AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 26, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0663 to 2008-0669 **2008-0645-1**
ORDINANCES - 2008-0743 to 2008-0760
RESOLUTION – None

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 27, 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 2008-0663 – Close hearing**
   PUBLIC HEARING to consider amendments to Chapter 42 of the Code of Ordinances, Houston, Texas, relating to certain replats

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 28

MISCELLANEOUS - NUMBER 2

2. **Council Member Green tagged**
   RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - $456,000.00 - General Fund

ACCEPT WORK - NUMBERS 3 through 5

3. **Motion 2008-0665**
   RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $3,597,603.78 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.** for Brookfield Lift Station Replacement and Cook No. 1, Cook No. 2 and Sharpcrest Diversion, WBS R-000267-00B2-4 - 4.37% over the original contract amount **DISTRICT F - KHAN**

4. **Motion 2008-0666**
   RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $424,713.65 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Tanya Circle Lift Station Renewal, WBS R-000267-00D3-4 - 9.97% under the original contract amount - **DISTRICT A - LAWRENCE**

5. **Motion 2008-0669**
   RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $5,789,591.51 and acceptance of work contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0012-4 - 0.89% over the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; F - KHAN and H - GARCIA**

PROPERTY - NUMBER 6

6. **Motion 2008-0667**
   RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie Harris of Brown & Gay Engineers, Inc, on behalf of Verde Studemont Apartments LP, a Delaware Limited Partnership (Verde Real Estate Investment GP LLC, a Delaware limited liability company [James C. Potts, Senior Vice President], General Partner), for abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all out of the John Austin Survey, A-1, Parcels SY8-033 and KY8-273 - **STAFF APPRAISERS DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBER 7

7. **Motion 2008-0668**
   SIEMENS ENERGY & AUTOMATION dba SIEMENS AIRFIELD SOLUTIONS - $1,585,008.00, **FLIGHT LIGHT, INC** - $348,815.00, **TURTLE AND HUGHES, INC** - $485,307.00, **STANDARD SIGNS, INC** - $165,360.00 and **HONEYWELL AIRPORT SYSTEMS** - $2,232,356.00 for Airfield Lighting for Houston Airport System - $4,816,846.00 - Enterprise Fund

ORDINANCES - NUMBERS 8 through 28

8. **Ordinance 2008-0743**
   ORDINANCE **READOPTING ARTICLE XII of CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability

ORDINANCES - continued

9. **Ordinance 2008-0744**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley (Parcel SY8-014), extending from Fowler Street to Parker Street, located between Lots 1 through 6 and Lots 7 through 12, Block 44, Brunner Addition, Houston, Harris County, Texas; vacating and abandoning said alley to Robert C. Orr, Jr., and Paul Dobrowski, the abutting owners, in consideration of their payment of $224,950.00 and other consideration to the City - **DISTRICT H - GARCIA**

10. **Ordinance 2008-0745**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i-v) Five 5-foot-wide utility easements, (vi) a 10-foot-wide water line easement, and (vii) a 10-foot-wide sanitary sewer, storm sewer and water line easement (Parcels SY7-035A through SY7-035G, respectively); vacating and abandoning said parcels to Regent Square AB LLC and Regent Square CD LLC, the abutting owners, together with the City's acknowledgement of the reversion of (viii-ix) two 20-foot-wide storm sewer easements to the underlying fee owner(s), in consideration of their conveyance to the City of (x) a 25-foot-wide storm sewer easement an (xi) 10 feet of right of way for the widening of Tirrell Street (Parcels LY7-036 and AY7-258, respectively); all located within the Obedience Smith Survey, A-696, and/or the John Austin Survey, A-1, Houston, Harris County, Texas, and (xii) their payment of $294,008.00 and other consideration to the City - **DISTRICT D - ADAMS**

11. **Ordinance 2008-0746**

ORDINANCE relating to the addition of 2.454 acres of land to Montgomery County Municipal Utility District No. 6; amending Ordinance No. 2007-233 to revoke the City's consent to the inclusion of the 2.454 acres of land in Montgomery County Municipal Utility District No. 67; consenting to the addition of the 2.454 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** for inclusion in its district

12. **Ordinance 2008-0755**

ORDINANCE approving and authorizing the City of Houston to enter into contracts with **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** and **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to administer an After School Achievement Program ("ASAP") - $280,000.00 -General Fund

13. **Ordinance 2008-0756**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Sampson Street, from Leeland Avenue to Denver Avenue (Parcel SY2-033A), and a portion of Bell Avenue, from Sampson Street approximately 195 feet east (Parcel SY2-033B), both located in the Blair Brothers Addition; vacating and abandoning said street rights-of-way to Southern Foods Group, LLC, abutting owner, in consideration of owner's conveyance to the City of a full-width utility easement in Sampson Street (Parcel VY6-015), a full-width storm sewer easement in Bell Avenue (Parcel LY2-041), a public street right-of-way easement for the widening of Leeland Avenue (Parcel AY2-176), all also located in said Blair Brothers Addition, payment to the City of $110,897.00, and other good and valuable consideration; authorizing and approving the recordation of an Environmental Compliance Agreement between owner and the City - **DISTRICT I - RODRIGUEZ**

14. **Council Member Clutterbuck tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the General Services Department; providing a maximum contract amount - $2,362,000.00 Water & Sewer System, Fire, Police, Public Library, Parks and Public Health Consolidated Construction Funds

