

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 3, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0572 to 2010-0585
ORDINANCES – 2009-0615 to 2009-0633
RESOLUTION – None

2010-0571-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lovell

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 - AUGUST 4, 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 2010-0572 – Close hearing**

PUBLIC HEARING to consider a Municipal Setting Designation ordinance for BAE Systems Resolution Corporation, Inc for the site located at 4516 Harrisburg Blvd. - **DISTRICT H - GONZALEZ**

2. **Motion 2010-0573 - Close hearing**

PUBLIC HEARING regarding the designation of a Tax Abatement Reinvestment Zone for **DEAN FOODS (DEAN FOODS REINVESTMENT ZONE) - DISTRICT I - RODRIGUEZ**

Motion 2010-0574 – Accept reports

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 33

MISCELLANEOUS - NUMBERS 3 through 5

3. Motion 2010-0575

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS:**

Position One - **MR. DENNIS J. STOREMSKI**, for a term to expire 9/30/2011

Position Two - **MS. VERGIL R. RATLIFF**, for a term to expire 9/30/2010 and a subsequent term to expire 9/30/2012

4. Motion 2010-0576

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS:**

Position One - **MS. SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/2010

Position Two - **MS. LIZ LARA-CARREÑO**, appointment, for a term to expire 12/31/2011

Position Three - **DR. MARGARITA DE LA VEGA-HURTADO**, reappointment, for a term to expire 12/31/2010

Position Four - **MS. PHAN DUY**, appointment, for a term to expire 12/31/2011

Position Five - **MS. KRIS THOMAS**, appointment, for a term to expire 12/31/2010

Position Six - **MS. KYM I. KING**, appointment, for a term to expire 12/31/2011

Position Seven - **MR. J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/2010

Position Eight - **MR. DANIEL "DAN" ARGUIJO, JR.**, appointment, for a term to expire 12/31/2011

Position Nine - **MS. KAREN S. NIEMEIER**, appointment, for a term to expire 12/31/2010

Position Ten - **MS. CASSYE D. COOK**, appointment, for a term to expire 12/31/2011

Position Eleven - **MS. MINI TIMMARAJU**, appointment, for a term to expire 12/31/2010

Position Twelve - **DR. HERBERT KARPICKE**, reappointment, for a term to expire 12/31/2011

Position Thirteen - **MS. TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/2010

Position Fourteen - **MR. OVI GALVAN, JR.**, appointment, for a term to expire 12/31/2011

Position Fifteen - **MR. AL VERA**, reappointment, for a term to expire 12/31/2010

5. Motion 2010-0577

RECOMMENDATION from Interim Director Department Public Works & Engineering to accept the July 2010 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,099,757.64 for Revenue Bond Debt Service as recommended in the Report

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2010-0582

RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,941,218.90 and acceptance of work on contract with **RELiance CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Woodland Heights East Area - 4.33% over the original contract amount - **DISTRICT H - GONZALEZ**

7. Council Members Jones, Bradford and Hoang tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,461.13 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6 - 0.77% under the original contract amount **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

ACCEPT WORK - continued

8. Motion 2010-0583

RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,618,575.55 and acceptance of work on contract with **REPIPE CONSTRUCTION, LTD**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 3.08% over the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

PROPERTY - NUMBER 9

9. Motion 2010-0578

RECOMMENDATION from Interim Director Department of Public Works & Engineering, on request from Reid C. Wilson of Wilson, Cribbs and Goren, P.C., on behalf of KSA Industries, Inc., a Delaware Corporation (K. S. Adams, Jr., President), reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of Grisby Road, from McDonald Road east ±719 feet, out of the J. N. O. Smith Survey, A-691, Parcel SY10-070 - **DISTRICT G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 and 11

10. Motion 2010-0579

RAE SYSTEMS - \$92,545.00 and **FISCHER SCIENTIFIC** - \$75,365.99 through the Houston-Galveston Area Council for Hazardous Materials Detection Equipment for use by the Houston Fire Department - Urban Area Security Initiative Grant Fund

11. Motion 2010-0580

AMEND MOTION #2007-884, 8/22/07, TO INCREASE spending authority from \$952,874.65 to \$1,191,093.31 for Water Service Connections for Department of Public Works & Engineering, awarded to **FERGUSON WATERWORKS, INC** - \$238,218.66 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 33

