

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 8, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2011-0164 to 2011-0200
ORDINANCES - 2011-0178 to 2011-0191
RESOLUTION – 2011-0004

2011-0163-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sullivan

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 2011-0164 – Procedural motion
Motion 2011-0165 – Procedural motion
Motion 2011-0166 – Procedural motion
Motion 2011-0167 – Procedural motion
Motion 2011-0168 – Procedural motion
Motion 2011-0169 – Procedural motion
Motion 2011-0170 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 9, 2011 - 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.

Motion 2011-0171 – Procedural motion
Motion 2011-0172 – Procedural motion
Motion 2011-0173 – Procedural motion
Motion 2011-0174 – Procedural motion
Motion 2011-0175 – Procedural motion
Motion 2011-0176 – Procedural motion
Motion 2011-0177 – Procedural motion
Motion 2011-0178 – Procedural motion
Motion 2011-0179 – Procedural motion
Motion 2011-0180 – Procedural motion
Motion 2011-0181 – Procedural motion
Motion 2011-0182 – Procedural motion
Motion 2011-0183 – Procedural motion
Motion 2011-0184 – Procedural motion
Motion 2011-0185 – Procedural motion

HEARINGS - 9:00 A.M. - continued

1. Motion 2011-0187 – Close hearing

PUBLIC HEARING in accordance with Section 552.045 (c) of the Texas Local Government Code regarding adopting a new Article XIV to Chapter 47 of the Code of Ordinances creating a Municipal Drainage Utility System

2. Motion 2011-0187 – Close hearing

PUBLIC HEARING in accordance with Section 552.045 (c) of the Texas Local Government Code regarding proposed rates and exemptions to establish and levy a schedule of drainage charges for property subject to implementation of a Municipal Drainage Utility System

Motion 2011-0186 – Suspend rules to remain in session beyond the scheduled noon recess

Motion 2011-0188 – Suspend rules to hear from Mr. Dusti Hyde on Items 3 and 3a

3. Motion 2011-0189 – Close hearing

PUBLIC HEARING relating to proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

a. Council Members Rodriguez, Noriega, Jones and Johnson tagged

ORDINANCE AMENDING ARTICLE VI OF CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Airport Compatible Land Use Regulations; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 19

MISCELLANEOUS - NUMBERS 4 and 4A

Motion 2011-0193 – Suspend rules to extend time of Council Member Gonzalez

4. Council Member Lovell tagged

RECOMMENDATION from Director Planning & Development Department to accept reports on the reconsideration of the following six historic districts - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ:**

Avondale West

Heights East

Boulevard Oaks

Heights West

First Montrose Commons

Norhill

a. Council Members Clutterbuck and Jones tagged

RESOLUTION amending Resolution No. 2010-39; changing the boundaries of the First Montrose Commons Historic District

ACCEPT WORK - NUMBERS 5 and 6

5. Motion 2011-0190

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$33,838,605.61 and acceptance of work on contract with **WEBBER, LLC (Formerly W. W. WEBBER, LLC)** for Rehabilitation of Runway 9-27 at George Bush Intercontinental Airport/Houston, No. 423 - 7.5% over the original contract amount - **DISTRICT B - JOHNSON**

ACCEPT WORK - continued

6. Council Member Jones tagged

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$145,222.00 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 28 - 4.69% below the original contract amount - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9A

7. Ordinance 2011-0178

ORDINANCE appropriating \$247,500.00 out of C & E Construction Fund for Escalator Parts at the George R. Brown Convention Center for Convention & Entertainment Facilities Department

a. Motion 2011-0191

KONE, INC d/b/a KONE SPARES, INC for Escalator Parts from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department

8. Motion 2011-0192

TERRAIN SOLUTIONS, INC for project management and construction oversight services in connection with Underground Storage Tank Removal and Cleanup at 28 Fire Stations - \$146,000.00 - Fire Consolidated Construction Fund

9. Council Members Clutterbuck, Jones, Hoang, Pennington and Noriega tagged

ORDINANCE appropriating \$2,766,738.74 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments

a. Council Members Clutterbuck, Jones, Hoang, Pennington and Noriega tagged

PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD - \$3,006,220.00, **RON CARTER AUTOMOTIVE** - \$671,943.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$627,321.00, **TOMMIE VAUGHN MOTORS, INC** - \$466,896.00, **JOHNSON WHITESBORO FORD d/b/a HOLIDAY FORD** - \$492,866.83, **FRED HAAS TOYOTA COUNTRY** - \$409,136.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD** - \$61,635.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for a total of \$5,736,017.83 for Various Departments - \$2,969,279.09 - Enterprise, Stormwater and Other Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 19

