

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 18, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2007-1234 to 2007-1255
ORDINANCES – 2007-1461 to 2007-1480
RESOLUTION – 2007-0048

2007-1233-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Brown

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 2007-1234 – Procedural motion
Motion 2007-1235 – Procedural motion
Motion 2007-1236 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 19, 2007 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBERS 1 through 5

1. Motion 2007-1240

REQUEST from Mayor for confirmation of the appointment of **MS. DIANA DÁVILA MARTINEZ**, to Position Fourteen, of the **HOUSTON READ COMMISSION**, for an unexpired term ending January 1, 2010

2. Motion 2007-1241

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2008 Operations and Maintenance Budget for the **TRINITY RIVER WATER CONVEYANCE PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$17,650,247.00 - Enterprise Fund

MISCELLANEOUS - continued

3. Motion 2007-1242

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$93,144.34 to **LONE STAR GROUNDWATER CONSERVATION DISTRICT** for water user fees for calendar year 2008 - Enterprise Fund

4. Motion 2007-1243

RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2008 - January 1, 2008 through December 31, 2008

5. Motion 2007-1249

RECOMMENDATION from Director Convention & Entertainment Facilities Department to revise the schedule of rental fees for Miller Outdoor Theatre - **DISTRICT D - EDWARDS**

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2007-1244

RECOMMENDATION from Director General Services Department for approval of final contract amount of 1,903,309.00 and acceptance of work on contract with **DIVISIONONE CONSTRUCTION LLC** for Wortham Center Orchestra Pit Enhancement, WBS B-000078-0001-4 1.97% over the original contract amount - **DISTRICT I - ALVARADO**

7. Motion 2007-1245

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$853,680.36 and acceptance of work on contract with **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Leaking Petroleum Storage Tank Remediation and Underground Storage Tank Replacement Southeast Service Center, WBS L-000052-0001-4 4.20% over the original contract amount - **DISTRICT I - ALVARADO**

8. Motion 2007-1246

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$384,429.90 and acceptance of work on contract with **INFRASTRUCTURE SERVICES, INC** for Construction and Installation of Speed Humps, GFS N-0660-06-3 (SB9130) - 2.56% over the original contract amount

PROPERTY - NUMBERS 9 through 11

9. Motion 2007-1250

RECOMMENDATION from Director Parks & Recreation Department for authority to communicate to the Trust for Public Land's board of directors that the City is committed to completing the land acquisition transaction to purchase 2.84 acres of undeveloped property from the Trust for Public Land - **DISTRICT H - GARCIA**

10. Motion 2007-1247

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 objections to the award in connection with eminent domain proceeding styled City of Houston v. WirtLongPoint, L.P. a Texas limited partnership, et al., Cause No. 890,960; for acquisition of Parcel AY6-088; for the **LONG POINT @ WIRT INTERSECTION IMPROVEMENTS PROJECT (Pine Chase - Johanna)**, WBS/CIP N-000674-0001-2 - **DISTRICT A - LAWRENCE**

11. Motion 2007-1251

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bruce W. Derrick, declining the acceptance of, rejecting, and refusing the dedication of Argonne Street, from Branard Street ±82.50 feet to its terminus, located in the Dozier Addition, Parcel SY7-062 - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

12. Motion 2007-1248

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 Police Department - \$388,081.10 - General Fund

13. Council Members Holm and Garcia tagged

CEMEX, INC for Ready Mix Concrete for Various Departments - \$7,413,738.75 - General, Storm Water and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 36

14. Resolution 2007-0048

RESOLUTION designating **HOUSTON HEIGHTS HISTORIC DISTRICT WEST** as an historic district - **DISTRICT H - GARCIA**

15. Ordinance 2007-1463

ORDINANCE consenting to the addition of 12.1351 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 18**, for inclusion in its district

16. Ordinance 2007-1464

ORDINANCE consenting to the addition of 18.33 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district

17. Ordinance 2007-1476

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 504**

18. Omitted

19. Ordinance 2007-1465

ORDINANCE approving and authorizing Lease Agreement between, **TELTSCHIK ACADEMY, INC, A Texas Corporation**, as tenant, and the City of Houston, Texas, as landlord, for 1.0066 acres of land (Parcel LE94-4), more or less, and a one-story building located at 10500 Cliffwood, Houston, Harris County, Texas, the Former Willow Bend Water and Sewer Plant Site, for the continued operation of a school for preparatory education d/b/a Trafton Academy **DISTRICT C - CLUTTERBUCK**

20. Ordinance 2007-1466

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **PCAA SP, LLC** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO**

21. Ordinance 2007-1467

ORDINANCE canvassing the returns of the City of Houston Run-Off Election held on December 8, 2007; making various findings and provisions related to the subject; declaring the official results of the Run-Off Election

Motion 2007-1237 – Suspend rules to consider Item 22 out of order

22. Ordinance 2007-1461

ORDINANCE approving and authorizing Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC**, to provide \$886,000.00 (\$538,185.60 - Community Development Block Grant Funds/\$347,814.40 - Home Investment Partnerships Funds) for the rehabilitation of a 100 unit apartment building for the elderly and disabled located at 8826 Harrell Street - **DISTRICT H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

Motion 2007-1238 – Suspend rules to consider Item 23 out of order

23. Ordinance 2007-1462

ORDINANCE approving and authorizing agreement between the City of Houston and **10700, LLC** to provide a \$9,850,000.00 Performance-based Loan of Federal Community Development Block Grant ("CDBG") Funds for costs to acquire and rehab an apartment complex in the 10700 and 10800 blocks of Fondren Road, Houston, Texas, to house qualified low income residents **DISTRICT C - CLUTTERBUCK**

