

**AGENDA - COUNCIL MEETING - TUESDAY - APRIL 28, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

MOTIONS - 2009-0232 to 2009-0244  
ORDINANCES – 2009-0337 to 2009-0369  
RESOLUTION – None

2009-0231-1

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

**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 - APRIL 29, 2009 - 9:00 A. M.**

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

**HEARINGS - 9:00A.M.**

1. **Motion 2009-0232 – Close hearing**

**PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for Beeson Properties for the site located at 6800, 6900, 7010 and 7020 Old Katy Road - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; DISTRICT H and I - RODRIGUEZ**

**MAYOR'S REPORT** - City of Houston Online Permitting

**CONSENT AGENDA NUMBERS 2 through 46**

**MISCELLANEOUS** - NUMBERS 2 through 5

**2. Motion 2009-0233**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BUILDING AND STANDARDS COMMISSION:**

Panel 1:

Position A6 - **MR. DAN E. GOODMAN, SR.**, for a term to expire December 31, 2009

Panel 3:

Position C2a - **MR. EDDIE GIBBS**, for a term to expire December 31, 2010

Position C3a - **MR. CALVIN WILLS**, for a term to expire December 31, 2009

**3. Motion 2009-0234**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 6**, for terms to expire June 1, 2011:

Position Nine - **MR. DAVID WYNN ROBINSON**

Position Eleven - **MR. GARY DEAN WINGFIELD**

**4. Motion 2009-0235**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1 BOARD OF DIRECTORS:**

Position Two - **MR. TIMOTHY STEPHEN SCHAUER**, appointment, for a term to expire 6/1/2011

Position Seven - **MR. IGNACIO PUJOL, JR.**, reappointment, for a term to expire 6/1/2013

Position Eight - **MR. PAUL B. ROBISHAW**, reappointment, for a term to expire 6/1/2013

Position Nine - **MR. ROGER H. HORD**, reappointment, for a term to expire 6/1/2013

Position Ten - **MR. THOMAS "BEN" GILLIS**, reappointment, for a term to expire 6/1/2013

Position Eleven - **MR. BRETT W. HETHERWICK**, reappointment, for a term to expire 6/1/2013

**5. Motion 2009-0242**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON PARKS BOARD LGC, INC.**, for terms to expire January 1, 2012:

Position Four - **MR. DAVID D. FITCH**, appointment

Position Five - **MS. JILL JEWETT**, appointment

Position Six - **MR. S. REED MORIAN**, reappointment

Position Eleven - **MR. DON K. CLARK**, reappointment

Position Fourteen - **MR. PHILLIP FRANSHAW**, reappointment

Position Seventeen - **MR. BENITO GUERRIER**, reappointment

Position Twenty - **MR. THOMAS G. BACON**, reappointment

**ACCEPT WORK** - NUMBERS 6 through 9

**6. Council Member Brown tagged**

ORDINANCE appropriating \$11,862.41 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Construction Contract between the City of Houston and **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive (Approved by Ordinance No. 2006-510 and 2007-1333) - **DISTRICT G - HOLM**

**a. Council Member Brown tagged**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,192,437.11 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive - 14.25% over the original contract amount - **DISTRICT G - HOLM**

**ACCEPT WORK** - continued

**7. Motion 2009-0236**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,302,464.46 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for West Alameda and 11th Street Lift Stations Bioscrubbers Installation 4.13% under the original contract amount - **DISTRICTS A - LAWRENCE and D - ADAMS**

**8. Motion 2009-0237**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$623,828.25 and acceptance of work on contract with **BOYER, INC** for Alameda Sims, Sims Bayou, and Northwest Treatment Plants Safety and Security Improvements 7.08% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ**

**9. Motion 2009-0238**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,030,478.37 and acceptance of work on contract with **TRIPLE B SERVICES, LLP** for 48-inch Water Line along Cambridge, Holly Hall and Knight Streets from Old Spanish Trail (OST) to West Bellfort - 5.54% under the original contract amount - **DISTRICT D - ADAMS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 12

**10. Ordinance 2009-0361**

ORDINANCE appropriating \$40,000.00 out of Parks Special Fund, \$58,000.00 out of General Improvement Consolidated Construction Fund, and \$204,035.00 out of Parks Consolidated Construction Fund, for Refurbishment of the MLK Memorial Plaza at Bricker Park, Purchase and Installation of Playground Equipment at Shepherd Park, Installation of a Dog Park at TC Jester Park - **DISTRICTS A - LAWRENCE and D - ADAMS**

**a. Motion 2009-0243**

**TF HARPER & ASSOCIATES L.P.** for Bricker Park, Shepherd Park and TC Jester Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks & Recreation Department

**11. Motion 2009-0239**

**CENTRIFUGE REPAIR & ENGINEERING, L.P.** for Emergency Repair Services of the Sludge Conveyor System at the East Water Purification Plant for the Department of Public Works & Engineering - \$60,000.00 - Enterprise Fund

