

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 26, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2008-0151 to 2008-0167
ORDINANCES - 2008-0153 to 2008-0169
RESOLUTION – None

2008-0150-1

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 27, 2008 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. Motion 2008-0151 – Close hearing

PUBLIC HEARING relative to proposed amendment of the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number 15, City of Houston, Texas (East Downtown Zone) **DISTRICT I - RODRIGUEZ**

a. Council Members Clutterbuck, Holm, Green, Lawrence and Johnson tagged

ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown 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 I - RODRIGUEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 29

MISCELLANEOUS - NUMBER 2

2. Motion 2008-0152

RECOMMENDATION from Director Parks & Recreation Department to change the name of **SUMMER STREET PARK** to **RANDALL P. JONES PARK** - **DISTRICT H - GARCIA**

ACCEPT WORK - NUMBERS 3 through 11

3. Motion 2008-0153

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$764,749.32 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Boone Road Park, WBS F-504B10-0010-4 - 2.50% over the original contract amount - **DISTRICT F - KHAN**

4. Motion 2008-0154

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$53,105.00 and acceptance of work on contract with **AAR INCORPORATED** for Soil Remediation at Former Canal Street Health Center, WBS Y-000001-0001-4 - 5% under the original contract amount - **DISTRICT I - RODRIGUEZ**

5. Motion 2008-0155

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$173,098.00 and acceptance of work on contract with **KOETTER FIRE PROTECTION OF HOUSTON, LLC** for Fire Alarm System Replacement Health Department Headquarters Building, GFS H-0031-01-3 - 4.87% over the original contract amount - **DISTRICT D - ADAMS**

6. Motion 2008-0158

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,074,401.12 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-000266-00R1-4 - 0.88% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; H - GARCIA and I - RODRIGUEZ**

7. Motion 2008-0159

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,020,469.00 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-000266-00R2-4 - 0.67% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM; H - GARCIA and I - RODRIGUEZ**

8. Motion 2008-0160

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,981,110.73 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00S2-4 - 3.30% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM and H - GARCIA**

ACCEPT WORK - continued

9. Council Members Jones and Adams tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,420,675.88 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Bertner Bridge and Paving from Holcombe to S. Braeswood, Package 1, Holcombe to Brays Bayou, WBS N-000722-0001-4 - 1.61% over the original contract amount - **DISTRICT D - ADAMS**

10. Motion 2008-0161

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,173,607.59 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-002013-0014-4 - 0.35% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and F - KHAN**

11. Motion 2008-0162

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,370,503.98 and acceptance of work on contract with **RAMOS INDUSTRIES, INC** for 24-Inch Water Line along Post Oak Boulevard from Westheimer to IH-610, WBS S-000521-0019-4 - 4.27% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 13A

12. Motion 2008-0156

AMEND MOTION #2004-0106, 1/28/04, TO INCREASE the award amount from \$3,149,761.92 to \$3,937,202.40, for Medical and Emergency Medical Supplies for Fire Department, awarded to **EMERGENCY MEDICAL PRODUCTS, INC** - General Fund

13. Ordinance 2008-0153

ORDINANCE appropriating \$330,094.06 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of a 24" Force Main along Renwick between Gulfton and Elm for the Public Works & Engineering Department, WBS R-000019-0046-4

a. Motion 2008-0157

RELIANCE CONSTRUCTION SERVICES, L.P. for Emergency Repair of a 24" Force Main for Department of Public Works & Engineering - **DISTRICT F - KHAN**

ORDINANCES - NUMBERS 14 through 29

14. Council Member Jones tagged

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-1425 by adding eight (8) Lieutenant positions, six (6) Sergeant positions and one hundred (100) Senior Police Officer positions and by deleting one hundred (100) Police Officer positions; to increase the number of eligible recipients for the Bomb Squad Assignment pay by eight (8) and to extend S.W.A.T. Assignment pay to responders as needed; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance

ORDINANCES - continued

15. Council Members Jones, Sullivan, Lawrence, Johnson, Holm, Khan, Green and Clutterbuck tagged

ORDINANCE appropriating a total of \$15,942,042.00 from the reimbursement of Equipment/Projects Fund (Fund 1850), approving and authorizing the purchase of land known as Blocks 203, 204, 205, 218 and 219, SSBB, Harris County, Texas, from the following parties, as their respective interests appear: (1) Louis Macey, Trustee, on behalf of a trust created pursuant to an agreement dated November 17, 1997, (2) Louis Macey, Trustee, on behalf of undisclosed parties; (3) Macey Family Properties, Ltd., a Texas Limited Partnership; and (4) Macey Family Properties II, Ltd., a Texas Limited Partnership; approving necessary documents related thereto, including certain agreements related to parking and the demolition of existing improvements; finding and determining that public convenience and necessity no longer require the continued use of a portion of public street right-of-way consisting of Jackson Street between Rusk Avenue and Capitol Avenue; vacating and abandoning said public street right-of-way to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value; approving the conveyance of the City's interest in the real property underlying such street to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and to LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value while reserving and retaining easement rights for the public utilities currently in place until the abutting owners grant acceptable permanent utility easements to the City and move the utilities to such easements at their expense - **DISTRICT I - RODRIGUEZ**

a. Council Members Sullivan, Lawrence, Johnson, Holm, Khan, Green, Clutterbuck and Jones tagged

ORDINANCE approving and authorizing the conveyance of land known as Block 193, SSBB, Harris County, Texas and the improvements thereon in exchange for (1) \$250,000.00, (2) the acquisition of land known as Block 220, SSBB, Harris County, Texas, and the improvements thereon, from 800 Dowling, LP, a Texas Limited Partnership; and the entering into of a lease-back agreement by the City as "Tenant" and 800 Dowling, LP as "Landlord" of Block 193, SSBB, and the improvements thereon; approving necessary documents related thereto - **DISTRICT I - RODRIGUEZ**

16. Ordinance 2008-0154

ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 190**

17. Ordinance 2008-0155

ORDINANCE consenting to the addition of 13.37 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**; for inclusion in its district

18. Ordinance 2008-0156

ORDINANCE amending City of Houston Ordinance No. 2007-648, passed on June 12, 2007 which approved and authorized the submission of the 2007 Consolidated Plan and the grant application for the 33rd Program Year of the Community Development Block Grant ("CDBG") Program, among others, to the United States Department of Housing and Urban Development **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

19. Council Member Jones tagged

ORDINANCE approving and authorizing contract between the City of Houston and **INTERNATIONAL FORENSIC SCIENCE LABORATORY & TRAINING CENTRE** for Consulting Services for the Houston Police Department; providing a maximum contract amount - \$64,000.00 General Fund

ORDINANCES - continued

20. Ordinance 2008-0165

ORDINANCE appropriating \$202,406.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing an Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Three of the Southdown Trace Subdivision, WBS S-000800-0112-4, R-000800-0112-4 & M-000800-0112-4 - **DISTRICT E - SULLIVAN**

21. Ordinance 2008-0166

ORDINANCE appropriating \$322,349.00 out of Water & Sewer System Consolidated Construction Fund and \$363,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing an Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Four of the Southdown Trace Subdivision, WBS S-000800-0113-4, R-000800-0113-4 & M-000800-0113-4 - **DISTRICT E - SULLIVAN**

22. Ordinance 2008-0157

ORDINANCE approving and authorizing second amendments to 40 Professional Materials Engineering Laboratory Services Contracts for the Public Works and Engineering Department and the Houston Airport System (approved by Ordinance No. 2002-293) with **ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AVILES ENGINEERING CORPORATION, BANDY AND ASSOCIATES, INC, COASTAL TESTING LABORATORIES, INC, EARTH ENGINEERING, INC, FUGRO CONSULTANTS, INC, GEOSCIENCE ENGINEERING AND TESTING, INC, GEOTEST ENGINEERING, INC, DAE AND ASSOCIATES, LTD, d/b/a GEOTECH ENGINEERING AND TESTING, GROUND TECHNOLOGY, INC, HTS, INC CONSULTANTS, HVJ ASSOCIATES, INC, PARADIGM CONSULTANTS, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, TOLUNAY-WONG ENGINEERS, INC, BUREAU VERITAS NORTH AMERICA, INC and TERRACON CONSULTANTS, INC**

23. Ordinance 2008-0158

ORDINANCE appropriating \$300,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Intersection Redesign and Street Safety Improvements, WBS N-000662-0029-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

24. Ordinance 2008-0159

ORDINANCE appropriating \$300,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HNTB CORPORATION** for Intersection Redesign and Street Safety Improvements, WBS N-000662-0030-3

25. Ordinance 2008-0160

ORDINANCE appropriating \$545,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Design of Southwest Wastewater Treatment Plant, WBS R-000265-0059-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK**

ORDINANCES - continued

26. Ordinance 2008-0161

ORDINANCE appropriating \$871,165.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0109-4; 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

