

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

with notes of action taken

MOTIONS - 2008-0224 to 2008-0232
ORDINANCES - 2008-0267 to 2008-0276
RESOLUTION – 2008-0009

2008-0223-1

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 2008-0224 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 2, 2008 - 9:00 A. M.

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

MAYOR'S REPORT

Motion 2008-0225 – Accept report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBER 1

1. Motion 2008-0230

RECOMMENDATION from Director Parks & Recreation Department for approval of the Parks & Recreation Master Plan Update

ACCEPT WORK - NUMBER 2

2. Pulled - Not Considered

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,028,219.25 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Reconstruction of West Little York Bridge over Vogel Creek, WBS N-000687-0004-4 - 1.95% under the original contract amount - **DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 6

3. Motion 2008-0226

SIMPLEXGRINNELL, LP. for Fire Alarm System Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department - \$277,641.00 and contingencies for a total amount not to exceed \$291,523.05 - Enterprise Fund

4. Motion 2008-0227

EMSYSTEM, LLC for EMTrack Patient Tracking System for the Office of Emergency Management of the Mayor's Office - \$99,500.00 - Grant Fund

5. Motion 2008-0228

ACUSHNET COMPANY for Resale Items for Golf Course Pro Shops for Parks & Recreation Department - \$125,000.00 - Parks Special Revenue Fund

6. Motion 2008-0229

AMEND MOTION #2005-629, 6/29/05, TO EXTEND expiration date from July 5, 2008 to July 4, 2010, for Fire Hydrant Repair Parts for Department of Public Works & Engineering, awarded to **HYDRAFLO, INC**

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 28

7. Resolution 2008-0009

RESOLUTION approving and authorizing the submission of an application for grant assistance to the **U.S. DEPARTMENT OF JUSTICE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT FUND** administered by the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD"), to support the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation 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

Written motion by Council Member Brown to amend Item 8 as follows:

Amendment to The Developer Participation Contract

Section 47-164. Construction by developers under developer contract.

After:

Subject to the availability of funds allocated for that purpose by City Council, the City may share in the expense of construction of the main and other eligible costs by any of the following methods, as applicable, at the option of the developer.

ADD:

Awards of Developer Participation Contracts will be subject to compliance with standards and guidelines issued by Department of Public Works and Engineering, and approved by city council, which reflect principles of sustainable growth and mixed income neighborhoods. – Council Members Brown, Khan and Green tagged

RESOLUTIONS AND ORDINANCES - continued

Written motion by Council Member Johnson as follows:

Amendment to Agenda Item #8

Pursuant to Chapter 47 of the Code of Ordinances relating to Developer Participation contracts, district council members must be notified and approve all individual DPC contracts prior to approval of the Director of the Department of Public Works and Engineering. – **Council Members Sullivan and Green tagged**

Written motion by Council Member Green as follows:

I move to amend Section 6 of Section 47-164 of the Code of Ordinances, relating to developer participation contracts, as follows:

Section 6. Once this Ordinance has been passed by the Mayor and Council, it shall take effect on and not before January 1, 2010. – **Council Member Green tagged**

8. Council Member Green 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

9. Ordinance 2008-0267

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 North Main Reconstruction Project, (from Interstate 45 to Airline Drive); 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 20 parcels of land situated in the John Austin Survey, Abstract No. 1, Harris County, Texas, and being more specifically situated out of property along and adjoining North Main Street as it intersects with Beauchamp, Shelly, Enid, Cottage, Walton, Tabor, Northwood, Fugate (a.k.a. Florence) De George, Edsee, Watson, Julian, and 14th Streets in Houston, Harris County Texas **DISTRICT H - GARCIA**

10. Council Members Jones, Khan and Johnson tagged

ORDINANCE amending Ordinance No. 2005-322 (passed by City Council on March 30, 2005) to increase the maximum contract amount for the Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** and the Intergovernmental Agreement with **FAIRFAX COUNTY, VIRGINIA** for the procurement of Technology Products and Services for Various Departments - \$60,000,000.00 - Various Funds

11. Council Member Holm tagged

ORDINANCE approving and authorizing first amendment to Contract (C56218) between the City of Houston and **PETDATA, INC** for Animal Licensing Services for the Health & Human Services Department - Revenue

12. Pulled - Not Considered

ORDINANCE approving and authorizing contract with **ARMOR HOLDINGS PRODUCTS, LLC** for Bullet-Resistant Body Armor for the Houston Police Department; providing a maximum contract amount - 5 Years - \$4,875,713.00 - General and Asset Forfeiture Funds

RESOLUTIONS AND ORDINANCES - continued

13. Ordinance 2008-0273

ORDINANCE appropriating \$1,235,000.00 out of Street & Bridge Consolidated Construction Fund and awarding contract to **IDEA INTEGRATION CORP.** for an Automated Mobile Pavement Condition Rating and Manual Asset Tagging System and Data Collection Vehicle for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options