**12. Motion 2009-0244**

**TOTER, INCORPORATED** for Automated Refuse Containers (Two-Wheel Carts) from the Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Solid Waste Management Department - \$899,986.54 - General Fund

**ORDINANCES** - NUMBERS 13 through 46

**13. Council Member Sullivan tagged**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council

**ORDINANCES** - continued

**14. Ordinance 2009-0337**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Ardennes Street between Cullen Boulevard and the South Loop East, containing 0.40 acres of land, more or less, located in Samuel D. Waltman Survey, A-843, Houston, Harris County, Texas; vacating and abandoning said parcel to Silver Knight Holdings L.P., abutting owner, in consideration of its payment to the City of \$40,068.00 and other consideration - **DISTRICT D - ADAMS**

**15. Ordinance 2009-0362**

ORDINANCE approving and authorizing delegation to City of Houston Department Heads the authority to apply for and accept funds under the American Recovery And Reinvestment Act of 2009 ("ARRA")

**16. Ordinance 2009-0338**

ORDINANCE consenting to the addition of 132.162 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143**, for inclusion in its district

**17. Ordinance 2009-0339**

ORDINANCE consenting to the addition of 165.797 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 418**, for inclusion in its district

**18. Ordinance 2009-0340**

ORDINANCE consenting to the addition of 970.544 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district

**19. Ordinance 2009-0341**

ORDINANCE consenting to the addition of 357.615 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 489**, for inclusion in its district

**20. Ordinance 2009-0342**

ORDINANCE establishing the north and south sides of the 600 block of Euclid 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 H**

**21. Ordinance 2009-0343**

ORDINANCE establishing the west side of the 2900-3100 block of Morrison 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 H**

**22. Ordinance 2009-0344**

ORDINANCE establishing the north and south sides of the 600 block of Omar 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**

**23. Council Member Adams tagged**

ORDINANCE making findings concerning the use of the median of Martin Luther King Boulevard within MacGregor Park for Construction and Operation of a Light Rail Line by the Metropolitan Transit Authority of Harris County (METRO) - **DISTRICT D - ADAMS**

**ORDINANCES** - continued

**24. Ordinance 2009-0345**

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY ("ABTPA")** for the Houston Auto Crimes Task Force/18 Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**25. Ordinance 2009-0363**

ORDINANCE approving and authorizing submission of an application for grant assistance to the **US DEPARTMENT OF JUSTICE** and acceptance of the Recovery Act Edward Byrne Memorial Justice Assistance Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept such grant funds, if awarded, to apply for and accept all subsequent awards, if any, pertaining to the program; approving and authorizing an Interlocal Agreement with **HARRIS COUNTY**, a joint applicant

**26. Ordinance 2009-0346**

ORDINANCE approving and authorizing Interlocal Agreement between the City and **HARRIS COUNTY PROTECTIVE SERVICES** for Children and Adults for a continuation of care within Kashmere High School; providing a maximum contract amount - 5 Years - \$865,878.00  
**DISTRICT B - JOHNSON**

**27. Ordinance 2009-0347**

ORDINANCE approving and authorizing the City's Housing and Community Development Department to submit a Housing Activities Application under the Texas Department of Housing & Community Affairs' Texas Community Development Block Grant Program/2008 Supplemental Disaster Recovery Fund pursuant to the State of Texas Plan for Disaster Recovery pursuant to the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

**28. Ordinance 2009-0364**

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, as amended by Ord. No. 2008-1051 and Ord. No. 2009-0262, by making a substantial amendment to the Plan - \$12,375,861.00 - Grant Fund

**29. Ordinance 2009-0348**

ORDINANCE appropriating \$217,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Information Technology Equipment for the Houston Public Library

**30. Ordinance 2009-0349**

ORDINANCE awarding contract to **STRYKER SALES CORPORATION** for Stryker Stretcher Cot Maintenance and Repair Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$411,228.34 - General Fund

**31. Ordinance 2009-0350**

ORDINANCE amending Ordinance No. 2003-1308 (passed on December 17, 2003) to increase the maximum contract amount for contract between the City of Houston and **SOUTHEAST KELLER CORPORATION (A TIBH Agency)** for Cleaning and Janitorial Services for Various Departments \$195,742.32 - Building Inspection, Fleet Management and Enterprise Funds

**ORDINANCES** - continued

**32. Ordinance 2009-0365**

ORDINANCE appropriating \$78,654,685.00 out of Airports Improvement Fund; \$2,500,000.00 out of Airport Renewal and Replacement Fund; (Project No. 417F; Contract No. 4600004538); and approving and authorizing Amendment No. 3 to Construction Management At Risk Contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP** for Terminal and Central Concourse Expansion at William P. Hobby Airport; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT I - RODRIGUEZ**

