

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 17, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0418 to 2008-0523
ORDINANCES - 2008-0527 to 2008-0568
RESOLUTIONS – 2008-0017 to 2008-0018

2008-0417-1

10:00 A. M. - JOINT SESSION - HARRIS COUNTY COMMISSIONERS COURT

Pursuant to Sec. 61.158 (c) of the Texas Water Code a Joint Session of the City Council of the City of Houston and the Harris County Commissioners Court has been called for Tuesday, June 17, 2008 at 10:00 a.m., in the Courtroom of the Commissioners of Harris County, Texas, on the ninth floor of the Harris County Administration Building, located at 1001 Preston Avenue in Houston, Texas, for the purpose of nominating and appointing the Chairman of the Board of Commissioners of the Port of Houston Authority of Harris County, Texas.

NOTE: The City Council will convene for its regularly scheduled meeting at 1:30 p. m., in the City Council Chambers, City Hall, Second Floor, 901 Bagby, Houston, Texas.

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

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 2008-0418 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JUNE 18, 2008 - 9:00 A. M.

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

MAYOR'S REPORT

APPROXIMATELY 10:15 A. M.

Motion 2008-0434 – Suspend rules to consider Items 1 and 1a out of order

AGENDA - JUNE 18, 2008 - PAGE 2

1. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$80,000,000.00 Tax and Revenue Anticipation Notes, Series 2008
- a. **Motion 2008-0435 – Adopt**
MOTION awarding the Sale of \$80,000,000.00 Tax and Revenue Anticipation Notes, Series 2008, based on the lowest true interest cost, ratify and confirm the use of the POS provided to prospective bidders in connection with the offering for sale of the Notes, and authorize the distribution of the Official Statement – Awarded to Citigroup – TIC at 1.69886%

CONSENT AGENDA NUMBERS 2 through 52

MISCELLANEOUS - NUMBERS 2 and 3

2. **Motion 2008-0419**
REQUEST from Mayor for confirmation of the appointment of **MR. FRANKLIN D. R. JONES, JR. (HISD Representative)** to Position 6 of the **BOARD OF DIRECTORS OF THE OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY**, for a term to expire May 6, 2010
3. **Motion 2008-0420**
RECOMMENDATION from Director Library Department to adjust default costs and maximum fines in the Library's Fee Schedule

DAMAGES - NUMBERS 4 and 5

4. **Motion 2008-0421**
RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHAD CORY**, et al. v. City of Houston, et al.; Civil Action No. H-03-0125; United States District Court, Southern District of Texas, Houston Division - \$257,500.00 - Property and Casualty Fund
5. **Motion 2008-0422**
RECOMMENDATION from City Attorney for settlement of lawsuit styled **CORI LOPEZ**, et al. v. City of Houston, et al.; Civil Action No. H-03-2297; United States District Court, Southern District of Texas, Houston Division - \$474,117.00 - Property and Casualty Fund

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 16

6. **Motion 2008-0436**
JOHNSON MOWING SERVICES, (Bid No. 12) for Disposable Paper Products for the Houston Airport System, \$597,196.80 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$585,252.86 - Enterprise Fund
7. **Motion 2008-0423**
FLAIR DATA SYSTEMS, INC for Uninterruptible Power Supply Batteries and Installation Services through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Airport System - \$125,815.80 - Enterprise Fund
8. **Ordinance 2008-0527**
ORDINANCE appropriating \$305,799.90 out of C & E Construction Fund for Purchase and Installation of Walk-In Coolers and Freezers at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department (WBS B-000107)

PURCHASING AND TABULATION OF BIDS - continued

a. **Motion 2008-0424**

WARREN SOUTHWEST REFRIGERATION for Purchase and Installation of Walk-In Coolers and Freezers at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department - \$291,238.00 and contingencies for a total amount not to exceed \$305,799.90

9. **Motion 2008-0425**

CONSILIENCE SOFTWARE for Web-based Disease Surveillance System from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Department of Health & Human Services - \$325,000.00 - Grant Fund

