

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 24, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2009-0090 to 2009-00101
ORDINANCES – 2009-0140 to 2009-01
RESOLUTIONS – 2009-0005 to 2009-0006

2009-0089-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

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 2009-0090 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 25, 2009 - 9:00 A. M.

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

MAYOR'S REPORT - Complete Count Committee for 2010 U.S. Census

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBERS 1 and 2

1. **Motion 2009-0093**

REQUEST from Mayor for confirmation of the appointment of **MR. JOHN THOMAS**, to Position Eight, representing HISD, to the **BOARD OF DIRECTORS of the FOURTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire June 8, 2010

2. **Motion 2009-0094**

REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT R. CASEY**, to Position Six, representing HISD, of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2010

ACCEPT WORK - NUMBER 3

3. Motion 2009-0098

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,032,724.73 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Braes Blvd. Storm Sewer Project - 0.88% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 9

4. Motion 2009-0095

MOTOROLA, INC for Portable Radios and Associated Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Mayor's Office of Public Safety and Homeland Security - \$189,290.63 - Grant Fund

5. Motion 2009-0096

DOOLEY TACKABERRY, INC for Fire Fighting Equipment for Fire Department - \$970,000.00 General Fund

6. Motion 2009-0099

LIBERTY DATA PRODUCTS, INC dba LIBERTY OFFICE PRODUCTS for Continuous Forms for Police Department - \$301,514.25 - General Fund

7. Motion 2009-0097

S. P. LUFTBILD GMBH - \$346,500.00, **DAVID SATCHWELL** - \$69,790.00, **PARADIGM HELICOPTERS, LLC** - \$70,000.00 and **SCHWEIZER AIRCRAFT CORP.** - \$36,900.00 for Sale of Used Helicopters for Houston Police Department - \$523,190.00 - Revenue

8. Council Member Jones tagged

ORDINANCE appropriating \$329,915.38 out of Equipment Acquisition Consolidated Fund for Purchase of Personal Protective Gear for Houston Fire Department

a. Council Member Jones tagged

LION APPAREL, INC (Bid No. 1) for Personal Protective Gear for Various Departments - 3 Years and two option years - \$5,905,073.95 - Equipment Acquisition Consolidated and Enterprise Funds

9. Motion 2009-0100

GTSI, CORP. for Eroute Tracker Software System through the City's Intergovernmental Agreement with the County of Fairfax, VA, for Computer Products and Services under Section 791.025 of the Government Code for Solid Waste Management Department - \$152,336.63 General Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 36

10. Resolution 2009-0005

RESOLUTION designating certain properties within the City of Houston as historic landmarks:

David D. Bruton-Caroline

Wiess Law House

Ben M. Anderson Home

2923 Inwood Drive

3740 Willowick Road

DISTRICT G - HOLM

DISTRICT G - HOLM

11. Resolution 2009-0006

RESOLUTION designating certain property at 3376 Inwood Drive within the City of Houston as a landmark and protected landmark (William L. Clayton Summer House) - **DISTRICT G - HOLM**

RESOLUTIONS AND ORDINANCES - continued

12. Ordinance 2009-0141

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 34,134 square feet of excess, fee owned, Unimproved Fuqua Road right of way, west of Telephone Road (Parcel SY8-048), vacating and abandoning said parcel to Gulf Meadows Auto Sales, Inc., Rene R. Hernandez, and wife, Ernestina (a.k.a Earnestina) Hernandez, the abutting owners, in partial consideration of their conveyance to the City of two tracts of land (Parcels AY5-166 and AY5-167) totaling 43,815 square feet of land in fee, located west of the 10500 block of Telephone Road in the G. D. Samuell Subdivision, in the Joseph Hall Survey, A-368, Houston, Harris County, Texas; and other consideration to and from the City **DISTRICT E - SULLIVAN**

13. Ordinance 2009-0147

ORDINANCE consenting to the addition of 7.295 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district

14. Ordinance 2009-0148

ORDINANCE consenting to the addition of 18.296 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**, for inclusion in its district - **DISTRICT E - SULLIVAN**

15. Ordinance 2009-0149

ORDINANCE consenting to the addition of 2.874 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

16. Ordinance 2009-0150

ORDINANCE establishing the north and south sides of the 2400-2500 block of Arbor Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

