

AGENDA - COUNCIL MEETING - TUESDAY - MAY 6, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0303 to 2008-0316
ORDINANCES - 2008-0389 to 2008-0414
RESOLUTIONS – 2008-0010 to 2008-0011

2008-0302-1

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

Motion 2008-0303 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 7, 2008 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **Motion 2008-0304 – Close hearing**
PUBLIC HEARING relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Seven (OST/Alameda Zone)
DISTRICTS D - ADAMS and I - RODRIGUEZ
2. **Motion 2008-0305 – Close hearing**
PUBLIC HEARING relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven (Greater Greenspoint Zone)
DISTRICT B - JOHNSON

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 43

MISCELLANEOUS - NUMBERS 3 through 5

3. Motion 2008-0306

REQUEST from Mayor for confirmation of the appointment of **MS. HELAINE W. LANE** to Position Two of the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**, for a term to expire December 31, 2009

4. Motion 2008-0313

RECOMMENDATION from Director General Services Department for Council to determine that the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Right-of-way and Fleet Maintenance Facilities Expansion for the Department of Public Works & Engineering - WBS N-00653C-0001-4 - **DISTRICTS B - JOHNSON; H - GARCIA and I - RODRIGUEZ**

5. Motion 2008-0307

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRAYS VILLAGE PATIO HOMES MAINTENANCE FUND, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 - **DISTRICTS F - KHAN and G - HOLM**

DAMAGES - NUMBER 6

6. Motion 2008-0314

RECOMMENDATION from City Attorney for settlement of lawsuit styled **WILLIAM DELEON** and **OSCAR DELEON** v. City of Houston and Herman Lastrape, Jr., in the 80th Judicial District Court of Harris County, Texas; Cause No. 2005-54717 - \$240,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 7 through 9

7. Motion 2008-0308

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$741,191.15 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 8430 Newcastle, WBS M-000126-0050-4 - 3.86% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

8. Council Members Adams, Jones and Rodriguez tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,034,808.20 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, WBS M-000241-0002-4 - 5.36% under the original contract amount - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ**

9. Council Members Jones and Rodriguez tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,247,170.41 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0099-4 4.88% over the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14

10. Motion 2008-0309

KEETON CONTRACT SERVICES, INC for Painting the Exterior Roof Exhaust Ducts at George R. Brown Convention Center for the Convention & Entertainment Facilities Department \$90,000.00 and contingencies for a total amount not to exceed \$94,500.00 - Enterprise Fund

11. Ordinance 2008-0407

ORDINANCE appropriating \$313,950.00 out of C & E Construction Fund for Seating Modifications for Talento Bilingue de Houston for Convention & Entertainment Facilities Department, WBS B -000123-0001-4

a. Motion 2008-0315

RESICOM, INC for Seating Modifications for Talento Bilingue de Houston for Convention & Entertainment Facilities Department - \$299,000.00 and contingencies for a total amount of \$313,950.00

12. Motion 2008-0310

QUADMED, INC - \$595,049.82, **CARDINAL HEALTH 220, INC** - \$468,274.74, **MOORE MEDICAL, LLC** - \$567,406.81, **AMBU, INC** - \$485,727.22, **EMERGENCY MEDICAL PRODUCTS, INC** - \$106,173.84, **HENRY SCHEIN, INC** - \$188,424.88 and **EMS INNOVATIONS, INC** - \$79,182.00 for Medical and Emergency Medical Supplies for Fire Department \$2,490,239.31 - General Fund

13. Motion 2008-0311

STANBIO LABORATORY for Hemoglobin 201 Analyzers and Microcuvette Test Strips for the Health & Human Services Department - \$488,400.00 - Grant Fund

14. Motion 2008-0312

FLINT TRADING, INC for Thermoplastic Pavement Marking Materials for Department of Public Works & Engineering - \$1,148,984.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$1,128,984.00 - General Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 43

15. Resolution 2008-0010

RESOLUTION approving and adopting a revised Investment Policy for the City of Houston

16. Resolution 2008-0011

RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for issuance of its Higher Education Revenue Bonds (Rice University Project), Series 2008

Written motion by Council Member Lawrence to amend Item 17 as follows:

"I move to amend Item 17 by making the following change in Section 3 of the proposed Ordinance:

1. Amend Section 26-96 by changing the first sentence to read as follows:
"No person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district." – **Tagged by Council Members Adams and Khan**

17. Council Members Adams and Khan tagged

ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the parking of large vehicles in residential areas and on the streets

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2008-0389

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four water line easements (Parcels SY7-059A, SY7-059B, SY7-059C and SY7-059D), containing an aggregate of 0.3854 acre (16,786 square feet) of land, more or less, vacating and abandoning said easements to Houston Gulfgate Partners, L.P., in consideration of said owner's payment of an aggregate amount of \$71,341.00, and other consideration to the City **DISTRICT I - RODRIGUEZ**

19. Ordinance 2008-0390

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 3,462 square foot, more or less, tract of excess fee-owned land within the Braeswood Water Well #1 Site C-116, adjacent to 5900 North Braeswood Boulevard, Houston, Texas 77074 (Parcel No. SY7-132), located in the Herman Aiken Survey, A-98, Harris County, Texas; vacating and abandoning said tract of land to Seven Acres Jewish Senior Care Services, Inc., abutting owner, in consideration of abutting owner's conveyance to the City of a sanitary control easement over the entire area being sold (Parcel No. QY7-008), payment to the City of \$17,310.00, and other consideration - **DISTRICT C - CLUTTERBUCK**

20. Ordinance 2008-0391

ORDINANCE consenting to the addition of 242.6810 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district

21. Ordinance 2008-0392

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494 - DISTRICT E - SULLIVAN**

22. Ordinance 2008-0393

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 496**

23. Ordinance 2008-0394

ORDINANCE consenting to the addition of 11.22 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**

24. Ordinance 2008-0395

ORDINANCE consenting to the addition of 93.38 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**

25. Ordinance 2008-0396

ORDINANCE consenting to the addition of 127.12 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**, for inclusion in its district - **DISTRICT E - SULLIVAN**

26. Ordinance 2008-0397

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 521**

27. Ordinance 2008-0398

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 522**

RESOLUTIONS AND ORDINANCES - continued

28. Ordinance 2008-0399

ORDINANCE consenting to the addition of 13.51 acres of land to **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district - **DISTRICT B - JOHNSON**

29. Ordinance 2008-0400

ORDINANCE consenting to the addition of 5.926 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

30. Ordinance 2008-0408

ORDINANCE approving and authorizing contract between the City and the **FAMILY CENTER OF HOPE** to facilitate transition and relocation support for clients affected by Hurricanes Katrina and Rita - \$80,000.00 - Grant Fund

31. Ordinance 2008-0401

ORDINANCE committing \$975,000.00 in present and future Community Development Block Grant Funds as a cash match; approving and authorizing the acceptance of a grant from the U. S. Department of Housing and Urban Development (HUD) for Round 15 Lead-based Paint Hazard Control Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, and to apply for and accept all subsequent awards, if any, pertaining to the grant

32. Ordinance 2008-0409

ORDINANCE approving and authorizing Loan Agreement between the City of Houston and **VILLAGE OF ZION, LP, by and through its general partner TKNET, LLC**, to provide a \$500,000.00 Loan of Home Investment Partnerships Program ("HOME") Funds to assist in financing land acquisition and the development of a 50-unit Senior Citizen Complex located at 3154 Gray Street, Houston, Texas - **DISTRICT I - RODRIGUEZ**

33. Ordinance 2008-0402

ORDINANCE approving and authorizing Lease Agreement between **HOUSTON CHINESE CHURCH, as tenant**, and the City of Houston, Texas, as landlord, for two parcels of land (RE-90 and RE-93) with an aggregate of 35,600 square feet of land, more or less, located at 10305 South Main, Houston, Harris County, Texas, to be use for parking - **DISTRICT C - CLUTTERBUCK**

34. Council Member Rodriguez tagged

ORDINANCE approving and authorizing contract between the City of Houston and **ACORN HOUSING CORPORATION, INC** to provide \$155,000.00 in Community Development Block Grant Funds for Foreclosure Prevention Counseling Services

