

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 12, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0628 to 2008-0645
ORDINANCES - 2008-0704 to 2008-0723
RESOLUTION – 2008-0022

2008-0627-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Noriega

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 2008-0628 – Procedural motion
Motion 2008-0629 – Procedural motion
Motion 2008-0630 – Procedural motion
Motion 2008-0631 – Procedural motion
Motion 2008-0632 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 13, 2008 - 9:00 A. M.

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

HEARINGS

1. **Motion 2008-0633 – Close hearing**
PUBLIC HEARING to consider a Municipal Setting Designation ordinance (MSD) for the LUI Houston Studemont L.P. for the site located at 1200 Givens - **DISTRICT H - GARCIA**.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBERS 2 through 4

2. Motion 2008-0643

REQUEST from Mayor for confirmation of the appointment of **MR. HAROON R. SHAIKH**, to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2010

3. Pulled - Not Considered

REQUEST from Mayor for confirmation of the reappointment of the following as **Full-Time Municipal Court Judges** for two year terms:

NANCY J. BAILEY

GLADYS T. BRANSFORD

MARIA E. CASANOVA

GRANTHAM HARLAN COLEMAN

HERBERT GEE

KATHY K. HAN

MARIA T. JACKSON

STEVEN E. KIRKLAND

GORDON G. MARCUM II

ESMERALDA PEÑA GARCIA

IMELDA REYES-CASTILLO

LEIGH F. SAINT-GERMAIN

ADAM SILVERMAN

ELAINE M. TIMBERLAKE

FRANCELIA E. TOTTY

4. Pulled - Not Considered

REQUEST from Mayor for confirmation of the appointment or reappointment of the following as **Part-Time Municipal Court Judges** for two year terms:

JOEL SALAZAR, reappointment

WALTER SCHROEDER, reappointment

SCOTT K. BOATES, reappointment

SHERILYN EDWARDS, reappointment

MARGARET MUNOZ-HARKINS, reappointment

FAD WILSON, JR., reappointment

CATHERINE N. WYLIE, appointment

DAVID QUAN, reappointment

ANDREW MARTIN, reappointment

ANGELA P. PHEA, reappointment

URSULA HALL, reappointment

JOHN CHASE, JR., reappointment

SHERRY APPLEWHITE, reappointment

KERRI J. DORMAN, appointment

OSWALD J. SCOTT, JR., reappointment

JOSEFINA NELSON, reappointment

ROBERT ROSENBERG, reappointment

RAUL RODRIGUEZ, reappointment

JACQUELINE MILLER, appointment

JOELLEN SNOW, reappointment

NIKITA V. HARMON, reappointment

ARTURO DELEON, JR., reappointment

BURHAN NOMANI, reappointment

STEPHAN HONORÉ, reappointment

TRI NGUYEN, reappointment

MARIO MADRID, appointment

JOSEFINA M. RENDON, reappointment

LYDIA JOHNSON, reappointment

WILLIAM A. ALLEN, reappointment

MIN UN LEE, reappointment

BARBARA HARTLE, reappointment

AMPARO MONIQUE YAÑEZ, reappointment

MIMI MALICK BERKOWITZ, appointment

HOWARD L. SPEIGHT, reappointment

ACCEPT WORK - NUMBERS 5 through 8

5. Motion 2008-0634

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,521,789.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Renovation of West End Health Center - Phase II, WBS H-000068-0002-4 - 9.75% over the original contract amount - **DISTRICT H - GARCIA**.

6. Motion 2008-0635

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,696,274.77 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Hermann Drive Relief Storm Sewer Project - Segment II from Main Street to 600 feet east of Jackson Street, WBS M-000260-0002-4 - 0.91% under the original contract amount - **DISTRICT D - ADAMS**.

ACCEPT WORK - continued

7. Motion 2008-0636

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,207.69 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V10-4 (WA 10855-03) - 0.99% over the original contract amount

8. Motion 2008-0637

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$14,741,025.00 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant (EWPP) Upgrade and Optimization, WBS S-000056-0029-4 - 3.96% over the original contract amount - **DISTRICT E - SULLIVAN**.

