

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 21, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0775 to 2008-0795
ORDINANCES - 2008-0926 to 2008-00951
RESOLUTION – 2008-0030

2008-0774-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Garcia

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 22, 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 2008-0775 – Close hearing
PUBLIC HEARING to determine just and reasonable Retail Water and Sewer Rates of
SOUTHERN WATER CORPORATION within the City of Houston - **DISTRICT B - JOHNSON**
RECESSED BY MOTION #2008-760, 10/15/08

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBER 2

2. Motion 2008-0778

RECOMMENDATION from City Attorney to allocate an additional \$120,000.00 to contract for litigation support services between the City of Houston and **BECK, REDDEN & SECREST, L.L.P.** in Civil Action No. 920297 filed in the County Civil Court at Law No. 1, Harris County, Texas entitled Southwestern Bell Telephone, L.P. d/b/a AT&T Texas vs. The City of Houston - CIP Salary Recovery Fund

DAMAGES - NUMBER 3

3. Motion 2008-0779

RECOMMENDATION from City Attorney for settlement of lawsuit styled **JESSICA FISKE** vs. City of Houston and Ronald Revis; in the 61st Judicial District Court of Harris County, Texas; Cause No. 2007-30232 - \$165,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBER 4

4. Motion 2008-0780

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$7,092,061.06 and acceptance of work on contract with **EAS CONTRACTING, L.P.**, for Miscellaneous Airfield Lighting Improvements, Generators and Generator Buildings at Ellington Field; Project No. 588, WBS A-000428-0001-4-01 - 7.947% over the original contract amount **DISTRICT E - SULLIVAN**

PROPERTY - NUMBER 5

5. Motion 2008-0781

RECOMMENDATION from Director General Services Department to appoint Stephen D. Duplantis and Gerald A. Teel, independent appraisers, in connection with the sale of 19.756 acres of land located on Lockwood Drive at Buffalo Bayou (former North Side Sewer Treatment Site) **DISTRICTS H - GARCIA and I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 12

6. Motion 2008-0782

SANOFI PASTEUR, INC for Yellow Fever Vaccine from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$72,192.00 - Health Special Revenue Fund

7. Ordinance 2008-0926

ORDINANCE appropriating \$83,664.00 out of Limited Use Roadway & Mobility Capital Fund for the Purchase and Installation of a Playground Equipment for the Super Neighborhood Action Plan (SNAP) Project - Bordersville Park Playground, WBS F-000719-0001-4 - **DISTRICT B - JOHNSON**

a. Motion 2008-0783

GAMETIME through the U.S. Communities Government Purchasing Alliance for Super Neighborhood Action Plan (SNAP) Project - Bordersville Park Playground for Parks & Recreation Department

8. Ordinance 2008-0927

ORDINANCE appropriating \$433,109.72 out of Limited Use Roadway & Mobility Capital Fund for Construction of Walking Trails and Installation of Site Furnishings and Playground Equipment for the Super Neighborhood Action Plan (SNAP) Park Trail Projects, WBS F-000719-0002-4 **DISTRICTS B - JOHNSON; D - ADAMS and E - SULLIVAN**

PURCHASING AND TABULATION OF BIDS - continued

a. Motion 2008-0784

ALL PLAY, INC through the Texas Local Government Purchasing Cooperative for Super Neighborhood Action Plan (SNAP) Park Trail Projects for Parks & Recreation Department

9. Motion 2008-0785

SHI GOVERNMENT SOLUTIONS, INC for Maintenance and Support Agreement for Novell Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Houston Police Department - \$415,631.40 - General Fund

10. Motion 2008-0786

PHILPOTT MOTORS, LTD., for Automobiles and Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC) for Department of Public Works & Engineering \$357,661.36 - Building Inspection Fund

11. Council Member Jones tagged

AZTECA SYSTEMS, INC for Software Application and Maintenance Support Services for the Workorder Management System (Citywork) for Department of Public Works & Engineering \$110,000.00 - Enterprise Fund

12. Motion 2008-0787

PHILIP RECLAMATION SERVICES, HOUSTON, INC for spending authority for Household Hazardous Waste Collection, Transportation and Disposal Services through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) for Various Departments - \$1,625,000.00 - Storm Water Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 34

13. Resolution 2008-0030

RESOLUTION supporting the City of Houston's participation in a Waiver request of Local Match Participation to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** to waive local match participation for the Federal Off-System Bridge Program administered by TxDOT **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

14. Ordinance 2008-0936

ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2008

a. Motion 2008-0788

RECOMMENDATION from Director Finance that Council adopt a motion in conformance with the requirements of Section 26.05(b) of the Texas Tax Code

