

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 11, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**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 - AUGUST 12, 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 35**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREENSPPOINT DISTRICT OF HARRIS COUNTY BOARD OF DIRECTORS**, for terms to expire June 1, 2013:
  - Position One - **MS. MICHELLE YBARRA**, reappointment
  - Position Two - **MR. ALAN S. FINGER**, reappointment
  - Position Three - **MR. JOHN D. FIELDS**, reappointment
  - Position Four - **MS. KAREN MARSHALL**, reappointment
  - Position Five - **MR. RAY BEJARANO**, reappointment
  - Position Six - **MR. STEVEN W. MUCK**, reappointment
  - Position Seven - **MR. CHARLES R. LOPEZ**, reappointment
  - Position Eight - **MR. THOMAS "TOM" R. WUSSOW**, reappointment
  - Position Nine - **MR. JAY FOUICHEUX**, appointment
  - Position Ten - **MR. ADAM RUIZ, JR.**, reappointment
  - Position Eleven - **DR. ROSARIO MARTINEZ CASTILLO**, reappointment
2. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Houston Police Department Property Room Replacement - **DISTRICT H - GONZALEZ**

**ACCEPT WORK** - NUMBERS 3 through 5

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$87,200.00 and acceptance of work on contract with **CST ENVIRONMENTAL, INC** for Lead Remediation, Backfill and Compaction HPD SWAT Rifle Range at Police Academy - 1.40% over the original contract amount - **DISTRICT B – JOHNSON**

**This work has already been done it consisted of back filling and compaction at HPD SWAT Rifle Range at 1700 Aldine Westfield Rd**

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$7,145,027.00 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Mounted Patrol Facility Relocation - 9.99% over the original contract amount
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,386,573.03 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for San Felipe Paving Improvements from Chimney Rock to Yorktown - 1.67% over the original contract amount - **DISTRICT G - HOLM**

**PROPERTY** - NUMBERS 6 and 7

6. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and pursue the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. J. E. Fisher Investments, Ltd., et al., Cause No. 922,974; for acquisition of Parcels LY6-019 through LY6-022, LY8-27, LY8-028A and

LY8-28B; for **PINEMONT PAVING: T. C. JESTER to ELLA BOULEVARD  
DETENTION POND CONSTRUCTION PROJECT - DISTRICT A - LAWRENCE**

7. **RECOMMENDATION** from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Carl Johnson, Director of Facilities and Planning, Harris County Hospital District, for the abandonment and sale of a portion of McGee Street from Hoffman Road west  $\pm 1,042$  feet, a portion of Troost Street from Hoffman Road west  $\pm 987$  feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of 60-foot-wide right-of-way for and construction of a street to City standards and two 20-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32, (Parcels SY9-081A, SY9-081B, SY9-081C, AY9-552, KY9-212A and KY9-212B) and **RESCIND** Motion 2007-280, 3/21/07 - **DISTRICT B – JOHNSON**

**This RCA is regarding land that was not used by the City and therefore the City is now approving the abandonment and sale of this land to the Harris County Hospital District for an expansion**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 13

8. **CENTURION INDUSTRIES, INC** for Metal Roof System at Fire Station No. 20 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for General Services Department - \$97,350.00 and contingencies for a total amount not to exceed \$107,085.00 - Reimbursement of Equipment/Projects Fund - **DISTRICT I - RODRIGUEZ**
9. **ORDINANCE** appropriating \$169,876.81 out of Reimbursement of Equipment/Projects Fund for Emergency Wall Stabilization and Structural Repair Services of the Bethel Missionary Baptist Church for the General Services Department
- a. **WALTER P. MOORE** - \$60,271.15 and **SPAWMAXWELL COMPANY, LP** - \$109,605.66 for Emergency Wall Stabilization and Structural Repair Services for the Bethel Missionary Baptist Church for General Services Department
10. **INVERNESS MEDICAL INNOVATIONS NORTH AMERICA, INC** for Rapid Diagnostic HIV Test Kits for Houston Department of Health & Human Services - \$5,750,037.50 - Grant Fund
11. **ORACLE USA, INC** for Oracle Technical Support Services through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department - \$412,770.29 - Central Service Revolving Fund
12. **ORDINANCE** appropriating \$189,313.02 out of Parks Consolidated Construction Fund for Purchase and Installation of Phone and Networking Equipment for Gragg Building and Wheeler Warehouse Building for Parks & Recreation Department Campus - **DISTRICT I - RODRIGUEZ**
- a. **INX, INC** for Cisco Voice Over IP Telephones and Network Equipment through the City's Master Agreement with Texas Department of Information Resources

for Park & Recreation Department \$121,137.15 - Parks Consolidated Construction Fund

