

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 28, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2010-0703 to 2010-0716
ORDINANCES - 2010-0752 to 2010-0765
RESOLUTION - None

2010-0702-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

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 2010-0703 – Procedural motion

Motion 2010-0704 – Procedural motion

Motion 2010-0705 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 29, 2010 - 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 2010-710 - Close Hearing**

PUBLIC HEARING relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC to determine just and reasonable rates to be observed within the City of Houston, Texas

MAYOR'S REPORT - Principles for potential implementation of Proposition No. 1

CONSENT AGENDA NUMBERS 2 through 26

MISCELLANEOUS - NUMBERS 2 through 4

Motion 2010-0706 – Suspend rules to consider Items 2, 3 and 4 out of order

2. Motion 2010-707

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:

- Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2011
- Position 2 - **MR. J. HOWARD RAMBIN III**, reappointment, for a term to expire 2/1/2012
- Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2011
- Position 4 - **MS. RUTH R. HURST**, reappointment, for a term to expire 2/1/2012
- Position 5 - **MR. T. RAY PURSER**, appointment, for a term to expire 2/1/2011
- Position 6 - **MR. DANIEL SULLENBARGER**, reappointment, for a term to expire 2/1/2012
- Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2011
- Position 8 - **MR. MATT DELNICK**, appointment, for a term to expire 2/1/2012
- Position 9 - **MS. MARIE D. ARCOS**, reappointment, for a term to expire 2/1/2011
- Position 10 - **MR. ROBERT C. BOUCHER**, reappointment, for a term to expire 2/1/2012
- Position 11 - **MR. ASHOK DHINGRA**, appointment, for a term to expire 2/1/2011
- Position 12 - **MR. WALTER W. HAMBRICK, JR.**, appointment, for a term to expire 2/1/2012
- Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2011
- Position 14 - **MR. DONALD J. SMITH**, appointment, for a term to expire 2/1/2012
- Position 15 - **MS. CHER MURPHY**, appointment, for a term to expire 2/1/2011
- Position 16 - **MS. EMILY A. MESSA**, appointment, for a term to expire 2/1/2012
- Position 17 - **MS. CARLA LENÁ WYATT**, reappointment, for a term to expire 2/1/2011
- Position 18 - **MR. JOSÉ GRIÑAN**, reappointment, for a term to expire 2/1/2012
- Position 19 - **MR. JOHN CANALES GORCZYNSKI**, appointment, for a term to expire 2/1/2011
- Position 20 - **MR. ROBERT W. GIBBS JR.**, reappointment, for a term to expire 2/1/2012
- Position 21 - **MS. HAI TRAN DUONG**, appointment, for a term to expire 2/1/2011
- Position 22 - **MS. SALLÉ S. MORSE**, reappointment, for a term to expire 2/1/2012
- Position 23 - **MS. SHONDRA E. WYGAL**, appointment, for a term to expire 2/1/2011
- Position 24 - **MR. CHRIS K. WILMOT**, reappointment, for a term to expire 2/1/2012
- Position 25 - **DR. WIL UECKER**, appointment, for a term to expire 2/1/2011
- Position 26 - **MR. REY DE LA REZA**, reappointment, for a term to expire 2/1/2012
- Position 27 - **MS. MIRANDA MALDONADO**, appointment, for a term to expire 2/1/2011
- Position 28 - **MS. PATRICIA HERRERA**, appointment, for a term to expire 2/1/2011
- Position 29 - **MR. DARRYL LAMBERT**, reappointment, for a term to expire 2/1/2011
- Position 30 - **MR. CHRISTOPHER R. PASSMORE**, appointment, for a term to expire 2/1/2012
- Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2011
- Position 32 - **MS. MARGARET ROBINSON**, reappointment, for a term to expire 2/1/2012
- Position 33 - **MR. HERBERT H. OCHIER**, appointment, for a term to expire 2/1/2011
- Position 34 - **MR. PATRICK CASTILLO**, appointment, for a term to expire 2/1/2012
- Position 35 - **MR. JAMES D. TATES**, appointment, for a term to expire 2/1/2011
- Position 36 - **MS. DIAMANTINA “TINA” ARAUJO**, reappointment, for a term to expire 2/1/2012
- Position 37 - **MR. KIRAN SHAH**, appointment, for a term to expire 2/1/2011

MISCELLANEOUS - continued

3. Motion 2010-708

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SPRING BRANCH MANAGEMENT DISTRICT**, for terms to expire June 1, 2013:

