

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 14, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2009-0198 to 2009-0213
ORDINANCES – 2009-0300 to 2009-0321
RESOLUTION – None

2009-0197-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Rodriguez

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 - APRIL 15, 2009 - 9:00 A. M.

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

MAYOR'S REPORT - Automated Single Stream Recycling

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2009-0207

REQUEST from Mayor for confirmation of the reappointment of **MR. HOMER L. CLARK**, representing **HISD**, to Position Eight of the **SOUTH POST OAK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2010

2. Motion 2009-0198

RECOMMENDATION from Director General Services Department for approval of supplemental allocation for Professional Energy Audit Services Contract with **T.A.C. AMERICAS, INC** \$136,000.00 - In-House Renovation Fund

ACCEPT WORK - NUMBERS 3 and 4

3. Motion 2009-0199

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,660,564.00 and acceptance of work on contract with **CSA CONSTRUCTION, INC** for Sims South Wastewater Treatment Plant Improvements (Package 1) - 5.96% under the original contract amount - **DISTRICT I - RODRIGUEZ**

4. Motion 2009-0200

DATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,088,154.79 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for 48-Inch Water Line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail - 12.30% over the original contract amount - **DISTRICT D - ADAMS**

PROPERTY - NUMBER 5

5. Motion 2009-0201

DATION 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 withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. The Greater Love Mission, et al., Cause No. 925,818; for acquisition of Parcel LY6-015; for the **LEY ROAD PAVING IMPROVEMENTS PROJECT (N. Wayside - Mesa)** - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 10

6. Motion 2009-0202

RESOURCE GROUP, LLC for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Department of Health & Human Services and Houston Emergency Center \$468,460.08 - General, Grant and Houston Emergency Center Funds

7. Motion 2009-0208

RPER & ASSOCIATES for Spending Authority for Swimming Pool Modification/Repair Services through the Interlocal Agreement for Purchasing Cooperative with BuyBoard for Parks & Recreation Department - \$250,000.00 - General Fund

8. Motion 2009-0203

A SALES, INC for All-Terrain Excavator for Department of Public Works & Engineering \$280,000.00 - Stormwater Fund

9. Ordinance 2009-0315

ORDINANCE appropriating \$480,468.39 out of Equipment Acquisition Consolidated Fund and \$40,509.78 out of Reimbursement of Equipment/Projects Fund for the Purchase of Grounds Maintenance Equipment for Various Departments

a. Motion 2009-0209

LANSDOWNE-MOODY CO. - \$215,635.56, **SHOPPAS FARM SUPPLY** - \$79,721.81, **JOHN DEERE COMPANY (A Division of Deere & Co.)** - \$652,360.43, **BROOKSIDE EQUIPMENT SALES, INC** - \$13,567.50, **LUBER BROTHERS** - \$40,406.40, **PROFESSIONAL TURF PRODUCTS, L.P.** - \$466,849.23, **BROOKSIDE EQUIPMENT SALES, INC** - \$143,380.48 and **LUBER BROTHERS** - \$33,285.55 for Grounds Maintenance Equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and BuyBoard for Various Departments - \$1,645,206.96 - Enterprise, Equipment Acquisition Consolidated, Reimbursement of Equipment/Projects, Parks Special Revenue and Stormwater Funds

PURCHASING AND TABULATION OF BIDS - continued

10. Motion 2009-0210

HOUSTON COMMUNICATIONS, INC for Miscellaneous Two-Way Radios, Replacement Parts and Accessories for Various Departments - \$6,199,088.75 - General and Enterprise Funds

ORDINANCES - NUMBERS 11 through 32

11. Ordinance 2009-0316

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) Andrews Street, from Taft Street to Genesee Street, (ii) Ruthven Street, from Mason Street to Genesee Street, (iii) Cleveland Street, from Mason Street to Ord Genesee Street, (iv) Mason Street, from Andrews Street to West Gray Avenue, (v) a 20- to 30- foot-wide right of way, from West Gray Avenue connecting to Mason Street (Parcels SY3-039A through SY3-039E, respectively), and (vi-viii) three utility easements (Parcels SY3-039F through SY3-039H, respectively); vacating and abandoning said parcels to Houston Independent School District, the abutting owner, in consideration of its conveyance to the City of (ix-xi) three parcels, each comprising 30 feet of right of way to widen Genesee Street, from West Gray Avenue to Andrews Street (Parcels AY3-625A through AY3-625C, respectively), all within Powars South Side Addition and/or Alden Place, Houston, Harris County, Texas, and (xii) its payment of \$1,276,038.00 and other consideration to the City; authorizing money received from this transaction to be deposited into various funds - **DISTRICT I - RODRIGUEZ**

