

**AGENDA - COUNCIL MEETING - WEDNESDAY - SEPTEMBER 7, 2011 - 9:00 A. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS – 2011-0705 to 2011-0718**  
**ORDINANCES - 2011-0767 to 2011-0784**  
**RESOLUTION – None**

**2011-0704-1**

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

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Pennington

**9:00 A. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**9:30 A. 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 2011-0718 – Procedural motion**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 30**

**MISCELLANEOUS** - NUMBERS 1 and 2

**1. Motion 2011-0705**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS HOUSTON FIRST FOUNDATION**, for terms to expire December 31, 2011:

Position One - **MR. JOE TING**  
Position Two - **MS. KATY CALDWELL**  
Position Three - **MR. THOMAS DEON WARNER**  
Position Four - **MR. RICHARD J. CAMPO**, and to serve as Chair  
Position Five - **MR. DAVID L. SOLOMON**  
Position Six - **MR. HASMUKH D. PATEL**  
Position Seven - **MS. DESRYE M. MORGAN**  
Position Eight - **MR. DAVID W. ARPIN**  
Position Nine - **MR. RICHARD A. RABINOW**

**2. Motion 2011-0706**

RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2011 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Jennifer Chen and Ron Kissner to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code

**ACCEPT WORK** - NUMBER 3

**3. Motion 2011-0707**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,429,064.17 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Condition Assessment of Large Diameter Water Lines - 5.89% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON and I - RODRIGUEZ**

**PROPERTY** - NUMBERS 4 through 6

**4. Motion 2011-0708**

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Now Faith Ministries International, Inc, et al., Cause No. 982,726; for acquisition of Parcel AY10-021; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT, (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON**

**5. Motion 2011-0709**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joe Turner, declining the acceptance of, rejecting, and refusing the dedication of Center Street, from Kingsway Street south to its terminus, in the Dixieland Subdivision, out of the B. Prentis Survey, A-56, Parcel IT11-008 **DISTRICT I - RODRIGUEZ**

**6. Motion 2011-0710**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY11-002, located at 12419 Frazier River Drive, owned by Luis Alberto Salgado, for the **RIVERWOOD ESTATES #1 LIFT STATION REPLACEMENT PROJECT - DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 12A

**7. Motion 2011-0711**

**STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fees for Firefighters for Fire Department - \$394,825.00 - General Fund

**8. Motion 2011-0712**

**NORD ATLANTIC TRADING, INC** for Night Vision Surveillance Equipment from the General Services Administration Schedule 84 Contract through the Cooperative Purchasing Program for the Houston Police Department - \$226,108.20 - Grant Fund

**9. Motion 2011-0716**

**APPROVE** spending authority to Address Emergency Repair of Water Line Breaks in an amount not to exceed \$7,440,000.00 for the Department of Public Works & Engineering, to **T CONSTRUCTION, LLC** - \$3,940,000.00, **REYTEC CONSTRUCTION RESOURCES, INC** - \$700,000.00, **D. L. ELLIOTT ENTERPRISES, INC** - \$1,400,000.00 and **BOYER, INC** - \$1,400,000.00 - Enterprise Fund

**10. Ordinance 2011-0767**

ORDINANCE appropriating \$999,880.00 out of Water & Sewer System Consolidated Construction Fund to purchase Cage Mill Assemblies and Heat Exchangers for the Public Works & Engineering Department

**PURCHASING AND TABULATION OF BIDS** - continued

a. **Motion 2011-0713**

**ALSTOM POWER, INC** for Cage Mill Assemblies and Heat Exchangers for the Department of Public Works & Engineering

11. **Ordinance 2011-0768**

ORDINANCE appropriating \$229,812.45 out of Water & Sewer System Consolidated Construction Fund to Furnish and Install Adjustable Speed Drives at the 69th Street Wastewater Treatment Plant for the Public Works & Engineering Department

a. **Motion 2011-0714**

**C. F. MCDONALD ELECTRIC, INC** to Furnish and Install Adjustable Speed Drives at the 69th Street Wastewater Treatment Plant for the Department of Public Works & Engineering \$218,869.00 and contingencies for a total amount not to exceed \$229,812.45 - Enterprise Fund

12. **Ordinance 2011-0769**

ORDINANCE appropriating \$121,636.90 out of Solid Waste Consolidated Construction Fund for Construction of a New Parking Lot at 5614 Neches Street for the General Services Department

a. **Motion 2011-0715**

**AAA ASPHALT PAVING, INC** for Construction of a New Parking Lot for the General Services Department on behalf of the Solid Waste Management Department - \$110,178.00 and contingencies for a total amount not to exceed \$115,686.90

**ORDINANCES** - NUMBERS 13 through 30

13. **Council Members Jones and Noriega tagged**

ORDINANCE **AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to corrections necessary to keep the Code of Ordinances current and updated; authorizing the City Attorney to direct the publisher of the Code to make non-substantive amendments, correct typographical errors and effect similar changes without the necessity of further action of the City Council

14. **Ordinance 2011-0779**

ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 5 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Room Licenses and Fees therefor