17. Ordinance 2009-0151

ORDINANCE establishing the north side of the 400 block of Euclid Avenue 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 H**

18. Ordinance 2009-0142

ORDINANCE approving and authorizing contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **CITY OF LA PORTE, TEXAS**, (2) **CITY OF SOUTH HOUSTON, TEXAS** (3) **INTERFAITH MINISTRIES FOR GREATER HOUSTON**, and (4) **THE SALVATION ARMY**; providing maximum contract amounts \$13,451,003.64 - Grant Fund

19. Ordinance 2009-0163

ORDINANCE approving and authorizing contract between the City and **HEALTHY FAMILY INITIATIVES** to administer and coordinate a Nurse Family Partnership Program - \$602,228.00 Grant Fund

20. Ordinance 2009-0152

ORDINANCE approving and authorizing contract between the City and **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Behavioral Surveillance Services; providing a maximum contract amount - \$1,183,940.00 - Grant Fund

RESOLUTIONS AND ORDINANCES - continued

21. Pulled - Not Considered

ORDINANCE deappropriating \$444,064.90 from the TIRZ Affordable Housing Fund 2409 (Fund 2409) under Ordinance No. 2008-828 for the Temporary Emergency Home Repair Program ("TEHRP") in connection with Hurricane Ike damage; approving and authorizing guidelines for a New Credit Score Enhancement Program; reappropriating \$386,390.00 from Fund 2409 to a New Credit Score Enhancement Program, including delivery costs; and reappropriating \$57,674.90 to the TEHRP for Project Delivery Costs

Motion 2009-0091 – Suspend rules to consider Item 22 out of order

Motion 2009-0092 – Suspend rules to hear from Mr. Jeffrey Caynon

22. Ordinance 2009-0140

ORDINANCE relating to employment conditions, compensation and benefits of Classified Firefighters of the City of Houston; approving Collective Bargaining Agreement between the City of Houston and the **HOUSTON PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 341 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS**; amending Exhibit "A" of City of Houston Ordinance 2008-1167 by reorganizing certain classifications, ranks and pay grades within the Houston Fire Department, and containing other provisions relating to the foregoing subjects; suspending the operation of certain ordinances

23. Ordinance 2009-0153

ORDINANCE approving and authorizing contract between the City of Houston and **TRACE MANAGEMENT, INC** for Litigation Support Services relating to Cause No. 2007-03956; the Morganti Group, Inc. v. City of Houston; in the 113th Judicial District Court of Harris County, Texas; establishing a maximum contract amount - \$120,000.00 - Property and Casualty Fund

24. Ordinance 2009-0154

ORDINANCE appropriating \$750,000.00 out of Water & Sewer System Consolidated Construction Fund No. 8500 (The "Fund") and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **P. O. KINGWOOD PARTNERS, L.P.** to settle a claim arising out of activities financed by the Fund - **DISTRICT E - SULLIVAN**

25. Ordinance 2009-0143

ORDINANCE amending Ordinance No. 2006-0954 to increase the maximum contract amount and approving and authorizing the second amendment to Contract #4600006081 between the City of Houston and **IDEA INTEGRATION CORPORATION** for a series of Technical and Functional Enhancements to Upgrade the City's Storm Water Quality Management Information System (SWQMIS) for the Public Works & Engineering Department; providing a maximum contract amount - \$247,050.00 - Storm Water Fund

26. Council Member Jones tagged

ORDINANCE amending Ordinance No. 2005-1308 (passed on November 30, 2005) to increase the maximum contract amount for contract between the City of Houston and **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Repair Services for the Public Works & Engineering Department - \$600,000.00 - Enterprise Fund

27. Not Received - Not Considered

ORDINANCE appropriating \$377,399.00 out of Limited Use Roadway & Mobility Capital Fund and approving and authorizing Contract between the City and **STATEWIDE SERVICES, INC** for the Cullen Boulevard Beautification Project; providing a maximum contract amount - 1 Year with two one-year options

RESOLUTIONS AND ORDINANCES - continued

28. Ordinance 2009-0144

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to Agreement for Professional Services by and between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** (Project 615D) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

29. Ordinance 2009-0145

ORDINANCE appropriating \$94,921.00 out of Mobility Response Team Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for a Traffic Operations Study in Clear Lake and within the City of Houston and its extra territorial jurisdictions - **DISTRICT E - SULLIVAN**