15. Council Members Holm and Clutterbuck tagged

ORDINANCE appropriating \$2,879,890.00 out of Police Consolidated Construction Fund and approving and authorizing a System Procurement Agreement between the City of Houston and **MOTOROLA, INC** for the Public Safety Radio System Project; authorizing the expenditure of grant funds in the amount of \$12,993,456.00; providing a maximum contract amount

a. Council Members Holm and Clutterbuck tagged

ORDINANCE appropriating \$773,181.98 out of Police Consolidated Construction Fund and approving and authorizing Lease Agreement between the City of Houston and **2550 NORTH LOOP WEST LP**, for the Lease of Office Space at 2550 North Loop West relating to the Public Safety Radio System Project; providing a maximum contract amount

RESOLUTIONS AND ORDINANCES - continued

b. Council Member Holm tagged

ORDINANCE appropriating \$100,000.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.** for Legal Services relating to the Public Safety Radio System Project; providing a maximum contract amount

c. Council Member Holm tagged

ORDINANCE appropriating \$137,877.34 out of Police Consolidated Construction Fund for Purchase of Furniture, Information Technology Equipment and Security Equipment for the Public Safety Radio System Project

d. Council Member Holm tagged

CONTRACT RESOURCE GROUP, LLC for Office Furniture from the State of Texas Procurement and Support Services Contract for the Information Technology Department - \$80,991.54

16. Ordinance 2008-0937

ORDINANCE approving and authorizing contract between the City of Houston and **BAY AREA HOUSTON ECONOMIC PARTNERSHIP** for Professional Services related to Tourism and Economic Development Programs on behalf of the Convention and Entertainment Facilities Department and Houston Airport System; providing a maximum contract amount - 3 Years \$300,000.00 - Enterprise Funds

17. Ordinance 2008-0938

ORDINANCE approving and authorizing contract between the City of Houston and the **TEJANO CENTER FOR COMMUNITY CONCERNS, INC** to provide \$500,000.00 in Community Development Block Grant Funds for Renovation/Expansion of the Raul Yzaguirre School for Success located at 2950 Broadway Blvd - **DISTRICT I - RODRIGUEZ**

18. Ordinance 2008-0939

ORDINANCE approving and authorizing an agreement among the City of Houston, Texas, **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS ZONE)**, and the **MEMORIAL HEIGHTS REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GARCIA**

19. Ordinance 2008-0940

ORDINANCE approving and authorizing an agreement between the City of Houston, Texas, and **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)** to finance certain public infrastructure improvements - **DISTRICT E - SULLIVAN**

20. Ordinance 2008-0941

ORDINANCE approving and authorizing an agreement among the City of Houston, Texas, **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**, and the **OLD SIX WARD REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICT H - GARCIA**

21. Pulled - Not Considered

ORDINANCE approving and authorizing an agreement among the City of Houston, Texas, **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE)**, and the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

22. Council Member Jones tagged

ORDINANCE approving and authorizing contract between the City and **MAXIMUS FINANCIAL SERVICES, INC** for Cost Allocation Plan Services for the Department of Finance; providing a maximum contract amount - 3 years with two one-year options - \$298,461.00 - General Fund

23. Ordinance 2008-0942

ORDINANCE approving and authorizing contract between the City of Houston and **SABINE AND MORRISON, RANDAL R. MORRISON**, Attorney at Law, for Legal Services relating to Sign Regulation and Public Forum Issues; establishing a maximum contract amount - \$200,000.00 Property and Casualty Fund

24. Ordinance 2008-0943

ORDINANCE approving and authorizing contract between the City of Houston and **CAMPBELL & CHADWICK, P.C.** for Expert Witness Services, providing a maximum contract amount \$95,000.00 - Property and Casualty Fund

25. Ordinance 2008-0928

ORDINANCE appropriating and transferring \$300,000.00 from the Hurricane Katrina Aid & Recovery Fund to the General Fund Fund Balance; appropriating and transferring \$300,000.00 from the General Fund Fund Balance to the Housing & Community Development Department's General Fund Expenditure Budget to fund relocation services for residents of apartment and condominium projects that are ordered vacated by the Building Official

25-1 Ordinance 2008-0944

ORDINANCE making certain findings and providing assurances to the United States of America in connection with any removal by the City of disaster-generated debris from private property in the public interest

26. Ordinance 2008-0929

ORDINANCE changing the name of **YORKTOWN PLACE** to **MILAN ESTATES - DISTRICT G - HOLM**

27. Ordinance 2008-0930

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposed Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 503** involving the Towne Lake Management District; and on a proposal for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such district in Harris County; a proposal for the City of Houston to impose the City of Houston's Sales and Use Tax in such territory; 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

28. Ordinance 2008-0931

ORDINANCE amending Ordinance No. 2003-802 as amended, to increase the maximum contract amount to contract 4600000767 (C55275) between the City of Houston and **HOUMA ARMATURE WORKS HOUSTON, LLC (formerly known as TOTAL POWER SYSTEMS, INC)** for Pump, Submersible-Large Repair Services for the Public Works and Engineering Department \$700,000.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2008-0945

ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to Contract between the City of Houston and **HNTB CORPORATION** for On-Call Planning Services with the Houston Airport System, WBS A-000368-0002-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

30. Ordinance 2008-0932

ORDINANCE appropriating \$3,598,010.00 out of Police Consolidated Construction Fund, approving and authorizing first amendment to Construction Management-at-Risk Contract (approved by Ordinance No. 2007-1359) between the City of Houston and **GILBANE BUILDING COMPANY** for the construction of the HPD Qualification Pistol Range, WBS G-000088-0003-4; providing funding for engineering and testing services, Civic Art Program, Target System and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund

31. Ordinance 2008-0946

ORDINANCE appropriating \$375,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (approved by Ordinance No. 07-0028), WBS N-000668-0011-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ**

32. Ordinance 2008-0933

ORDINANCE appropriating \$519,422.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0126-4; 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

33. Ordinance 2008-0934

ORDINANCE appropriating \$3,100,581.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-000295-0020-4; 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

34. Ordinance 2008-0935

ORDINANCE appropriating \$483,922.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES, GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000295-0021-4; 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

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 35 through 38

MISCELLANEOUS

35. Motion 2008-0789

MOTION to set a date not less than seven (7) days from October 22, 2008 to receive nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two-year term – **Set to October 29, 2008**

36. Motion 2008-0790

MOTION to set a date not less than seven (7) days from October 22, 2008 to receive nominations for Position 10 on the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two-year unexpired term that will end on March 1, 2010 – Set to October 29, 2008

37. Motion 2008-0791

SET A HEARING DATE regarding amendments to the Project and Financing Plan for **TAX INCREMENT REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE) DISTRICTS C - CLUTTERBUCK and G – HOLM** – Set hearing to October 29, 2008
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - OCTOBER 29, 2008

PURCHASING AND TABULATION OF BIDS

38. Motion 2008-0792

RECOMMENDATION from Purchasing Agent to make the following awards for Safety Equipment and Supplies for Various Departments - \$2,475,189.56 - General and Enterprise Funds:

SECURITY SAFETY & SUPPLY, INC - \$52,289.97

SAFETY SUPPLY, INC Bid I - \$170,081.25

SAFETY SUPPLY, INC Bid II - \$1,637,793.62

GLOBE ELECTRIC CO., INC - \$350,000.00

ADVANCED RESCUE SYSTEMS - \$265,000.00

COUNCIL DRAW LOTS

GROUP I, Item No. 34 (earplugs), due to receiving identical bids from **SAFETY SUPPLY, INC Bid II** and **SECURITY SAFETY & SUPPLY, INC** in the amount of \$24.72 - **SECURITY SAFETY & SUPPLY, INC** drawn

MATTERS HELD - NUMBERS 39 through 45

39. Motion 2008-0793

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering to amend the Planning Commission recommendation for "Kirby 1" segment by reclassifying Kirby Drive between the Southwest Freeway and Bissonnet Street as a 95-foot-right-of-way principal thoroughfare

TAGGED BY COUNCIL MEMBER RODRIGUEZ

This was Item 3 on Agenda of October 15, 2008

MATTERS HELD – continued

a. Motion 2008-0794

Motion by Council Member Sullivan/Seconded by Council Member Khan to refer back to the administration the Mills Branch application, Parts 1 through 4 of Item 39B below:

Note: Question was divided on 10/15/08

TAGGED BY COUNCIL MEMBER RODRIGUEZ

b. Motion 2008-0795 – Adopt as amended by Motion 2008-0793 and 2008-0794

MOTION by Council Member Khan/Seconded by Council Member Garcia that the recommendation of the Director of the Planning and Development Department, relative to amendments to the 2007 Major Thoroughfare and Freeway Plan, be adopted, and amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) are hereby approved by the City Council and authority is hereby given to publish the 2008 Major Thoroughfare and Freeway Plan in map form - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 3A on Agenda of October 15, 2008

40. Ordinance 2008-0947

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

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 14 on Agenda of October 15, 2008

Motion 2008-0776 – Suspend rules to consider Item 41 out of order

41. Motion 2008-0777 – Postpone to November 19, 2008

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 - **TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, HOLM, KHAN, LAWRENCE and JONES**

This was Item 23 on Agenda of October 15, 2008

42. Ordinance 2008-0948

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** - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 28 on Agenda of October 15, 2008

43. Ordinance 2008-0949

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**

TAGGED BY COUNCIL MEMBERS KHAN and GARCIA

This was Item 29 on Agenda of October 15, 2008

MATTERS HELD – continued

44. Ordinance 2008-0950

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** - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 30 on Agenda of October 15, 2008

45. Ordinance 2008-0951

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** - **TAGGED BY COUNCIL MEMBER GREEN**
This was Item 31 on Agenda of October 15, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Jones 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

10/21/2008 – Council Member Khan out of the City on business

10/22/2008 – Council Member Khan out of the City on business