- Position Eight - **MS. PATRICIA A. MADDOX**, reappointment
- Position Nine - **MR. DAVID GUTIERREZ**, reappointment
- Position Ten - **MR. HOWARD CHONG**, appointment
- Position Eleven - **MR. RINO CASSINELLI**, reappointment
- Position Twelve - **MS. MELANIE HOFF**, reappointment
- Position Thirteen - **MR. JOHN W. H. CHIANG**, reappointment

4. Motion 2010-709

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:

- Position One - **MS. PEGGY R. (CHAVIS) GARRETT**, reappointment, for a term to expire 7/26/2011
- Position Two - **MR. ALAN RUSSELL**, appointment, for a term to expire 7/26/2012
- Position Four - **MR. JOSÉ RAMIREZ, JR.**, reappointment, for a term to expire 7/26/2012
- Position Five - **MS. KRUPA PARIKH**, appointment, for a term to expire 7/26/2011
- Position Six - **MS. KATHY LADELL WALTERS**, appointment, for a term to expire 7/26/2012
- Position Seven - **MS. SHITAL R. PATEL**, appointment, for a term to expire 7/26/2011
- Position Eight - **MS. KELLY CURTIS REAGAN**, reappointment, for a term to expire 7/26/2012
- Position Ten - **MS. JANE CUMMINS**, reappointment, for a term to expire 7/26/2012
- Position Eleven - **MS. ELLEN J. GOUDEAU**, reappointment, for a term to expire 7/26/2011
- Position Twelve - **MS. LEAH MASTAGLIO**, reappointment, for a term to expire 7/26/2012
- Alternate Position One - **MS. MARIA G. DELEON**, reappointment, for a term to expire 7/26/2011
- Alternate Position Two - **MS. TINA WILLIAMS**, appointment, for a term to expire 7/26/2012
- Alternate Position Three - **MR. KENNETH JAMES DEPEW**, appointment, for a term to expire 7/26/2011
- Alternate Position Four - **MS. DEBORAH E. NOWINSKI**, appointment, for a term to expire 7/26/2012

ACCEPT WORK - NUMBERS 5 and 6

5. Motion 2010-711

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,163,227.92 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Central Park Subdivision Storm Sewer Facilities (Phase II) - 2.45% over the original contract amount - **DISTRICT I - RODRIGUEZ**

6. Motion 2010-712

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,218,671.48 and acceptance of work on contract with **COLLINS CONSTRUCTION LLC** for Water Line Replacement in Colonial Gardens Area - 8.49% under the original contract amount - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. Motion 2010-713

DELL MARKETING LP for Microsoft Enterprise License Agreement through the City's Master Agreement with Texas Department of Information Resources for the Information Technology Department - \$1,604,979.08 - Equipment Acquisition Consolidated Fund

8. Ordinance 2010-752

ORDINANCE appropriating \$86,780.78 out of Water & Sewer System Consolidated Construction Fund for Emergency Rectification of the Pavement on Fulton Street for the Public Works & Engineering Department

a. Motion 2010-714

JIMERSON UNDERGROUND, INC for Emergency Rectification of the Pavement on Fulton Street for Department of Public Works & Engineering - **DISTRICT H - GONZALEZ**

9. Ordinance 2010-753

ORDINANCE appropriating \$65,588.25 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of Potable Water Line for Public Works & Engineering Department

a. Motion 2010-715

REYTEC CONSTRUCTION RESOURCES, INC for Emergency Repair of Potable Water Line for Department of Public Works & Engineering - **DISTRICT B - JOHNSON**

10. Motion 2010-716

AZTECA SYSTEMS, INC for Software Application and Maintenance Support Services for the Work-Order Management System (Cityworks) for the Department of Public Works & Engineering \$110,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 11 through 26

11. Ordinance 2010-754

ORDINANCE **AMENDING CHAPTERS 5 and 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding amusement redemption machines and game rooms; providing a penalty; containing findings and other provisions relating to the foregoing subject; providing for severability

12. Ordinance 2010-760

ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Developer Participation Contracts; making findings and containing provisions related to the subject; providing for severability

