

**AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 16, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS - 2008-0899 to 2008-0915**  
**ORDINANCES - 2008-1171 to 2008-1206**  
**RESOLUTION – None**

**2008-0898-1**

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

**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 - DECEMBER 17, 2008 - 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 51**

**MISCELLANEOUS** - NUMBERS 1 through 3

**1. Motion 2008-0899**

RECOMMENDATION from Director General Services Department for the designation of a residential parking permit area in the Super Neighborhood of University Place and the Greater Third Ward - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

**2. Motion 2008-0900**

RECOMMENDATION from Director Health & Human Services for approval of Revised Laboratory Fee Schedule to be utilized in the City of Houston Department of Health & Human Services Laboratories

**MISCELLANEOUS** - continued

a. **Ordinance 2008-1171**

ORDINANCE **AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Laboratory Fees; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

3. **Motion 2008-0901**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$141,683.81 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2009 Water System Fees - Enterprise Fund

**DAMAGES** - NUMBER 4

4. **Motion 2008-0902**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **JOYCE YANDELL, REBECCA MACHORO, and KATHY HENDLEY, individually and as Heirs and Representatives of the Estate of Kenneth Yandell, Deceased** v. Frederick Moore, City of Houston, et al; in the 281st District Court, Harris County - \$70,650.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBERS 5 and 6

5. **Motion 2008-0903**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$952,345.41 and acceptance of work on contract with **MOMENTUM CONTRACTORS, INC** for Haden Park, Scenic Woods Park, Freshmeadow Park and Agnes Moffit Park - 4.18% over the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON**

6. **Motion 2008-0907**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,290,636.14 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Buffalo Speedway: W. Orem to W. Airport - 2.27% over the original contract amount - **DISTRICT D - ADAMS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 17

7. **Pulled - Not Considered**

**NWN CORPORATION** for Cisco Smartnet Maintenance Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Houston Airport System \$115,342.80 - Enterprise Fund

8. **Council Member Jones tagged**

ORDINANCE appropriating \$2,198,870.00 out of C & E Construction Fund for Roof Restoration Services at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department

a. **Council Member Jones tagged**

**DESIGN-BUILD SOLUTIONS, INC** for Roof Restoration Services for the George R. Brown Convention Center from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Convention & Entertainment Facilities Department

9. **Ordinance 2008-1196**

ORDINANCE appropriating \$571,434.25 out of Equipment Acquisition Consolidated Fund for Purchase of Capital Equipment for Houston Fire Department

**PURCHASING AND TABULATION OF BIDS** - continued

**a. Motion 2008-0908**

**MOTOROLA, INC** for Mobile Data Computers through the Interlocal Agreement with Houston-Galveston Area Council for Houston Fire Department - \$401,513.70

**10. Ordinance 2008-1172**

ORDINANCE appropriating \$418,819.00 out of Equipment Acquisition Consolidated Fund for Purchase of NetMotion Wireless Mobility Software for Information Technology Department

**a. Motion 2008-0904**

**INSIGHT PUBLIC SECTOR, INC** for NetMotion Software from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 for Information Technology Department - \$410,569.00

**11. Motion 2008-0905**

**INTERCOMP COMPANY** for Portable Scales and Associated Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$335,546.11 - Digital Automated Red Light Enforcement Program Fund (DARLEP)

**12. Motion 2008-0909**

**MD HELICOPTERS, INC** for MD Helicopter Professional Training Services for the Police Department - \$61,000.00 - Police Special Services Fund

**13. Motion 2008-0910**

**ALTIVIA CORPORATION** for Chemical, Liquid Gaseous Chlorine for Department of Public Works & Engineering - \$5,320,200.00 - Enterprise Fund

**14. Motion 2008-0911**

**ALSTOM POWER, INC, AIR PREHEATER COMPANY, RAYMOND OPERATIONS** for Cage Mill Flash Dryer Replacement Parts for Department of Public Works & Engineering - \$545,000.00 Enterprise Fund

