

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 5, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0093 to 2008-0117
ORDINANCES - 2008-0089 to 2008-0105
RESOLUTION – None

2008-0092-1

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

Motion 2008-0093 – Procedural motion
Motion 2008-0094 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 6, 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.

Motion 2008-0095 – Procedural motion
Motion 2008-0096 – Procedural motion

- 1. Motion 2008-0097 – Close hearing**
PUBLIC HEARING relative to the nomination of Deloitte, LLP as an enterprise project of the Texas Enterprise Zone Program - **DISTRICT I - RODRIGUEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 31

MISCELLANEOUS - NUMBERS 2 through 7

2. Motion 2008-0098

REQUEST from Mayor for confirmation of the appointment of the following to the **ACCESS CABLE CORPORATION (now known as HOUSTON MEDIA SOURCE, INC) BOARD OF DIRECTORS**, for terms to expire December 31, 2008:

Position One - **MS. SYLVIA CAVAZOS**

Position Three - **DR. MARGARITA DE LA VEGA-HURTADO**

3. Motion 2008-0099

REQUEST from Mayor for confirmation of the appointment of **MS. DOT CUNNINGHAM (TEXAS STATE SENATE DISTRICT 7 designee)** to Position One of the **UPTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**

4. Motion 2008-0100

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$2,329.66 per acre for properties connecting to the 12-inch water line located along Morales, Renton, Koinm and JFK Blvd. constructed by **HALLIBURTON ENERGY SERVICES, INC - DISTRICT B - JOHNSON**

5. Motion 2008-0101

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,006,145.00 permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for Permit Year 2008 aggregated Ground Water Withdrawal and accrual of Over-Conversion Credits Enterprise Fund

6. Motion 2008-0108

RECOMMENDATION from Director Houston Airport System for approval of membership fees in the Airports Council International (ACI) for the period January 1, 2008 through December 31, 2008 - \$198,392.00 - Enterprise Fund

7. Motion 2008-0102

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **2016 MAIN OWNERS ASSOCIATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 7 - **DISTRICT D - ADAMS**

ACCEPT WORK - NUMBERS 8 and 9

8. Motion 2008-0103

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$17,050.00 and acceptance of work on contract with **ARC ABATEMENT, INC** for Slab and Lifts Removal, Soil Remediation and Disposal, 6003 Beekman Road, WBS Y-000002-0001-4 36% under the original contract amount - **DISTRICT D - ADAMS**

9. Motion 2008-0109

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$548,429.91 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Lateral and Service Connection Replacement Contract Part II for the Department of Public Works & Engineering, CC-6-0734-024-21095 - 0.94% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; H - GARCIA and I - RODRIGUEZ**

PROPERTY - NUMBER 10

10. Motion 2008-0104

RECOMMENDATION from City Attorney to purchase Parcel AY6-041, from Archland Property II, a Delaware limited partnership; in lieu of condemnation, for the **LONG POINT @ WIRT INTERSECTION IMPROVEMENTS PROJECT (Pine Chase - Johanna)**, WBS/CIP N-000674-0001-2 - \$50,863.00 - **DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 14

11. Council Member Holm tagged

GLOBAL SEARCH ASSOCIATES, LLC for an Executive Search for position of Deputy Director Finance & Administration for Houston Airport System - \$131,000.00 - Enterprise Fund

12. Motion 2008-0105

THERMO FISHER SCIENTIFIC, d/b/a FISHER SAFETY for Hazardous Materials Testing Lab Trailer through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Office of Emergency Management - \$68,090.00 - Grant Fund

Motion 2008-0107 – Suspend rules to consider Items 13 and 26 out of order

13. Motion 2008-0113

GREATER HOUSTON CONVENTION AND VISITORS BUREAU for advertising and production services for Houston Police Department Recruiting Program - \$200,000.00 - General Fund

14. Motion 2008-0106

ANDRESS-WALSH CO. for Portable, Self-Priming 4" Pumps through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Department of Public Works & Engineering - \$62,274.32 - Enterprise Fund

ORDINANCES - NUMBERS 15 through 31

Motion 2008-0110 – Postpone Item 15 to the end of the Agenda

15. Council Member Clutterbuck tagged

ORDINANCE **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the acceptance of existing alleys by the City