24. Ordinance 2007-1477

ORDINANCE approving and authorizing contract between the City of Houston and **BONITA STREET HOUSE OF HOPE** providing up to \$350,000.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of a community residence and the provision of child care and other supportive services - **DISTRICT H - GARCIA**

25. Ordinance 2007-1468

ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** to provide \$444,050.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of a community residence, administration of a short-term rent, mortgage and utility assistance program, and provision of other supportive services **DISTRICT D - EDWARDS**

26. Ordinance 2007-1469

ORDINANCE approving and authorizing contract between the City of Houston and **VOLUNTEERS OF AMERICA TEXAS, INC** to provide \$485,000.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of two community residences, administration of a short-term rent, mortgage and utility assistance program, along with other supportive services

27. Ordinance 2007-1478

ORDINANCE amending Ordinance No. 2006-320 to increase the maximum contract amount by \$850,000.00 for contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services

28. Ordinance 2007-1470

ORDINANCE amending Ordinance Number 2004-0525 to increase the maximum contract amount by \$750,000.00 for contract between the City and **INNOVATIVE INTERFACES, INC** for Integrated Library System Services for the Houston Public Library - HALAN Fund

29. Ordinance 2007-1479

ORDINANCE approving and authorizing the submission of an application for grant assistance to the U. S. Department of Transportation for the Federal Motor Carrier Safety Assistance Program (MCSAP) 2008 High Priority 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

30. Not Received-Not Considered

ORDINANCE approving and authorizing contracts between the City of Houston and **TERRACON CONSULTANTS, INC** and **WESTON SOLUTIONS, INC** for Environmental Assessments in support of the Brownsfields Redevelopment Program - \$400,000.00 - Grant Fund

RESOLUTIONS AND ORDINANCES - continued

31. Ordinance 2007-1471

ORDINANCE appropriating \$314,800.00 out of Library Capital Project Fund; awarding Construction Manager At Risk Contract to **SPAW MAXWELL COMPANY, L.P.** for Julia Ideson Building - Restoration and addition, WBS E-000155-0001-4 - **DISTRICT I - ALVARADO**

32. Ordinance 2007-1472

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the Construction of Boone Road from Westpark Drive to the Westpark Toll Road, WBS N-000521-0001-3 - **DISTRICTS F - KHAN and G - HOLM**

33. Ordinance 2007-1473

ORDINANCE appropriating \$440,171.00 out of Fire Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for Design of New Fire Station No. 90, WBS C-000065-0002-3; providing funding for the Civic Art Program - **DISTRICT A - LAWRENCE**

34. Ordinance 2007-1480

ORDINANCE approving and authorizing second amendment to Professional Environmental Consulting Services Contract between the City of Houston and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** (approved by Ordinance No. 2003-1249), WBS R-000019-0007-3

35. Ordinance 2007-1474

ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Neighborhood Street Reconstruction Project No. 448 (NSR448) (approved by Ordinance No. 05-0677), WBS N-000380-0001-3 - **DISTRICTS D - EDWARDS and E - WISEMAN**

36. Ordinance 2007-1475

ORDINANCE appropriating \$1,018,350.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline Replacement in Eastway Plaza, WBS S-000035-00G3-4; 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 B - JOHNSON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. Motion 2007-1252

RECEIVE nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2008

Council Member Lovell nominated Council Member Clutterbuck for Position One
Council Member Lawrence nominated Council Member Garcia for Position Two
Council Member Lovell nominated Council Member Holm for alternate At-Large
Council Member Lawrence nominated Council Member Lovell for alternate At-Large

MATTERS HELD - NUMBERS 38 through 40A

38. Motion 2007-1253 – Adopt

RECOMMENDATION from Director Finance & Administration Department for the transfer of \$25 million from the General Fund balance as follows:

\$5 million to the Police budget for additional overtime cost

\$500,000 to the Fire Department for “Ask A Nurse Program”

\$6 million to the Internal Service Fund for Public Safety Equipment

\$13.5 million to Debt Service Fund

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 3 on Agenda of December 12, 2007

39. Motion 2007-1239 – Suspend rules to consider Item 39 out of order and refer back to the Administration

RESOLUTION designating a certain property within the City of Houston as a landmark and a protected landmark - **DISTRICT I - ALVARADO**

First Evangelical Lutheran Church at 1311 Holman Rd

TAGGED BY COUNCIL MEMBER LOVELL

This was Item 24 on Agenda of December 12, 2007

40. Motion 2007-1254 – Postpone to January 9, 2008

ORDINANCE approving and authorizing a Compromise and Settlement Agreement between the City of Houston and **CLEAR CHANNEL OUTDOOR, INC.** to settle outstanding disputes and controversies; making various findings and provisions relating to the subject

a. Motion 2007-1255 – Postpone to January 9, 2008

ORDINANCE amending the City of Houston Sign Code (Chapter 46 of the Building Code, Houston, Texas) relating to reduction of the number of Off-Premise Signs; containing other provisions relating to the foregoing subject; providing for severability; providing a penalty; providing for enforcement; providing an effective date - **TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE, GREEN, EDWARDS, CLUTTERBUCK and BROWN**

These were Items 46 and 46A on Agenda of December 12, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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

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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

12/18/2007 – Mayor White and Holm out of the City on personal business

12/19/2007 – Council Member Khan out of the City on personal business