10. **Ordinance 2008-0553**

ORDINANCE appropriating \$1,606,750.00 out of Equipment Acquisition Consolidated Fund, for Purchase of Microsoft Licenses and Maintenance Services for Various Departments, WBS X-680001-0001-3-01

a. **Motion 2008-0430**

SHI GOVERNMENT SOLUTIONS, INC for Microsoft Licenses and Maintenance Services through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Information Technology Department - \$940,090.00 FY09 and FY10 Equipment Acquisition Consolidated Fund

11. **Motion 2008-0426**

MOTOROLA, INC for Radio Transmission System Equipment through Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Information Technology Department - \$440,522.44 - Police Special Services Fund

12. **Motion 2008-0427**

AMEND MOTION #2005-511, 6/22/05, TO EXTEND expiration date from June 27, 2008 to June 26, 2010, for Rolls-Royce Turbine Engine Replacement, Overhaul, and Exchange Parts for the Police Department, awarded to **DALLAS AIRMOTIVE, INC dba PREMIER TURBINES**

13. **Motion 2008-0431**

INTERNATIONAL CODE COUNCIL for Uniform Building Code and Uniform Fire Code Manuals and Amendments for the Department of Public Works & Engineering - \$54,858.00 - Building Inspection Fund

14. **Motion 2008-0428**

XEROX CORPORATION for Maintenance Agreement from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering - \$250,852.68 - Enterprise Fund

15. **Ordinance 2008-0528**

ORDINANCE appropriating \$425,000.00 out of Equipment Acquisition Consolidated Fund, for Purchase of Electronic Document Management System Software and related Training and Implementation Services for Various Departments, WBS X-286800

a. **Pulled - Not Considered**

HYLAND SOFTWARE, INC for Electronic Document Microsoft Licenses and Maintenance Services through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Information Technology Department - \$1,675,000.00 Enterprise and FY09 Equipment Acquisition Consolidated Funds

PURCHASING AND TABULATION OF BIDS - continued

16. Motion 2008-0429

AMEND MOTION #2005-631, 6/29/05, TO EXTEND expiration date from June 29, 2008 to June 28, 2009, for Linear Low Density Polyethylene Bags for Various Departments, awarded to **ALL AMERICAN POLY** - \$484,709.86 - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 52

17. Resolution 2008-0018

RESOLUTION authorizing the creation of **HOUSTON PARKS BOARD LGC, INC**, a Local Government Corporation; approving the certificate of formation; approving the by-laws; appointing the initial directors and chair

a. Ordinance 2008-0554

ORDINANCE approving an **AMENDMENT TO CHAPTER 32, ARTICLE VIII OF THE HOUSTON CODE OF ORDINANCES** relating to the Houston Parks Board LGC, Inc to reflect the City's creation of a Local Government Corporation to carry out the purposes and functions of the Parks Board, and to clarify and to set forth additional purposes and powers of the Parks Board

18. Resolution 2008-0017

RESOLUTION approving and authorizing submission of an application for grant assistance to the State of Texas through the Governor's Criminal Justice Division ("CJD") for a Forensic Science Grant for the Houston Police Department Crime Laboratory; declaring the City's eligibility for such grant; authorizing the Chief of Police of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

19. Council Members Rodriguez, Holm and Sullivan tagged

ORDINANCE relating to Airport Compatible Land Use Regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; establishing controlled compatible land use areas, and adopting boundaries for each airport; appointing the City Planning Commission as the Airport Commission; providing for additional members of the Airport Commission; requesting the Airport Commission to do those things that are required by law to be done by it before the City Council may adopt Airport Compatible Land Use Regulations for the airports

20. Ordinance 2008-0529

ORDINANCE authorizing approval and termination of Remarketing Agreements relating to the City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-2 and Series 2004B-3 and certain other matters relating thereto; and declaring an emergency

21. Ordinance 2008-0530

ORDINANCE consenting to the addition of 226.080 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district