16. Ordinance 2008-0089

ORDINANCE authorizing issuance of the City of Houston, Texas Taxable Pension Obligation Note, Series 2008; approving and delegating certain authority to the Mayor and the City Controller with regard to the Note; approving a Note Purchase Agreement; approving a Paying Agent/Registrar Agreement; making other provisions regarding such note and matters incident thereto; making certain findings relating to the subject and matters incident thereto; and declaring an emergency

17. Ordinance 2008-0090

ORDINANCE approving and authorizing purchase of a Boiler and Machinery Insurance Policy from **ZURICH AMERICAN INSURANCE COMPANY** - \$62,893.00 - Property and Casualty Fund

18. Ordinance 2008-0091

ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code

ORDINANCES - continued

19. Ordinance 2008-0092

ORDINANCE establishing the north and south sides of the 1300 block of Marshall Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

20. Ordinance 2008-0093

ORDINANCE establishing the east and west sides of the 2000 block of Arlington within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

21. Ordinance 2008-0094

ORDINANCE enlarging the boundaries of Reinvestment Zone Number Sixteen, City of Houston, Texas, (Uptown Zone) - **DISTRICT G - HOLM**

a. Ordinance 2008-0095

ORDINANCE approving the second amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the zone - **DISTRICT G - HOLM**

22. Ordinance 2008-0096

ORDINANCE to establish the name Bear Ram Road for an existing private street located on the Alief Independent School District High School Complex between Cook Road and Dairy Ashford Road - **DISTRICT F - KHAN**

23. Ordinance 2008-0097

ORDINANCE approving and authorizing Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT**, to provide \$50,000.00 in Home Investment Partnerships ("HOME") Funds to cover operating expenses associated with the development of a single room occupancy complex consisting of a minimum of 149 units located at 2300 Sakowitz - **DISTRICT H - GARCIA**

24. Ordinance 2008-0098

ORDINANCE approving and authorizing Pre-Development Loan Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT**, to provide \$100,000.00 in Home Investment Partnerships (HOME) Funds to pay pre-construction costs associated with the development of a single room occupancy complex consisting of a minimum of 149 units **DISTRICT H - GARCIA**

25. Ordinance 2008-0103

ORDINANCE approving and authorizing Real Estate Marketing Agreement with **CB RICHARD ELLIS, INC, a Delaware Corporation**, to provide marketing services in connection with the sale of 151 acres of land on State Highway 3, south of Beltway 8 and adjacent to Ellington Field, for the Public Utilities Division of the Public Works & Engineering Department (141 acres) and the Houston Police Department (10 acres) - **DISTRICT E - SULLIVAN**

26. Council Member Garcia tagged

ORDINANCE awarding contract to **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering, Hauling & Disposal Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years - \$3,852,811.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and E - SULLIVAN**

ORDINANCES - continued

27. Council Member Holm tagged

ORDINANCE awarding contract to **STATEWIDE TREE SERVICE, INC** for Tree Planting Services for Parks & Recreation Department; providing a maximum contract amount - 2 Years \$736,521.00 - Street & Bridge Consolidated and Grant Funds

28. Ordinance 2008-0099

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TEXAS CORRECTIONAL INDUSTRIES DARRINGTON TIRE RETREADING FACILITY** for Tire Retreading and Repair Services for the Solid Waste Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,638,537.50 - General Fund

29. Ordinance 2008-0102

ORDINANCE appropriating \$170,000.00 out of Parks Consolidated Construction Fund, awarding construction Manager At Risk Contract to **GILBANE BUILDING COMPANY** for Renovation to the Parks & Recreation Department Campus and Park, WBS F-0504D1-0002-4 - **DISTRICT I - RODRIGUEZ**

30. Ordinance 2008-0100

ORDINANCE appropriating \$2,081,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Briar Park & Gulf Meadows II, WBS S-000035-00L1-4; 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 G - HOLM and E - SULLIVAN**

31. Ordinance 2008-0101

ORDINANCE awarding construction contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Distribution System Rehabilitation and Renewal, WBS S-000MAO-0003; 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 and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund - \$2,046,127.50 - Enterprise Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 32 and 33

MISCELLANEOUS

32. Motion 2008-0111 – Close nominations

RECEIVE nominations for Positions Five and Seven to the **ETHICS COMMITTEE** for two-year staggered terms

