

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 5, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS - 2009-0245 to 2009-0262**  
**ORDINANCES – 2009-0370 to 2009-0395**  
**RESOLUTION – None**

**2009-0244-1**

**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 2009-0245 – Procedural motion**  
**Motion 2009-0246 – Procedural motion**  
**Motion 2009-0247- Procedural motion**

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

**RECONVENE**

**WEDNESDAY - MAY 6, 2009 - 9:00 A. M.**

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

**Motion 2009-0248 – Accept reports**

**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 and a Quarterly Investment Report by the City Controller

**MAYOR'S REPORT** - Summer Jobs for Youth

**CONSENT AGENDA NUMBERS 1 through 38**

**MISCELLANEOUS** - NUMBERS 1 through 3

**1. Motion 2009-0249**

REQUEST from Mayor for confirmation of the appointment of **MR. ALLEN DALE WATSON**, to Alternate Position Four, of the **AIRPORT BOARD OF ADJUSTMENT**, for an unexpired term ending February 1, 2011

**2. Motion 2009-0250**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **PUBLIC PARKING COMMISSION**, for terms to expire December 31, 2010:

Position Seven - **MR. ANDREW J. LAYDEN, JR.**

Position Eleven - **MR. BRIAN W. JACKSON**

Position Fifteen - **MR. DALLAS S. JONES**

**3. Motion 2009-0251**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE)**:

Position Two - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2010

Position Five - **MR. HARRY SHANI**, for a term to expire December 20, 2009

**ACCEPT WORK** - NUMBERS 4 and 5

**4. Motion 2009-0252**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,090,058.00 and acceptance of work on contract with **WORKMAN COMMERCIAL CONSTRUCTION SERVICES, INC** for Clayton Library Renovation - 14.64% over the original contract amount - **DISTRICT D - ADAMS**

**5. Motion 2009-0256**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,610,408.16 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Three Ground Storage Tanks at Three Pumping Stations - 3.38% under the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G - HOLM**

**PROPERTY** - NUMBERS 6 and 7

**6. Motion 2009-0257**

RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2008-726, 9/24/08, AND AUTHORIZE** abandonment and sale of East Avenue O, from 96th Street to its eastern terminus and East Avenue N, from 96th Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A and SY8-009B - **DISTRICT I - RODRIGUEZ**

**7. Pulled - Not Considered**

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 not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas Limited partnership, et al., Cause No. 922,728; for acquisition of Parcels AY7-423 and AY7-429; for the **MERCURY DRIVE PAVING PROJECT (IH-10 - Wallisville)** - **DISTRICT I - RODRIGUEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 11A

**8. Motion 2009-0258**

**21ST CENTURY MANUFACTURING, INC** for Installation and Fabrication of Professional and Organizational Development Systems for General Services Department and authorize funding to be provided from contingency funds previously appropriated pursuant to Ordinance No. 2007-713 for construction of the South Post Oak Multi-Service Center/Vinson Branch Library under contract with Comex Corporation - \$134,622.00 and contingencies for a total not to exceed \$141,003.00 - Public Library Consolidated Construction Fund

**9. Motion 2009-0259**

**BELL HELICOPTER BELL HELICOPTER** for Night Vision Goggle Flight Training Professional Services for Houston Police Department - \$79,230.00 - Police Special Services Fund

**10. Ordinance 2009-0370**

ORDINANCE appropriating \$231,651.33 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Carts for Parks & Recreation Department

**a. Motion 2009-0254**

**PROFESSIONAL TURF PRODUCTS, L.P.** for Purchase of Utility Carts through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Parks & Recreation Department \$274,995.85 Equipment Acquisition Consolidated and Park Special Revenue Funds

**11. Ordinance 2009-0371**

ORDINANCE appropriating \$38,460.00 out of Equipment Acquisition Consolidated Fund for Purchase of Air Compressors for Public Works & Engineering Department

**a. Motion 2009-0255**

**VOLVO CONSTRUCTION EQUIPMENT & SERVICES** for Purchase of Light Towers, Air Compressors and Generators through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$217,550.15 Enterprise and Equipment Acquisition Consolidated Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 38

**12. Council Member Johnson tagged**

RESOLUTION approving and authorizing the nomination of **ANHEUSER-BUSCH, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B - JOHNSON**

**13. Ordinance 2009-0383**

ORDINANCE delegating to the Mayor, in response to a Public Health Event only, authority to establish appropriate measures, including temporarily suspending, amending, or granting an exception to certain limitations of Chapter 14 of the Code of Ordinances, Houston, Texas, involving use of leave time and various personnel procedural matters