**33. Ordinance 2009-0351**

ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract for Professional Consulting Services between the City of Houston and **JACOBS ENGINEERING GROUP, INC** for Airport Spatial Information System Development and Management Services for the Houston Airport System (Project No. 584A; Contract No. 4600007373) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**34. Ordinance 2009-0366**

ORDINANCE appropriating \$10,175,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **M. ARTHUR GENSLE JR. & ASSOCIATES, INC** for Professional Architectural and Engineering Services in connection with Terminal D Improvements and Additions at George Bush Intercontinental Airport/Houston (Project Nos. 500N and 500R); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**

**35. Ordinance 2009-0352**

ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **PL PROPYLENE, LLC** - Revenue

**36. Ordinance 2009-0367**

ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE, INC** for Long Point Reconstruction, Pech to Hollister - **DISTRICT A - LAWRENCE**

**37. Ordinance 2009-0353**

ORDINANCE appropriating \$6,000.00 out of Street & Bridge Consolidated Construction Fund, \$6,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **ESPA CORPORATION** for Storm Sewer and Major Street Reconstruction **DISTRICTS C - CLUTTERBUCK and F - KHAN**

**38. Ordinance 2009-0354**

ORDINANCE approving and authorizing ten Professional Materials Engineering Laboratory Contracts for the Department of Public Works & Engineering and ten Professional Materials Engineering Laboratory Contracts for the Houston Airport System between the City of Houston and 1) **FUGRO CONSULTANTS, INC**, 2) **GEOSCIENCE ENGINEERING AND TESTING, INC**, 3) **DAE & ASSOCIATES, LTD. d/b/a GEOTECH ENGINEERING & TESTING**, 4) **GROUND TECHNOLOGY, INC**, 5) **HTS, INC. CONSULTANTS**, 6) **KENALL, INC**, 7) **PARADIGM CONSULTANTS, INC**, 8) **PROFESSIONAL SERVICE INDUSTRIES, INC**, 9) **TITAN TESTING & ENGINEERING SERVICES, INC** and 10) **TOLUNAY-WONG ENGINEERS, INC** for Support of Capital Improvement Plan Projects

**ORDINANCES** - continued

**39. Ordinance 2009-0355**

ORDINANCE appropriating \$3,903,981.00 out of Street & Bridge Consolidated Construction Fund and \$799,611.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Concrete Pavement Management and Improvement Program (Kashmere 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 and 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 B - JOHNSON**

**40. Ordinance 2009-0368**

ORDINANCE appropriating \$3,133,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Panagard and Bissonnet Lift Stations; 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 - **DISTRICTS F - KHAN and G - HOLM**

**41. Ordinance 2009-0356**

ORDINANCE appropriating \$1,649,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 7; 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

**42. Ordinance 2009-0357**

ORDINANCE de-appropriating \$416,000.00 out of Water & Sewer Consolidated Construction Fund from previous On-Call Contract (as passed by Ordinance Number 2006-0556); appropriating \$716,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Water Line and Sanitary Sewer Extensions, 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

**43. Ordinance 2009-0369**

ORDINANCE appropriating \$1,050,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** for Dora Street Sanitary Sewer Replacement; WBS R-002011-0057-4; 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 C - CLUTTERBUCK**

**ORDINANCES** - continued

**44. Ordinance 2009-0358**

ORDINANCE appropriating \$91,652.00 out of Parks Consolidated Construction Fund; awarding construction contract to **RESICOM, INC** for Playground Without Limits-Tidwell Park; 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/materials testing, construction management and contingencies relating to construction of facilities financed out of the Parks Consolidated Construction Fund and Federal Government Grant Fund - \$500,000.00 Grant Fund - **DISTRICT B - JOHNSON**

**45. Ordinance 2009-0313 – Passed third and final reading**

ORDINANCE No. 2009-0313, passed second reading April 22, 2009

ORDINANCE granting to **Q.R.S. OF TEXAS, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

**46. Ordinance 2009-0314 – Passed third and final reading**

ORDINANCE No. 2009-0314, passed second reading April 22, 2009

ORDINANCE granting to **SHE-CO, 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; and making certain findings related thereto **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 47 and 48

**Motion 2009-0240 – Suspend rules to consider Item 47 out of order**

**47. Ordinance 2009-0359**

ORDINANCE establishing the north and south sides of the 2300 block of Albans 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**

**TAGGED BY COUNCIL MEMBER CLUTTERBUCK**

This was Item 19 on Agenda of April 22, 2009

**Motion 2009-0241 – Suspend rules to consider Item 48 out of order**

**48. Ordinance 2009-0360**

ORDINANCE approving and authorizing Agreement for Convention Services between the City of Houston, **ALH PROPERTIES NO. FOURTEEN, L.P.**, and **AMERICAN LIBERTY HOSPITALITY, INC** - 7 Years - Not to exceed \$9,604,000.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK**

This was Item 21 on Agenda of April 22, 2009



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

**4/28/2009 – Council Members Johnson and Jones out of the City on City business**

**4/29/2009 – Council Member Jones out of the City on City business**