

**AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 9, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

MOTIONS - 2008-0694 to 2008-0705  
ORDINANCES - 2008-0797 to 2008-0821  
RESOLUTIONS – 2008-0023 to 2008-0024

2008-0693-1

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

**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 - SEPTEMBER 10, 2008 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Central Business District Economic Development - **presented**

**CONSENT AGENDA NUMBERS 1 through 34**

**MISCELLANEOUS** - NUMBERS 1 through 4

**1. Motion 2008-0695**

RECOMMENDATION from the Director of the Finance Department (1) to place the proposed 2008 tax rate of \$.63875/\$100 of value on the October 22, 2008 Council Agenda, (2) to set dates for three public hearings and (3) to publish an analysis of anticipated increased revenues

**HEARING DATES - 6:00 P.M. - TUESDAY - SEPTEMBER 23, 2008; 6:00 P.M. - TUESDAY - SEPTEMBER 30, 2008 and 9:00 A.M. - WEDNESDAY - OCTOBER 8, 2008**

**MISCELLANEOUS** - continued

**2. Motion 2008-0696**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for the Metro Light Rail Traffic Signal System in accordance with the Operations and Maintenance Agreement with Metropolitan Transit Authority of Harris County, Texas - 1 Year \$209,321.96 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

**3. Motion 2008-0697**

RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2008 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$10,350,572.30 for Revenue Bond Debt Service as recommended in the Report

**4. Motion 2008-0698**

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$1.58 per square foot for properties connecting to the 10-inch wastewater line located along Pierce between Valentine and the west of Bagby constructed by **MIDTOWN EDGE, LP.** - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

**ACCEPT WORK** - NUMBER 5

**5. Motion 2008-0699**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$411,249.77 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Municipal Courts Elevator Renovation, WBS D-000113-07-4 - 3.33% over the original contract amount - **DISTRICT H - GARCIA**

**PROPERTY** - NUMBERS 6 through 8

**6. Motion 2008-0700**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sally Bradford of Greater Greenspoint Redevelopment Authority (TIRZ 11), for abandonment and sale of Wagon Road between Millstream Lane and Buckboard Drive, in exchange for the conveyance to the City of a full-width utility easement, located within the Imperial Valley Commercial Development, Section 1 Subdivision, out of the Simon Contreras Survey, A-220, Parcels SY8-093 and VY9-021 **APPRAISERS** - **DISTRICT B - JOHNSON**

**7. Motion 2008-0701**

RECOMMENDATION from Director General Services Department to appoint independent appraisers in connection with the sale of 2.316 acres of land located at 3602 West Dallas and adjacent to 3530 West Dallas known as The Lighthouse for the Blind of Houston - **DISTRICT D - ADAMS**

**PROPERTY** - continued

**8. Council Member Rodriguez tagged**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frederick Newhouse of Valero Houston Refinery, for the abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A through I **APPRAISERS - DISTRICT I - RODRIGUEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 10A

**9. Motion 2008-0702**

**HEWLETT-PACKARD COMPANY** for Hewlett Packard Hardware through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department - \$665,504.53 - Equipment Acquisition Consolidated Fund

**10. Ordinance 2008-0798**

ORDINANCE appropriating \$61,391.30 out of Reimbursement of Equipment/Projects Fund as an additional appropriation for Purchase of Automated Side-Loader Refuse Bodies for the Solid Waste Management Department

**a. Motion 2008-0703**

**HEIL OF TEXAS** for the Installation of Automated Side-Loader Refuse Bodies through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for the Solid Waste Management Department - \$243,506.66 - Reimbursement of Equipment/Projects Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 34

**11. Resolution 2008-0023**

RESOLUTION designating the Freeland Addition area of the City of Houston as an historic district **DISTRICT H - GARCIA**

**12. Resolution 2008-0024**

RESOLUTION designating the Shadow Lawn Addition area of the City of Houston as an historic district - **DISTRICT C - CLUTTERBUCK**

**Written motion by Council Member Clutterbuck/seconded by Council Member Khan to amend Item 13 to delete the following sections:**

- Sec. 26-631. Marking of spaces
  - Sec. 26-632. Parking lot surface
  - Sec. 26-633. Lighting
  - Sec. 26-634. Maintenance
- Council Member Clutterbuck tagged

**RESOLUTIONS AND ORDINANCES** - continued

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

“The provisions of this article shall apply to parking lots that are open to the public and operating 10 days or more per year.”

