

**AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 29, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS - 2009-0701 to 2009-0713  
ORDINANCES – 2009-0901 to 2009-0927  
RESOLUTION – None

2009-0700-1

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

**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 - SEPTEMBER 30, 2009 - 9:00 A. M.**

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

**Motion 2009-0704 – 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

**MAYOR'S REPORT** - Combined Utility System

**CONSENT AGENDA NUMBERS 1 through 39**

**MISCELLANEOUS** - NUMBERS 1 through 6

**Motion 2009-0701 – Suspend rules to consider Items 1 and 2 out of order**

1. **Motion 2009-0702**

REQUEST from Mayor for confirmation of the appointment of **MR. LUIS ELIZONDO-THOMSON** to Position Seven of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, for a term to expire December 31, 2010

**MISCELLANEOUS** - continued

**2. Motion 2009-0703**

REQUEST from Mayor for confirmation of the appointment of **MS. CAROLE A. PINKETT** to Position Two on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and on the **FIREFIGHTERS' and POLICE OFFICERS' CIVIL SERVICE COMMISSION**, for a term to expire June 14, 2012

**3. Council Members Khan and Green tagged**

RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Greater Houston Convention and Visitors Bureau - \$1,652,550.00 - Enterprise Fund

**4. Council Member Khan tagged**

RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Houston Arts Alliance - \$1,386,705.00 Enterprise Fund

**5. Motion 2009-0706**

RECOMMENDATION from Mayor's Office of Health & Environmental Policy for approval of transfer of Budget funds from the Health & Human Services Department to Administration & Regulatory Affairs - \$4,823,318.00 - General Fund

**6. Motion 2009-0707**

RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - \$500,000.00 - General Fund

**ACCEPT WORK** - NUMBERS 7 through 9

**7. Motion 2009-0708**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$3,774,658.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Southwest Environmental Service Center - 4.04% over the original contract amount **DISTRICT C - CLUTTERBUCK**

**8. Motion 2009-0709**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$835,988.54 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program H3 Work Authorization Project 5.90% under the original contract amount - **DISTRICTS A - LAWRENCE and F - KHAN**

**9. Motion 2009-0710**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,980,548.92 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Oak Estate - 2.41% over the original contract amount - **DISTRICT G - HOLM**

**PROPERTY** - NUMBER 10

**10. Motion 2009-0711**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-119A, located at 8213 Homestead Road, owned by Pandel, Inc., Jang Cho, President, for the **HOMESTEAD ROAD GRADE SEPARATION PROJECT from Ley Road to Firnat Street** - \$327,451.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 13

**11. Motion 2009-0712**

**DELL MARKETING, LP.** for Purchase of Storage Processor and Drive Array Enclosures through the City's Master Agreement with the Texas Department of Information Resources for the Houston Airport System - \$142,769.53 - Enterprise Fund

**12. Ordinance 2009-0926**

ORDINANCE appropriating \$903,000.00 out of Water & Sewer System Consolidated Construction Fund for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**a. Motion 2009-0713**

**WESTERN SUMMIT CONSTRUCTORS, INC** for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department - \$785,000.00 and contingencies in an amount not to exceed \$118,000.00

**13. Council Member Lawrence tagged**

**MCKINSEY & COMPANY, INC** for Consulting Services for Evaluation of Process Improvement, Implementing Process Improvements and Developing Best Practices for Various Processes for the Combined Utility System - \$1,084,000.00 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 39

**14. Ordinance 2009-0903**

ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **CANDLELIGHT PLAZA SUBDIVISION, SECS. 1 & 2**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE**

**15. Ordinance 2009-0904**

ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING BRANCH OAKS SUBDIVISION, SECS. 1-4** and **SADDLE SPUR SUBDIVISION**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE**

**16. Ordinance 2009-0905**

ORDINANCE **AMENDING THE CITY OF HOUSTON COMMERCIAL ENERGY CONSERVATION CODE**, the **CITY OF HOUSTON RESIDENTIAL ENERGY CONSERVATION CODE** and the **CITY OF HOUSTON RESIDENTIAL CODE** relating to energy efficiency