12. Ordinance 2009-0300

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Carew Street, from Bonhomme Road east to its terminus (Parcel SY7-037A), and a 10-foot-wide utility easement (Parcel SY7-037B), together with its attendant aerial easement; vacating and abandoning said easements to Houston Independent School District, the abutting owner, in consideration of its dedication to the City of a 10- to 20-foot-wide water line easement (Parcel KY7-124); all easements being out of Block Four and/or Block Five, Sharpstown Section Three Replat, in the J. R. Black Survey, A-134, Houston, Harris County, Texas, and its payment of \$119,973.00, and other consideration to the City - **DISTRICT F - KHAN**

13. Ordinance 2009-0317

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two (2) 10-foot-wide water line easements, located within the Willowbrook Mall Plat, in the G. W. Childress Survey, A-217, Houston, Harris County, Texas (Parcels SY9-020A and SY9-020B); vacating and abandoning said parcels to Willowbrook Mall Anchor Acquisition (TX), LLC, and to Willowbrook Mall (TX), LLC, the abutting owners, as their interests appear, in consideration of their payment of \$10,675.00 and other consideration to the City - **DISTRICT A - LAWRENCE**

14. Ordinance 2009-0301

ORDINANCE amending Ordinance No. 2007-1117, relating to the release of certain territory consisting of approximately 973.43 acres in Waller and Harris Counties in the vicinity of the City of Waller, Texas, from the extraterritorial jurisdiction of the City of Houston

15. Ordinance 2009-0302

ORDINANCE approving and authorizing a Treated Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 461**

RESOLUTIONS AND ORDINANCES - continued

16. Ordinance 2009-0303

ORDINANCE amending Ordinance 2006-196 relating to Health Care and Dental Insurance Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; amending various plans and agreements regarding Health Care and Dental Insurance for the aforementioned beneficiaries

17. Pulled - Not Considered

ORDINANCE approving and authorizing Settlement Agreement for Contested Case Hearing before the Texas Commission on Environmental Quality, Docket Number 2006-1723-WR, by and between the City of Houston, **THE AMERICAN RICE GROWERS COOPERATIVE ASSOCIATION-DAYTON DIVISION**, and the **ALDERS' GROUP**

18. Ordinance 2009-0304

ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding construction of a Building Expansion Project at the Houston TranStar Center

19. Ordinance 2009-0318

ORDINANCE appropriating \$26,000.00 out of HAS-Consolidated 2000 AMT Construction Fund (8200); authorizing purchase of land in Greenvue Manor Section Two Subdivision, Houston, Harris County, Texas for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.76; approving Purchase and Sale Agreement with the owner of the land (Joe H. Toghani) - **DISTRICT B - JOHNSON**

20. Ordinance 2009-0305

ORDINANCE appropriating \$254,105.50 from Miscellaneous Capital Acquisition Fund (4039); approving the Purchase and Sale Agreement between Tommy Edwards, Johnnie Mae Clemmons, Individually, as Independent Executrix of the Estate of Roxie McQueen Edwards, Deceased, and as Trustee of the Roxie McQueen Edwards Testamentary Trust created under the estate of Roxie McQueen Edwards, Deceased, and Henry Marshal, Seller, and the City of Houston, Buyer, for the purchase of 12,863 square feet of land with 2,457 square feet of buildings (Parcel BY9-020), located at 6423 and 6425 E. Tidwell, for the Parks and Recreation Department, WBS F-000513-0003-2; and approving and authorizing payment for the land acquisition costs, demolition cost, boundary survey, air monitoring and project management cost, and all closing costs associated with this transaction - **DISTRICT B - JOHNSON**

21. Ordinance 2009-0306

ORDINANCE appropriating \$784,079.00 out of Water & Sewer System Consolidated Construction Fund for Purchase of Security Equipment and Installation for 69th Street Sludge Plant, Upper Brays Bayou and Keegans Bayou Wastewater Treatment Plant Safety and Security Improvements under an existing Citywide Contract with **BL TECHNOLOGY, INC** - **DISTRICTS C - CLUTTERBUCK; G - HOLM and I - RODRIGUEZ**

22. Ordinance 2009-0307

ORDINANCE appropriating \$23,100.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Design of Lift Station Repair and Replacement (Approved by Ordinance No. 00-0063); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

