

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 18, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2009-0612 to 2009-0620
ORDINANCES – 2009-0752 to 2009-0773
RESOLUTION – 2009-0020

2009-0611-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lovell

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 - AUGUST 19, 2009 - 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 25

MISCELLANEOUS - NUMBER 1

1. Motion 2009-0612

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE) BOARD OF DIRECTORS**, for terms to expire December 31, 2010:

Position Two - **MR. COLLIN A. ROSE**, reappointment

Position Four - **MR. TOM L. BROAD**, appointment

ACCEPT WORK - NUMBERS 2 through 4

2. Motion 2009-0613

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$452,806.00 and acceptance of work on contract with **RESICOM, INC** for Reveille Park Phase II - 4.82% over the original contract amount - **DISTRICT I - RODRIGUEZ**

3. Motion 2009-0614

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract of \$1,133,376.98 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 12.5% under the original contract amount

4. Motion 2009-0615

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,649,370.73 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 5.22% under the original contract amount - **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 5A

5. Ordinance 2009-0760

ORDINANCE appropriating \$342,327.00 out of Equipment Acquisition Consolidated Fund for Purchase of Professional Services to right size and improve data center reliability for the Information Technology Department

a. Motion 2009-0616

TECHNOLOGY PARTNERS INTERNATIONAL, INC for Professional Services to right size the server platform and improve data center reliability for Information Technology Department

RESOLUTIONS AND ORDINANCES - NUMBERS 6 through 25

6. Resolution 2009-0020

RESOLUTION designating certain property at 5300 Caroline Street within the City of Houston as a landmark and protected landmark (William L. Clayton House) - **DISTRICT D - ADAMS**

7. Ordinance 2009-0761

ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to affidavits required for issuance of building permits; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

Motion 2009-0617 – Suspend rules to hear from Ms. Marlene Gafrick relative to Item 8

8. Ordinance 2009-0762

ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivisions, developments, and platting, building lines, and transit corridor development; containing findings and other provisions relating to the foregoing subject; providing for severability

a. Ordinance 2009-0763

ORDINANCE **AMENDING THE CITY OF HOUSTON BUILDING CODE** relating to sidewalks; containing findings and other provisions relating to the foregoing subject; providing for severability

RESOLUTIONS AND ORDINANCES - continued

9. Ordinance 2009-0764

ORDINANCE establishing the north and south sides of the 1800 block of Norfolk Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

10. Ordinance 2009-0765

ORDINANCE establishing the north and south sides of the 1800 block of Norfolk 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 D - ADAMS**

11. Ordinance 2009-0766

ORDINANCE approving Loan Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION, a Texas Nonprofit Corporation**, for a \$3,000,000 Performance Based Loan of Federal "HOME" Funds for Development of the Sakowitz Apartments including 166 single room occupancy units at 2300 Sakowitz Street - **DISTRICT H - GONZALEZ**

12. Ordinance 2009-0752

ORDINANCE approving and authorizing Occupancy Agreement between the **HARRIS COUNTY DEPARTMENT OF EDUCATION, a Texas County School District, as occupant**, and the City of Houston, Texas, as owner, for space in the Fifth Ward Multi-Service Center - **DISTRICT B - JOHNSON**

13. Ordinance 2009-0753

ORDINANCE approving and authorizing Occupancy Agreement between the **HARRIS COUNTY DEPARTMENT OF EDUCATION, a Texas County School District, as occupant**, and the City of Houston, Texas, as owner, for space in the Northeast Multi-Service Center - **DISTRICT B - JOHNSON**

14. Council Member Lawrence tagged

RESOLUTION approving the creation of the **LELAND WOODS REDEVELOPMENT AUTHORITY II**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the initial directors and chairperson - **DISTRICT B - JOHNSON**

a. Council Member Lawrence tagged

ORDINANCE appropriating \$952,761.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409), approving and authorizing agreement between the City of Houston; **NORTH HOUSTON BANK; BUILDERS COMMUNITY DEVELOPMENT CORPORATION; REINVESTMENT ZONE NUMBER TWENTY-TWO, CITY OF HOUSTON, TEXAS (LELAND WOODS ZONE); LELAND WOODS REDEVELOPMENT AUTHORITY**, and **LELAND WOODS REDEVELOPMENT AUTHORITY II** relating to the purchase of lots owned by Builders Community Development Corporation for the purpose of developing affordable housing in the Leland Woods Subdivision; providing funding for contingencies related to associated transactional costs and certain authorized expenses of Leland Woods Redevelopment Authority II **DISTRICT B - JOHNSON**

15. Ordinance 2009-0767

ORDINANCE relating to the fiscal affairs of the Upper Kirby Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone; containing various provisions related to the foregoing subject; making certain findings relating thereto - **DISTRICTS C - CLUTTERBUCK and G - HOLM**