**15. Council Member Jones tagged**

**HOUSTON FREIGHTLINER, INC** - \$1,723,853.00, **DUNCAN FREIGHTLINER, L.P.** - \$528,200.00, **SANTEX TRUCK CENTER, LTD** - \$378,300.00, **McNEILUS FINANCIAL d/b/a McNEILUS TRUCK AND MANUFACTURING, INC** - \$1,086,755.00, **CHASTANG'S BAYOU CITY FORD** - \$255,612.00 and **TEXAN WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$590,634.00 for Cabs & Chassis and Refuse Bodies through the Interlocal Agreements for Cooperative Purchasing with BuyBoard and Houston-Galveston Area Council for the Solid Waste Management Department - Equipment Acquisition Consolidated and Reimbursement of Equipment/Projects Funds

**16. Motion 2008-0912**

**TURTLE AND HUGHES, INC** for Miscellaneous Wire and Cable for Various Departments \$881,548.20 - General, Enterprise and In-House Renovation Revolving Funds

**17. Motion 2008-0913**

**BKW ENVIRONMENTAL SERVICES** - \$2,381,754.29 and **LIGHTLE ENTERPRISES OF OHIO, LLC** - \$255,852.00 for Traffic Safety Devices for Various Departments - \$2,657,606.29 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$2,637,606.29 - General and Enterprise Funds

**ORDINANCES** - NUMBERS 18 through 51

**18. Council Member Brown tagged**

ORDINANCE **AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation of certain liquid wastes; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

**19. Ordinance 2008-1173**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Bartlett Street, extending from Montrose Boulevard to Roseland Street; Parcel SY6-010; vacating and abandoning said parcel to the Museum of Fine Arts, Houston, the abutting owner, in consideration of its conveyance to the City of a 20-foot-wide storm sewer easement; Parcel LY6-011; and its payment of \$409,500.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both being out of the N. P. Turner Addition, in the Obedience Smith Survey, A-696, Houston, Harris County, Texas - **DISTRICT C - CLUTTERBUCK**

**20. Ordinance 2008-1174**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 20-foot-wide drainage easements, an 80-foot-wide utility and a street right-of-way easement (Parcels SY8-005A, SY8-005B and SY8-005C), containing an aggregate of 3.6051 acres of land, more or less, vacating and abandoning said tracts to KDC Houston Industrial One, LLC, abutting owner, in consideration of owner's conveyance to the City of a 100-foot-wide utility easement (Parcel VY8-051), containing 3.6692 acres of land, more or less; all located in the August Whitlock Survey, A-798, and Luke Hemenway Survey, A-800 and A-802, Houston, Harris County, Texas, and owner's payment to the City of \$133,003.00 - **DISTRICT E - SULLIVAN**

**21. Ordinance 2008-1175**

ORDINANCE releasing certain territory in **WALLER COUNTY** in the vicinity of the City of Katy, Texas, from the extraterritorial jurisdiction of the City of Houston

**22. Ordinance 2008-1176**

ORDINANCE releasing certain territory in **HARRIS COUNTY** in the vicinity of the City of Tomball, Texas, from the extraterritorial jurisdiction of the City of Houston

**23. Ordinance 2008-1177**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 514**

**24. Ordinance 2008-1178**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 515**

**25. Ordinance 2008-1179**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 516**

**26. Ordinance 2008- 1180**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 517**

**27. Ordinance 2008-1181**

ORDINANCE consenting to the creation of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 160**

**ORDINANCES** - continued

**28. Ordinance 2008-1182**

ORDINANCE consenting to the addition of 245.432 acres of land to **HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district

**29. Ordinance 2008-1183**

ORDINANCE consenting to the addition of 17.4477 acres of land to **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**, for inclusion in its district

**30. Ordinance 2008-1197**

ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at 2116 Chilton Road in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**