14. Ordinance 2008-0274

ORDINANCE appropriating \$200,000.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.** for Legal Services regarding the Trunked Radio System; providing a maximum contract amount

15. Ordinance 2008-0268

ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Contract for Professional Consulting Services between the City of Houston and **CARTER & BURGESS, INC** for Airport Spatial Information System Development and Management Services for the Houston Airport System; WBS A-000417-0002-3-01; Project No. 584A - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

16. Council Members Lovell and Khan tagged

ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for Comprehensive City Mobility Planning (Tool), WBS N-000662-0031-3 - \$596,616.00 Mobility Response Team Fund

17. Ordinance 2008-0269

ORDINANCE appropriating \$718,000.00 out of Metro Project Commercial Paper Series E Fund No. 4027 and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Reconstruction of West Bellfort Blvd. from S. Wilcrest to S. Kirkwood, WBS N-000764-0001-3; providing funding for contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund No. 4027 - **DISTRICT F - KHAN**

18. Ordinance 2008-0275

ORDINANCE appropriating the additional \$245,300.00 out of Water & Sewer System Consolidated Construction Fund for Professional Engineering Services Contract between the City of Houston and the **BLACK AND VEATCH CORPORATION** for the Almeda Sims Sludge Processing Facility Improvements, WBS R-000298-0001-3 - **DISTRICT D - ADAMS**

19. Ordinance 2008-0270

ORDINANCE appropriating \$2,844,250.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in West Gray Area, WBS S-000035-00F9-4; 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

20. Ordinance 2008-0271

ORDINANCE de-appropriating \$324,889.00 from the Street & Bridge Consolidated Construction Fund for Reimbursement of Labor Costs and other expenses related to In-House Capital Improvement Projects for the Rehabilitation of Concrete Pavement, WBS N-000655-0005-4 and N-000845-0007-4, appropriated under Ordinance No. 2008-77

RESOLUTIONS AND ORDINANCES - continued

21. Ordinance 2008-0272

ORDINANCE appropriating \$400,794.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Professional Landscape Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Design and Construction Phase Services for the Memorial Park Pedestrian Bridge, WBS F-000690-0001-3; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT G - HOLM**

22. Ordinance 2008-0276

ORDINANCE appropriating \$802,655.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Professional Services Contract between the City of Houston and **SWA GROUP** for Master Plan Services for the Lake Houston Park, WBS F-000695-0001-3; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund

23. Ordinance 2008-0242 – Passed second reading

ORDINANCE No. 2008-242, passed first reading March 26, 2008

ORDINANCE granting to **CLEANSERVE, INC., 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; and making certain findings related thereto - **SECOND READING**

24. Ordinance 2008-0243 – Passed second reading

ORDINANCE No. 2008-243, passed first reading March 26, 2008

ORDINANCE granting to **TROY CONSTRUCTION, 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; and making certain findings related thereto - **SECOND READING**

25. Ordinance 2008-0205 – Passed third and final reading

ORDINANCE No. 2008-205, passed second reading March 26, 2008

ORDINANCE granting to **AAA FLEXIBLE PIPE CLEANING CO., INC., 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; and making certain findings related thereto - **THIRD AND FINAL READING**

26. Ordinance 2008-0206 – Passed third and final reading

ORDINANCE No. 2008-206, passed second reading March 26, 2008

ORDINANCE granting to **CLEAN PIPE OF TEXAS, L.P., a Texas Limited Partnership**, 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 - **THIRD AND FINAL READING**

27. Ordinance 2008-0207 – Passed third and final reading

ORDINANCE No. 2008-207, passed second reading March 26, 2008

ORDINANCE granting to **EVERGREEN ENVIRONMENTAL SERVICES, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

RESOLUTIONS AND ORDINANCES - continued

28. Ordinance 2008-0208 – Passed third and final reading

ORDINANCE No. 2008-208, passed second reading March 26, 2008

ORDINANCE granting to **HAMMERHEAD INDUSTRIAL, INC., 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; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 29 and 30

29. Motion 2008-0231 – Postpone one (1) week

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Riddle, Abel Permits, on behalf of Pedro Arreguin, for abandonment and sale of ±21,760-square-feet of excess dedicated Dacoma Street right-of-way from Hurfus Street to Karbach Street, adjacent to Lot 75 of the Eureka Acres Subdivision, Parcel SY8-010 - **APPRAISERS - DISTRICT H - GARCIA**

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 13 on Agenda of March 26, 2008

30. Motion 2008-0232 – Refer back to the Administration

ORDINANCE amending City of Houston Ordinance No. 2008-257, passed March 26, 2008, which altered and established maximum Prima Facie Speed Limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was a portion of Item 44 on Agenda of March 26, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sullivan 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

4/1/2008 – All Present

4/2/2008 – All Present