Council Member Holm tagged

**13. Council Members Rodriguez, Sullivan, Holm, Khan, Garcia and Clutterbuck tagged**

**ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to parking lot standards; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing an effective date; providing for severability

**a. Council Members Rodriguez, Sullivan, Johnson, Holm, Garcia, Khan, Clutterbuck and Brown tagged**

**ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the immobilization of vehicles in parking lots; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing an effective date; providing for severability

**14. Ordinance 2008-0799**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) a 15-foot-wide alley between (A) Blocks 14 and 15 (Parcel No. SY6-36A), (B) Blocks 18 and 19 (SY6-36B), and (C) Blocks 21 and 22 (SY6-36C) of Institute Addition, a subdivision according to the plat thereof recorded at Volume 3, Page 5, Map Records of Harris County, Texas, together with (2) a portion of Selma Avenue, from Braeswood Boulevard to Eaton Street, from Eaton Street to St. Agnes Street, and from St. Agnes Street south to its terminus (SY6-036D), (3) a portion of Princeton Street, from Braeswood Boulevard to Eaton Street (SY6-036E), (4) a portion of Eaton Street, from Selma Avenue west 195 feet toward Cecil Street (SY6-036F), (5) a portion of Eaton Street, from Selma Avenue east to its terminus (SY6-036G), (6) a portion of St. Agnes Street, from Cecil Street to the east right-of-way line of Selma Avenue (SY6-036H), (7) a portion of Cecil Street, from St. Agnes Street to Swanson Street (SY6-036I), (8) portions of Eaton Street and Selma Avenue (SY7-076A), and (9) a portion of Selma Avenue, from Lehall Street to Dreyfus Street (SY7-076B), also in said Institute Addition; vacating and abandoning said tracts of land to the Board of Regents of the University of Texas System, for the use and benefit of the University of Texas M. D. Anderson Cancer Center (“M.D. Anderson”) and Texas Medical Center (“TMC”), abutting owners, in consideration of the conveyance from abutting owners to the City of (10) a right-of-way easement for the widening and realignment of Bertner Avenue (A) from Braeswood Boulevard to Eaton Street (AY7-261A), (B) from Eaton Street to St. Agnes Street (AY7-261B), (C) from St. Agnes Street to the east line of Block 21 (AY7-261C), and (D) from the west line of Block 22 to Old Spanish Trail (AY7-261D and AY7-262A), and (11) right-of-way easements for the extension of Lehall Street, from Cecil Street to Selma Avenue (AY7-261E and AY7-262B), also in said Institute Addition, (12) payment by M. D. Anderson to the City of \$2,393,748.00 as net consideration for the abandoned parcels, (13) the performance by M. D. Anderson under a Development Agreement with the City and TMC, and (14) other consideration to the City; authorizing the Development Agreement among TMC, M. D. Anderson and the City - **DISTRICT D - ADAMS**

**15. Ordinance 2008-0800**

ORDINANCE consenting to the addition of 55.5154 acres of land to **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

**16. Ordinance 2008-0801**

ORDINANCE consenting to the addition of 4.841 acres of land to **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

**RESOLUTIONS AND ORDINANCES** - continued

**17. Ordinance 2008-0802**

ORDINANCE establishing the south side of the 1600 block of Vassar Street between Dunlavy and Mandell Streets within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

**18. Ordinance 2008-0803**

ORDINANCE establishing the south side of the 2300 block of Goldsmith Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

**19. Ordinance 2008-0815**

ORDINANCE approving and authorizing the execution of Airport Use and Lease Agreements between the City of Houston and **SOUTHWEST AIRLINES CO., DELTA AIRLINES, INC, AIRTRAN AIRWAYS, INC** and **AMERICAN EAGLE AIRLINES, INC** at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ**

**20. Ordinance 2008-0804**

ORDINANCE ordering and setting a public hearing, pursuant to the provisions, of Chapter 26, Texas Parks & Wildlife Code, regarding the construction of the new Kingwood Library on 4.845 acres (Parcel GY9-001) within the Kingwood Park located at 2700 Bens Branch Drive and Bens View Lane; authorizing and directing that notice of such hearing be given; stating in substance the form of such notice; finding and stating other matters generally relating thereto **DISTRICT E - SULLIVAN**  
**SUGGESTED HEARING DATE - 9:00A.M. - WEDNESDAY- OCTOBER 29, 2008**

**Motion 2008-0694 – Suspend rules to consider Item 21 out of order**

**21. Ordinance 2008-0797**

ORDINANCE approving and authorizing agreement between the City of Houston and **REGENCY WALK, LLC** to provide a \$10,150,000.00 Performance-Based Loan of Federal "CDBG" Funds for costs to renovate apartments located at 10301 and 10400 Sandpiper, Houston, Texas, to house qualified low income residents - **DISTRICT C - CLUTTERBUCK**

**22. Ordinance 2008-0805**

ORDINANCE altering and establishing prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty

**23. Ordinance 2008-0806**

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston, Texas and **MAXIMUS, INC**; providing a maximum contract amount, containing provisions relating to the subject