12. Council Members Hoang and Noriega tagged

RESOLUTION approving and authorizing the issuance of \$2,500,000 of bonds by the Greater Sharpstown Management District - **DISTRICTS C - CLUTTERBUCK; F - HOANG and G - PENNINGTON**

13. Ordinance 2010-0615

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, North to its terminus (Parcel SY10-027); vacating and abandoning said right-of-way to Vicente L. Alonso and wife, Maria C. Alonso, the abutting owners, in consideration of their conveyance to the City of a 20-foot-wide storm drainage easement (Parcel LY10-035), and their written agreement to maintain said easement; both parcels being located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Houston, Harris County, Texas; and their payment of \$46,037.16, and other consideration to the City **DISTRICT D - ADAMS**

14. Ordinance 2010-0626

ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as landlord, and **EL CENTRO DE CORAZON, A Texas Nonprofit Corporation**, as tenant, for 2,366 square feet at the building known as the Sunnyside Health Center, located at 9314 Cullen Boulevard, Houston, Harris County, Texas, for a term of five years with two five year renewal options, for the purpose of providing Primary Health Care Services, OB/GYN Care, Dental and Optometry Services, Behavioral Health Services, and other health services to low income persons **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

15. Ordinance 2010-0616

ORDINANCE approving and authorizing first amendment to Interlocal Agreement (Ordinance No. 2005-956, approved August 10, 2005) between the City of Houston and **HARRIS COUNTY** for support of the Joint City-County Commission on Children

16. Ordinance 2010-0627

ORDINANCE approving and authorizing first amendment to agreement for Burglar Alarm Administration Services between the City of Houston and **PMAM CORPORATION** approved by Ordinance No. 2009-391 to correct a clerical error

17. Ordinance 2010-0628

ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, legislative assistance and legal consultation; providing a maximum contract amount \$2,040,000.00 - General Fund

18. Ordinance 2010-0617

ORDINANCE appropriating \$500,000.00 out of Public Library Consolidated Construction Fund for purchase of equipment for the Oak Forest Neighborhood Library - **DISTRICT A - STARDIG**

19. Ordinance 2010-0618

ORDINANCE approving and authorizing the submission of a joint application for grant assistance from the Bureau of Justice Assistance to fund the FY2010 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** as joint applicants for such grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application

20. Council Member Jones tagged

ORDINANCE awarding contract to **THE PUBLIC GROUP, LLC** for Online Auction Services of General Merchandise, Long Guns, Vehicles and Equipment for the Administration and Regulatory Affairs Department - 5 Years with five one-year options - Revenue

21. Council Members Rodriguez, Jones and Hoang tagged

ORDINANCE awarding contract to **RBEX, INC, dba APPLE TOWING CO.** for Towing Services for Vehicles and Equipment for Various Departments; providing a maximum contract amount 3 years with two one-year options - \$2,718,765.00 - General and Fleet Management Funds

22. Ordinance 2010-0619

ORDINANCE approving and authorizing Professional Residential Weatherization Home Inspection Contract between the City of Houston and **YOUR HOME CHECK L.P.** for Residential Energy Efficiency Program; providing a maximum contract amount - 3 Years - \$2,500,000.00 American Recovery and Reinvestment Act Fund

RESOLUTIONS AND ORDINANCES - continued

23. Ordinance 2010-0620

ORDINANCE appropriating \$55,963.35 out of Parks Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 803 W. 23rd Street; 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 project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS A - STARDIG and H - GONZALEZ**

24. Ordinance 2010-0621

ORDINANCE approving the closing to vehicular traffic of the At-Grade Railroad Crossings at Thompson Street and Bonner Street related to the Washington Avenue Corridor Quiet Zone **DISTRICT H - GONZALEZ**

25. Ordinance 2010-0629

ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for various paving projects

26. Council Member Jones tagged

ORDINANCE issuing a permit to **ENTERPRISE INTRASTATE L.P.**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN**

27. Council Member Jones tagged

ORDINANCE issuing a permit to **ENTERPRISE PRODUCTS OPERATING LLC**, to operate, maintain, improve, repair and replace three existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - ADAMS and E - SULLIVAN**

28. Council Member Jones tagged

ORDINANCE issuing a permit to **SEMINOLE PIPELINE COMPANY**, to operate, maintain, improve, repair and replace four existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ**