30. Ordinance 2009-0146

ORDINANCE appropriating \$62,422.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Reconstruction of North Main Street from IH-45 to Airline Drive (approved by Ordinance No. 2005-0381) - **DISTRICT H**

31. Ordinance 2009-0155

ORDINANCE approving and authorizing nineteen Professional Materials Engineering and Testing Services Laboratory Contracts between the City of Houston and **A&R ENGINEERING AND TESTING, INC, ALLIANCE LABORATORIES, INC, ARIAS & ASSOCIATES, INC, ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AUSTIN-REED ENGINEERS, L.L.C., AVILES ENGINEERING CORPORATION, BANDY AND ASSOCIATES, INC, COASTAL TESTING LABORATORIES, INC, EARTH ENGINEERING, INC, GEOTEST ENGINEERING, INC, H.H. HOLMES TESTING LABORATORIES, INC, HVJ ASSOCIATES, INC, LFC, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, RONE ENGINEERING SERVICES, LTD., TERRACON CONSULTANTS, INC** and **THE MURILLO COMPANY**, for support of Capital Improvement Plan Projects

32. Ordinance 2009-0156

ORDINANCE appropriating \$678,715.00 out of Reimbursement of Equipment/Projects Fund awarding Construction Contract to **MERIDIAN COMMERCIAL, L.P.** for West Webster Park; 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, Civic Art Program, and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT D - ADAMS**

33. Ordinance 2009-0157

ORDINANCE appropriating \$7,600,500.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **BRH-GARVER CONSTRUCTION, LP** for Kirby Drive Storm Sewer Relief Project - Segment 4A; 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 C - CLUTTERBUCK**

RESOLUTIONS AND ORDINANCES - continued

34. Ordinance 2009-0158

ORDINANCE appropriating \$3,459,290.00 out of Street & Bridge Consolidated Construction Fund and \$698,634.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project 458; 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 and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and G - HOLM**

35. Ordinance 2009-0159 – Passed first reading

ORDINANCE granting to **ACE SEPTIC AND PLUMBING COMPANY, 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; and making certain findings related thereto - **FIRST READING**

36. Ordinance 2009-0134 – Passed second reading

ORDINANCE No. 2009-134, passed first reading February 18, 2009

ORDINANCE granting to **CONTRACTORS ROOFING & SUPPLY OF TEXAS, LLC, A 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; and making certain findings related thereto - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 37 through 40

37. Motion 2009-0101

MOTION by Council Member Khan/Seconded by Council Member Lawrence to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,688,514.74 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) 2.83% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E - SULLIVAN - POSTPONED BY MOTION #2009-70, 2/11/09**
This was Item 25 on Agenda of February 11, 2009

38. Ordinance 2009-0160

ORDINANCE approving and authorizing Amended and Restated Pre-Development Loan Agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide additional funding for the development of Affordable Multi-Family Rental Housing located at 4004 Irvington Street, Houston, Texas - \$100,000.00 - HOME Grant Fund - **DISTRICT H - TAGGED BY COUNCIL MEMBER JONES**
This was Item 38 on Agenda of February 18, 2009

MATTERS HELD - continued

39. Ordinance 2009-0161

ORDINANCE approving and authorizing Amended and Restated Agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide additional funding to cover operating expenses for capacity building in connection with the development of Affordable Housing - \$100,000.00 - HOME Grant Fund - **DISTRICT H**

TAGGED BY COUNCIL MEMBER JONES

This was Item 39 on Agenda of February 18, 2009

40. Ordinance 2009-0162

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Midvale Avenue (Parcel SY8-095), from Cedar Crest Boulevard West to its terminus at the easterly right-of-way line of the G.C.&S.F. Railroad or H.B.&T. Railroad Company, containing 6,223.86 square feet of land, more or less; vacating and abandoning said tract to Macey Family Properties, Ltd., abutting owner, in consideration of owner's conveyance to the City of a 20-foot-wide water line easement (Parcel KY8-270), containing, 2,177.41 square feet of land, more or less; all located in the Golfview Manor Subdivision and Kings Court Addition, H. P. Prentiss Survey, A-56, Houston, Harris County, Texas, and owner's payment to the City of \$3,903.00 - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 58 on Agenda of February 18, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Rodriguez 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

2/24/2009 – All Present

2/25/2009 – All Present