13. Ordinance 2010-761

ORDINANCE authorizing the sale of a 22,659-square-foot subsurface pipeline easement (Parcel SY10-050A) and a 80,790-square-foot temporary construction easement (Parcel SY10-050B), both located within the Southeast Water Purification Plant, out of the W.H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042, Houston, Harris County, Texas, to Monument Pipeline, LP, in consideration of its payment of \$49,079.00 and other consideration to the City - **DISTRICT E - SULLIVAN**

14. Ordinance 2010-755

ORDINANCE approving the Lease Agreement of the City Water Plant No. D-158 between the **NORTH FORT BEND WATER AUTHORITY** and the City of Houston - Revenue

ORDINANCES - continued

15. Ordinance 2010-756

ORDINANCE providing for the assessment, levying and collection of Ad Valorem Taxes for the City of Houston, Texas for the Year 2010

16. Ordinance 2010-762

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: proposed amendments to the Strategic Partnership Agreements between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4, FAULKLEY GULLY MUNICIPAL UTILITY DISTRICT, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 109, MILLS ROAD MUNICIPAL UTILITY DISTRICT and MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44 and HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 91** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed amendments to Strategic Partnership Agreements between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT, CHIMNEY HILL MUNICIPAL UTILITY DISTRICT, CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2, CY-CHAMP PUBLIC UTILITY DISTRICT, HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285, NORTH BELT UTILITY DISTRICT and PONDEROSA FOREST UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **EL DORADO UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 132, KLEINWOOD MUNICIPAL UTILITY DISTRICT, LOUETTA NORTH PUBLIC UTILITY DISTRICT, NORTH GREEN MUNICIPAL UTILITY DISTRICT, NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1, WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 and WOODCREEK MUNICIPAL UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris County; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability

HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 27, 2010 and NOVEMBER 3, 2010

17. Ordinance 2010-763

ORDINANCE approving and authorizing Amendment No. 2 to an Agreement for Professional Services between the City of Houston and the **GREATER HOUSTON PARTNERSHIP, INC** \$221,250.00 - Enterprise Funds

18. Ordinance 2010-757

ORDINANCE amending Ordinance No. 2007-0482 (Passed by City Council on April 18, 2007) to increase the maximum contract amount; approving and authorizing first amendment to an agreement between the City of Houston and **GARRISON ENTERPRISES, INC** for Software Product License and Software Product Support Service for the Houston Department of Health & Human Services - \$182,300.00 - Health Special Revenue Fund

ORDINANCES - continued

19. Ordinance 2010-764

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **GREATER EAST END MANAGEMENT DISTRICT** for Graffiti Abatement Services; providing a maximum contract amount - 2 Years with three one-year options - \$1,685,780.00 - General, Enterprise and Other Funds

20. Ordinance 2010-758

ORDINANCE approving and authorizing contract between the City and **BLUE CROSS AND BLUE SHIELD OF TEXAS** for Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents - \$150,000.00 - Health Benefits Fund

21. Tagged by Council Members Johnson and Jones

ORDINANCE awarding contract to **SELRICO COMMUNICATIONS, LLC** for Communication Technician Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$5,000,000.00 - Central Service Revolving Fund

22. Omitted

23. Ordinance 2010-759

ORDINANCE approving and authorizing Lease Purchase Agreement between the City of Houston and **IBM CREDIT, LLC** from the State of Texas Procurement and Support Services Contract for the Department of Public Works & Engineering; authorizing the Director of the Department of Public Works & Engineering to execute all documents pertaining to such agreement

24. Ordinance 2010-765

ORDINANCE appropriating \$125,096.00 out of Drainage Improvement Commercial Paper Series F Fund to Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** (Approved by Ordinance No. 2007-0722) for Construction of the Whiteheather Storm Sewer Outfall Project - **DISTRICT D - ADAMS**

25. Tagged by Council Member Sullivan

ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer System Consolidated Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fifth amendment to contract between the City of Houston and **ITRON, INC**, approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,858,563.58 - Enterprise Fund

26. Tagged by Council Member Jones

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 Cambridge Paving Project (from Holly Hall to IH-610); authorizing the acquisition by donation, purchase, or eminent proceedings of five parcels of land required for street purposes; said parcels to be acquired in Easement Title and situated in the P. W. Rose Survey, A-645, in Harris County, Texas; such property being more specifically situated and located out of Lot 2 Block 8; Lots 1 and 4, Block 16; Lots 1 and 4, Block 17, Knights Main Addition, a subdivision 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 D - ADAMS**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello 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

9/28/2010 – Council Member Clutterbuck absent on city business

9/29/2010 – All present