

**AGENDA - COUNCIL MEETING - TUESDAY - JULY 8, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS - 2008-0551 to 2008-0568  
ORDINANCES - 2008-0621 to 2008-0632  
RESOLUTION – 2008-0019

2008-0550-1

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

**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 2008-0551 – Procedural motion  
Motion 2008-0552 – Procedural motion  
Motion 2008-0553 – Procedural motion  
Motion 2008-0554 – Procedural motion

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

**RECONVENE**

**WEDNESDAY - JULY 9, 2008 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Website presentation on Houston General Plan

**CONSENT AGENDA NUMBERS 1 through 28**

**MISCELLANEOUS** - NUMBERS 1 through 5

**1. Motion 2008-0556**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 6, BOARD OF DIRECTORS**, for terms to expire June 1, 2011:

Position Seven - **MS. TAMMY C. MANNING**, reappointment  
Position Eight - **MR. ALLEN W. UECKERT**, appointment  
Position Ten - **MR. RANDALL K. ELLIS**, reappointment

**MISCELLANEOUS** - continued

**2. Motion 2008-0557**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:

- Position One - **MS. PAM MACKIE**, reappointment, for a term to expire 7/26/2009
- Position Two - **MS. ROBBIE MARIE ARRINGTON**, reappointment, for a term to expire 7/26/2010
- Position Four - **MS. MONICA PARKS**, reappointment, for a term to expire 7/26/2010
- Position Eight - **MR. SCOTTY MacCLYMONDS**, reappointment, for a term to expire 7/26/2010
- Position Ten - **MR. JOSÉ RAMIREZ, JR.**, appointment, for a term to expire 7/26/2010
- Position Eleven - **MS. MARIA G. DELEON**, appointment, for a term to expire 7/26/2009
- Position Twelve - **MR. DIEGO DEMAYA**, reappointment, for an unexpired term ending 7/26/2010
- Alternate Position Two - **DR. STANLEY J. ZIMMERMAN**, reappointment, for a term to expire July 26, 2010

**3. Motion 2008-0558**

REQUEST from Mayor for confirmation of the appointment of **MR. MILTON WILSON, JR.**, to Position Nine of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**, for a term to expire December 31, 2009

**4. Motion 2008-0565**

REQUEST from Mayor for confirmation of the appointment of **MR. BRUCE T. LaPREE**, to Position Seven of the **PUBLIC PARKING COMMISSION**, for a term to expire December 31, 2008

**5. Motion 2008-0559**

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **AVALON PROPERTY OWNERS ASSOCIATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 - **DISTRICT G - HOLM**

**ACCEPT WORK** - NUMBERS 6 and 7

**6. Motion 2008-0560**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,255,724.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Repair and Build-out of Denver Harbor Multi-Service Center - Phase II, WBS D-000077-0003-4 - 10.00% over the original contract amount - **DISTRICT I - RODRIGUEZ**

**7. Motion 2008-0561**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$328,070.00 and acceptance of work on contract with **F. W. WALTON, INC** for Roof Replacement at Police Academy Buildings "A" and "C", WBS G-000066-0008-4 - 0.52% over the original contract amount - **DISTRICT B - JOHNSON**

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

**8. Motion 2008-0562**

**CENTURY ASPHALT, LTD.** for Reclaimed Asphalt Pavement (RAP) for the Houston Airport System and Public Works & Engineering Departments - \$38,612,029.50 - General and Enterprise Funds

**PURCHASING AND TABULATION OF BIDS** - continued

**9. Motion 2008-0563**

**CUSTOM AIR PRODUCTS & SERVICES, INC** to Furnish and Install an HVAC System at Fire Station No. 49 for General Services Department - \$62,567.00 and contingencies for a total amount not to exceed \$68,823.70 - In-House Renovation Revolving Fund - **DISTRICT A - LAWRENCE**

**10. Motion 2008-0566**

**MAXIMUS, INC** for Annual Software Maintenance and Support Agreement for the Information Technology Department - \$80,000.00 - Central Service Revolving Fund