**31. Ordinance 2008-1198**

ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at 1132 Rutland Street in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GARCIA**

**32. Ordinance 2008-1184**

ORDINANCE approving and authorizing submission of an application for grant assistance to the **STATE OF TEXAS through the CRIMINAL JUSTICE DIVISION ("CJD"), OFFICE OF THE GOVERNOR**, for the Justice Assistance Grant ("JAG"); 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

**33. Ordinance 2008-1185**

ORDINANCE approving and authorizing contract between the City and **SPAY NEUTER ASSISTANCE PROGRAM, INC** for Professional Spay and Neutering Mobile Services on dogs and cats in neighborhoods affected by stray and loose animals; providing a maximum contract amount - 1 year with 4 one-year renewals - \$500,000.00 - General Fund

**34. Ordinance 2008-1186**

ORDINANCE approving and authorizing contract between the City of Houston and the **CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide \$180,276.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services - 1 Year

**35. Ordinance 2008-1187**

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$89,360.00 in Community Development Block Grant ("CDBG") Funds to assist in the administration of the Stay In School Program

**Motion 2008-0906 – Suspend rules to consider Item 36 out of order**

**36. Ordinance 2008-1195**

ORDINANCE approving and authorizing contract between the City and **GREAT-WEST LIFE AND ANNUITY INSURANCE COMPANY** for Third-Party Administration Services for the City's Section 457 Deferred Compensation Plan

**ORDINANCES** - continued

**37. Ordinance 2008-1188**

ORDINANCE approving and authorizing contract between the City of Houston and **MONTY PARTNERS LLP** for Legal Services; providing a maximum contract amount - \$188,400.00 Property and Casualty Fund

**Motion 2008-0914 – Suspend rules to hear Mr. Anthony Hall on Item 38**

**38. Ordinance 2008-1199**

ORDINANCE approving and authorizing contract between the City of Houston and **AIRPORT INTERVIEWING & RESEARCH, INC** for Customer Service Surveys at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - \$686,400.00 - Enterprise Fund

**39. Ordinance 2008-1189**

ORDINANCE appropriating \$1,175,000.00 out of Houston Airport System Consolidated 2001 NONAMT Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **REYNOLDS, SMITH AND HILLS, INC** for Rehabilitation of Runway 4-22 and Taxiway "C" at William P. Hobby Airport (Project 462); providing a maximum contract amount - **DISTRICT I - RODRIGUEZ**

**40. Council Members Jones and Rodriguez tagged**

ORDINANCE awarding contract to **JOHN BEAN TECHNOLOGIES CORPORATION** for Baggage Handling and Aircraft Support Systems Maintenance and Hardstand Operations Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$14,716,068.89 - Enterprise Fund

**41. Council Members Jones and Rodriguez tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **EBSCO INDUSTRIES, INC** for Periodicals, Serials and Newspaper Subscription Services for the Houston Public Library; providing a maximum contract amount - 3 Years with two one-year options \$2,500,000.00 - General Fund

**42. Ordinance 2008-1200**

ORDINANCE awarding contract between the City of Houston and **HOLMES ROAD RECYCLING COMPANY, INC** for Sale of Scrap Metal Materials for Various Departments - 3 Years with two one-year options - Revenue

**43. Ordinance 2008-1201**

ORDINANCE approving and authorizing agreement for Coordination and Facilitation Services between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for a City Project Coordinator for the Department of Public Works & Engineering - 3 Years with two one-year options - \$450,000.00 - Building Inspection Fund

**44. Ordinance 2008-1202**

ORDINANCE appropriating \$5,750,000.00 out of Drainage Improvements Commercial Paper Series F Fund and \$1,276,066.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **UPPER KIRBY REDEVELOPMENT AUTHORITY** for Design and Construction of Kirby Drive from Richmond to Westheimer - **DISTRICT C - CLUTTERBUCK**

