

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

**MOTIONS - 2008-0727 to 2008-0741**  
**ORDINANCES - 2008-0853 to 2008-0877**  
**RESOLUTION – None**

**2008-0726-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Lawrence

**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 2008-0727 – Procedural motion**

**5:00 P. M. - RECESS TO 6:00 P.M.**

**HEARING - 6:00 P.M.**

**1. Motion 2008-0728 – Close hearing**

**PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008

**RECONVENE**

**WEDNESDAY - OCTOBER 1, 2008 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**Motion 2008-0729 – Accept report**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 2 through 37**

**MISCELLANEOUS** - NUMBERS 2 through 4

**2. Motion 2008-0737**

RECOMMENDATION from Director Finance Department and the City Controller to approve purchaser term sheet submitted by **JPMORGAN CHASE BANK, N.A.** relative to the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A

**3. Motion 2008-0730**

RECOMMENDATION from Acting Director of Human Resources Department to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency

**4. Motion 2008-0731**

RECOMMENDATION from Acting Director of Human Resources Department for approval of the Holiday Schedule for Calendar Year 2009

**ACCEPT WORK** - NUMBERS 5 through 6A

**5. Motion 2008-0734**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,040,501.01 awarded to **STRUCTURE MANAGEMENT L.L.C.** and acceptance of work by final payment to the surety, **WESTERN SURETY COMPANY** for Parks Master Plan - Burnett Bayland Park, WBS F-504A16-0001-4 - 4.32% over the original contract amount **DISTRICT F - KHAN**

**6. Ordinance 2008-0869**

ORDINANCE appropriating \$88,702.29 out of Water & Sewer System Consolidated Construction Fund as additional appropriation for Construction Contract with **BOYER, INC** (approved by Ordinance No. 06-0590; for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4, **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM**

**a. Motion 2008-0738**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,032,899.24 and acceptance of work on contract with **BOYER, INC** for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4 - 6.88% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM**

**PROPERTY** - NUMBERS 7 and 8

**7. Motion 2008-0735**

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas limited partnership & Frost Properties, Ltd., et al., Cause No. 908,308; for acquisition of Parcels AY5-189, LY5-195 & LY5-194; for the **BUFFALO SPEEDWAY PAVING PROJECT from W. Orem - W. Airport**, WBS/CIP N-000619-0001-2-01-01 - **DISTRICT D - ADAMS**

**8. Motion 2008-0736**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY7-040, located at 1026 Blackhaw Street, owned by Joe L. Werner, Sr., for the **PARK ROW ROAD PAVING PROJECT from State Highway 6 to Eldridge Parkway**, WBS N-000723-0001-2 - **DISTRICT A - LAWRENCE**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 11

**9. Motion 2008-0739**

**ARROW SERVICES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$419,550.00 and contingencies for a total amount not to exceed \$461,505.00 Dangerous Building Consolidated Fund - **DISTRICT F - KHAN**

**10. Motion 2008-0740**

**CST ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$72,500.00 and contingencies for a total amount not to exceed \$79,750.00 - Dangerous Building Consolidated Fund - **DISTRICT H - GARCIA**

**11. Council Member Sullivan tagged**

**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**

**ORDINANCES** - NUMBERS 12 through 37

**12. Council Member Jones tagged**

**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

**13. Ordinance 2008-0853**

**ORDINANCE AMENDING SECTION 116.2 OF THE CITY OF HOUSTON BUILDING CODE** relating to hearings provided for by that section; containing findings and other provisions relating to the foregoing subject; providing for severability

**14. Ordinance 2008-0870**

**ORDINANCE** authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds, Series 2008A for the purpose of refunding certain outstanding General Obligation Commercial Paper Notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, an Escrow Agreement and a Bond Purchase Agreement relating to such bonds; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency

**15. Ordinance 2008-0871**

**ORDINANCE** authorizing the issuance of City of Houston, Texas Tax and Revenue Certificates of Obligation, Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency

**ORDINANCES** - continued

**16. Ordinance 2008-0872**

ORDINANCE authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the Series 2008B Bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the series 2008B bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency

**17. Ordinance 2008-0854**

ORDINANCE approving and authorizing application to the **DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL PREPAREDNESS DIRECTORATE** for the assistance to Firefighters Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or his designee to act as the City's representative with authority to approve, accept, reject, alter or terminate grant funds awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$936,000.00

**a. Ordinance 2008-0855**

ORDINANCE appropriating \$237,903.12 out of Equipment Acquisition Fund as the required 20% match for grant award from the **DEPARTMENT OF HOMELAND SECURITY**, assistance to Firefighters Grant Program for the Houston Fire Department

**18. Ordinance 2008-0856**

ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY**, the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** and **FORT BEND COUNTY**; for their participation in the Major Accessory Shop Enforcement/17 Grant

**19. Ordinance 2008-0857**

ORDINANCE approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, Affordable Communities Development Corporation, and Capital One Community Development Corporation II to replace the property description (Exhibit A) in order to correctly identify the ten (10) lots to be developed under the agreement **DISTRICT D - ADAMS**

**20. Ordinance 2008-0858**

ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$2,273,000.00 in Housing Opportunities For Persons with AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$1,136,500.00, for the administration of a Tenant Based Rental Assistance Program, Short Term Rent, Mortgage and Utility Assistance Program and for Supportive Services **DISTRICT D - ADAMS**

**21. Ordinance 2008-0859**

ORDINANCE approving and authorizing contract between the City of Houston and **MEMORIAL PARK CONSERVANCY, INC** for Park Development for the Parks and Recreation Department **DISTRICT G - HOLM**

