

AGENDA - COUNCIL MEETING - TUESDAY - JULY 28, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2009-0553 to 2009-0572
ORDINANCES – 2009-0685 to 2009-0710
RESOLUTION – None

2009-0552-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Jones

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 2009-0553 – Procedural motion
Motion 2009-0554 – Procedural motion
Motion 2009-0555 – Procedural motion
Motion 2009-0556 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 29, 2009 - 9:00 A. M.

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

MAYOR'S REPORT - City's position on CenterPoint cost recovery from Hurricane Ike

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 1 through 3

1. Motion 2009-0557

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION:**

Position One - **DR. ROGER G. MOORE**, reappointment, for a term to expire 3/1/2011

Position Three - **MS. PHOEBE TUDOR**, reappointment, for a term to expire 3/1/2011

Position Four - **MS. DEBRA BLACKLOCK-SLOAN**, appointment, for a term to expire 3/1/2010

Position Five - **MR. FERNANDO L. BRAVE**, reappointment, for a term to expire 3/1/2011

Position Seven - **MR. PAUL FRUGÉ, JR.**, reappointment, for a term to expire 3/1/2011

Position Eight - **MR. ROB D. HELLYER**, appointment, for a term to expire 3/1/2010

Position Nine - **MS. FAYE B. BRYANT**, reappointment, for an unexpired term ending 3/1/2011

MISCELLANEOUS - continued

2. Motion 2009-0558

RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for the African American Library at the Gregory School - **DISTRICT I - RODRIGUEZ**

3. Motion 2009-0559

RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Renovation and Addition of Cullen Maintenance Facility **DISTRICT D - ADAMS**

ACCEPT WORK - NUMBERS 4 through 7

4. Motion 2009-0560

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,050,224.42 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 2.77% under the original contract amount

5. Motion 2009-0561

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,132,274.07 and acceptance of work on contract with **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 12.6% under the original contract amount

6. Motion 2009-0562

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,937,853.16 and acceptance of work contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods 4.60% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and H - GONZALEZ**

7. Motion 2009-0563

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,830,339.60 and acceptance of work contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods 2.31% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and F - KHAN**

PROPERTY - NUMBERS 8 and 9

8. Motion 2009-0571

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel QY9-013, located at 1006 Parker Road, owned by Juan and Maria L. Cervantes, aka Mary L. Cervantes, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road** **DISTRICT H - GONZALEZ**

9. Motion 2009-0564

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-435, located at the southeast corner of Oates Road at Wallisville Road, owned by Comcast of Houston, LLC, Tony A. Speller, Regional Senior Vice President, for the **MERCURY DRIVE PAVING PROJECT from US Highway 90 to Wallisville Road** - **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 16

10. Motion 2009-0565

NICE SYSTEMS, INC for Purchase of Maintenance and Support Agreement for Nice Systems Hardware and Software through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Emergency Center - \$80,049.00 - Houston Emergency Center Fund

11. Ordinance 2009-0685

ORDINANCE appropriating \$181,463.00 out of Equipment Acquisition Consolidated Fund for Purchase of Software Tools, Hardware, Ancillary Equipment and Professional Services for Tracking, Monitoring and Reporting Grant Funding on the American Recovery and Reinvestment Act (ARRA) for the Information Technology Department

a. Motion 2009-0566

FUSION CONSULTING, INC for Purchase of Professional Services to Design/Build a Platform to Meet ARRA Grant Fund Reporting Requirements for the Information Technology Department

12. Ordinance 2009-0686

ORDINANCE appropriating \$514,461.40 out of Fire Consolidated Construction Fund for Purchase of an Ambulance and Pumper Truck for New Fire Station No. 24 for the Houston Fire Department

a. Motion 2009-0567

KNAPP CHEVROLET, INC for Purchase of Ambulance - \$94,225.00 and **TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC** for Purchase of Pumper Truck - \$420,236.40 through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council for the Houston Fire Department

13. Council Member Holm tagged

L-3 COMMUNICATIONS CORPORATION for Touch Screen Display Monitors for the Houston Police Department - \$60,327.81 - Grant Funds

14. Motion 2009-0568

E. H. WACHS for Trailer-Mounted Valve Exercising Machine with a Global Positioning System (GPS) for the Department of Public Works & Engineering - \$74,368.00 - Enterprise Fund

15. Ordinance 2009-0687

ORDINANCE appropriating \$222,100.00 out of Equipment Acquisition Consolidated Fund and \$22,210.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Hybrid Electric Sedans for Various Departments

a. Motion 2009-0569

AMEND MOTION #2009-53, 2/4/09, TO PURCHASE additional Automobiles for Various Departments, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD/PHILPOTT TOYOTA** - \$244,310.00