13. **MSC INDUSTRIAL SUPPLY COMPANY** for Spending Authority to purchase Industrial Supplies from the State of Texas Procurement and Support Services through the State of Texas Cooperative Purchasing Program for Various Departments - \$1,383,660.00 - General and Enterprise Funds

**ORDINANCES** - NUMBERS 14 through 35

14. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to accident reports; containing findings and other provisions relating to the foregoing subject; providing for severability

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four (4) 10-foot-wide sanitary sewer easements (Parcels SY9-025A-D), and of four (4) 10-foot-wide utility easements (Parcels SY9-025E-H) and their attendant four (4) 20-foot-wide aerial easements; vacating and abandoning said easements to New Hope Housing, Inc., the abutting owner, in consideration of its conveyance to the City of a 15-foot-wide sanitary sewer easement (Parcel DY9-038); all easements being out of Block 98 of the Denver Addition, in the Harris & Wilson Survey, A-32, Houston, Harris County, Texas; and its payment of \$4,200.00 and other consideration to the City - **DISTRICT H - GONZALEZ**

16. ORDINANCE authorizing the sale of Sanitary Sewer Easement on 0.1877 acre, more or less, out of the H.T. & B.R.R. Co., Sec. 2 Survey, A-979, Houston, Harris County, Texas to Northwood Municipal Utility District No. 1 - Revenue - **DISTRICT B - JOHNSON**

17. ORDINANCE consenting to the addition of 133.082 acres of land to **CY-CHAMP PUBLIC UTILITY DISTRICT**, for inclusion in its district

18. ORDINANCE consenting to the addition of 548.21 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**, for inclusion in its district

19. ORDINANCE terminating Lease Agreement No. 56903, by and between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.**, and concurrently approving and authorizing new lease agreement between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON**

**Purchase of a new lessor for certain premises at IAH**

20. ORDINANCE approving and authorizing Lease Agreement for ten (10) years, with two (2) five (5) year renewals, between the Port of Houston Authority of Harris County Texas, Landlord, and the City of Houston, Texas, Tenant, for ground and lease space at 8675 Clinton Drive, Houston, Texas, for the Radio Communications Division of the Information Technology Department to construct a new

communications tower and a radio communications room, at a rent of \$2,000.00, per month - **DISTRICT B - JOHNSON**

21. ORDINANCE approving and authorizing first amendment to Land Credit and Exchange Interlocal Agreement between the City of Houston and **NORTH FOREST INDEPENDENT SCHOOL DISTRICT (“NFISD”)** to increase the credit amount to NFISD for each Houston Hope I Property to be acquired by the Land Assemblage Redevelopment Authority (“LARA”)

**This is approval of a credit account ant to provide NFISD with a \$500 credit to the account for each Houston Hope I lot. Within the NFISD acquired by LARA by strike off constable sale.**

22. 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

23. 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**

24. ORDINANCE appropriating \$81,225.00 from Equipment Acquisition Consolidated Fund; approving and authorizing lease agreement between **STANDARD PARKING CORPORATION**, as landlord, and the City of Houston, Texas, as tenant, for 15 parking spaces at 1010 Travis Street, Houston, Texas, for three years, for use by the Records Management System Project Team of the Houston Police Department - 3 Years - **DISTRICT I - RODRIGUEZ**

25. **ORDINANCE suspending the effective date of revised rate schedules filed by CENTERPOINT ENERGY ENTEX for all customers within the City of Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for severability**

**If this ordinance is not suspended it would give Centerpoint Energy the capability to have a rate increase and service adjustment for three yrs without a cap**

26. 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

27. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN ROGERS MORRIS & GROVER, L.L.P.** for Legal Services relating to Civil Action No. H-09-2080; Darryl E. Ayers, et al. v the City of Houston; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$92,625.00 Property and Casualty Fund

28. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, upcoming Water/Sewer Rate Cases, Legislative Assistance and Legal Consultation; terminating prior Contract No. 4600009698 authorized by Ordinance No. 2009-0489; providing a maximum contract amount - \$1,385,000.00 - General Fund
29. ORDINANCE awarding contract to **MERIDIAN MANAGEMENT CORPORATION** for Facilities Maintenance Services for the General Services Department; providing a maximum contract amount - 3 Years with two one-year options - \$20,131,579.60 - General and Enterprise Funds
30. ORDINANCE appropriating \$150,000.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Information Technology Equipment for the Houston Public Library; including funding for purchase of Security Equipment under an existing contract with **3M COMPANY**
31. 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**

**This is an old project that is now being given to the County for development purposes**

32. ORDINANCE appropriating \$30,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Amendment one to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Reconstruction of Little York from East Hardy Road to US 59; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B – JOHNSON**

**This is an old project that is now being given to the TXDOT for development purposes**

33. ORDINANCE appropriating \$3,072,900.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Architectural Services Contract between the City of Houston and **STUDIO RED ARCHITECTS, LP** for Design and Construction Phase Services for the Central Permitting Center; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ**

34. ORDINANCE appropriating \$30,573,750.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Construction Management At-Risk Contract (Approved by Ordinance No. 2008-1068) between the City of Houston and **J. E. DUNN SOUTH CENTRAL, INC** for Construction of Right-of-way and Fleet Maintenance Facilities; providing funding for engineering and testing services, Civic Art Program and contingencies related to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
35. 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 - **FIRST READING**

### **END OF CONSENT AGENDA**

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

#### **MATTERS HELD** - NUMBERS 36 through 40

36. MOTION by Council Member Lawrence/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jake English, Rekha Engineering, Inc., on behalf of Lily Grove Missionary Baptist Church (Reginald Mack, Deacon), for abandonment and sale of 1) South Lawn Avenue, from Stearns Street to Tierwester Street; 2) Alice Street, from Stearns Street east to its terminus; and 3) Cadillac Street, from Alice Street north ±212.87-feet, located in the South Lawn Addition or the Southland Addition, all out of the Louis Gladitch Survey, A-304, Parcels SY9-068A, SY9-068B and SY9-068C - **DISTRICT D - ADAMS**  
**TAGGED BY COUNCIL MEMBER ADAMS**  
This was Item 10 on Agenda of August 5, 2009

37. RECOMMENDATION from Purchasing Agent to award to **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC** for Purchase of Automated People Mover System Parts for the Houston Airport System - \$2,580,545.91 - Enterprise Fund**TAGGED BY COUNCIL MEMBER JOHNSON**  
This was Item 11 on Agenda of August 5, 2009

**They are claiming that item has been specified as a sole source purchase and even the parts had to come from this company**

38. MOTION by Council Member Green/Seconded by Council Member Clutterbuck to adopt recommendation to award to **MORNING PRIDE MFG dba HONEYWELL FIRST RESPONDER PRODUCTS** for Personal Protective Gear for Various Departments - \$2,801,947.00 - General and Enterprise Funds

**TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 14 on Agenda of August 5, 2009

39. ORDINANCE appropriating \$2,500,000.00 out of Water & Sewer System Consolidated Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fourth amendment to contract between the City of Houston and **ITRON, INC** approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,610,600.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 32 on Agenda of August 5, 2009

**This contract has been reduced to a 0% MWBE goal because they have also been determined to be a Sole Source Purchase**

40. ORDINANCE No. 2009-0676, passed second reading June 28, 2009  
ORDINANCE granting to **ENTERGY TEXAS, INC** the right, privilege and franchise to use the public rights-of-way to use, license, or exploit the Company's facilities within the public rights-of-way to conduct an Electrical Lighting and Power Business in the City and for such other business purposes as the company may desire from time to time, specifically including, but not limited to, the granting of access to those facilities for the delivery of broadband through power lines or similar service within the City of Houston, Texas; containing a repealer; containing a severability clause - **THIRD READING**

**POSTPONED BY MOTION #2009-591, 8/5/09**

This was Item 34 on Agenda of August 5, 2009

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

**NOTICE OF MEETING**  
**OF THE**  
**CITY COUNCIL OF THE CITY OF HOUSTON**

**NOTICE** is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, AUGUST 11, 2009 at 1:30 p.m. and WEDNESDAY, AUGUST 12, 2009 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.