RESOLUTIONS AND ORDINANCES - continued

16. Ordinance 2009-0754

ORDINANCE approving and adopting an Updated Ongoing Services and Assessment Plan for and on behalf of the **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** covering the period 2009 through 2018 pursuant to Chapter 372 of the Texas Local Government Code; containing other provisions related to the subject; providing for severability - **DISTRICT C - CLUTTERBUCK**

a. Ordinance 2009-0755

ORDINANCE appropriating \$222,384.86 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to Saint George Place Redevelopment Authority pursuant to Ordinance No. 2003-0432; containing provisions relating to the subject - **DISTRICT C - CLUTTERBUCK**

17. Ordinance 2009-0768

ORDINANCE appropriating \$682,000.00 out of Fund 2409 (TIRZ Affordable Housing Fund) for payment of Administrative Expenses associated with the TIRZ Affordable Housing Program

18. Ordinance 2009-0769

ORDINANCE amending City of Houston Ordinance No. 2008-1055 relating to rescheduling and postponement of City Council meetings

19. Not Received - Not Considered

ORDINANCE approving and authorizing contract between the City and **GERRY FUSCO CONSULTING** for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$158,500.00 - General Fund

20. Ordinance 2009-0770

ORDINANCE appropriating \$753,510.00 out of Police Consolidated Construction Fund; approving and authorizing Professional Architectural Services Contract between the City of Houston and **ROTH + SHEPPARD ARCHITECTS** for Fondren Police Station; providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

21. Ordinance 2009-0756

ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **OTHON, INC** for Rehabilitation and Renewal of Wastewater Lift Stations - **DISTRICT G - HOLM**

22. Ordinance 2009-0757

ORDINANCE appropriating \$1,504,660.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **MCKINNEY CONSTRUCTION, INC** for Waterline Replacement in Sunnyside I, 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 deadline; 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 - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

23. Ordinance 2009-0758

ORDINANCE appropriating \$1,720,170.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Easthaven and Park Place, 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 I - RODRIGUEZ**

24. Ordinance 2009-0759 – Passed first reading

ORDINANCE granting to **RW JAYNES, LLC, D/B/A INTRA-SERVICES WASTE TRANSPORT, A Texas Limited Liability Company**, 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**

25. Ordinance 2009-0747 – Passed second reading

ORDINANCE No. 2009-747, passed first reading August 12, 2009
ORDINANCE granting to **MINER DEDRICK, LLC, 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; and making certain findings related thereto - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 26

MISCELLANEOUS

26. Motion 2009-0618

MOTION to set a date for public hearing on proposed amendment to Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
SUGGESTED HEARING DATE - WEDNESDAY - SEPTEMBER 16, 2009 - 9:00 A.M.

MATTERS HELD - NUMBERS 27 through 31

27. Motion 2009-0619 – Postpone one (1) week

RECEIVE nominations for Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011 - **POSTPONED BY MOTION #2009-592, 8/5/09**
This was Item 35 on Agenda of August 5, 2009

MATTERS HELD - continued

28. Ordinance 2009-0771

ORDINANCE approving and authorizing submission of an application to the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS** for Texas Neighborhood Stabilization Program ("TX NSP") Funds in the amount of \$2,700,00.00 and to accept the TX NSP Funds, if awarded - Grant Fund - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 22 on Agenda of August 12, 2009

29. Ordinance 2009-0772

ORDINANCE amending Ordinance No. 2009-457 to replace Exhibit "B", Projected use of funds Budget for Thirty Fourth CDBG Program Year, with a separate budget for Community Development Block Grant Funds under the American Recovery and Reinvestment Act of 2009 ("CDBG-R") in the amount of \$8,093,613.00 - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 23 on Agenda of August 12, 2009

30. Ordinance 2009-0773

ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 26 on Agenda of August 12, 2009

31. Motion 2009-0620 – Postpone one (1) week

ORDINANCE approving and authorizing agreement by and between the City of Houston and **HARRIS COUNTY, TEXAS**, for Harris County to acquire needed property to be conveyed to the City, and to design, construct and fund the reconstruction of Lorraine Street in connection with the extension of the Hardy Toll Road South from its current terminus to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct - **DISTRICTS B - JOHNSON and H - GONZALEZ** - **TAGGED BY COUNCIL MEMBER GONZALEZ**

This was Item 31 on Agenda of August 12, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Clutterbuck 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

AGENDA - AUGUST 19, 2009 - PAGE 7

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

8/18/2009 – Council Members Holm and Rodriguez absent on personal business

Council Member Brown out of the City on personal business

8/19/2009 – Council Member Clutterbuck absent due to being ill

Council Member Rodriguez absent on personal business

Council Member Brown out of the City on personal business