

**AGENDA - COUNCIL MEETING - TUESDAY - JULY 1, 2008 - 9:00 A. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

**MOTIONS - 2008-0535 to 2008-0550**  
**ORDINANCES - 2008-0613 to 2008-0620**  
**RESOLUTION – None**

**2008-0534-1**

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

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

**9:00 A. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**9:30 A. 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 2008-0539 – Procedural motion**

**MAYOR'S REPORT**

**Motion 2008-0536 – Suspend rules to consider the Financial Report out of order**

**Motion 2008-0537 – Accept report**

**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

**Motion 2008-0538 – Suspend rules to remain in session beyond the scheduled noon recess**

**CONSENT AGENDA NUMBERS 1 through 21**

**MISCELLANEOUS** - NUMBER 1

**1. Motion 2008-0540**

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **OAK ESTATES HOMEOWNERS ASSOCIATION (OEHA, INC)** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 **DISTRICTS C - CLUTTERBUCK and G - HOLM**

**ACCEPT WORK** - NUMBER 2

**2. Motion 2008-0541**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$12,523,020.51 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for Katy Addicks Surface Water Pump Station, WBS S-001002-0000-4 - 3.63% over the original contract amount - **DISTRICT A - LAWRENCE**

**PROPERTY** - NUMBERS 3 through 6

**3. Motion 2008-0542**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, to amend Council Motion 2008-0174, which authorized the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, on behalf of **HOUSTON INDEPENDENT SCHOOL DISTRICT**, to grant a right of entry and to delete Item 5 - Parcel SY8-046 - **DISTRICT H - GARCIA**

**4. Motion 2008-0547**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from GDT Land Consultants, Inc., on behalf of Magellan Pipeline Company, L. P., for conveyance of a ±4300-square foot subsurface pipeline easement within an existing Centerpoint Easement, located in the Reels and Trobough League, A-59, Parcel SY8-067 - **STAFF APPRAISERS - DISTRICT I - RODRIGUEZ**

**5. Motion 2008-0543**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Creative Consulting on behalf of Sawyer Heights Village, Ltd., [SHV-GP, LLC, a Texas limited liability company (S. Jay Williams, sole member), General Partner], for abandonment and sale of a 10-foot-wide sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1, Parcel SY8-094 - **APPRAISERS - DISTRICT H - GARCIA**

**6. Motion 2008-0548**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Louis Macey, Sr., of Macey Family Properties, Ltd., for abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions, Parcels SY8-095 and KY8-270 **STAFF APPRAISERS - DISTRICT I - RODRIGUEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9

**7. Motion 2008-0544**

**DESIGN-BUILD SOLUTIONS, INC** for Roof Restoration Services for the Jones Hall Theater from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Convention & Entertainment Facilities Department \$132,024.00 and contingencies for a total amount not to exceed \$138,625.20 - Enterprise Fund

**PURCHASING AND TABULATION OF BIDS** - continued

**8. Motion 2008-0545**

**DIONEX CORPORATION** to Furnish and Install Laboratory Equipment for the Department of Public Works & Engineering - \$116,678.27 - Enterprise Fund

**9. Motion 2008-0546**

**ABB, INC** for Magnetic Flowmeters for Department of Public Works & Engineering - \$154,779.42 Enterprise Fund

**ORDINANCES** - NUMBERS 10 through 21

**Motion 2008-0535 – Suspend rules to consider Item 10 out of order**

**10. Council Members Jones, Holm, Garcia, Khan and Clutterbuck tagged**

**ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to flood plain; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

**11. Ordinance 2008-0614**

**ORDINANCE ADDING A NEW ARTICLE VII TO CHAPTER 45 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS** providing for the creation of a Speed Feedback Sign Program; making other findings and provision related to the subject; providing for severability; providing an effective date

**12. Ordinance 2008-0613**

**ORDINANCE** amending City of Houston Ordinance No. 2007-1315 relating to rescheduling and postponement of City Council meetings

**13. Ordinance 2008-0615**

**ORDINANCE** approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$4,380,270.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which amount includes a limitation on additional funding in the amount of \$2,190,135.00, for the operation of multiple community residences, administration of a short-term rent, mortgage and utility assistance program, a tenant based rental assistance program, and information and identification program, and for supportive services