**17. Ordinance 2009-0906**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement (Parcel SY9-018A), and an 8-foot-wide utility easement (Parcel SY9-018B) from the east line of Former Redwood Street to Garland Drive within the Pecan Park replat and extension, in the Jacob Thomas Survey, A-74, Houston, Harris County, Texas; vacating and abandoning said easements to Houston Community College System, the abutting owner, in consideration of its payment of \$10,810.00, other consideration to the City - **DISTRICT I - RODRIGUEZ**

**ORDINANCES** - continued

**18. Ordinance 2009-0907**

ORDINANCE authorizing the sale of 20-foot-wide, subsurface pipeline easement within an existing CenterPoint Energy Transmission easement within the Battaglia Tract (Q45-001), out of the Reels & Trobough Survey, A-59, Houston, Harris County, Texas (Parcel SY9-069), to Magellan Pipeline Company, L.P., in consideration of its payment of \$2,677.00 and other consideration to the City; authorizing money received from this transaction to be deposited into the Battaglia Fund - **DISTRICT I - RODRIGUEZ**

**19. Ordinance 2009-0922**

ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2009

**20. Council Member Jones tagged**

ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to extend the project completion date of a single room occupancy housing facility located at 6311 Gulf Freeway, Houston, Texas - **DISTRICT I - RODRIGUEZ**

**21. Ordinance 2009-0908**

ORDINANCE approving and authorizing submission of an application for 2009 Funding Grant Assistance from the Texas Coastal Management Program to fund the Buffalo Bayou Hidalgo Greenway Project in the City of Houston; 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 Houston Parks & Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT I - RODRIGUEZ**

**22. Ordinance 2009-0909**

ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the General Election to be held on November 3, 2009; providing a maximum contract amount - \$800,500.00 - General Fund

**23. Ordinance 2009-0910**

ORDINANCE providing for deaccession of two integrated works of art at Market Square Park from the City collection - **DISTRICT I - RODRIGUEZ**

**24. Ordinance 2009-0911**

ORDINANCE relating to the fiscal affairs of the Southwest Houston Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT F - KHAN**

**25. Ordinance 2009-0912**

ORDINANCE appropriating \$3,050,000.00 out of Reimbursement of Equipment/Project Fund (Fund 1850) for payment to the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY (REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS)** - **DISTRICT H - GONZALEZ**

**26. Ordinance 2009-0923**

ORDINANCE appropriating \$1,000,000.00 out of Equipment Acquisition Consolidated Fund and awarding contract to **ADVANCED PUBLIC SAFETY, INC** for Electronic Citation Devices for the Municipal Courts-Administration and Houston Police Departments; providing a maximum contract amount - 3 Years with two one-year options - \$535,349.31 - General and Municipal Court Technology Funds

**ORDINANCES** - continued

**27. Ordinance 2009-0913**

ORDINANCE amending Ordinance No. 2005-663 (Passed on May 24, 2005) to increase the maximum contract amount; approving and authorizing first amendment to Contract No. C57021 between the City of Houston and **MOTOROLA, INC** for Software Technical Support Services for the Information Technology Department - \$138,993.75 - Central Service Revolving Fund

**28. Ordinance 2009-0914**

ORDINANCE approving and authorizing contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for an Integrated Library System for the Houston Public Library; providing a maximum contract amount - \$1,933,971.00 - HALAN Funds

**29. Ordinance 2009-0915**

ORDINANCE amending Ordinance No. 2006-0918 which approved contract between the City of Houston and **BFI WASTE SERVICES OF TEXAS, LP dba ALLIED WASTE SERVICES OF HOUSTON** for Non-Hazardous Waste collection, transportation and disposal services for Various Departments to increase the maximum contract amount - \$1,206,748.60 - General, Enterprise, Park Special Revenue, Fleet Management, Houston Transtar and Building Inspection Funds

**30. Ordinance 2009-0916**

ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of five (5) years, between **CGS INVESTMENTS, INC**, Licensor, and the City of Houston, Texas, Licensee, for the Information Technology Department to install equipment in connection with a new Public Safety Radio System, located at 1310 Ginger Road, Santa Fe, Texas

**31. Ordinance 2009-0917**

ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of five (5) years, between **PINNACLE TOWERS ASSET HOLDING LLC**, Licensor, and the City of Houston, Texas, Licensee, with a License Fee of \$24,000.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with a total cost for the initial base term (Fiscal Year 2010 through 2020) of \$394,190.04, to allow the Radio Communications Division of the Information Technology Department to install equipment on communications towers in connection with a new Public Safety Radio System located at 23007 Tomball Parkway, Tomball, Texas