10. Resolution 2011-0004

RESOLUTION amending Resolution No. 2010-54 approving and authorizing nomination of **CAMERON INTERNATIONAL CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project **DISTRICT G - PENNINGTON**

11. Ordinance 2011-0179

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **WOOLSEY AVIATION, INC d/b/a MILLION AIR - HOUSTON**, for certain premises at William P. Hobby Airport and concurrently terminating Lease Agreement No. 30552, as assigned, by and between the City of Houston and Woolsey Aviation, Inc d/b/a Million Air - Houston - Revenue **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

12. Council Members Jones, Bradford, Rodriguez, Johnson, Noriega and Hoang tagged

ORDINANCE approving and authorizing various contracts between the City of Houston and 1) **CONNECTICUT GENERAL LIFE INSURANCE COMPANY** for an Administrative Services Agreement related to the administration of various health plans; 2) **NATIONAL PACIFIC DENTAL, INC** related to the Managed Care Dental Agreement; 3) **UNITEDHEALTHCARE INSURANCE COMPANY** related to the Group Dental Indemnity Agreement; 4) **AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS** related to the agreement for voluntary supplemental insurance coverage and administration of flexible spending accounts; and 5) the amendment and restatement of the City of Houston Employees' Section 125 Plan, including healthcare and dependent care reimbursement arrangements, all effective May 1, 2011; approving and authorizing various health care plans, dental plans and supplemental insurance benefits for City employees, retirees, deferred retirees, survivors and certain dependents, effective May 1, 2011 - 3 Years with two one-year options - \$84,000,000.00 - Health Benefits Fund

13. Ordinance 2011-0183

ORDINANCE amending Ordinance No. 97-1167 and approving and authorizing an amended and restated Subrecipient Loan Agreement between the City of Houston and **HOUSTON BUSINESS DEVELOPMENT, INC (HBDI)** to consolidate the original Loan Agreement and the prior amendments thereof for HBDI to implement and administer for the City the Micro-Enterprise Loan Program and the Small Business Loan Program pursuant to the City's Section 108 Loan Guarantee Assistance Contract with the United States Department of Housing and Urban Development - **DISTRICT D - ADAMS**

14. Ordinance 2011-0184

ORDINANCE approving and authorizing City of Houston to enter into first contract amendment with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add three school sites and to provide an additional \$60,000.00 to administer an After School Achievement Program - Grant Funds **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

15. Council Members Jones, Rodriguez and Sullivan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD LLP** for representation before the United States Congress and Federal Agencies; establishing a maximum contract amount - 3 Years - \$828,000.00 - General Fund

16. Ordinance 2011-0180

ORDINANCE amending Ordinance No. 99-0161, as amended, (Passed by City Council February 24,1999) to increase the maximum contract amount for the contract between the City of Houston and **FROST NATIONAL BANK** for Automated Filing Fee Payment Services for the Houston Police Department - \$90,000.00 - General and Dangerous Building Consolidated Funds

17. Ordinance 2011-0185

ORDINANCE awarding contract to **PHONOSCOPE, INC** for High-Capacity, Fiber Circuit Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,463,732.33 - Central Service Revolving Fund

18. Ordinance 2011-0181

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath three tracts of land containing 18.180 acres commonly known as 800 Burnett Street, Houston, Texas and portions of Keene Street, Trentem Street (a/k/a Trentham Street), North Main Street, Naylor Street, Vine Street, and Daly Street rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2011-0182

ORDINANCE appropriating \$2,231,093.00 out of Water & Sewer System Consolidated Construction Fund, rejecting apparent low bidder; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for FY11 Water Distribution System Rehabilitation and Renewal; 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

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 20 through 28

20. Motion 2011-0194 – Adopt

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,324,322.44 and acceptance of work on contract with **GILBANE CONSTRUCTION COMPANY** for Construction of Fire Station 37 - 4.07% over the Guaranteed Maximum Price **DISTRICT C - CLUTTERBUCK** - TAGGED BY COUNCIL MEMBER JONES