**14. Ordinance 2009-0372**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Kelving Drive (Parcel SY8-068), containing 0.0017 acres of land, more or less; vacating and abandoning said tract to Stacey Fine Homes of Texas, Inc., abutting owner, in consideration of owner's conveyance to the City of a street easement (Parcel AY8-111), containing 0.0017 acres of land, more or less; all located in the P.W. Rose Survey, A-645, Houston, Harris County, Texas, and owner's payment to the City of \$300.00 - **DISTRICT C - CLUTTERBUCK**

**RESOLUTIONS AND ORDINANCES** - continued

**15. Ordinance 2009-0385**

ORDINANCE rescinding Ordinance 2008-629 and approving and authorizing Purchase Agreement between **MEDILIFE OF HOUSTON, INC**, Purchaser, and the City of Houston, Texas, Seller, for the sale of the Former Fire Station No. 27 located at 6302 Lyons Avenue, Houston, Texas, for a sale price of \$53,000.00; approving the subsequent sale of the property and assignment of a Development Agreement to the Society of Houston Latin Fire Fighters - **DISTRICT H**

**16. Ordinance 2009-0386**

ORDINANCE appropriating \$156,896.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON COMMUNITY COLLEGE SYSTEM** for improvements to the Houston Amateur Sports Park; providing funding for contingencies related to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS**

**17. Ordinance 2009-0373**

ORDINANCE consenting to the addition of 1,234.49 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 158**, for inclusion in its district

**18. Council Members Jones, Noriega, Adams and Clutterbuck tagged**

ORDINANCE approving and authorizing the City of Houston to submit the 2009 Consolidated Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2009-2010 grant applications: (1) 35th Program Year Community Development Block Grant in the amount of \$33,717,217 (\$29,798,698 Entitlement Grant and \$3,918,519 Program Income); (2) Home Investment Partnerships Grant in the amount of \$13,130,151 (\$12,722,540 Grant, \$300,000 Program Income, and \$107,611 from the American Dream Down Payment Initiative ["ADDI"]); (3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,038,000; and (4) Emergency Shelter Grants in the amount of \$1,326,597; and to accept the aforementioned grant funds, if awarded

**19. Ordinance 2009-0387**

ORDINANCE appropriating \$585,000.00 out of TIRZ Affordable Housing Fund and approving and authorizing Development Agreement between the City and **BURGHLI INVESTMENTS, LLC** to develop thirteen (13) Solar Powered Affordable Single-Family Homes to be sold to qualified low-income and very low-income families - **DISTRICT I - RODRIGUEZ**

**20. Council Member Jones tagged**

ORDINANCE amending the Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC** to change the amounts of the sources of funding to \$670,969 in Community Development Block Grant Funds and \$215,031 in Home Investment Partnerships Funds, revise the scope of work, and extend the period of time to commence the work in connection with the rehabilitation of a 100 unit apartment building for the elderly and disabled known as the W. Leo Daniel Towers - **DISTRICT H**

**Motion 2009-0253 – Suspend rules to consider Item 21 out of order**

**21. Ordinance 2009-0384**

ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide additional funding in the amount of \$770,000.00 in Community Development Block Grant Funds for Construction of a Gymnasium located at 7318 Avenue F - **DISTRICT I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

**Motion 2009-0260 – Suspend rules to consider Item 21 out of order**

**22. Ordinance 2009-0388**

ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **HOUSTON AERONAUTICAL HERITAGE SOCIETY, INC.**, a Texas 501(C) (3) Non-Profit Corporation, for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**

**23. Ordinance 2009-0374**

ORDINANCE appropriating \$48,500.00 out of HAS Consolidated 2000 AMT Construction Fund (8200); authorizing the purchase of land in Greenview Manor Section One Subdivision, Houston, Harris County, Texas, for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.81; approving Purchase and Sale Agreement with the owner of the land (Helene L. Trocmet Macaluso) - **DISTRICT B - JOHNSON**

**24. Ordinance 2009-0375**

ORDINANCE appropriating \$756,075.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing an Architectural Services Contract between the City of Houston and **PERKINS & WILL - CRA, L.P.** for the Palm Center/Young Library Replacement; providing funding for the Civic Art Program and contingencies related to the construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT D - ADAMS**

**25. Council Members Clutterbuck, Adams and Green tagged**

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WHALEY ENERGY CONSULTING LLC** for Professional Consulting Services - \$365,000.00 Central Service Revolving Fund