**32. Council Members Green, Johnson and Noriega tagged**

ORDINANCE appropriating \$4,070,000.00 out of Airports Improvement Fund and approving and authorizing agreement between the City of Houston and **KELLOGG, BROWN & ROOT SERVICES, INC** for Job Order Contracting Services for Houston Airport System (Project No. 516D); providing funding for the Civic Art Program - \$5,000,000.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**33. Ordinance 2009-0918**

ORDINANCE appropriating \$787,720.00 out of Reimbursement of Equipment/Projects Fund and awarding construction contract to **AAR INCORPORATED**, for Asbestos/Lead Based Paint Abatement and Interior Demolition at 1002 Washington Avenue; 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 project management and construction oversight services and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ**

**ORDINANCES** - continued

**34. Ordinance 2009-0927**

ORDINANCE relating to alteration or removal of one or more off-premise signs; authorizing agreement between the City and **CBS OUTDOOR, INC** - **DISTRICT H - GONZALEZ**

**35. Ordinance 2009-0919**

ORDINANCE approving and authorizing Maintenance Agreement for Right-of-Way Improvements between the City of Houston and the **SPRING BRANCH MANAGEMENT DISTRICT** - **DISTRICT A - LAWRENCE**

**36. Not Received - Not Considered**

ORDINANCE approving and authorizing Professional Landscape Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Design of Museum District/Main Street Corridor Improvement Project - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

**37. Ordinance 2009-0920**

ORDINANCE appropriating \$1,200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHIANG PATEL & YERBY, INC** for Engineering Services associated with the Design of Water Line Replacement in Lockwood and Oak Estate II (Weslayan) Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and C - CLUTTERBUCK**

**38. Ordinance 2009-0921**

ORDINANCE appropriating \$1,438,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for West Bellfort Paving Extension from S. Main to Buffalo Speedway; 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 Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

**39. Ordinance 2009-0898 – Passed second reading**

ORDINANCE No. 2009-898, passed first reading September 23, 2009

ORDINANCE granting to **WASTE CONNECTIONS OF TEXAS, LLC, A Texas Limited Liability Company**, 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 **SECOND READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 40 through 42

**40. Ordinance 2009-0924**

ORDINANCE approving the issuance of bonds by the **MEMORIAL CITY REDEVELOPMENT AUTHORITY** - **DISTRICTS A - LAWRENCE and G - HOLM**  
**TAGGED BY COUNCIL MEMBER KHAN**

This was Item 34 on Agenda of September 23, 2009

**MATTERS HELD** - continued

**41. Ordinance 2009-0925**

ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer Consolidated Construction Fund for contract between the City of Houston and **KELLOGG, BROWN AND ROOT SERVICES, INC** for On-Call Maintenance and Repair Services Contract (Passed by Ordinance No. 2007-1129)

**TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 41 on Agenda of September 23, 2009

**Motion 2009-0705 – Suspend rules to consider Items 42 and 42a out of order**

**42. Ordinance 2009-0901**

**NOTE: THIS ITEM IS NOT A MATTER HELD BUT IS NECESSARY FOR ITEM 42A BELOW**  
ORDINANCE appropriating \$3,500,000.00 out of Miscellaneous Capital Projects/Acquisition CP Series E Fund (4039) relating to purchase of Block 6 and a portion of Caroline Street (Abandoned) and a portion of Block 7, S.S.B.B. Addition, Houston, Harris County, Texas  
**DISTRICT H - GONZALEZ**

**a. Ordinance 2009-0902**

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT**, a Purchase and Sale Agreement and an Assignment and Assumption of License Agreement between the City and the **BUFFALO BAYOU PARTNERSHIP**, and a Project Agreement among the City, **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON**, and **DOWNTOWN REDEVELOPMENT AUTHORITY**, all relating to the purchase of Block 6 and a portion of Caroline Street (Abandoned) and a portion of Block 7, S.S.B.B. Addition, Houston, Harris County, Texas -  
**DISTRICT H - GONZALEZ**

**TAGGED BY COUNCIL MEMBER GONZALEZ**

This was Item 45 on Agenda of September 23, 2009

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

**09/29/2009 – Council Member Lovell out of the City on City business**

**09/30/2009 – Council Member Lovell out of the City on City business**