

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 2, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0051 to 2010-0070
ORDINANCES – 2009-0071 to 2009-0095
RESOLUTION – 2010-0003

2010-0050-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

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 2010-0051 – Procedural motion
Motion 2010-0052 – Procedural motion
Motion 2010-0053 – Procedural motion
Motion 2010-0054 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 3, 2010 - 9:00 A. M.

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

Motion 2010-0055 – Accept reports

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 and a Quarterly Investment Report by the City Controller

MAYOR'S REPORT

Motion 2010-0056 – Accept SWAP Report

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBER 1

1. Motion 2010-0057

RECOMMENDATION from Director Department Public Works & Engineering to accept the January 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 \$4,586,807.70 for Revenue Bond Debt Service as recommended in the Report

DAMAGES - NUMBER 2

2. Motion 2010-0058

RECOMMENDATION from City Attorney for settlement of lawsuit styled **STACEY HOLLAND**, Individually and as next friend of Stanley Holland vs. Clinton Mitchell and the City of Houston; Cause No. 2007-45917; in the 281st Judicial District Court of Harris County, Texas - \$500,000.00 Property and Casualty Fund

ACCEPT WORK - NUMBERS 3 through 9

3. Motion 2010-0059

RECOMMENDATION from Interim Director Houston Airport System for approval of final contract amount of \$20,993,618.64 and acceptance of work on contract awarded to **CONTRACTOR TECHNOLOGY, LTD.** and completed by **W. W. WEBBER, LLC on behalf of the Surety, ST. PAUL FIRE AND MARINE** for Terminal A/B Ramp Widening at George Bush Intercontinental Airport/Houston (IAH) Project No. 558B) - 5.78% under the original contract amount - **DISTRICT B - JOHNSON**

4. Motion 2010-0060

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$188,514.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos and Lead Abatement, Demolition, Soil Removal, Backfill and Compaction at HPD Mounted Patrol Facility - 17.22% under the original contract amount - **DISTRICT G - PENNINGTON**

5. Motion 2010-0067

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,329,314.41 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, CO.** for City Overlay Package 12 - 1.23% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; F - HOANG; G - PENNINGTON and I - RODRIGUEZ**

6. Motion 2010-0068

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,066,353.89 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Woodway No. 1 Lift Station Replacement - 17.18% under the original contract amount - **DISTRICT G - PENNINGTON**

7. Motion 2010-0061

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,554,500.95 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Fontaine Place Area - 1.68% over the original contract amount - **DISTRICT B - JOHNSON**

ACCEPT WORK - continued

8. Motion 2010-0062

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$873,841.89 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Distribution System Rehabilitation and Renewal - 30.9% under the original contract amount

9. Motion 2010-0063

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,752,016.18 and acceptance of work on contract with **ALSAY, INCORPORATED** for Rehabilitation of Existing Water Wells - 0.40% under the original contract amount

PROPERTY - NUMBER 10

10. Motion 2010-0064

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Vicente Alonso, on behalf of Vicente L. Alonso and Maria C. Alonso, for abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Parcels SY10-027 and LY10-035 - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 12

11. Ordinance 2010-0071

ORDINANCE appropriating \$177,741.35 out of Solid Waste Consolidated Construction Fund for Construction of Loading Dock for Solid Waste Management Department

a. Motion 2010-0065

TREMCO INCORPORATED for Construction Services to complete the construction of a Loading Dock from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department - \$169,277.48 and contingencies for a total amount not to exceed \$177,741.35

12. Motion 2010-0066

RR DONNELLEY for Barcoded Traffic, Non-Traffic and Parking Citations for Various Departments \$585,852.78 - General and Parking Management Operating Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 38

13. Resolution 2010-0003

RESOLUTION designating certain properties within the City of Houston as Historic Landmarks:

| | | |
|-------------------------|----------------------|--|
| Lackner House | 2002 Bolsover Street | <u>DISTRICT C - CLUTTERBUCK</u> |
| Stokes-Farnsworth House | 1407 Kirby Drive | <u>DISTRICT G - PENNINGTON</u> |
| Wilson G. Saville House | 3207 Groveland Lane | <u>DISTRICT G - PENNINGTON</u> |

14. Ordinance 2010-0086

ORDINANCE **AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Coin-Operated Machines; providing for severability, providing for an effective date

RESOLUTIONS AND ORDINANCES - continued

15. Ordinance 2010-0072

ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; amending and restating Ordinance No. 2010-27 as it relates to the City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2010A, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; authorizing a Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

16. Council Member Sullivan tagged

ORDINANCE approving Lease Agreement with option to purchase between **STAGES, INC, a Texas Non-profit Corporation, as tenant**, and the City of Houston, Texas, as Landlord, concerning the Houston Center for the Arts (3201 Allen Parkway) - **DISTRICT I - RODRIGUEZ**

17. Ordinance 2010-0087

ORDINANCE approving and authorizing contract between the City of Houston and **THE CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide \$180,276.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services to persons with mental illness - **DISTRICT D - ADAMS**

18. Ordinance 2010-0073

ORDINANCE approving and authorizing application to the **HOUSTON-GALVESTON AREA COUNCIL** for a Hurricane Ike Recovery Assistance Grant (The "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$4,610,243.00 - Grant Fund

19. Ordinance 2010-0088

ORDINANCE approving and authorizing various agreements between the City of Houston, the **HOUSTON POLICE OFFICERS UNION** (as exclusive Bargaining Agent for all Houston Police Officers) and **DAILY ACCESS CORPORATION** for HPD Section 457 Eligible Deferred Compensation Plan Administration Services