**26. Ordinance 2009-0389**

ORDINANCE appropriating \$470,675.00 out of Police Consolidated Construction Fund, approving and authorizing second 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; providing funding for Modular Office, Design Services and contingencies related to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**27. Ordinance 2009-0376**

ORDINANCE appropriating \$47,890.00 out of Public Health Consolidated Construction Fund for Purchase and Installation of Security Equipment, Remote HVAC Equipment, and Fan Coil Units for the Department of Health and Human Services - **DISTRICT B - JOHNSON**

**28. Ordinance 2009-0390**

ORDINANCE appropriating \$500,000.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment for the Enterprise Geographic Information System (EGIS)

Written motion by Council Member Holm to amend Item 29 as follows:

“I move to amend Item 29 to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects” – **Tagged by Council Member Clutterbuck**

**RESOLUTIONS AND ORDINANCES** - continued

**29. Council Members Adams and Clutterbuck tagged**

ORDINANCE related to accounting for available funds of the City; amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds; appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Fund Balance; making provisions related to the subject; providing a repealer; providing for severability

**30. Omitted**

**31. Ordinance 2009-0391**

ORDINANCE approving and authorizing Contract between the City and **PMAM CORPORATION** for Burglar Alarm Administration Services for the Administration & Regulatory Affairs Department; providing a maximum contract amount - 5 Years with two one-year options - \$9,000,000.00 General Fund

**32. Ordinance 2009-0392**

ORDINANCE appropriating \$1,243,402.38 out of Equipment Acquisition Consolidated Fund and approving and authorizing Contract between the City of Houston and **TIBURON, INC** for an Automated Records Management System for the Houston Police Department

**a. Council Member Green tagged**

ORDINANCE approving and authorizing Lease Agreement between **AMERICAN NATIONAL INSURANCE COMPANY, as Landlord**, and the City of Houston, Texas, as Tenant, for 14,859 square feet of office space at 811 Dallas Street, Houston, Texas, at a monthly rental of \$33,432.75 for the first eighteen (18) months and a monthly rental of \$34,671.00 for the following eighteen (18) months, with a resulting aggregate rent for thirty-six (36) months of \$1,225,867.56, and \$158,213.04 estimated operating and parking expenses, for a sum of \$1,384,080.60, for use by the Records Management System Project Team of the Houston Police Department **DISTRICT I - RODRIGUEZ**

**b. Ordinance 2009-0393**

ORDINANCE appropriating \$248,866.62 out of Equipment Acquisition Consolidated Fund for Purchase of Office Furniture for Houston Police Department

**c. Motion 2009-0261**

RECOMMENDATION from Purchasing Agent to award to **J. TYLER SERVICES, INC** for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department

**33. Ordinance 2009-0377**

ORDINANCE appropriating \$12,000.00 out of Drainage Improvement Commercial Paper Series F; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for the Kirby Drive Relief Storm Sewer, Phase Two - **DISTRICT G - HOLM**

**34. Ordinance 2009-0378**

ORDINANCE appropriating \$384,400.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant - **DISTRICT E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

**35. Ordinance 2009-0379**

ORDINANCE appropriating \$1,070,000.00 out of Drainage Improvement Commercial Paper Series F, Fund; and allocating \$500,000.00 out of Stormwater Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for On-Call Drainage Construction; providing a maximum contract amount; 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 Drainage Improvement Commercial Paper Series F, Fund and the Stormwater Fund

**36. Ordinance 2009-0380**

ORDINANCE appropriating \$2,596,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Lockwood Lift Station Rehabilitation, 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

**37. Ordinance 2009-0381 – Passed first reading**

ORDINANCE granting to **ARC ABATEMENT, 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 - **FIRST READING**

**38. Ordinance 2009-0382 – Passed first reading**

ORDINANCE granting to **SWEEPING SERVICES OF TEXAS - OPERATING, L.P., A TEXAS LIMITED PARTNERSHIP**, 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 - **FIRST READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 39 through 41

**39. Ordinance 2009-0394**

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**

**MATTERS HELD** - continued

a. **Motion 2009-0262 – Adopt**

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**

**TAGGED BY COUNCIL MEMBER BROWN**

These were Items 6 and 6A on Agenda of April 29, 2009

40. **Council Member Jones tagged**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 13 on Agenda of April 29, 2009

41. **Ordinance 2009-0395**

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**

**TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 23 on Agenda of April 29, 2009

**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

**5/5/2009 – Council Member Johnson out of the City on City business**

**Council Member Khan out of the City on personal business**

**5/6/2008 – Council Member Khan out of the City on personal business**