**14. Ordinance 2008-0616**

**ORDINANCE** relating to the Retail Water and Sewer Rates of Southern Water Corporation; suspending for ninety days the effective date of the new rates and maintaining the current rates that shall constitute the legal rates of Southern Water Corporation until changed as provided by the Texas Water Code - **DISTRICT B - JOHNSON**

**15. Ordinance 2008-0617**

**ORDINANCE** approving and authorizing contract between the City of Houston and **THE LAW OFFICES OF PATRICK ZUMMO** for Legal Services relating to the City's continued enforcement of the Sexually Oriented Business Ordinance; establishing a maximum contract amount \$90,000.00 - Property and Casualty Fund

**16. Council Member Khan tagged**

**ORDINANCE** appropriating \$245,000.00 out of General Improvement Consolidated Construction Fund and approving and authorizing Professional Services Contract between the City of Houston and **M. ARTHUR GENSLER, JR. & ASSOCIATES, INC** for Programming Services for a new Municipal Courts Facility, WBS D-000105-0002-3

**ORDINANCES** - continued

**17. Ordinance 2008-0618**

ORDINANCE appropriating \$14,190,000.00 out of HAS Consolidated 2004 AMT Construction Fund and \$225,750.00 out of Airports Improvement Fund (Project No. 417F; WBS A-000141-0004-4-02; Contract No. 4600004538); and approving and authorizing amendment No. 2 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; setting a deadline for Clark Construction Group - Texas, LP's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the Clark Construction Group - Texas, LP in default if it fails to meet the deadlines; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT I - RODRIGUEZ**

**18. Ordinance 2008-0549 – Passed third and final reading**

ORDINANCE No. 2008-549, passed second reading June 25, 2008

ORDINANCE granting to **AAA DEMOLISHING, 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 - **THIRD AND FINAL READING**

**19. Ordinance 2008-0550 – Passed third and final reading**

ORDINANCE No. 2008-550, passed second reading June 25, 2008

ORDINANCE granting to **MZ TECH, INC dba UTS ENVIRONMENTAL, 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 - **THIRD AND FINAL READING**

**20. Ordinance 2008-0551 – Passed third and final reading**

ORDINANCE No. 2008-551, passed second reading June 25, 2008

ORDINANCE **RAPID WASTE, LLC, a Texas Limited Liability 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 - **THIRD AND FINAL READING**

**21. Ordinance 2008-0552 – Passed third and final reading**

ORDINANCE No. 2008-552, passed second reading June 25, 2008

ORDINANCE granting to **TREE EXPERTS, INC dba DEMOLITION EXPERTS, 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 **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBERS 22 and 23

**MISCELLANEOUS**

**22. Motion 2008-0549**

**MOTION TO SET A DATE** not less than seven (7) days from July 1, 2008 to receive nominations for Positions 10 and 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for three year terms to expire June 30, 2011 – **Set July 9, 2008 to receive nominations**

**23. Motion 2008-0550**

RECOMMENDATION from Director Department of Public Works & Engineering to reschedule the public hearing dates to consider a Municipal Setting Designation ordinance (MSD) for the following:

LUI Houston Studemont L.P. for the site located at 1200 Givens

**DISTRICT H - GARCIA**

**SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 13, 2008**

Randall's Center/West Bellfort site located at 8671 West Bellfort

**DISTRICTS C - CLUTTERBUCK; D - ADAMS and F - KHAN**

**SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008**

Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet

**DISTRICTS C - CLUTTERBUCK and F - KHAN**

**SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008**

**MATTERS HELD** - NUMBERS 24 and 25

**24. Ordinance 2008-0619**

ORDINANCE appropriating \$1,017,500.00 out of Airports Improvement Fund and approving and authorizing Amendment No.1 to an agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** for Job Order Contracting Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; WBS A-000138-0018-3-01 -

**DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**TAGGED BY COUNCIL MEMBER CLUTTERBUCK**

This was Item 30 on Agenda of June 25, 2008

**25. Ordinance 2008-0620**

ORDINANCE amending Ordinance No. 2007-660 to increase maximum contract amount; approving and authorizing First Amendment to contract between the City of Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for the Houston Police Department - 1 year \$250,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 36 on Agenda of June 25, 2008

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

**7/1/2008 – Council Member Noriega out of the City on personal business**