

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 7, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2010-0854 to 2010-0869
ORDINANCES - 2010-0993 to 2010-1013
RESOLUTION – None

2010-0853-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

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 2010-0854 – Procedural motion
Motion 2010-0855 – Procedural motion
Motion 2010-0856 – Procedural motion
Motion 2010-0857 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 8, 2010 - 9:00 A. M.

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

Motion 2010-0860 – Accept report

9:00 A.M. - 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

MAYOR'S REPORT - Legal Department Budget Initiatives

CONSENT AGENDA NUMBERS 1 through 34

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2010- 0861

REQUEST from Mayor for confirmation of the reappointment of **MS. EDWINA B. LOCHE BARRETT (Houston Independent School District)**, to Position Six of the **BOARD OF DIRECTORS OF THE FIFTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire July 20, 2012

2. Motion 2010-0862

REQUEST from Mayor for confirmation of the reappointment of **MR. DON R. BYRNES**, to serve as a Municipal Court Adjudication Hearing Officer, for a two-year term

Motion 2010-0858 – Suspend rules to consider Item 3 out of order

3. Motion 2010-0859

REQUEST from Mayor for confirmation of the reappointment of the following to serve as Municipal Court Associate Judges, for a two-year term:

MS. URSULA A. HALL
MS. JOELLEN SNOW

4. Motion 2010-0863

RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** Annual Water System Fees for 2011 - \$2,492,495.85 - Enterprise Fund

ACCEPT WORK - NUMBERS 5 through 7

5. Motion 2010-0864

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,004,140.79 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for Monroe Road Paving from Fuqua to Beltway 8 0.81% over the original contract amount - **DISTRICT E - SULLIVAN**

6. Motion 2010-0866

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,698,212.74 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 4.54% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and G - PENNINGTON**

7. Motion 2010-0867

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,669,944.80 and acceptance of work on contract with **TEXAS ReEXCAVATION, L.C.** for New Front Easement Reconnections (UM) - 1.7% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON, H - GONZALEZ and I - RODRIGUEZ**

PROPERTY - NUMBER 8

8. Council Member Jones tagged

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tim Austin of Allen, Boone, Humphries, Robinson, LLP, on behalf of Harris County MUD No. 242, (John Dawson, President), for sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2, Parcel SY11-012 - **DISTRICT E - SULLIVAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 10

9. Motion 2010-0868

AMEND MOTION #2006-1117, 12/06/06, TO INCREASE spending authority from \$5,142,220.00 to \$6,427,775.00 for Chemical, Fine Quicklime and Calcium Hydroxide Slurry for the Department of Public Works & Engineering, awarded to **CHEMICAL LIME COMPANY** - \$1,285,555.00 Enterprise Fund

10. Motion 2010-0865

WSI MANUFACTURING, INC dba JOHNSTONE SUPPLY for Purchase Electrical Circuit Breakers from State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering \$166,066.66 - Enterprise Fund

ORDINANCES - NUMBERS 11 through 34

11. Ordinance 2010-0993

ORDINANCE amending City of Houston Ordinance No. 2010-847 relating to the adoption of Construction Codes to correct a scrivener's error

12. Ordinance 2010-1001

ORDINANCE **AMENDING CHAPTER 14-172 OF THE CODE OF ORDINANCES**, Houston, Texas to authorize Furloughs

13. Ordinance 2010-1002

ORDINANCE approving and authorizing fifth amendment to Meet and Confer Agreement between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**

14. Council Member Stardig tagged

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$597,694.00 in Community Development Block Grant Funds for the Implementation, Oversight and Delivery of a Child Care Program

15. Council Member Stardig tagged

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$623,453.00 in Community Development Block Grant Funds for the Implementation, Oversight and Delivery of a Juvenile Delinquency Prevention Program

16. Council Members Stardig and Jones tagged

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$2,029,099 (Emergency Shelter Grants Funds - \$1,329,099/Community Development Block Grant Funds - \$700,000) for the Administration of an Emergency Shelter Grants Program

ORDINANCES - continued

17. Ordinance 2010-1003

ORDINANCE approving and authorizing second amendment to Loan Agreement between the City of Houston and **TX COMMONS OF GRACE, LP** relating to a 108 Unit Apartment Complex located in the 8900 block of Tidwell Road to house low - moderate income persons over age 55 **DISTRICT B - JOHNSON**