22. Ordinance 2008-0555

ORDINANCE approving a Drought Contingency Plan, an Agricultural Use Water Conservation Plan, and a Water Conservation Plan for Municipal Uses

23. Ordinance 2008-0531

ORDINANCE approving contract Parking Agreement between the City and **HCPA SERVICES COMPANY** for Employee Parking in the Hobby Center Garage; providing a maximum contract \$1,906,306.80 - General, Enterprise and Other Funds

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2008-0532

ORDINANCE approving and authorizing contract between the City of Houston and **YETTER & WARDEN, L.L.P.** for legal services relating to Cause No. 850479; Dawn A. Alewine, et al. v. City of Houston; in the County Civil Court at Law Number Three of Harris County, Texas; establishing a maximum contract amount - \$400,000.00 - Enterprise Fund

25. Ordinance 2008-0556

ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **JPMORGAN CHASE BANK N.A.** for Securities Safekeeping Services; providing a maximum contract amount - 26 Months - \$146,000.00 - General Fund

26. Ordinance 2008-0533

ORDINANCE amending Ordinance No. 2007-1385, relating to the approval and authorization of the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285 - DISTRICT A - LAWRENCE**

a. Ordinance 2008-0534

ORDINANCE amending Ordinance No. 2007-1386, relating to the annexation for limited purposes of a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**, in Harris County, Texas - **DISTRICT A - LAWRENCE**

27. Ordinance 2008-0557

ORDINANCE approving and authorizing Compromise & Settlement Agreement between the City of Houston and **AIRPORT/288 ASSOCIATES LIMITED** and to settle a claim - \$680,416.00 Water and Sewer System Consolidated Construction Fund

28. Ordinance 2008-0535

ORDINANCE appropriating \$2,700,000.00 out of Equipment Acquisition Consolidated Construction Fund; WBS V-1800-2008-03 for the Purchase of Microcomputer Hardware for Various Departments

29. Ordinance 2008-0536

ORDINANCE appropriating \$189,188.90 out of Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment Items for the Enterprise Geographic Information System Initiative for the Planning and Development Department

30. Ordinance 2008-0537

ORDINANCE approving and authorizing contract between the City of Houston and **HOLLIDAY DOOR & GATE SYSTEMS, INC** for Overhead Door Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two-one year options - \$4,887,678.00 General, Enterprise, Fleet Management and In-House Renovation Revolving Funds

31. Pulled - Not Considered

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services for the General Services Department

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2008-0558

ORDINANCE appropriating \$5,783,000.00 out of Fire Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1325) between the City of Houston and **GILBANE BUILDING COMPANY** for Construction of Fire Station 37; WBS C-000147-0002-4; providing funding for engineering and testing services, air monitoring, Civic Art Program, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

33. Ordinance 2008-0559

ORDINANCE appropriating \$1,351,838.00 out of Public Library Consolidated Construction Fund as an additional appropriation for the HPL Express Frank; WBS E-000033-0001-4 under an existing contract with **SPAWMAXWELL COMPANY, LP** - **DISTRICT C - CLUTTERBUCK**

34. Ordinance 2008-0538

ORDINANCE appropriating \$1,855,000.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Municipal Courts Phase II Renovations; WBS D-000105-0004-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, air monitoring, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - GARCIA**

35. Ordinance 2008-0539

ORDINANCE appropriating \$86,318.00 out of Solid Waste Consolidated Construction Fund; awarding construction contract to **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Underground Fuel Storage Tank Removal Kelley Light Vehicle Maintenance Facility; WBS L-000052-0002-4; 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 project management, construction oversight and contingencies relating to construction of facilities financed by Solid Waste Consolidated Construction Fund - **DISTRICT B - JOHNSON**

36. Ordinance 2008-0540

ORDINANCE appropriating \$5,022,585.00 out of Street & Bridge Consolidated Construction Fund (4506); approving and authorizing the purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for the Capital Improvements Projects identifies in the body of this ordinance; CIP N-00663A-00RE-2-01