RESOLUTIONS AND ORDINANCES - continued

23. Pulled - Not Considered

ORDINANCE appropriating \$458,700.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **URS CORPORATION** for Design of the Reconstruction of Cambridge Road from Holly Hall to IH-610 - **DISTRICT D - ADAMS**

24. Ordinance 2009-0319

ORDINANCE appropriating \$621,096.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering services Contract between the City of Houston and **UNITED ENGINEERS, INC** for the Safe Sidewalk Program - **DISTRICTS D - ADAMS; E - SULLIVAN; G - HOLM; DISTRICT H and I - RODRIGUEZ**

25. Ordinance 2009-0308

ORDINANCE appropriating \$330,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **JONES & CARTER, INC** for Design of On-Call Water Facility Projects; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

26. Ordinance 2009-0309

ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for various Small Diameter Water Line Replacement Projects

27. Ordinance 2009-0310

ORDINANCE amending Ordinance No. 2009-45, which approved Contract with **PM CONSTRUCTION & REHAB, L. P.** for Sanitary Sewer Rehabilitation to correct the Engineering and Testing Services Contract Number

28. Ordinance 2009-0311

ORDINANCE appropriating \$1,832,875.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS ReEXCAVATION, LC** for New Front Easement Reconnections (UM); 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

29. Pulled - Not Considered

ORDINANCE appropriating \$9,909,330.00 out of Metro Project Commercial Paper Series E Fund and \$627,840.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Hillcroft Reconstruction from Bellaire Boulevard to Southwest Frwy (US59); 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 Metro Improvements CP Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN**

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2009-0312

ORDINANCE approving and accepting a grant in the amount of \$500,000.00 from the Texas Commission on Environmental Quality for the Lake Houston Septic System Removal Project; appropriating \$609,936.00 out of Water & Sewer System Consolidated Construction Fund; declaring City Council's intention to partially reimburse Water & Sewer System Consolidated Construction Fund out of the grant funds described herein; awarding Construction Contract to **D. L. ELLIOTT ENTERPRISES, INC** for the Lake Houston Septic System Removal Project; 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 Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

31. Ordinance 2009-0313 – Passed first reading

ORDINANCE granting to **Q.R.S. OF TEXAS, 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**

32. Ordinance 2009-0314- Passed first reading

ORDINANCE granting to **SHE-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 **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 33 through 36A

33. Ordinance 2009-0320

ORDINANCE appropriating \$239,000.00 out of Fire Consolidated Construction Fund for Construction Services for Various Houston Fire Department Facilities under an existing Citywide Contract (approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC** **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ**
POSTPONED BY MOTION #2009-185, 4/1/09
This was Item 41 on Agenda of April 1, 2009

Motion 2009-0204 – Suspend rules to consider Item 34 out of order

Motion 2009-0205 – Close hearing on Item 34

34. Motion 2009-0206 – Grant appeal

REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed by Scott A. Lisman on behalf of **VALCO INSTRUMENTS COMPANY, L.P.** regarding modification of the City of Houston Electrical Code as it pertains to Project No. 07065538 - **POSTPONED BY MOTION #2009-190, 4/1/09**
This was Item 44 on Agenda of April 1, 2009

MATTERS HELD - continued

35. Motion 2009-0211

MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **GTSI, CORP.** for Hardware, Software, Maintenance and Installation Services 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 Department of Public Works & Engineering - \$833,168.98 - Enterprise and Building Inspection Funds - **TAGGED BY COUNCIL MEMBER JONES**

a. Motion 2009-0212

MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **HEWLETT-PACKARD COMPANY** for Hardware, Software, and Maintenance Support through the City's Master Agreement with the Texas Department of Information Resources for Department of Public Works & Engineering \$119,188.04 - Enterprise and Building Inspection Funds

TAGGED BY COUNCIL MEMBER JONES

These were Items 5 and 5A on Agenda of April 8, 2009

36. Ordinance 2009-0321

ORDINANCE appropriating \$756,884.00 out of Equipment Acquisition Consolidated Fund for Purchase of Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - **TAGGED BY COUNCIL MEMBER LAWRENCE**

a. Motion 2009-0213

RECOMMENDATION from Purchasing Agent to award to **TOMMIE VAUGHN MOTORS, INC** - \$603,017.00, **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD, PHILPOTT TOYOTA** - \$395,110.00 and **LONE STAR CHEVROLET** - \$75,997.00 for Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - Equipment Acquisition Consolidated Fund and \$317,240.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and LAWRENCE

These were Items 6 and 6A on Agenda of April 8, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

4/14/2009 – Council Member Noriega absent on personal business

4/15/2009 – All Present