20. Ordinance 2010-0089

ORDINANCE approving and authorizing various agreements between the City of Houston, the **HOUSTON POLICE OFFICERS UNION** (as exclusive Bargaining Agent for all Houston Police Officers) and **RELIANCE TRUST COMPANY** for Custodial Account, Investment and related services for HPD Section 457 Eligible Deferred Compensation Plan

21. Ordinance 2010-0074

ORDINANCE consenting to the addition of 13.0024 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, of Harris County, Texas, for inclusion in its district

22. Ordinance 2010-0075

ORDINANCE consenting to the addition of 13.3574 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, of Harris County, Texas, for inclusion in its district

23. Ordinance 2010-0076

ORDINANCE consenting to the addition of 1.8855 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2010-0077

ORDINANCE establishing the north and south sides of the 800 block of Le Green Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ**

25. Ordinance 2010-0078

ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code

26. Council Member Jones tagged

ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **NATIONAL ECONOMIC RESEARCH ASSOCIATES, INC** for a Disparity Study of City-wide Public Works Construction Contracts - \$595,800.00 - General, Enterprise and CIP Salary Recovery Funds

27. Ordinance 2010-0090

ORDINANCE amending City of Houston Ordinance No. 2009-580 to increase the maximum contract amount for the contract between the City of Houston and **MERCER(US) INC** for Financial Resource Consulting Services - \$125,000.00 - General Fund

28. Ordinance 2010-0078

ORDINANCE appropriating \$130,517.00 out of Tax Increment Fund for **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)** for Administrative Expenses and payment to the Redevelopment Authority as provided herein **DISTRICT I - RODRIGUEZ**

29. Ordinance 2010-0091

ORDINANCE approving and authorizing Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - \$4,000,000.00 - Enterprise Fund **DISTRICT B - JOHNSON**

30. Ordinance 2010-0092

ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund for supplemental allocation to contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for Planning Services for the Houston Airport System (Project No. 616; Contract 56374) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

31. Ordinance 2010-0093

ORDINANCE amending Ordinance No. 2008-951 (Passed by City Council October 22, 2008) to increase the maximum contract amount for the contract between the City of Houston and **MCGLINCHEY STAFFORD, P.L.L.C.** for Legal Services relating to Cause No. 2008-51588; City of Houston v. Candlelight Condo Investments, LLC, et al.; in the 270th Judicial District Court of Harris County, Texas - \$80,000.00 - Property and Casualty Fund

32. Ordinance 2010-0080

ORDINANCE approving and authorizing Maintenance and Obligations Agreement between the City of Houston and **MONTGOMERY COUNTY** for Traffic Signal at Intersection of North Park Drive and Russell Palmer Road in Kingwood, Texas - **DISTRICT E - SULLIVAN**

33. Ordinance 2010-0081

ORDINANCE appropriating \$204,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Houston Heritage Corridor East Trail Segment 1 Bikeway Project (Approved by Ordinance 1995-1290) - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

34. Ordinance 2010-0082

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 12.3663 acres commonly known as 1025 Lockwood Drive, and a portion of the Texas Avenue right of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT H - GONZALEZ**

35. Ordinance 2010-0083

ORDINANCE appropriating \$236,022.08 out of Water & Sewer System Consolidated Construction Fund and \$245,428.28 out of Water & Sewer Contributed Capital Fund as an additional appropriation to the contract between the City of Houston and the **WACKENHUT CORPORATION** (Approved by City Council Ord. No. 09-0572) for Site Security Services at the Southeast Water Purification Plant (SEWPP) located at 3100 Genoa-Red Bluff Rd.

36. Ordinance 2010-0094

ORDINANCE appropriating \$4,574,707.00 out of Street & Bridge Consolidated Construction Fund and \$462,293.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project 457; 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, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

37. Ordinance 2010-0084

ORDINANCE deappropriating \$197,311.00 out of Water & Sewer System Consolidated Construction Fund appropriated by Ordinance No. 2008-477 which approved contract between the City of Houston and Metro City Construction, L.P. for FY08 Water Distribution System Rehabilitation and Renewal; appropriating \$1,197,311.00 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **RWL CONSTRUCTION, INC** for FY10 Fire Hydrant Replacement; 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

38. Ordinance 2010-0085

ORDINANCE appropriating \$385,462.00 out of Fire Consolidated Construction Fund; awarding construction contract to **PEMCO, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 18 and Fire Station 42; 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 materials testing, project management and construction oversight, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 39 through 41

39. Ordinance 2010-0095

ORDINANCE approving and authorizing contract between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, A Texas Nonprofit Corporation**, to provide \$3,000,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 144 Unit Affordable Family Housing Apartment Complex to be located in the Near Northside on an approximately 5.72 acre tract on Irvington Boulevard, of which 27 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT H - GONZALEZ**
TAGGED BY COUNCIL MEMBER GONZALEZ
This was Item 15 on Agenda of January 27, 2010

40. Motion 2010-0069 – Postpone one (1) week

ORDINANCE approving and authorizing contract between the City of Houston and **ORCHARD COMMUNITIES, INC, A Texas Nonprofit Corporation**, to provide \$3,540,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 118 Unit Affordable Senior Housing Apartment Complex on an approximately 5.6965 acre tract at the northeast corner of Brinkman and West 34th Street, of which 30 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT A - STARDIG**
TAGGED BY COUNCIL MEMBER STARDIG
This was Item 16 on Agenda of January 27, 2010

41. Motion 2010-0070 – Postpone one (1) week

ORDINANCE appropriating \$60,000.00 out of Public Health Consolidated Construction Fund; awarding Construction Management At Risk Contract to **SPAWMAXWELL COMPANY, LLC** for Bureau of Animal Regulation and Care Facility Expansion/Renovation & Ann Slemmons Young Animal Center - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER RODRIGUEZ
This was Item 39 on Agenda of January 27, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Pennington 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

2/2/2010 – All Present
2/3/2010 – All Present