16. Motion 2009-0570

DON MCGILL OF WEST HOUSTON, LTD dba DON MCGILL TOYOTA for Automotive, Toyota (OEM) Car/Light Truck Replacement Parts and Repair Services for Various Departments \$1,087,000.00 - General and Fleet Management Funds

ORDINANCES - NUMBERS 17 through 37

17. Ordinance 2009-0688

ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$521,288.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the Operation of Community Residences and the Administration of a Short-term Rent, Mortgage and Utility Assistance Program, along with the provision of Supportive Services - **DISTRICT B - JOHNSON**

18. Ordinance 2009-0689

ORDINANCE approving and authorizing various contracts for elderly services provided through the Harris County Area Agency on Aging between the City and (1) **COUNCIL FOR HEALTH EDUCATION AND DEVELOPMENT, LLC**, (2) **DINSMORE MEDICAL SYSTEMS, LLC**, (3) **HEIGHTS HEARING AIDS, LLC**, (4) **MPJ AUDIOLOGY CONSULTANT, LLC** and (5) **PURFOODS LLC**; providing maximum contract amounts - \$12,789,801.11 - Grant Fund

19. Ordinance 2009-0701

ORDINANCE approving the application of **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** filed with the City of Houston, Texas on June 12, 2009, for authority to revise certain discretionary charges; containing a repealer; containing a severability clause; containing findings and provisions related to the foregoing subject

20. Ordinance 2009-0702

ORDINANCE approving and authorizing contract between the City of Houston and **PROFESSIONAL ACCOUNT MANAGEMENT, LLC, a DUNCAN SOLUTIONS, INC, COMPANY** to provide Delinquent Parking Citation Collection Services for the City of Houston - Revenue

21. Ordinance 2009-0690

ORDINANCE approving and authorizing contract between the City of Houston and **VETERINARY EMERGENCY REFERRAL GROUP, INC** for Veterinary Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options \$450,000.00 - General and Asset Forfeiture Funds

22. Ordinance 2009-0691

ORDINANCE approving and authorizing first amendment to Contract No. C55953 between the City of Houston and **INNOVATIVE INTERFACES, INC** for Integrated Library System Services for the Houston Public Library

23. Ordinance 2009-0692

ORDINANCE awarding contract to **HYSECO, INC** for Hydraulic Cylinder and Valve Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$633,798.00 - General and Fleet Management Funds

24. Ordinance 2009-0693

ORDINANCE awarding contract to **Q ENVIRONMENTAL, INC** for Used Oil, Oily Water, Oil Filters, Antifreeze and Absorbents Disposal Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$532,334.00 - General, Enterprise and Fleet Management Funds

25. Council Members Lawrence, Clutterbuck and Khan tagged

ORDINANCE approving and authorizing first amendment to Agreement (Approved by Ordinance No. 2005-1098) between the City of Houston and **JP MORGAN CHASE BANK, N.A.** for a Purchasing Card Services Program

ORDINANCES - continued

26. Ordinance 2009-0694

ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding the purchase of an Emergency Diesel Generator for the Houston TranStar Center

27. Ordinance 2009-0695

ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding the purchase of a Telephone Switch Management System (TSMS) for the Houston TranStar Center

28. Ordinance 2009-0696

ORDINANCE appropriating \$6,084,500.00 out of Reimbursement of Equipment/Projects Fund; authorizing the Purchase of a Leasehold Estate on 2.619 acres of land and improvements thereon at 2250 - 2252 Holcombe Boulevard, Houston, Harris County, Texas, for the Health and Human Services Department; approving a Purchase and Sale Agreement with P.I. Holdings No. 1, Inc., a Texas Corporation, owner of the leasehold estate in the land

29. Ordinance 2009-0703

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Bunker Hill Paving Project Phase II (from the IH-10 Feeder Road to Long Point Road), authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in Fee Simple Title or easements to four (4) parcels of land situated in the Thomas Hoskins Survey, Abstract No. 342, being more specifically situated as these properties abut the south line of Long Point in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT A - LAWRENCE**

30. Ordinance 2009-0704

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Waterline Replacement in Atherton Area Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in easements in, over, upon, under, and across two (2) parcels of land situated in the J. S. Collins Survey, Abstract No. 195, in Harris County, Texas, such property being more specifically situated out of Lot 8, Block 6 of Lyons Avenue Park and Lot 3, Block 12 of Pine Crest Addition in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT B - JOHNSON**