ORDINANCES - continued

15. **Council Member Jones tagged**
ORDINANCE appropriating $30,000.00 out of Equipment Acquisition Consolidated Fund (1800); approving and authorizing Purchase and Sale Agreement between **AMERICOR LAND, L.L.C.**, Seller ("Seller"), and the City of Houston, Texas, Purchaser (the "City"), for 22.521 acres of land, more or less, more commonly known as 10509, 10319 and 10401 South Main Street, Houston, Harris County, Texas; appropriating $30,000.00 for due diligence expenses - **DISTRICT C - CLUTTERBUCK**

16. **Ordinance 2008-0747**
ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AVIS RENT A CAR SYSTEM, LLC** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**

17. **Ordinance 2008-0748**
ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **STARFLITE MANAGEMENT GROUP, INC d/b/a STARFLITE AVIATION** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**

18. **Ordinance 2008-0749**
ORDINANCE appropriating $25,000.00 out of Houston Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **S&B INFRASTRUCTURE, LTD** for Professional Consulting Services at George Bush Intercontinental Airport/Houston (Project No. 524); WBS A-000522-0001-3-01-01 - **DISTRICT B - JOHNSON**

19. **Council Members Holm, Green, Clutterbuck, Khan, Jones, Brown and Johnson tagged**
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

20. **Ordinance 2008-0750**
ORDINANCE awarding contract to **CABRERA, INC dba NORTH HOUSTON AUTOMOTIVE** for On-Site Lubrication Services for Various Departments; providing a maximum contract amount 3 Years with two one-year - $802,792.00 - General and Fleet Management Funds

21. **Pulled - Not Considered**
ORDINANCE appropriating $5,582,525.00 out of Tax Increment Funds for Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, and payments to certain redevelopment authorities as provided herein - **DISTRICTS B - JOHNSON; D - ADAMS; H - GARCIA and I - RODRIGUEZ**

22. **Ordinance 2008-0751**
MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 7.5677 acre site being a part of a 9.087 acre tract out of Tract "C", Bonnie Brae Orange Orchards, as recorded in Volume 2, Page 66, Harris County Map Records, Harris County, Texas, in the J. R. Black Survey, A·134, City of Houston, Harris County, Texas, generally located at 7042 Bissonnet Avenue, Houston, Texas 77074; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT F- KHAN**

ORDINANCES - continued

23. **Ordinance 2008-0752**

MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath an 8.5103 acre site situated in the Henry H. Cone Survey A-191, City of Houston, Harris County, Texas, located generally at 8671 West Bellfort, Houston, Texas 77031; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT C - CLUTTERBUCK**

24. **Ordinance 2008-0757**

ORDINANCE approving and authorizing second amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the PM 2.5 Air Monitoring System (#FC70069) - 1 Year - $68,000.00 - Grant Fund

25. **Ordinance 2008-0758**

ORDINANCE approving and authorizing third amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the Biowatch Air Monitoring System (#FC70067) - 1 Year - $623,194.00 - Grant Fund

26. **Ordinance 2008-0753**

ORDINANCE approving and authorizing Indemnity and Maintenance Agreement between the City of Houston and the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1** for Right-of-way Improvements - **DISTRICTS A - LAWRENCE and G - HOLM**

27. **Council Member Brown tagged**

ORDINANCE appropriating $6,796,459.00 out of Metro Project Commercial Paper Series E Fund; awarding contract to **HUFF AND MITCHELL, INC** for Hayes Road Reconstruction from Westheimer Road to Briar Forest Drive, WBS N-000780-0001-4; 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 Metro Project Commercial Paper Series E Fund - **DISTRICT G - HOLM**

28. **Ordinance 2008-0754**

ORDINANCE appropriating $3,556,434.00 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-000295-0016-4; 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

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 29 through 31

29. **Ordinance 2008-0759**

ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - $514,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 19 on Agenda of August 20, 2008

30. **Council Member Brown tagged**

ORDINANCE creating the Drainage Supplemental Debt Service Fund ("The Fund"); establishing the sources and uses of the funds therein for City Drainage Programs; appropriating from the General Fund Fund Balance and transferring to the fund an amount based upon the City's ad valorem tax revenue for Fiscal Year 2009 for the purposes set out herein; amending Ordinance No. 2004-403 to include such funds as additional security for the City's General Obligation Commercial Paper Notes, Series F

TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and HOLM

This was Item 20 on Agenda of August 20, 2008

MATTERS HELD - continued

31. **Ordinance 2008-0760**

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein, and awarding contract to **TIBH INDUSTRIES, INC** for Litter Removal Services for the Public Works & Engineering Department - 5 Years - $7,500,000.00 - Stormwater Fund

TAGGED BY COUNCIL MEMBER HOLM

This was Item 22 on Agenda of August 20, 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 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

8/26/2008 – Mayor White absent on City business
Council Member Brown out of the City on City business
Council Members Lovell and Noriega absent on personal business

8/27/2008 – Mayor White absent on City business
Council Members Lovell and Noriega absent on personal business

SUPPLEMENTAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Houston at its regular meeting Wednesday, August 27, 2008, which will convene at 9:00 a.m. in the City Council Chambers, Second Floor, City Hall, 901 Bagby, Houston, Texas, will consider the following item:

1-1 **Motion 2008-0664 – Close hearing**

PUBLIC HEARING - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 832-393-1100 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **9:00 A.M.**

(Note: Also see Item 8)

/s/ Anna Russell
City Secretary