35. Ordinance 2008-0410

ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **STAR OF HOPE MISSION**, to provide an additional \$100,000.00 in Community Development Block Grant Funds for the Renovation of the Women and Family Emergency Shelter Facility located at 419 Dowling Street, Houston, Texas - **DISTRICT I - RODRIGUEZ**

36. Ordinance 2008-0403

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Operation and Maintenance of Pinewood Village and Mary Withers Parks **DISTRICT B - JOHNSON**

37. Ordinance 2008-0404

ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460** **DISTRICTS D - ADAMS and E - SULLIVAN**

RESOLUTIONS AND ORDINANCES - continued

38. Ordinance 2008-0405

ORDINANCE amending Ordinance No. 2008-0126 to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering, Hauling and Disposal Services - \$963,202.75 - Enterprise Fund - **DISTRICT E - SULLIVAN**

39. Ordinance 2008-0406

ORDINANCE appropriating \$121,730.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Right-of-way and Fleet Maintenance Facilities Expansions (approved by Ordinance No. 2007-0949), WBS N-00653C-0001-3 - **DISTRICTS H - GARCIA and I - RODRIGUEZ**

40. Ordinance 2008-0411

ORDINANCE appropriating \$3,567,000.00 out of Water & Sewer System Consolidated Construction Fund, awarded construction contract to **MERIDIAN COMMERCIAL, L.P.** for Air Handler Units Upgrade at 611 Walker, WBS R-000268-0058-4; 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 construction management, asbestos abatement project management, Civic Art Program, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

41. Ordinance 2008-0412

ORDINANCE de-appropriating \$3,659,297.21 out of Water & Sewer System Consolidated Construction Fund from Contract No. 4600006059 (as passed by Ordinance No. 2006-0654); appropriating \$5,059,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for proposed 42-inch water line along Allum, Player and Tidewater from Hiram Clarke to Candleshade, WBS S-000900-00AE-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, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

42. Ordinance 2008-0355 – Passed third and final reading

ORDINANCE No. 2008-355, passed second reading April 30, 2008

ORDINANCE granting to **INLAND ENVIRONMENTS, LTD., a Texas Limited Partnership**, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

43. Ordinance 2008-0356 – Passed third and final reading

ORDINANCE No. 2008-356, passed second reading April 30, 2008

ORDINANCE granting to **STANZ INTEGRATED CLEANING SOLUTIONS, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 44

PURCHASING AND TABULATION OF BIDS

44. Motion 2008-0316

RECOMMENDATION from Purchasing Agent to make the following awards for Telephone Equipment and Accessories for Information Technology Department - \$1,836,119.80 - Central Service Revolving Fund:

CALL ONE, INC - \$86,855.40

CALENCE, LLC - \$425,128.50

GRAYBAR ELECTRIC - \$240,419.60

LIBERTY COMMUNICATIONS, INC - \$173,462.00

WALKERCOM, INC - \$88,681.30

TELECOM REMARKETING CORPORATION OF AMERICA, dba TRCA - \$257,113.20

COMTALK, INC - \$506,259.80

COUNCIL DRAW LOTS

ITEM NOS. 25, 52, 110 and 111 due to receiving identical bids from **LIBERTY COMMUNICATIONS, INC** and **COMTALK, INC** in an amount of \$60,200.00 - **COMTALK, INC** drawn

MATTERS HELD - NUMBERS 45 and 46

45. Ordinance 2008-0413

ORDINANCE appropriating \$689,912.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DEYAR BUILDERS, INC** for Safe Sidewalk Program F2, WBS N-00610A-00F2-4; 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 Street & Bridge Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

POSTPONED BY MOTION #2008-280, 4/23/08

This was Item 28 on Agenda of April 23, 2008

46. Ordinance 2008-0414

ORDINANCE **AMENDING SECTIONS 21-161, 21-164, and 21-166 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to registration of air pollution sources; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful, providing affirmative defenses thereto and penalties therefor; containing a savings clause; providing for severability

TAGGED BY COUNCIL MEMBERS NORIEGA and CLUTTERBUCK

This was Item 13 on Agenda of April 30, 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 4NHJ (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

5/6/2008 – Council Member Green absent on personal business

5/7/2008 – Council Member Green absent on personal business