31. Ordinance 2009-0705

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Magnolia Point, Plantation Hills and Strange Camp Unserved Area Lift Station Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of Fee Simple Title to two (2) parcels of land situated in the James Isbell Survey, Abstract No. 474, and the Gilbert Brooks Survey, Abstract 6, in Harris County, Texas, such property being more specifically situated and being all of Lot 152, Magnolia Point Replat, an Unrecorded Subdivision and all of Lot 43 of Cordes Partition of Hidden Echo, an Unrecorded Subdivision, respectively; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT E - SULLIVAN**

ORDINANCES - continued

32. Ordinance 2009-0706

ORDINANCE appropriating \$1,990,843.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing the purchase of easements and other interests in real property 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, for and in connection with, and finding a public necessity for the Capital Improvement Projects identified in the body of this ordinance

33. Ordinance 2009-0697

ORDINANCE appropriating \$37,005.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Neighborhood Street Reconstruction Projects 462 and 466 (Approved by Ordinance No. 2006-389); and approving and authorizing first amendment to the aforementioned contract; providing funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM and H - GONZALEZ**

34. Ordinance 2009-0698

ORDINANCE appropriating \$350,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **ATC ASSOCIATES, INC** for Professional Environmental Consulting Services for the Houston Airport System (Project 580) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

35. Ordinance 2009-0699

ORDINANCE appropriating \$1,900,000.00 out of Airports Renewal and Replacement Fund and awarding construction contract to **TJ&T ENTERPRISES, INC** for Airfield Pavement and Roadway Repairs at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport (Project 460A); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

36. Ordinance 2009-0700

ORDINANCE appropriating \$4,785,225.50 out of ARRA Reimbursement Fund and \$382,818.05 out of Airport Improvement Fund and awarding construction contract to **W.W. WEBBER, LLC** for Rehabilitation of Taxiways "A", "D" and "F" at Ellington Airport (Project 655); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT E - SULLIVAN**

37. Ordinance 2009-0676 – Passed second reading

ORDINANCE No. 2009-0676, passed first reading June 21, 2009

ORDINANCE granting to **ENTERGY TEXAS, INC** the right, privilege and franchise to use the public rights-of-way to use, license, or exploit the Company's facilities within the public rights-of-way to conduct an Electrical Lighting and Power Business in the City and for such other business purposes as the company may desire from time to time, specifically including, but not limited to, the granting of access to those facilities for the delivery of broadband through power lines or similar service within the City of Houston, Texas; containing a repealer; containing a severability clause - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 38

MISCELLANEOUS

38. Motion 2009-0572

MOTION to set a date not less than seven (7) days from July 29, 2009 to receive nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, for a two year term that will end March 1, 2011

MATTERS HELD - NUMBERS 39 through 43

39. Council Member Johnson tagged

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System, (Project No. 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER HOLM

This was Item 28 on Agenda of July 22, 2009

40. Ordinance 2009-0707

ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract for Professional Security Program Consulting Services by and between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC** for the Houston Airport System (Project No. 612) - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBERS HOLM and GREEN

This was Item 29 on Agenda of July 22, 2009

41. Ordinance 2009-0708

ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to construction contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for the Houston Airport System (Project No. 612K) **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBERS HOLM, GREEN and BROWN**

This was Item 30 on Agenda of July 22, 2009

42. Ordinance 2009-0709

ORDINANCE amending Ordinance No. 2008-485 (passed by City Council on June 4, 2008) to increase the maximum contract amount; appropriating \$250,000.00 out of Contractor Responsibility Fund; approving and authorizing first amendment to agreement between the City of Houston and **HARRIS COUNTY HEALTHCARE ALLIANCE, INC, a Texas Non-profit Corporation, also known as HARRIS COUNTY HEALTHCARE ALLIANCE**, for the provision of additional "Telehealth Nurse" Services for the Houston Fire Department

TAGGED BY COUNCIL MEMBER HOLM

This was Item 35 on Agenda of July 22, 2009

MATTERS HELD - continued

43. Ordinance 2009-0710

ORDINANCE approving and authorizing contract between the City of Houston and **CITY HALL FELLOWS, INC** for the Implementation of the City Hall Fellows Program with the City of Houston; providing a maximum contract amount - 1 Year with one year option - \$572,000.00 - General Fund - **TAGGED BY COUNCIL MEMBERS SULLIVAN and KHAN**
This was Item 40 on Agenda of July 22, 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

7/28/2009 – All Present

7/29/2009 – All Present