27. Ordinance 2008-0162

ORDINANCE appropriating \$826,715.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COMPLIANCE ENVIROSYSTEMS, LLC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0110-4; 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

28. Ordinance 2008-0163

ORDINANCE appropriating \$785,619.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **STANDARD CEMENT MATERIALS, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0115-4; 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 out of the Water & Sewer System Consolidated Construction Fund

29. Ordinance 2008-0164

ORDINANCE appropriating \$2,454,589.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund, WBS A-000354-0002-4-01, and awarding construction contract to **W. W. WEBBER, LLC** for Automated People Mover Phase 3, Package 1 - Utilities Relocation at George Bush Intercontinental Airport/Houston, (Project No. 536H); setting a deadline for W. W. Webber, LLC execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding W. W. Webber, LLC in default if it fails to meet the deadlines; providing funding for engineering testing services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 30 through 37

30. Motion 2008-0163 – Refer back to the Administration

WRITTEN Motion by Council Member Clutterbuck to amend Item 30C below:

I move to amend Item 30C, 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 2008-0163 – Refer back to the Administration

WRITTEN Motion by Council Member Lawrence to amend Item 30C 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 2008-0163 – Refer back to the Administration

WRITTEN Motion by Council Member Garcia to amend Item 30C below:

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

c. Motion 2008-0163 – Refer back to the Administration

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 #2008-132, 2/13/08

These were Items 36, 36A, 36B and 36C on Agenda of February 13, 2008

Motion 2008-0164 – Amend Item 31 to provide for the City Engineer to amend inventory as necessary and maintain current inventory

31. Ordinance 2008-0167 – Adopt as amended

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

POSTPONED BY MOTION #2008-131, 2/13/08

This was Item 33 on Agenda of February 13, 2008

32. Motion 2008-0165 – Adopt

RECOMMENDATION from Purchasing Agent to award to **MUSTANG MACHINERY COMPANY, LTD. dba MUSTANG CAT** for Equipment, Caterpillar Engine Parts and Service for Various Departments - \$230,400.00 - General and Fleet Management Funds

TAGGED BY COUNCIL MEMBERS LAWRENCE and CLUTTERBUCK

This was Item 11 on Agenda of February 20, 2008

33. Council Members Garcia and Adams tagged

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-1281 by adding two (2) Inspector positions and deleting one (1) Communications Senior Captain Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance

TAGGED BY COUNCIL MEMBERS JONES, RODRIGUEZ, LOVELL, LAWRENCE, JOHNSON, KHAN, GREEN, BROWN and NORIEGA

This was Item 19 on Agenda of February 20, 2008

MATTERS HELD – continued

34. Council Member Garcia tagged

ORDINANCE amending City of Houston Ordinance No. 91-392, which authorized assignment pay for the Police Mentor Program and authorized the Chief of Police to promulgate internal rules and/or guidelines to implement the Police Mentor Program - \$200,000.00 - General Fund

TAGGED BY COUNCIL MEMBERS JONES and LAWRENCE

This was Item 21 on Agenda of February 20, 2008

35. Ordinance 2008-0168

ORDINANCE approving and authorizing prepositioned contracts between the City of Houston and **COYTRECAN PROPERTIES, INC** and **GMC CONSULTANTS, LLC** for Emergency Relocation Services; providing a maximum contract amount - \$200,000.00 - Housing Special Revenue Fund

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 23 on Agenda of February 20, 2008

36. Motion 2008-0166 – Postpone two (2) weeks

ORDINANCE authorizing the City of Houston to release and relinquish the City's right, title and interest in and to a 25-foot building setback line on Garretson Lane between South Post Oak Boulevard and San Felipe Road, located in the William White One-Third League, A-836, Harris County, Texas - **DISTRICT G - HOLM** - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 26 on Agenda of February 20, 2008

37. Ordinance 2008-0169

ORDINANCE approving Compromise and Settlement Agreement to facilitate payment to vendors with outstanding purchase orders and approving and authorizing a third amendment to the Master Agreement (C#51399) between the City of Houston and **TEXAS PROCUREMENT CENTER, L.L.C.**, for Professional Consulting Services; providing a maximum contract amount

TAGGED BY COUNCIL MEMBERS HOLM and LAWRENCE

This was Item 38 on Agenda of February 20, 2008

Motion 2008-0167 – Suspend rules to remain in session beyond the scheduled 12 noon recess

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

2/26/2008 – Council Member Lovell out of the City on City business

2/27/2008 – All Present