**24. Ordinance 2008-0807**

ORDINANCE awarding contract to **HITECH FIRE DETECTION CORPORATION** for Alarm Monitoring, Inspection, Maintenance and Telephone Response Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,661,954.70 General, Enterprise, Building Inspection and Fleet Management Funds

**RESOLUTIONS AND ORDINANCES** - continued

**25. Ordinance 2008-0808**

ORDINANCE approving and authorizing two Professional Materials Engineering and Testing Services Laboratory Contracts between the City of Houston and **TITAN TESTING & ENGINEERING SERVICES, INC** and **LFC, INC** for Testing Laboratory Services for Public Works & Engineering

**26. Ordinance 2008-0809**

ORDINANCE appropriating \$646,800.00 out of Drainage Improvements Commercial Paper Series F Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Storm Sewer Improvements to Shepherd Drive, Buffalo Bayou to Westheimer (River Oaks) (approved by Ordinance No. 07-596) WBS M-000267-0001-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM**

**27. Ordinance 2008-0816**

ORDINANCE deappropriating \$590,000.00 from the Street & Bridge Consolidated Construction Fund (for a Professional Engineering Services Contract between the City and Othon, Inc - approved by Ordinance No. 2007-512); and appropriating \$677,263.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Design of Reconstruction for Fulton Street from Quitman Street to Hogan Street, WBS N-000818-0001-3 and N-000717-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA**

**28. Ordinance 2008-0810**

ORDINANCE appropriating \$810,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **TCB, INC** for Southwest Wastewater Treatment Plant Improvements, WBS R-000265-0038-4 - **DISTRICT C - CLUTTERBUCK**

**29. Ordinance 2008-0817**

ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for the North Corridor Plant Consolidation, Northgate Wastewater Treatment Plant, WBS R-000536-0008-4 - **DISTRICT B - JOHNSON**

**30. Ordinance 2008-0811**

ORDINANCE appropriating \$110,300.00 out of General Improvement Consolidated Construction Fund and awarding construction contract to **CST ENVIRONMENTAL, INC** for Lead Remediation, Backfill and Compaction for the HPD SWAT Rifle Range at the Police Academy; 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 General Improvement Consolidated Construction Fund, D-000073-0084-4 - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - continued

**31. Ordinance 2008-0812**

ORDINANCE appropriating \$3,513,889.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS #R-000295-0017-4; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**32. Ordinance 2008-0813**

ORDINANCE appropriating \$4,035,548.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0022-4; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**33. Ordinance 2008-0814**

ORDINANCE appropriating \$1,752,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in Fontaine Place Area, WBS S-000035-00M1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required 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**

**34. Ordinance 2008-0818**

ORDINANCE appropriating \$2,278,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline Replacement in Gardendale Area, WBS S-000035-00M4-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required 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 H - GARCIA**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 35 through 37

**35. Ordinance 2008-0819**

ORDINANCE approving and authorizing Purchase and Sale Agreement, a Special Warranty Deed and a Development Agreement between the City of Houston, Texas, seller, and Congregation Beth Israel of Houston, Texas, purchaser, for 0.8237 acres (35,800 square feet), more or less, of land being out of a Former Water Plant, 1109 Antoine Drive (Parcel SY7-040), located in Reserve A, Block 9, Afton Village Subdivision, Section Two, E. B. Cogswell Survey, A-785, for a purchase price of \$492,432.00, and other consideration to the City - **DISTRICT A - LAWRENCE**

**TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 21 on Agenda of September 3, 2008

**MATTERS HELD** - continued

**36. Ordinance 2008-0820**

ORDINANCE appropriating \$880,825.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Phase 1 - Yale Street Rehabilitation from IH 10 to 17th (approved by Ordinance No. 05-0557), WBS N-000724-0001-3 - **DISTRICT H -**

**GARCIA**

**TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 48 on Agenda of September 3, 2008

**Motion 2008-0704 – Suspend rules to remain in session beyond the scheduled noon recess**

**Motion 2008-0705 – Written motion by Council Member Johnson to amend Item 37 as follows:**

“The Houston Police Department to track www.hpdcareer.com website statistics, the number of applications received, survey of applicants, number of cadets accepted for that quarter’s academy classes and the number of cadets graduating from the academy. HPD will put into writing their recruiting efforts for each quarter, including Patriot Advertisings media and Internet buys. Written results will be submitted on a quarterly basis to the Public Safety and Homeland Security Committee for review.” - adopted

**37. Ordinance 2008-0821 – Adopted as amended**

ORDINANCE approving and authorizing agreement between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$750,000.00 - General Fund

**TAGGED BY COUNCIL MEMBER NORIEGA**

This was Item 54 on Agenda of September 3, 2008

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

**9/9/2008 – Council Member Noriega absent on personal business**

**9/10/2008 – All Present**