PROPERTY - NUMBERS 9 through 11

9. Motion 2008-0638

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 not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Brentwood Baptist Church, et al., Cause No. 908,756; for acquisition of Parcel AY5-190; for the **BUFFALO SPEEDWAY PAVING PROJECT from W. Orem - W. Airport**, WBS/CIP N-000619-0001-2-01-01 **DISTRICT D - ADAMS**

10. Motion 2008-0639

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 not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Autotronic Systems, Inc., et al., Cause No. 890,961; for acquisition of Parcel AY6-028; for the **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia)**, WBS/CIP N-000674-0002-2-01-01 - **DISTRICT A - LAWRENCE**

11. Council Member Rodriguez tagged

RECOMMENDATION from Director General Services Department for condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, owned by Estrellita H. Redus, Trustee of the Redus Revocable Trust - **DISTRICT I - RODRIGUEZ**.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 14A

12. Motion 2008-0640

FLEX-O-LITE DIVISION for Spheres, Reflective Glass, Type III for the Houston Airport System \$1,575,575.00 - Enterprise Fund

13. Motion 2008-0641

STAGE LIGHT, INC for Lighting, Theatrical Replacement Parts and Repair Services for the Convention & Entertainment Facilities Department - \$1,130,000.00 - Enterprise Fund

14. Ordinance 2008-0704

ORDINANCE approving and authorizing Interlocal Cooperative Purchasing Program Agreement between the City of Houston and the **CITY OF DALLAS**

a. Motion 2008-0642

INTEGRIAN, INC for Digital Patroller In-Car-Video Cameras and Software for the Houston Police Department through the Interlocal Agreement for Cooperative Purchasing with the City of Dallas, Texas - \$1,090,125.00 - DARLEP Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 34

15. Resolution 2008-0022

RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board

16. Council Member Holm tagged

ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to developer participation contracts; containing findings and other provisions relating to the subject; providing for severability

17. Council Member Holm tagged

ORDINANCE appropriating \$12,000,000.00 out of Water & Sewer System Consolidated Construction Fund, \$1,500,000.00 out of Drainage Improvement Commercial Paper Fund, \$2,000,000.00 out of Homeless and Housing Consolidated Fund and \$2,000,000.00 out of Affordable Housing Uptown Series 2004 Fund for the City's Developer Participation Contract Program

18. Ordinance 2008-0705

ORDINANCE amending various provisions of the City of Houston Commercial Energy Conservation Code; containing findings and other provisions relating to the foregoing subject; providing for severability

19. Ordinance 2008-0706

ORDINANCE amending the City of Houston Construction Code by adopting a revised City of Houston Electrical Code; containing other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

20. Ordinance 2008-0707

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Calumet Drive (Parcel SY7-064), from Fannin Street to San Jacinto Street, containing 0.4591 acres of land, more or less; vacating and abandoning said tract to St. Paul's United Methodist Church, abutting owner, in consideration of owner's conveyance to the City of a utility easement (Parcel VY7-033) and right-of-way to widen Binz Avenue (Parcels AY7-375A and AY7-375B), all located in the MacGregor and DeMeritt's Southmore Addition, Section 2, J. Christy Survey, A-212, Houston, Harris County, Texas, and owner's payment to the City of \$505,150.00 - **DISTRICT D - ADAMS**

21. Ordinance 2008-0708

ORDINANCE establishing the north and south sides of the 2000 block of West 14th 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 A - LAWRENCE**

22. Ordinance 2008-0709

ORDINANCE establishing the north and south sides of the 2000 block of West 14th 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 A - LAWRENCE**

23. Ordinance 2008-0710

ORDINANCE amending Ordinance 2007-255 and Ordinance 2003-1259 to substitute a first amended and restated declaration of land-use restrictions (restrictive covenants); and approving and authorizing second amendment to loan agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, all to change the affordability, rent, lease, and tenant occupancy requirements in connection with the City's loan for the construction of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas; and authorizing the City's consent to a first amended and restated declaration of land-use restrictions (restrictive covenants) - **DISTRICT H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2008-0711

ORDINANCE amending Ordinance 2007-256 and Ordinance 2004-0562 to substitute a second amended and restated declaration of land-use restrictions (restrictive covenants); approving and authorizing second amendment to loan agreement with **TX ALDINE-BENDER HOUSING, L.P.**, all to change the affordability, rent, lease, and tenant occupancy requirements in connection with the City's loan for the construction of an apartment complex in the 100 block of Aldine-Bender Road, Houston, Texas, and authorizing the City's consent to a second amended and restated declaration of land-use restrictions (restrictive covenants) - **DISTRICT B - JOHNSON**.