18. Ordinance 2010-0994

ORDINANCE authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept FY2010 Technology Program Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services; declaring the City's eligibility for such grant; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs

19. Ordinance 2010-1004

ORDINANCE approving and authorizing Sub-Recipient Agreement between the City of Houston and the Texas Department of Public Safety to accept FY2010 Regional Catastrophic Preparedness Grant Program Funding

20. Ordinance 2010-0995

ORDINANCE approving and authorizing contract between the City of Houston and Harris County, Texas to accept FY2007 Supplemental Port Security Grant Program Funding

21. Ordinance 2010-0996

ORDINANCE extending the duration of Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) until December 31, 2029

a. Ordinance 2010-0997

ORDINANCE approving the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone); authorizing the City Secretary to distribute such plans - **DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

22. Ordinance 2010-1005

ORDINANCE amending Ordinance No. 2008-0215 (passed by City Council on March 12, 2008) to increase the maximum contract amount for an Interlocal Agreement between the City of Houston and **DALLAS COUNTY** for Forensic Laboratory Services for the Houston Police Department \$320,000.00 - General Fund

23. Ordinance 2010-0998

ORDINANCE appropriating \$932,144.00 out of FY2011 Equipment Acquisition Consolidated Fund for the purchase of Bunker Gear for the Houston Fire Department

24. Council Member Jones tagged

ORDINANCE approving and authorizing Five Job Order Contracts between the City of Houston and **BURGHLI INVESTMENTS LLC, LANTERRA LLC, GALLARIA HOMES LTD., MASTERMARK DEVELOPERS INC and HORIZON INTERNATIONAL GROUP LLC** for the U.S. Department of Energy's 5 Star Energy Efficiency Homes Programs; establishing a maximum contract price - 2 Years - \$2,600,000.00 - American Recovery & Reinvestment Act Grant Fund

ORDINANCES - continued

25. Council Member Jones tagged

ORDINANCE appropriating \$750,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Public Health Consolidated Construction Fund, \$410,000.00 out of Public Library Consolidated Construction Fund, \$475,000.00 out of Solid Waste Consolidated Construction Fund, \$200,000.00 out of Parks Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of Various Facilities under the Job Order Contracting Program

26. Ordinance 2010-1006

ORDINANCE appropriating \$200,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Parks Consolidated Construction Fund for the Professional Environmental Consulting Services Task Order Program (Approved by Ordinance No. 2010-0578)

27. Council Member Bradford tagged

ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After-School Achievement Program - \$205,580.00 General Fund and \$429,420.00 CDBG Fund - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

28. Ordinance 2010-1007

ORDINANCE appropriating \$1,752,538.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between City of Houston and **LAGAN, INC** for a Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline authorizing the purchase of Hardware, Software & Professional Services from the Texas Department of Information Resources for the Information Technology Department providing funding for project management and the purchase of additional hardware, software and services necessary for the project - \$1,826,024.00 - Equipment Acquisition Consolidated and Central Service Revolving Funds

29. Ordinance 2010-1008

ORDINANCE issuing a permit to **NATURAL GAS PIPELINE OF AMERICA LLC**, to operate, maintain, improve, repair and replace two existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT A - STARDIG**

30. Ordinance 2010-1009

ORDINANCE consenting to the creation of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 18** in the Extraterritorial Jurisdiction of the City and the inclusion of certain land within the district

31. Ordinance 2010-1010

ORDINANCE consenting to the addition of 9.9659 acres of land to **SPRING WEST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

32. Ordinance 2010-0999

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **FONDREN SOUTHWEST NORTHBROOK SUBDIVISION, SECTION 1 REPLAT EXTENSION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**

ORDINANCES - continued

33. Ordinance 2010-1000

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **WESTVIEW TERRACE SUBDIVISION, SECTIONS 1, 2 and 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

34. Ordinance 2010-0920 – Passed second reading

ORDINANCE No. 2010-0920 passed first reading December 1, 2010

ORDINANCE granting to **ANTONIO VALVERDE, JR. dba SOUTHERN DISCOUNT VACUUM 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; and making certain findings related thereto - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 through 38