37. Ordinance 2008-0541

ORDINANCE appropriating \$1,250,000.00 out of Houston Airport System Consolidated 2004 NonAmt Construction Fund and \$3,750,000.00 out of HAA-FAA Grants Fund and approving and authorizing professional services contract between City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC** for Terminal "B" South Apron Reconstruction at George Bush Intercontinental Airport/Houston; Project No. 643; WBS A-000565-0001-3-01 and A-000565-0001-3-02 - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

38. Ordinance 2008-0560

ORDINANCE appropriating \$4,626,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, Package II, WBS M-000241-0003-4; 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ**

39. Ordinance 2008-0542

ORDINANCE appropriating \$4,915,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **C.E BARKER, LTD.** for Clairmont Place Drainage Improvements, WBS M-000269-0001-4; 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 and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT B - JOHNSON**

40. Ordinance 2008-0561

ORDINANCE appropriating \$399,430.90 out of Limited Use Roadway & Mobility Capital Fund as an additional appropriation and approving and authorizing second amendment to a Professional Engineering Services Contract (approved by Ordinance No. 2005-392) between the City of Houston and **CLAUNCH & MILLER, INC** for Design of Morningside Drive Reconstruction; WBS N-000403-0003-2; providing funding for contingencies relating to construction of facilities financed by of Limited Use Roadway & Mobility Capital Fund - **DISTRICT C - CLUTTERBUCK**

41. Ordinance 2008-0562

ORDINANCE appropriating \$67,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INC** for the Design of Market Street from N. Wayside to Lockwood Drive; WBS N-000773-0001-3; (approved by Ordinance No. 2002-0175); providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ**

42. Ordinance 2008-0563

ORDINANCE appropriating \$1,031,200.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program H3, WBS N-00610A-00H3-4; 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 - **DISTRICTS A - LAWRENCE; E - SULLIVAN and F - KHAN**

RESOLUTIONS AND ORDINANCES - continued

43. Ordinance 2008-0543

ORDINANCE appropriating \$11,000,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** for Almeda Sims WWTP & SPF Improvements Package 1; WBS R-000298-0004-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

44. Ordinance 2008-0544

ORDINANCE appropriating \$1,105,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** for Hidden Echo Subdivision, WBS R-000801-0005-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

45. Ordinance 2008-0545

ORDINANCE appropriating \$2,720,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sewer Work at Hiram Clark, Tiffany, Castlereach, Dalmatian, Fleetwell; WBS R-002011-0060-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

46. Ordinance 2008-0546

ORDINANCE appropriating \$7,164,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, LP** for Sims Bayou Utility Relocation-Almeda Rd. to Almeda Sims Wastewater Treatment Plant (WWTP), WBS R-002011-0062-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

47. Ordinance 2008-0547

ORDINANCE appropriating \$2,516,716.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for FY08 Water Service Line Replacement Program, WBS S-000035-00H2-4; 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, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund

RESOLUTIONS AND ORDINANCES - continued

48. Ordinance 2008-0548

ORDINANCE appropriating \$1,606,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Ellena Gardens-North Section Area, WBS S-000035-00N4-4; 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 Water & Sewer System Consolidated Construction Fund **DISTRICT H - GARCIA**

49. Ordinance 2008-0549 – Passed first reading

ORDINANCE granting to **AAA DEMOLISHING, 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 - **FIRST READING**

50. Ordinance 2008-0550 – Passed first reading

ORDINANCE granting to **MZ TECH, INC dba UTS ENVIRONMENTAL, 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 - **FIRST READING**

51. Ordinance 2008-0551 – Passed first reading

ORDINANCE **RAPID WASTE, LLC, a Texas Limited Liability 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 - **FIRST READING**

52. Ordinance 2008-0552 – Passed first reading

ORDINANCE granting to **TREE EXPERTS, INC dba DEMOLITION EXPERTS, 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 **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 53 through 58B

Motion 2008-0437 – Written motion by Council Member Holm to amend Item 53 as follows:

“Amending section 3.4.1 to reflect the following change:

~~Except as provided in paragraph below, If the City determines that METRO’s plans are not Code Compliant, METRO may request a variance which the City shall approve or disapprove within the time set out in Attachment 2 and for which an approval will not be unreasonably withheld. If the City fails to approve or disapprove METRO’s request for variances within the timelines set forth in Attachment 2, METRO may proceed with construction at risk of the consequences set out in 3.7 below if the variance request is disapproved.~~

Removing section 3.4.3:

~~If the City determines that a METRO plan is not compliant with the City’s Building Code, METRO may proceed at its own risk to construct the proposed building structure, while requesting a variance as described above. If the City does not grant a variance, METRO must remove and/or correct the proposed building structure to make it Building Code compliant at METRO’s own expense.~~

and

amend Article 13 Termination of Project at Metro’s Discretion, Section 13.1 Termination By Metro

Removing section 13.1:

~~Notwithstanding any other provisions of this Agreement, METRO may, in its sole discretion, terminate the entire Project or the construction of any Project Facility at any time if it determines that it is in its best interest to do so and shall restore City Facilities and properties that were the subject of Rearrangements hereunder to their former condition. - **Adopted**~~

53. Ordinance 2008-0567

ORDINANCE approving and authorizing contract between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (“METRO”)** consenting to the construction and operation of Phase II of the Metro Solutions Plan Light Rail Project; authorizing the Public Works & Engineering Director to approve amendments to the agreement to consent to Metro’s construction of other projects approved by the voters in the 2003 Metro Solutions Election; containing various provisions relating to the subject **TAGGED BY COUNCIL MEMBERS JONES, HOLM and GREEN**
This was Item 26 on Agenda of June 11, 2008

54. Ordinance 2008-0564

ORDINANCE approving and authorizing contract between the City and the **HOUSTON ARTS ALLIANCE (formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund **TAGGED BY COUNCIL MEMBER JOHNSON**
This was Item 30 on Agenda of June 11, 2008

55. Ordinance 2008-0565

ORDINANCE appropriating \$6,828,000.00 out of Water & Sewer System Consolidated Construction Fund, \$181,286.00 out of the Homeless and Housing Consolidated Fund, \$2,000,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Fund and \$678,523.00 out of the Drainage Improvement Commercial Series F Fund for financing Developer Participation Contracts for Fiscal Years 2008 and 2009 **TAGGED BY COUNCIL MEMBER JONES**
This was Item 38 on Agenda of June 11, 2008

MATTERS HELD - continued

56. Ordinance 2008-0566

ORDINANCE appropriating \$18,418.50 out of Parks Consolidated Construction Fund for Purchase and Installation of a Picnic Shelter through the Texas Local Government Purchasing Cooperative for the Neighborhood Partnership - Bendwood Park Picnic Shelter, WBS F-000244-0002-4 - **DISTRICT G - HOLM** - TAGGED BY COUNCIL MEMBER HOLM
This was Item 42 on Agenda of June 11, 2008

57. Motion 2008-0433 – Refer back to the Administration

MOTION by Council Member Garcia/Seconded by Council Member Khan to adopt 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 file objections to the award in connection with eminent domain proceeding styled City of Houston v. H.H. Clark & R. D. Clark, et al., Cause No. 892,399; for acquisition of Parcel AY7-368; for the **PROPOSED BEALL STREET EXTENSION PROJECT between West 14th and Wynnwood**, WBS/CIP N-000663-00RE-2-01 - **DISTRICT A - LAWRENCE** - TAGGED BY COUNCIL MEMBER HOLM
This was Item 58 on Agenda of June 11, 2008

FISCAL YEAR 2008 BUDGET MATTERS HELD

****Amendment motions to be noted at a later time**

58. Consideration of proposed amendments to Item 58A below, submitted in writing on June 11, 2008 by Council Members Brown, Lovell, Noriega, Green, Jones, Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Garcia and Rodriguez as set forth in the attached Exhibits (Amendments will be considered in the order of a matrix prepared by the Administration)

a. Ordinance 2008-0568 – Adopt as amended

ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2009 for the General, Enterprise and Special Revenue Funds including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; creating new funds; reassigning various operational functions between departments; amending Chapters of the Houston Code of Ordinances to reflect the reassignment of operational functions; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability
TAGGED BY COUNCIL MEMBERS KHAN, HOLM, CLUTTERBUCK and GARCIA
This was Item 55 on the Agenda of June 11, 2008