This was Item 4 on Agenda of March 2, 2011

21. Motion 2011-0195 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,673,574.53 and acceptance of work on contract with **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells - 3.99% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; F - HOANG and G - PENNINGTON** - TAGGED BY COUNCIL MEMBER JONES

This was Item 6 on Agenda of March 2, 2011

22. Motion 2011-0196 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ryan L. Dennard, on behalf of McGinnis Cadillac (Kevin McGinnis, Owner), for sale of ±8,840 square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834, Parcel SY11-028 - **DISTRICT A - STARDIG** - TAGGED BY COUNCIL MEMBER STARDIG

This was Item 8 on Agenda of March 2, 2011

23. Ordinance 2011-0186

ORDINANCE appropriating \$679,470.20 out of Equipment Acquisition Consolidated Fund for the Purchase of Earth Moving Equipment for Various Departments - \$729,316.78 - Enterprise Fund

TAGGED BY COUNCIL MEMBER JONES

MATTERS HELD – continued

a. Motion 2011-0197 – Adopt

RECOMMENDATION from Purchasing Agent to award to **JOHN DEERE COMPANY - A Division of Deere & Company** - \$178,367.98, **HI-WAY EQUIPMENT COMPANY** - \$615,919.00 and **DOGGETT HEAVY MACHINERY SERVICE, LLC** \$614,500.00 for Purchase of Earth Moving and Street Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Various Departments

TAGGED BY COUNCIL MEMBER JONES

These were Items 14 and 14A on Agenda of March 2, 2011

24. Motion 2011-0198 – Adopt

RECOMMENDATION from Purchasing Agent to **AMEND MOTION #2008-129, 2/13/08, TO INCREASE** spending authority from \$264,391.66 to \$370,148.32 for Chemicals, Lawn, Garden and Insecticide for Various Departments, awarded in part to **PRO ALLIANCE** - \$105,756.66 General Fund - **TAGGED BY COUNCIL MEMBERS JONES and ADAMS**

This was Item 16 on Agenda of March 2, 2011

25. Ordinance 2011-0187

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS BY AMENDING CHAPTER 14, SECTION 140 through 149** relating to layoffs; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBER JONES, STARDIG and PENNINGTON

This was Item 17 on Agenda of March 2, 2011

Motion 2011-0199 – Motion to override tag of Council Member Pennington’s amendment on Item 26 – “FAILED”

Motion 2011-0200 – Call the question on Item 26

Written motion by Council Member Pennington to amend Item 26 as follows:

“Amend Item 26 by amending the proposed ordinance to delete the last three recitals; to amend Section 2 to omit the words “2.1 million” and insert the number “2,099,451”; and to add a new Section 3 to the Ordinance and renumber the remaining sections accordingly, said new Section 3 to read as follows”

Section 3. The City Council directs the Mayor to move forward with an appeal to the U.S. Census Bureau to appeal the Bureau’s findings with regard to the City’s population; and furthermore, the City Council directs the Mayor to proceed with the redrawing of Council District boundaries on the basis of a population of 2,099,451, until such time as the U.S. Census Bureau determines the outcome of the City’s appeal.”

- Note: Tagged by Council Member Costello and motion 2011-0199 to override tag failed and Item 26 adopted which causes motion to be moot

26. Ordinance 2011-0188

ORDINANCE determining the population of the City; making findings and containing provisions related to the subject; providing for severability - **TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG**

This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160)

MATTERS HELD – continued

a. **Ordinance 2011-0189**

ORDINANCE ordering the redrawing of council district boundaries in compliance with the City Charter; making findings and containing provisions related to the subject; providing for severability **TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG**

This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160)

27. **Ordinance 2011-0190**

ORDINANCE amending Ordinance No. 2010-066 relating to Single Family Home Repair and Reconstruction; appropriating an additional \$250,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and reallocating certain Community Development Block Grant Funds and Community Development Block Grant - Disaster Recovery Funds in connection therewith; reducing the number of houses demolished and reconstructed from 33 to 28

TAGGED BY COUNCIL MEMBER ADAMS

This was Item 21 on Agenda of March 2, 2011

28. **Ordinance 2011-0191**

ORDINANCE approving and authorizing contract to between the City of Houston and **BURSON-MARSTELLER, LLC** for Advertising, Marketing and Public Relations Services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$928,500.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBERS JONES and ADAMS

This was Item 28 on Agenda of March 2, 2011

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Gonzalez 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

3/8/2011 – All Present

3/9/2011 – Council Member Adams absent on personal business