Written motion by Council Member Stardig to amend Item 35 – Tagged by Council Members Stardig, Clutterbuck and Sullivan (red line of proposed ordinance located at end of the agenda)

35. Motion 2010-0869 – Postpone one (1) week

ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES**, the **CITY OF HOUSTON CONSTRUCTION CODE** and the **CITY OF HOUSTON FIRE CODE** relating to service and permit fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability - **TAGGED BY COUNCIL MEMBERS STARDIG, BRADFORD and JONES**

This was Item 12 on Agenda of December 1, 2010

36. Ordinance 2010-1011

ORDINANCE approving and authorizing License Agreement between the City of Houston and **TAXFREE SHOPPING, LTD.**, for Counter Space at George Bush Intercontinental Airport/Houston Revenue - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 15 on Agenda of December 1, 2010

37. Ordinance 2010-1012

ORDINANCE appropriating \$3,000,000.00 out of Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities for the Houston Fire Department - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 30 on Agenda of December 1, 2010

MATTERS HELD - continued

38. Ordinance 2010-1013

ORDINANCE approving and authorizing Utility Service Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153 - DISTRICT E - SULLIVAN**
TAGGED BY COUNCIL MEMBER JONES

This was Item 33 on Agenda of December 1, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Adams 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

12/7/2010 – All Present

12/8/2010 – All Present

Sec. 1-13. Annual fee increase.

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

Wherever a director is authorized by the city council in this Code to set fees within a range established by this Code, each end of the range of fees shall be subject to this provision.

Fees established by this Code for which the fee schedule or fee amount is set by the director under authority granted by the city council in this Code shall be subject to this provision.

Where fees are established by this Code for which the fee schedule or fee amount is set by motion of city council, the next time a motion is presented to city council for approval of the fees, the motion shall include a provision for an annual fee increase similar to this section.

This section shall not apply to fees that are subject to other automatic increase provisions or to other limitations or provisions in this Code or other applicable law.

Sec. 7-57. License fees; use of license at shows.

(a) The license fee for a metal recycler/secondhand metal dealer ~~or a secondhand reseller~~ with any permanent place of business within the city shall be \$250.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) The license fee for a metal recycler/secondhand metal dealer or a secondhand reseller with any permanent place of business within the city shall be \$250.00 \$300.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

REDLINES

(bc) Each licensee with a permanent business location in the city may use the license for that business when attending shows at other locations in the city.

(ed) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be \$10.00 per day. The said license fee shall be paid prior to the issuance of the license or renewal thereof.

——(d) Reserved.

Sec. 43-38. Fees.

(a) ~~The fees to be assessed under this chapter are as follows: The health officer shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid pursuant to this chapter.~~

<u>Plan review fee (nonrefundable) [43-9(a)]:</u>	
Residential pool or spa.....	\$70.00
Facility	\$135.00
Preoperational facility inspection fee [43-9(g)]	\$125.00
Aquatic operating permit [43-31(a)].....	\$135.00
Replacement permit [43-31(a)]	\$25.00
Late permit renewal fee [43-31(b)].....	\$50.00
Reinspection fee [43-32(e)].....	\$165.00

The health officer may not charge any fee without obtaining the prior approval of the city council.

(b) All fees collected pursuant to this chapter shall be deposited in the swimming pool safety fund account established by the city council. Funds from this account may be expended only for the costs of activities related to the chapter such as permitting, inspection, monitoring, abating, controlling, education and enforcement.

Sec. 1-14. Administrative fee.

An administrative fee of \$25.00 shall be collected from the applicant at the time of application for any license, permit or service for which the fee is greater than \$50.00

REDLINES

in addition to the fee set out in this Code. In the case of a renewal for which no application is filed, the administrative fee shall nevertheless be collected prior to the granting of the renewal. The administrative fee shall be in addition to the fee for the permit, license or other service. ~~If multiple applications are filed by the same applicant at the same time, they shall be considered a single transaction, and only one administrative fee shall be charged.~~ The administrative fee shall be subject to the PPI Adjustment set out in section 1-13 of this Code. This section shall not apply to fees that are subject to other administrative fee provisions or to other limitations or provisions in this Code or other applicable law.