Planning Commission recommendation for “Kirby 1” segment by reclassifying Kirby between Southwest Freeway and Bissonnet Street as a 95-foot-right-of-way principal thoroughfare

Motion 2008-0772 – Divide the question to consider Mills Branch application 1 through 4 separately in Item 3a – Council Member Rodriguez tagged

a. Council Member Rodriguez tagged

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2008 MTFP in map form

ACCEPT WORK - NUMBERS 4 and 5

4. Motion 2008-0764

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,320,490.59 and acceptance of work on contract with **PACE SERVICES, L.P.** for Westview Paving: Shadowdale to Beltway 8, WBS N-000549-0004-4 5.94% under the original contract amount - **DISTRICT A - LAWRENCE**

5. Motion 2008-0765

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,060,724.50 and acceptance of work on contract awarded to **J & N INTERNATIONAL COATINGS** and completed by the surety, **SURE TEC INSURANCE, INC** for Rehabilitation of Two Ground Storage Tanks at the Southwest and Jersey Village Pumping Stations, WBS S-000600-00B1-4 - 6.74% under the original contract amount **DISTRICTS A - LAWRENCE and C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 12

6. Motion 2008-0774

LION APPAREL, INC for Apparel, Uniforms for Houston Airport System - \$1,568,133.00 Enterprise Fund

7. Ordinance 2008-0898

ORDINANCE appropriating \$226,948.15 out of General Improvement Consolidated Construction Fund for Purchase of Office Furniture for the Information Technology, Human Resources and General Services Departments, WBS D-000119-0001-5, D-0000EQ-0001-5

a. Motion 2008-0766

CONTRACT RESOURCE GROUP, LLC for Office Furniture through the State of Texas Building and Procurement Commissioner’s Contract (TXMAS) for the Information Technology, Human Resources and General Services Departments

PURCHASING AND TABULATION OF BIDS - continued

8. Ordinance 2008-0899

ORDINANCE appropriating \$120,086.00 out of Equipment Acquisition Consolidated Fund, WBS X-340003-0001-3-01 and \$10,000.00 out of Equipment Acquisition Consolidated Fund, WBS X-340003-0001-3-02 for Purchase of Digitization and Digital Darkroom Equipment for the Houston Public Library

a. Motion 2008-0767

DIGITAL TRANSITIONS, INC for Digitization and Digital Darkroom Equipment for the Houston Public Library - \$71,000.00

9. Motion 2008-0768

AMERICAN AVK COMPANY for Fire Hydrants for Department of Public Works & Engineering \$227,025.75 - Enterprise Fund

Motion 2008-0773 – Suspend rules to remain in session beyond the scheduled 12 noon recess

10. Motion 2008-0769

PARADIGM TRAFFIC SYSTEMS, INC for Intelligent Transportation System (ITS) Traffic Signal Controller Cabinet Assembly and Components for Department of Public Works & Engineering \$825,632.00 - General Fund

11. Motion 2008-0770

AQUATECH MEASUREMENT SYSTEMS, INC for Water Meter Test Bench for the Department of Public Works & Engineering - \$86,662.11 - Enterprise Fund

12. Motion 2008-0771

SOUTHWEST SOLUTIONS GROUP, INC for Shelf Filing and Storage Systems from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$60,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 13 through 43

13. Ordinance 2008-0923

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Automobile Dealer and Salesman Licensing

14. Council Member Lawrence tagged

ORDINANCE **AMENDING SECTION 105 OF THE CITY OF HOUSTON FIRE CODE**, relating to Permit Fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

15. Ordinance 2008-0900

ORDINANCE consenting to the addition of 35.7806 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

16. Ordinance 2008-0901

ORDINANCE consenting to the addition of 3.4434 acres of land to **FAULKY GULLY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district

17. Ordinance 2008-0902

ORDINANCE consenting to the addition of 40.029 acres of land to **GRANT ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district