**11. Motion 2008-0564**

**HD SUPPLY WATERWORKS, INC** for PVC Gravity Sewer SDR-35 Pipe and Fittings for Department of Public Works & Engineering - \$706,152.08 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 28

**12. Resolution 2008-0019**

RESOLUTION repealing City of Houston Resolution No. 1985-50 and adopting a revised procedure for the review of County Law Enforcement Contracts under Section 351.067, Texas Local Government Code

Written motion by Council Member Holm to amend Item 13 as follows:

“I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed” – **Council Member Jones tagged**

**13. Council Member Jones tagged**

ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appraisals for sales or leases of City Real Property; containing findings and other provision relating to the foregoing subject; providing for severability

**14. Council Members Lawrence, Khan, Green and Clutterbuck tagged**

ORDINANCE **AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Contractor Employee Classification; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing for penalties

**15. Ordinance 2008-0630**

ORDINANCE relating to the charges and terms of service for Treated Water and Groundwater Reduction Plan Agreements; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause

**Motion 2008-0555 – Suspend rules to consider Item 16 as first item removed for separate consideration**

**16. Ordinance 2008-0629**

ORDINANCE approving and authorizing Purchase Agreement between the City of Houston, Seller, and the **SOCIETY OF HOUSTON LATIN FIRE FIGHTERS, A Texas Nonprofit Corporation**, purchaser, to sell the former Fire Station No. 27, located at 6302 Lyons Avenue (Parcel SY6-114), Houston, Texas, to purchaser for the purpose of preserving the historic building and converting the property into a combination of (I) a Community Activity Center on the first floor and (II) Apartment-Type Units for use by Firefighters and their families during extended treatments at the Texas Medical Center on the second floor, in consideration of such preservation and use as a Community Activity Center and Apartment-Type Units, and the payment of \$53,000.00 to the City by the purchaser - **DISTRICT H - GARCIA**

**RESOLUTIONS AND ORDINANCES** - continued

**17. Ordinance 2008-0621**

ORDINANCE directing the Department of Planning & Development to prepare a service plan that provides for the extension of municipal services into certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row; calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to annex certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row, Texas; providing for the publication of notice of such hearings - **DISTRICT A - LAWRENCE**

**18. Ordinance 2008-0622**

ORDINANCE approving and authorizing contract between the City and the **HARRIS COUNTY HOSPITAL DISTRICT** for support services for the elderly - \$99,530.00 - Grant Fund

**19. Ordinance 2008-0623**

ORDINANCE approving and authorizing submission of an application for grant assistance from the **BUREAU OF JUSTICE ASSISTANCE** to fund the **EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT PROGRAM FY08**; 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, or acting Chief, or any designated assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application

**20. Ordinance 2008-0624**

ORDINANCE approving and authorizing Agreement between the City of Houston and **MEMORIAL CITY TAX INCREMENT REINVESTMENT ZONE NO. 17** for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road, WBS N-000767-0001-4 **DISTRICT A - LAWRENCE**

**21. Council Members Holm and Clutterbuck tagged**

ORDINANCE appropriating \$165,000.00 out of Cable TV Fund 2401; approving and authorizing third amendment to contract between the City of Houston and **HOUSTON MEDIASOURCE** for a Public Access Television Channel; providing a maximum contract amount

**22. Council Member Holm tagged**

ORDINANCE amending Ordinance #2007-907 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T & T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - 1 Year - \$2,148,129.00 Police Special Services Fund (METRO)

**23. Ordinance 2008-0631**

ORDINANCE amending Ordinance Number 2003-871 to increase the maximum contract amount for contract between the City and **STANDARD INSURANCE COMPANY** for Basic and Voluntary Employee Group Life Insurance Coverage - \$335,000.00 - Health Benefits Fund

**24. Ordinance 2008-0625**

ORDINANCE appropriating \$50,000.00 out of Public Library Consolidated Construction Fund for the Purchase of Information Technology Equipment to support new services provided as part of the Houston Public Library Express Discovery Green, WBS E-000119-0001-5 - **DISTRICT I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