29. Council Member Jones tagged

ORDINANCE issuing a permit to **SOUTH TEXAS NGL PIPELINES, LLC**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN**

30. Ordinance 2010-0622

ORDINANCE awarding construction contract to **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the Civic Center Facility Revenue Fund - \$313,500.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

31. Ordinance 2010-0623 – Passed first reading

ORDINANCE granting to **OIL PATCH TRANSPORTATION, 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 - **FIRST READING**

32. Ordinance 2010-0624 – Passed first reading

ORDINANCE granting to **VELEZ TRUCKING, 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 - **FIRST READING**

33. Ordinance 2010-0609 – Passed second reading

ORDINANCE No. 2010-0609, passed first reading on July 28, 2010

ORDINANCE granting to **V.F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, 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 **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 34 through 40

34. Motion 2010-0584

MOTION by Council Member Clutterbuck/Seconded by Council Member Costello to adopt 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; in connection with eminent domain proceeding styled City of Houston v. Hiki Corporation, A Texas Corporation, et al., Cause No. 951,771; for acquisition of Parcel AY8-126; for **HOMESTEAD ROAD GRADE SEPARATION PROJECT (Ley Road - Firnat) - DISTRICT B - JOHNSON**

TAGGED BY COUNCIL MEMBER JONES

This was Item 11 on Agenda of July 28, 2010

Motion 2010-0585 – Suspend rules to consider from Mr. Christopher Newport on Item 35

35. Ordinance 2010-0630

ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of jitneys; prescribing operating standards for jitneys; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBERS BRADFORD, RODRIGUEZ and SULLIVAN

This was Item 25 on Agenda of July 28, 2010

MATTERS HELD - continued

36. Council Member Noriega tagged

ORDINANCE AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to taxicabs and sightseeing and charter services, concerning corrections to inadvertent inconsistencies regarding the regulation of taxicabs; and addressing inadvertent omissions regarding regulatory controls concerning sightseeing and charter services as a result of previous omnibus amendments effecting the repeal of the City's regulation of suburban buses; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBERS SULLIVAN and RODRIGUEZ

This was Item 26 on Agenda of July 28, 2010

Motion 2010-0581 – Suspend rules to consider Item 37 out of order

37. Ordinance 2010-0625

ORDINANCE amending City of Houston Ordinance No. 2008-1051, passed on November 19, 2008, as previously amended by City of Houston Ordinance No. 2009-1275, pertaining to the addition of a grant application for the Neighborhood Stabilization Program under the 2008 Consolidated Action Plan, to permit certain low to moderate income requirements to be satisfied through both single family homeownership projects and multi-family rental projects, to align program activities and to include land-banking as a potential activity - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER STARDIG

This was Item 36 on Agenda of July 28, 2010

38. Ordinance 2010-0631

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing, Copying, Scanning and On-site Copy Shop Management Services for City Departments; providing a maximum contract amount 5 Years with 5 one-year options - \$7,557,460.00 - Central Services Revolving Fund

TAGGED BY COUNCIL MEMBERS JONES and BRADFORD

This was Item 43 on Agenda of July 28, 2010

39. Ordinance 2010-0632

ORDINANCE appropriating \$49,970.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Roofing Consultant Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments; amending Ordinance No. 2008-0890 to increase the maximum contract amount - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 54 on Agenda of July 28, 2010

40. Ordinance 2010-0633

ORDINANCE appropriating \$1,280,260.00 out of Police Consolidated Construction Fund and \$460,259.00 out of Street & Bridge Consolidated Construction Fund for Job Order Contract for Roof Repair/Replacement Services for Houston Police Department Southeast Command Center and the Public Works & Engineering Department McCarty Maintenance Facility under an existing citywide contract with **CHARTER ROOFING COMPANY, INC** (Approved by Ordinance No. 2008-0891) - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER JONES

This was Item 55 on Agenda of July 28, 2010

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

- 8/3/2010 – Mayor Parker out of the City on City business
Council Members Adams and Pennington absent on personal business
Mayor Pro Tem Clutterbuck presiding**
- 8/4/2010 – Mayor Parker out of the City on City business
Council Members Adams and Pennington absent on personal business
Mayor Pro Tem Clutterbuck presiding**