ORDINANCES - continued

18. Ordinance 2008-0903

ORDINANCE consenting to the addition of 33.58 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439**, for inclusion in its district - **DISTRICT B - JOHNSON**

19. Ordinance 2008-0904

ORDINANCE consenting to the addition of 1.500 acres of land to **NEWPORT MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

20. Ordinance 2008-0905

ORDINANCE consenting to the addition of 3.6279 acres of land to **NORTH FOREST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

21. Ordinance 2008-0906

ORDINANCE consenting to the addition of 19.00 acres of land to **WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district

22. Ordinance 2008-0907

ORDINANCE consenting to the addition of 1.9052 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**, for inclusion in its district

23. Council Members Clutterbuck, Holm, Khan, Lawrence and Jones tagged

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) 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

24. Ordinance 2008-0908

ORDINANCE approving and authorizing amended and restated Agreement among the City of Houston, Texas, Reinvestment Zone Number One, City of Houston, Texas (Saint George Place Zone), and the Saint George Place Redevelopment Authority to finance certain Public Infrastructure Improvements - **DISTRICT C - CLUTTERBUCK**

a. Ordinance 2008-0909

ORDINANCE relating to the Fiscal Affairs of the Saint George Place Redevelopment Authority on behalf of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT C - CLUTTERBUCK**

25. Ordinance 2008-0910

ORDINANCE approving and authorizing the City of Houston to enter into first contract amendment with the **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to add two school sites and provide an additional \$65,000.00 for the administration of an After School Achievement Program - Grant Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ**

26. Ordinance 2008-0911

ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program ("ASAP") - \$355,580.00 - General Fund and \$429,420.00 - CDBG Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; H - GARCIA and I - RODRIGUEZ**

ORDINANCES - continued

27. Ordinance 2008-0912

ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Urban Outdoor Recreation Grant Program, administered by the State of Texas, to support the Townwood Park Improvement Project; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT D - ADAMS**

28. Council Member Lawrence tagged

ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Urban Outdoor Recreation Grant Program, administered by the State of Texas, to support the Sylvester Turner Park Phase III Improvement Project; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT A - LAWRENCE**

29. Council Members Khan and Garcia tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **JPMORGAN CHASE, N. A.** for Check Processing, Validation and Imaging Services for the Municipal Courts Administration Department - **DISTRICT H - GARCIA**

30. Council Member Brown tagged

ORDINANCE relating to the Retail Electric Rates of **ENTERGY TEXAS, INC** within the City of Houston, Texas; approving a settlement agreement relating to an increase in Entergy Texas, Inc's rates - **DISTRICT E - SULLIVAN**

31. Council Member Green tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **MCGLINCHEY STAFFORD, P.L.L.C.** for Legal Services relating to Cause No. 2008-51588; City of Houston v. Candlelight Condo Investments, LLC et al.; in the 270th Judicial District Court of Harris County, Texas; providing a maximum contract amount - \$320,000.00 - Property and Casualty Fund - **DISTRICT B - JOHNSON**

32. Ordinance 2008-0924

ORDINANCE amending Ordinance 2006-1043 to increase the maximum contract amount of contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P. and SILVER & ASSOCIATES, INC,** for Temporary Employee Services and Information Technology Staffing Services - \$2,600,000.00 Central Services Revolving Fund

33. Ordinance 2008-0913

ORDINANCE authorizing the Director of the Houston Airport System to effect transfers of certain reimbursement grant funds to the Airport System Senior Lien Bond Interest and Sinking Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

34. Ordinance 2008-0914

ORDINANCE appropriating transfer of an amount not to exceed \$50,000,000.00 from the Houston Airport System Airports Improvement Fund for certain Houston Airport System Capital Expenditures; declaring the Houston Airport System's intent to reimburse the Airports Improvement Fund with bond proceeds - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