**ORDINANCES** - continued

**22. Ordinance 2008-0860**

ORDINANCE relating to the Retail Water and Sewer Rates of Southern Water Corporation; setting a hearing to determine just and reasonable rates to be observed within the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT B - JOHNSON**

**HEARING DATE - 9:00A.M. - WEDNESDAY- OCTOBER 15, 2008**

**23. Ordinance 2008-0873**

ORDINANCE approving and adopting updated ongoing Service and Assessment Plan for and on behalf of the **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** covering the period 2008 through 2017 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT C - CLUTTERBUCK**

**a. Ordinance 2008-0874**

ORDINANCE appropriating \$245,848.63 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK**

**24. Council Members Green, Jones and Lawrence tagged**

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**

**25. Ordinance 2008-0875**

ORDINANCE approving and authorizing contract with **JEFFERSON WELLS INTERNATIONAL, INC d/b/a JEFFERSON WELLS** and contract with **ACCRETIVE SOLUTIONS - HOUSTON, LP**, for Professional Accounting and Financial Services for the Finance Department; providing a maximum contract amount - 2 years - \$300,000.00 - General Fund

**26. Council Members Holm and Jones tagged**

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

**27. Ordinance 2008-0861**

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BECKER INDUSTRIES, INC** for certain premises near George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

**28. Ordinance 2008-0862**

ORDINANCE appropriating \$1,922,000.00 out of Airports Improvement Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Electrical Power Distribution System Evaluation for the Houston Airport System, (Project No. 634), WBS A-000557-0001-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**ORDINANCES** - continued

**29. Ordinance 2008-0863**

ORDINANCE appropriating \$39,214,368.00 out of Airport System Consolidated 2004 AMT Construction Fund and \$635,418.00 out of Airports Improvement Fund and awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** for Construction of Automated People Mover Phase 3, Packages 3 and 4 - APM Station and Secure Corridor at George Bush Intercontinental Airport/Houston, (Project No. 536L and 536M), WBS A-000354-0007-4-01; providing funding for contingencies relating to construction of facilities financed by such funds for engineering testing services, and for the Civic Art Program - **DISTRICT B - JOHNSON**

**30. Ordinance 2008-0864**

ORDINANCE appropriating \$151,881.50 out of Equipment Acquisition Consolidated Fund (1800); approving and authorizing Purchase and Sale Agreement between Webster and Barbara Beavers, Seller, and the City of Houston, Texas, Purchaser (the "City"), for 12,780 square feet of land and a 3,392 square foot building, more or less, more commonly known as 6401 East Tidwell Road, Houston, Texas for the Parks & Recreation Department for a purchase price of \$150,000.00 and closing costs - **DISTRICT B - JOHNSON**

**31. Ordinance 2008-0865**

ORDINANCE appropriating \$2,198,815.00 out of Parks Consolidated Construction Fund and \$8,000,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2008-102) between the City of Houston and **GILBANE BUILDING COMPANY** for the Renovation to the Parks & Recreation Department Campus and Park, WBS F-0504D1-0002-4; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Parks Consolidated Construction Fund and the General Improvement Consolidated Construction Fund **DISTRICT I - RODRIGUEZ**

**32. Ordinance 2008-0866**

ORDINANCE appropriating \$26,771.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (approved by Ordinance No. 2008-0539) between the City of Houston and **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Underground Fuel Storage Tank Removal at Kelley Light Vehicle Maintenance Facility, WBS L-000052-0002-4; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**33. Pulled - Not Considered**

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**

**34. Ordinance 2008-0876**

ORDINANCE appropriating the transfer of an amount not to exceed \$100,000,000 from the Combined Utility System General Purpose Fund for Combined Utility System capital expenditures; declaring the Combined Utility System's intent to reimburse the General Purpose Fund with bond proceeds

**ORDINANCES** - continued

**35. Council Members Lawrence and Holm tagged**

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

**36. Ordinance 2008-0867**

ORDINANCE appropriating \$6,805,850.00 out of Street & Bridge Consolidated Construction Fund, \$934,150.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction (NSR) 455, WBS N-000387-0001-4, S-000500-0069-4, R-000500-0069-4; 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, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

**37. Ordinance 2008-0868 – Passed first reading**

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 - **FIRST READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 38 through 40

**38. Motion 2008-0741 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,432,000.41 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for 12/16/20-inch service upgrades and grid extensions in the Greater Greenspoint Area, WBS S-000900-00A4-4 - 9.50% over the original contract amount - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER JOHNSON**  
This was Item 7A on the Agenda of September 24, 2008

**39. Motion 2008-0733 – Postpone one (1) week**

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 - **TAGGED BY COUNCIL MEMBER LAWRENCE**  
This was Item 18 on Agenda of September 24, 2008

**MATTERS HELD** - continued

**40. Ordinance 2008-0877**

ORDINANCE approving and authorizing applications and Budget Submissions to the Department of State Health Services (DSHS) for the following four (4) Public Health Services: (1) Tuberculosis Control; (2) Titles V, XX, & X - Family Planning Services (3) Immunization Program; and (4) Bureau of Nutritional Services for the WIC Program for the 2008-2009 contract period; authorizing the Director of the Health & Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding as awarded; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$13,311,897.00 Grant Fund - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 20 on Agenda of September 24, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Clutterbuck 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

**9/30/2008 – All Present**

**10/1/2008 – Council Member Khan absent on personal business**