FISCAL YEAR 2008 BUDGET MATTERS HELD - continued

b. Motion 2008-0523

WRITTEN Motion by Council Member Clutterbuck as follows:

In order to comply with Section 102.007(c) of the Texas Local Government Code, I move to ratify the projected increase in revenue from property taxes budgeted for FY2009 over the amount budgeted or raised in FY2008.

The FY2009 budget is based on a tax rate reduction of a half-cent that would provide approximately \$20 million in relief for taxpayers. Almost one half of the projected increased revenue results from new property added to the tax rolls. The budget also assumes a rise in the senior and disabled exemption from \$64,420 to \$70,862 that will result in an estimated \$3.3 million savings for approximately 100,000 households in Houston.

The growth in property tax revenue not related to new property is 2.85%, which is far less than the growth in population and inflation. This is within the limits authorized by the voters at the charter elections on November 2, 2004 and November 7, 2006

The adopted budget for FY09 increases expenditures for Police, Fire and EMS by \$105 million over the FY2008 adopted budget, anticipates a dedication by special council ordinance of a portion of ad valorem taxes to drainage improvements, and expands curbside collection of recyclables to increase landfill diversion.

TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and KHAN

This was Item 55A on the Agenda of June 11, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega 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

6/17/2008 – All Present

6/18/2008 – All Present

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Motion 2008-0522 – Written motion by Council Member Clutterbuck to amend Item 58a as follows:

I move that Exhibit A be amended to include adjustments throughout the FY 2009 Budget in conformance with Ordinance No. 2008-387, passed on April 30, 2008, recognizing that burglar alarm fees and associated penalties are to be placed in the Police Special Services Fund rather than the General Fund and used to defray the costs associated with administering the burglar alarm ordinance, including the costs of responding to alarm calls:

General Fund:

Revenue:

Eliminate HPD Revenue Budget for Alarm baseline (\$3,952,000)

<u>Cost Center</u>	<u>Account</u>	<u>Description</u>	<u>Reduction</u>
1000010046	421170	Burglar Alarm Permits	(3,200,000)
1000010046	428050	False Alarm Penalties	(752,000)

Expenditures:

Reduce HPD Patrol Classified Base Pay Acct. 500020 (\$3,952,000)

<u>Cost Center</u>	<u>Original</u>	<u>Revised</u>	<u>Reduction</u>
1000010025	13,962,907	13,568,137	(394,770)
1000010026	4,967,089	4,826,656	(140,433)
1000010027	19,832,247	19,271,535	(560,712)
1000010028	18,153,243	17,640,001	(513,242)
1000010029	9,779,626	9,503,129	(276,497)
1000010031	7,178,021	6,975,079	(202,942)
1000010032	7,872,984	7,650,393	(222,591)
1000010033	9,258,584	8,996,818	(261,766)
1000010034	12,770,547	12,409,488	(361,059)
1000010035	9,865,477	9,586,553	(278,924)
1000010036	10,727,104	10,423,819	(303,285)
1000010037	15,413,337	14,977,559	(435,778)

Police Special Services Fund

Establish a new cost center to account for activity as follows:

Revenue:

Establish HPD Revenue Budget for Alarm baseline **\$3,952,000**

<u>Cost Center</u>	<u>Account</u>	<u>Description</u>	<u>Increase</u>
1000010new	421170	Burglar Alarm Permits	3,200,000
1000010new	428050	False Alarm Penalties	752,000

Expenditures (1):

Establish HPD expense budget for alarm response cost **\$3,952,000**

<u>Cost Center</u>	<u>Account</u>	<u>Description</u>	<u>Reduction</u>
1000010new	500020	Classified Base Pay	3,952,000