ORDINANCES - continued

35. Ordinance 2008-0915

ORDINANCE appropriating \$5,893,420.00 out of Airports Improvement Fund, \$16,440,750.00 from Transportation Security Administration Grant Funds; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal D Fully Automated Explosive Detection System In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston (IAH), WBS A-000486-0012-4-01 and A-000486-0012-4-02, (Project No. 612K); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding Vanderlande Industries, 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 fund - **DISTRICT B - JOHNSON**

36. Ordinance 2008-0916

ORDINANCE appropriating \$315,019.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing an Interlocal Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Improvements to the Central Business District Communications System; WBS N-000650-0047-4

37. Ordinance 2008-0917

ORDINANCE appropriating \$47,240.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation for an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance No. 07-0510) for construction of White Heather Street and Storm Sewer Improvements, WBS M-000262-0001-4 - **DISTRICT D - ADAMS**

38. Ordinance 2008-0918

ORDINANCE appropriating \$132,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Services Contract between the City of Houston and **TERRACON CONSULTING, INC** for Technical Research and Consultation for Pavement Sub-Grades (approved by Ordinance No. 07-0760), WBS N-000668-0012-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

39. Ordinance 2008-0919

ORDINANCE appropriating \$2,440,328.34 out of Metro Project Commercial Paper Series E Fund, awarding construction contract to **TJ & T ENTERPRISES, INC** for West Houston Traffic Signal Communications along Wilcrest, Briar Forest, Meadowglen, Richmond, Beechnut, Dairy Ashford, Cook Road, Harwin and Rogerdale Corridors, and other various locations citywide, WBS N-000650-0035-4; 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 contingencies and project management relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund

40. Ordinance 2008-0920

ORDINANCE appropriating \$4,890,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PRELOAD, INC** for Construction of Concrete Ground Storage Tank, WBS S-000610-00A2-4; 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 F - KHAN**

ORDINANCES - continued

41. Ordinance 2008-0921

ORDINANCE appropriating \$730,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation and approving and authorizing second amendment to construction contract (approved by Ordinance No. 2006-0579) between the City of Houston and **TIMES CONSTRUCTION, INC** for Renovation and Expansion of Fifth Ward Multi-Service Center, WBS H-000054-0001-4; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON**

42. Ordinance 2008-0922

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on proposed amendments to the Strategic Partnership Agreements between the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris County; proposed Strategic Partnership Agreements between the City of Houston and **ADDICKS UTILITY DISTRICT; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500** involving the Towne Lake Management District; and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501** involving the Towne Lake Management District; and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris County; proposed Strategic Partnership Agreements between the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 2; and CINCO MUNICIPAL UTILITY DISTRICT NO. 5** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Fort Bend County, proposed Strategic Partnership Agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 144; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 371; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383; and HARRIS COUNTY UTILITY DISTRICT NO. 15;** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such districts in Harris County; proposals for the City of Houston to impose the City of Houston's Sales and Use Tax in such territory, proposals for the City of Houston to amend the Regulatory Plans for certain territory previously annexed for limited purposes that is located in Harris County and Fort Bend County, located in the vicinity of various Municipal Utility Districts and other similar entities as listed in the ordinance; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability

HEARING DATES - 9:00 A.M. - WEDNESDAY - NOVEMBER 5 and 12, 2008

43. Ordinance 2008-0868 – Passed third and final reading

ORDINANCE No. 2008-868, passed second reading October 8, 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 - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 44 through 46

44. Motion 2008-0763 – Refer back to the Administration

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 - **TAGGED BY COUNCIL MEMBERS GREEN, CLUTTERBUCK, JONES, LAWRENCE and SULLIVAN**
This was Item 16-1 on Agenda of October 8, 2008

45. Resolution 2008-0029

RESOLUTION in support of Economic Incentives for the development of hotels in the Central Business District - **DISTRICT I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBERS GARCIA, KHAN and GREEN
This was Item 12 on Agenda of October 8, 2008

46. Ordinance 2008-0925

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 - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 31 on Agenda of October 8, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Adams 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

10/14/2008 – All Present

10/15/2008 – All Present