25. Ordinance 2008-0712

ORDINANCE approving and authorizing contract between the City and **UNITY NATIONAL BANK, HOUSTON, TEXAS**, for a Deposit Placement and Certificate of Deposit Account Registry Service Deposit Placement Agreement

26. Ordinance 2008-0713

ORDINANCE approving and authorizing agreement for Professional Services by and between the City of Houston and the **GREATER HOUSTON PARTNERSHIP** for Economic Development Services for the Houston Airport System and the Convention and Entertainment Facilities Department - \$885,000.00 - Enterprise Funds

27. Ordinance 2008-0714

ORDINANCE approving and authorizing contract between the City of Houston and the **ACTIVE NETWORK, INC** for an On-Line Registration and Fee Collection System for Adult Sports for City Recreation Facilities for the Parks & Recreation Department; providing a maximum contract amount - \$24,500.00 - General Fund

28. Ordinance 2008-0719

ORDINANCE awarding contract to **EMR ELEVATOR, INC** for Elevator, Escalator, Booklifts and Manlifts Maintenance for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$4,440,392.30 - General, Fleet Management, Building Inspection and Enterprise Funds

29. Ordinance 2008-0715

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - \$310,850.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**.

30. Ordinance 2008-0720

ORDINANCE appropriating \$450,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **AMANI ENGINEERING, INC** for Professional Engineering Services at George Bush Intercontinental Airport/Houston (Project No. 638); WBS A-000561-0001-3-01 - **DISTRICT B - JOHNSON**.

31. Ordinance 2008-0716

ORDINANCE appropriating \$3,062,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Water Line Grid Extensions at various locations, WBS S-000700-0063-4; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ**.

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2008-0717

ORDINANCE appropriating \$2,816,045.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0117-4; 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 out of the Water & Sewer System Consolidated Construction Fund

33. Ordinance 2008-0718

ORDINANCE appropriating \$3,598,980.00 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-000266-0120-4; 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

34. Ordinance 2008-0702 – Passed second reading

ORDINANCE No. 2008-702, passed first reading August 6, 2008

ORDINANCE granting to **AROUND THE CLOCK TRASH HAULING, 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 **SECOND READING**.

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 through 39

35. Motion 2008-0644 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,436,500.02 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Clinton Park, Settegast, and Sunnyside Areas, WBS S-000036-0009-4 - 3.60% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER BROWN**

This was Item 9 on Agenda of August 6, 2008

36. Ordinance 2008-0721

ORDINANCE approving and authorizing contract between the City and **CAMBRIDGE INTEGRATED SERVICES GROUP, INC** for Third Party Administration of the City's Workers' Compensation Program and related services; providing a maximum contract amount - 3 Years with 2 two-year options - \$19,897,025.00 - Workers' Compensation Fund

TAGGED BY COUNCIL MEMBER CLUTTERBUCK

This was Item 14 on Agenda of August 6, 2008

MATTERS HELD - continued

37. Ordinance 2008-0722

ORDINANCE approving the closings to vehicular traffic of railroad crossings of Canal Street, Delmar Street, Edgewood Street and Manchester Street; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while reserving and retaining utility easements in the underlying property - **DISTRICT I - RODRIGUEZ**.

TAGGED BY COUNCIL MEMBER RODRIGUEZ

This was Item 15 on Agenda of August 6, 2008

38. Ordinance 2008-0723

ORDINANCE appropriating \$2,100,000.00 out of Metro Project Commercial Paper Series E Fund, WBS N-000662-0032-4 and \$1,401,000.00 out of Street & Bridge Consolidated Construction Fund, WBS N-000817-0001-4; awarding construction contract to **TEXAS STERLING CONSTRUCTION COMPANY** for Intersection Construction Contract (Work Order Project) City wide, and Railroad Crossing Quiet Zone Improvement Program; 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 services, project management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund, and Street & Bridge Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 30 on Agenda of August 6, 2008

39. Motion 2008-0645 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of annual payment for participation in the Galveston Bay Estuary Program projects through the Houston-Galveston Area Council - \$100,000.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBER ADAMS

This was Item 39 on Agenda of August 6, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERSU - Council Member Johnson 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

8/12/2008 – Council Member Johnson absent on City business

Council Member Garcia absent on personal business

8/13/2008 – Council Member Johnson absent on City business

Council Member Garcia absent on personal business