**25. Council Member Holm tagged**

ORDINANCE approving and authorizing contracts between the City of Houston and **MORRIS AND McDANIEL, INC** and **INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC** for Assessment Process Center Services for the Houston Police Department; providing maximum contract amounts - 3 Years with two one-year options - \$830,280.00 - General Fund

**26. Ordinance 2008-0626**

ORDINANCE approving and authorizing contract between the City and **JEFFERSON ASSOCIATES, INC** for On-Call Staffing and Project Support Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 years with two one-year options - \$1,500,000.00 - Building Inspection Fund

**27. Ordinance 2008-0627**

ORDINANCE appropriating \$356,156.68 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDC, INC** for Safe Sidewalk Program, WBS N-00610A-00H4-3 and N-00610A-00H5-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and H - GARCIA**

**28. Ordinance 2008-0628 – Passed first reading**

ORDINANCE granting to **MARTIN GARZA CLEAN UP SERVICE, 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 - **FIRST READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 29

**MISCELLANEOUS**

29. 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

**Motion 2008-0567 – Close nominations for Position 10**

**Motion 2008-0568 – Close nominations for Position 11**

Council Member Rodriguez nominated Art Morales for Position 10

Council Member Garcia nominated Richard Badger for reappointment for Position 11

**MATTERS HELD** - NUMBERS 30 and 31

Written motion by Council Member Khan to amend Item 30 as follows:

"I move to amend Item 30 on the July 9, 2008 Agenda as follows:

1. By amending **Section 2** of the proposed Ordinance to read as follows:

"That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms *floodway conveyance offset volume* and *Lake Houston*, in the appropriate alphabetical order, that read as follows:

'*Floodway conveyance offset volume* shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.'

'*Lake Houston* shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.'

2. By amending **Section 4** of the proposed Ordinance to read as follows:

"That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

'(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.'

3. By amending **Section 5** of the proposed Ordinance to read as follows:

"That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

'(1) Identifies an amount of fill associated with pier and beam construction that, although the amount may be approaching zero, is recognized by the city engineer as sufficiently important to be addressed, but for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or'

**MATTERS HELD** – continued

Written motion amendment - continued

4. By amending **Section 8** of the proposed Ordinance to read as follows:

“That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:

‘(f) The city engineer shall grant a variance for reconstruction of a structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing foundation that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the foundation.’ ”

5. By amending **Section 10** of the proposed Ordinance to read as follows:

“That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:

‘(c) The city engineer may issue a permit for development for an addition to, or for the repair, renovation, replacement or reconstruction of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;

- (2) The foundation system for the structure will be pier and beam construction;

**MATTERS HELD** – continued

Written motion amendment - continued

- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

- (e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:
  - (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
  - (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.
- (f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:
  - (1) The improvement is insubstantial;
  - (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and

**MATTERS HELD** – continued

Written motion amendment - continued

(3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' ”

6. By adding a new **Section 11A** to the proposed Ordinance, which shall read as follows:  
“That Subsection (d) of Section 19-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated June 18, 2007, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.’ ”

7. By adding a new **Section 11B** to the proposed Ordinance, which shall read as follows:  
“That Subsection (d) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall establish a case on behalf of the city that presents sufficient evidence, that unless it were otherwise rebutted, shows that grounds exist for revocation of the permit in question.’ ”

8. By adding a new **Section 11C** to the proposed Ordinance, which shall read as follows:  
“That Subsection (g) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.’ ”

**30. Council Member Noriega 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

**TAGGED BY COUNCIL MEMBERS JONES, HOLM, GARCIA, KHAN and CLUTTERBUCK**

This was Item 10 on Agenda of July 1, 2008

**MATTERS HELD** – continued

**31. Ordinance 2008-0632**

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 - **TAGGED BY COUNCIL MEMBER KHAN**

This was Item 16 on Agenda of July 1, 2008

**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

**7/8/2008 – Council Member Brown absent on City business**

**7/9/2008 – All Present**