15. **Ordinance 2011-0780**

ORDINANCE amending Ordinance No. 2008-464; authorizing the execution and delivery of a Reimbursement Agreement, a Bank Fee Agreement, an Insurance Policy Cancellation Agreement, A Co-Bond Counsel Agreement and a Secondary market Information Circular for the City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2008D-1; and declaring an emergency

16. **Ordinance 2011-0770**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 4,074 square feet of excess fee-owned land; vacating and abandoning the land to Floyd Guillory, owner, in consideration of his dedication of a sanitary sewer easement in the Brentwood Addition, Section 3, Joseph Kopman Survey, A-186, Harris County, Texas, payment to the City of \$7,581.00, and other consideration - **DISTRICT D - ADAMS**

**ORDINANCES** - continued

**17. Council Member Stardig tagged**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two parcels of excess Wirtcrest Lane right-of-way located in the John Flowers Survey, A-269, Harris County, Texas; abandoning the parcels to Jose and Ysmari Barcena and Hammerly Longpoint Joint Ventures, L.L.C., owners, in consideration of their payment to the City of \$74,700.00 and other consideration - **DISTRICT A - STARDIG**

**18. Ordinance 2011-0771**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a utility easement and attendant aerial easement located in Woodside Section 3, James Hamilton Survey, A-878, Harris County, Texas; vacating and abandoning the easements to Ricardo Alvarez and Gloria Mattiuzzi, owners, in consideration of their dedication of a utility easement to the City, payment of \$13,860.00, and other consideration - **DISTRICT C - CLUTTERBUCK**

**19. Ordinance 2011-0772**

ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston General Election to be held on November 8, 2011, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct

**20. Ordinance 2011-0781**

ORDINANCE approving and authorizing contract between the City of Houston and **GOODWILL INDUSTRIES OF HOUSTON** providing up to \$330,000.00 in Housing Opportunities for Persons With AIDS Funds for the administration of a Job Training and Employment Services Program **DISTRICT D - ADAMS**

**21. Ordinance 2011-0773**

ORDINANCE approving and authorizing Amendment No. 2 to Lease Agreement between the City of Houston and **ANADARKO PETROLEUM CORPORATION** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

**22. Ordinance 2011-0774**

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 **UNITED ENGINEERS, INC** for Miscellaneous Civil Engineering Projects for Houston Airport System (Project No. 615K) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**23. Council Members Stardig and Adams tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **UR INTERNATIONAL, INC**, for Maintenance, Tracking and Reporting of Mobile Food Units as regulated under the Houston Food Ordinance; establishing a maximum contract amount - 2 Years

**24. Council Member Jones tagged**

ORDINANCE appropriating \$1,147,183.65 out of Miscellaneous Capital Projects/Acquisitions Commercial Paper Series E Fund; approving and authorizing contract between the City of Houston and **ALVAREZ & MARSAL BUSINESS CONSULTING, LLC** for Consulting Services for Citywide Accounts Receivables and Collections Improvement for the Finance Department; approving a maximum contract amount

**ORDINANCES** - continued

**25. Ordinance 2011-0782**

ORDINANCE amending Ordinance No. 2011-142 to increase the maximum contract amount for contract between the City of Houston and **SET ENVIRONMENTAL, INC** for Handling and Disposal of Hazardous Materials for Various Departments - \$2,000,000.00 - Storm Water Fund

**26. Ordinance 2011-0775**

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath three tracts of land containing 3.0959 acres commonly known as 6809 Irvington Boulevard, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**

**27. Ordinance 2011-0776**

ORDINANCE appropriating \$2,047,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Kashmere Gardens Area; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**28. Ordinance 2011-0777**

ORDINANCE appropriating \$2,655,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Garden Oaks Phase II Area; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and H - GONZALEZ**

**29. Ordinance 2011-0778**

ORDINANCE appropriating \$2,181,670.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Riverwood Estates & John Alber Areas; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**30. Ordinance 2011-0747 – Passed third and final reading**

ORDINANCE No. 2011-747, passed second reading August 31, 2011  
ORDINANCE granting to **DANIEL HOLDEN d/b/a MR. PUMPER SEWER SERVICE, 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 - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA - NUMBER 31**

**MISCELLANEOUS**

**31. Motion 2011-0717 – Close nominations**

RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term

Kase L. Lawal nominated by Council Member Rodriguez for reappointment

**MATTERS HELD - NUMBERS 32 and 33**

**32. Ordinance 2011-0783**

ORDINANCE appropriating \$10,000,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **HOUSTON AIRPORTS PROGRAM MANAGEMENT TEAM** for Professional Program Management Services for the Houston Airport System (Project No. 697) - 5 Years with one three-year option - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

**TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 13 on Agenda of August 31, 2011

**33. Ordinance 2011-0784**

ORDINANCE amending Ordinance No. 2010-0317, as amended, to increase the maximum contract amount for contract between the City of Houston and **SIEMENS INDUSTRY, INC f/k/a SIEMENS BUILDING TECHNOLOGIES, INC**; appropriating \$420,000.00 out of General Improvement Consolidated Construction Fund; approving and authorizing first amendment to the Energy Savings Performance Contract for Energy Conservation Measures - **DISTRICTS B - JOHNSON and D - ADAMS - TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 16 on Agenda of August 31, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Bradford 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

**9/7/2011 – All Present**