**45. Ordinance 2008-1190**

ORDINANCE appropriating \$19,365.00 out of Street & Bridge Consolidated Construction Fund No. 4506, to be added to the amount previously appropriated in Ordinance 2007-0680, passed by City Council on June 13, 2007 and relating to the Public Road At-Grade Crossing of Union Pacific Railroad at Gessner Road near Hempstead Highway, Houston, Texas - **DISTRICT A - LAWRENCE**

**ORDINANCES** - continued

**46. Ordinance 2008-1191**

ORDINANCE appropriating \$1,310,530.00 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **REYNOLDS, SMITH AND HILLS, INC** for Design of Ella (Wheatley) Boulevard Paving from Little York to W. Gulf Bank (approved by Ordinance No. 2007-0268) - **DISTRICT B - JOHNSON**

**47. Ordinance 2008-1192**

ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Construction Management and an Inspection Services Contract between the City of Houston and **AIA ENGINEERS, LTD.** for West Little York Paving from Wheatley to TC Jester - **DISTRICT B - JOHNSON**

**48. Ordinance 2008-1193**

ORDINANCE appropriating \$24,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$44,000.00 out of Street & Bridge Consolidated Construction Fund, \$132,000.00 out of Water & Sewer System Consolidated Construction Fund for Advertising Costs for various C.I.P. Projects relating to construction of facilities financed by the respective funds for the Department of Public Works & Engineering

**49. Ordinance 2008-1203**

ORDINANCE appropriating \$3,861,187.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**50. Ordinance 2008-1194**

ORDINANCE appropriating \$935,086.00 out of Parks Consolidated Construction Fund and awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Wheeler Park Facility Underground Storage Tank Modification and Cleanup at 6200 Wheeler Road; 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 materials testing services, project management and construction oversight services and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

**51. Council Member Clutterbuck tagged**

ORDINANCE appropriating \$2,537,518.00 out of Equipment Acquisition Consolidated Fund; awarding construction contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Memorial Park Pedestrian Bridge; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by the Equipment Acquisition Consolidated Fund - **DISTRICT G - HOLM**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 52 through 54

**Motion 2008-0915 – Motion to amend Item 52 as follows:**

“Move to amend Item 52 on the December 17, 2008 City Council Agenda by adding the following after the final “WHEREAS” clause on page 3 of the proposed Ordinance:

“and

**WHEREAS**, the City Council finds that if an amendment to the Project Plan and Reinvestment Zone Financing Plan for the area proposed to be added is not presented to the City Council by April 1, 2009, the Administration shall present to the City Council an ordinance reducing the boundaries of the Zone by removing from the Zone the areas described in Exhibit “A” and depicted on the map in Exhibit “B,” each of which is attached hereto;”

**52. Ordinance 2008-1204 – Adopt as amended**

ORDINANCE enlarging the boundaries of Reinvestment Zone Number Five, City of Houston, Texas, (Memorial Heights Zone); containing findings and provisions related to the foregoing subject; providing for severability - **DISTRICTS A - LAWRENCE; D - ADAMS G - HOLM and H - GARCIA - TAGGED BY COUNCIL MEMBER HOLM**

This was Item 29 on Agenda of December 10, 2008

**53. Ordinance 2008-1205**

ORDINANCE approving and authorizing contract between the City and **WADE WELLNESS CENTER** for Professional Services for the Ex-Offender Community Re-Entry Program; providing a maximum contract amount - 2 Years with three one-year renewals - \$450,000.00 - General Fund

**TAGGED BY COUNCIL MEMBER CLUTTERBUCK**

This was Item 30 on Agenda of December 10, 2008

**54. Ordinance 2008-1206**

ORDINANCE appropriating \$3,841,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (approved by Ordinance No. 2006-0277) for the Surface Water Transmission Program; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 48 on Agenda of December 10, 2008

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

**12/16/2008 – All Present**

**12/17/2008 – All Present**