Mr. Rick Cagney nominated for reappointed for Position 5 by Council Member Holm

Mr. John J. Douglass nominated for reappointment for Position 7 by Council Member Clutterbuck

MISCELLANEOUS - continued

33. Motion 2008-0112 – Close hearing

SET A HEARING DATE to consider adopting a Municipal Setting Designation ordinance (MSD) for Union Pacific Railroad Company (UPRR)

SUGGESTED HEARING DATE - FIVE WEEKS FROM DATE OF PASSAGE

Set hearing date March 12, 2008

MATTERS HELD - NUMBERS 34 through 39

34. Motion 2008-0114 – Postpone one (1) week

WRITTEN Motion by Council Member Clutterbuck to amend Item 34C below:

I move to amend Item 55C, revisions to Chapter 45 in section 45-163 to strike the existing number 1 and in lieu of add a new number 1 that reads: "Would require a number of off-street parking spaces pursuant to Article VIII of Chapter 26 of this Code that is greater by 100 percent or more than the number of off street parking spaces provided under the current use of the parcel;"

a. Motion 2008-0114 – Postpone one (1) week

WRITTEN Motion by Council Member Lawrence to amend Item 34C below:

Replace multi family residential development in Sec. 45-163 with residential development and to add the definition of Residential to Sec. 45-162 as follows:

Residential shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential

b. Motion 2008-0114 – Postpone one (1) week

WRITTEN Motion by Council Member Garcia to amend Item 34C below:

I move to modify section 45-163(3) by omitting the words "with two-way traffic."

c. Motion 2008-0114 – Postpone one (1) week

ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to high-density multi-family development on two-way, two-lane local and collector streets

POSTPONED BY MOTION #2007-1112, 11/7/07

These were Items 55, 55A, 55B and 55C on Agenda of November 7, 2007

35. Motion 2008-0115 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,260,402.00 and acceptance of work contract with **ENVIRONMENTAL INFRASTRUCTURE GROUP, L.P.** for Upper Brays, Almeda Sims, and WCID No. 111 Wastewater Treatment Plants Improvements, WBS R-000265-0020-4 - 1.03% over the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G - HOLM**
TAGGED BY COUNCIL MEMBERS JONES, RODRIGUEZ, LAWRENCE, JOHNSON, HOLM, GREEN and ADAMS

This was Item 3 on Agenda of January 30, 2008

MATTERS HELD – continued

36. Motion 2008-0116 – 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 \$10,130,844.54 and acceptance of work on contract with **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at East Water Purification Plant, WBS S-000522-0006-4 - 6.04% under the original contract amount - **DISTRICT E - SULLIVAN**

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 5 on Agenda of January 30, 2008

37. Motion 2008-0117 – Refer back to the Administration

ORDINANCE approving and authorizing the City to release Four (4) lots owned by the Houston Housing Finance Corporation and located in the Fourth Ward from certain land use restrictions **DISTRICTS D - ADAMS and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBERS ADAMS, RODRIGUEZ and JONES

This was Item 14-1 on Agenda of January 30, 2008

38. Ordinance 2008-0104

ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized the submission of the 2004 consolidated plan to the United States Department of Housing and Urban Development, including a grant application for the Home Investment Partnerships (“HOME”) Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended

TAGGED BY COUNCIL MEMBERS GREEN, KHAN, NORIEGA, ADAMS and GARCIA

This was Item 20 on Agenda of January 30, 2008

39. Ordinance 2008-0105

ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Mercury Drive Paving Project, Segment 4 (from Herman Brown Park to Wallisville Road), authorizing the acquisition of certain real property interests within the right-of-way alignment 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 in connection with the acquisition of Fee Simple or easements in, over, upon, under, and across 14 parcels of land situated in the Reels and Trobough Survey, Abstract No. 59, Harris County, Texas, and being more specifically situated along and abutting the east or west lines of Oates Road between U.S. Highway 90 and Wallisville Road in Houston, Harris County, Texas - **DISTRICT I - RODRIGUEZ**

POSTPONED BY MOTION #2008-92, 1/30/08

This was Item 35 on Agenda of January 30, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

AGENDA - FEBRUARY 6, 2008 - PAGE 8

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

2/5/2008 – All Present

2/6/2008 – All Present