

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 8, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2010-0339 to 2010-0371
ORDINANCES – 2009-0436 to 2009-0455
RESOLUTION – 2010-0039

2010-0338-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

HEARING - 1:30 P. M.

1. **Motion 2010-0339 – Close hearing**
PUBLIC HEARING on the City Budgets for the time period July 1, 2010 through June 30, 2011

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 2010-0340 – Procedural motion
Motion 2010-0341 – Procedural motion
Motion 2010-0342 – Procedural motion
Motion 2010-0343 – Procedural motion
Motion 2010-0344 – Procedural motion
Motion 2010-0345 – Procedural motion
Motion 2010-0346 – Procedural motion
Motion 2010-0347 – Procedural motion
Motion 2010-0348 – Procedural motion
Motion 2010-0349 – Procedural motion
Motion 2010-0350 – Procedural motion
Motion 2010-0351 – Procedural motion
Motion 2010-0352 – Procedural motion
Motion 2010-0353 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JUNE 9, 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.

Motion 2010-0354 – Suspend rules to receive Mayor’s Report prior to scheduled hearing

2. Motion 2010-0355 – Close hearing

PUBLIC HEARING for the proposed Lease of Joplin Street Park for the exclusive use of Houston Independent School District (Golfcrest Elementary) - **DISTRICT I - RODRIGUEZ**

MAYOR’S REPORT

CONSENT AGENDA NUMBERS 3 through 34

MISCELLANEOUS - NUMBERS 3 and 3A

3. Ordinance 2010-0436

ORDINANCE appropriating \$5,070.37 out of Water & Sewer System Consolidated Construction as an additional appropriation for Water Line Replacement in Cliffwood Area (Approved by Ordinance No. 2006-0551)

a. Motion 2010-0357

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$91,104.41 and approval of final contract amount of \$1,450,308.22 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Cliffwood Area - 5.37% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

ACCEPT WORK - NUMBERS 4 through 6

4. Motion 2010-0358

RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$6,111,518.95 and acceptance of work on contract with **SPAW GLASS CONSTRUCTION CORPORATION** for New Kingwood Library - 2.71% over the original Guaranteed Maximum Price - **DISTRICT E - SULLIVAN**

5. Motion 2010-0365

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,105,951.14 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, Package II - 0.15% over the original contract amount - **DISTRICTS D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

6. Motion 2010-0359

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,883,357.25 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Croyden Gardens Northeast Area - 2.29% under the original contract amount - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 13

7. Motion 2010-0366

SAFEGATE AIRPORT SYSTEMS, INC for Airfield Lighting for Houston Airport System \$300,000.00 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

8. **Motion 2010-0367**
RED RIVER SPECIALTIES, INC for Fertilizers, Herbicides, Insecticides and Non-Ionic Surfactant for Houston Airport System - \$57,145.10 - Enterprise Fund
9. **Motion 2010-0360**
INTEGRATED COMMERCIALIZATION SERVICES, INC dba PARAGARDDIRECT \$897,800.40 and **CURASCRIP SPECIALTY DISTRIBUTION** - \$418,950.00 for Intra-Uterine and Implant Contraceptive Devices for Houston Department of Health & Human Services - General Fund (eligible for federal grant reimbursement)
10. **Motion 2010-0368**
VULCAN CONSTRUCTION MATERIALS, LP for Flexible Base Materials for Department of Public Works & Engineering - \$3,561,000.00 - General and Enterprise Funds
11. **Motion 2010-0361**
CLUB CAR, INC for Utility Carts through an Interlocal Agreement for Cooperative Purchasing for Parks & Recreation and Public Works & Engineering Departments - \$71,202.20 - Park Special Revenue and Enterprise Funds
12. **Motion 2010-0369**
AMEND MOTION #2006-398, 5/24/06, TO INCREASE spending authority from \$349,527.00 to \$436,908.75, for Treated Timber and Piling for Department of Public Works & Engineering, awarded to **BIG Z LUMBER COMPANY** - \$87,381.75 - General Fund
13. **Motion 2010-0362**
DRIVECAM, INC for Purchase of DriveCam Video Event Recorders, Managed and Subscription Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Solid Waste Management Department - \$190,374.02 - General Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 34

14. **Resolution 2010-0039**
RESOLUTION designating the **FIRST MONTROSE COMMONS AREA** of the City of Houston as a Historic District - **DISTRICT D - ADAMS**
15. **Ordinance 2010-0444**
ORDINANCE amending Ordinance No. 2007-1197, which prohibits the construction or erection of new off-premise signs and requires compliance by new on-premise signs, to continue the ordinance in effect; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability
16. **Pulled - Not Considered**
ORDINANCE relating to Water Conservation Incentive Program for rent restricted apartment units
17. **Ordinance 2010-0445**
ORDINANCE de-appropriating \$1,600,000.00 out of TIRZ Affordable Housing Fund (2409) previously appropriated to the Developer Participation Contracts Program; appropriating \$1,600,000.00 out of TIRZ Affordable Housing Fund (2409) to the City's Housing and Community Development Department to continue implementation of the City's Workforce Housing Downpayment Assistance Program and providing that such amount can be applied to assist persons earning up to 110% of area median income to purchase new affordable housing in areas selected by the Mayor for revitalization - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

18. Council Member Rodriguez tagged

ORDINANCE amending Ordinance Numbers 2009-142, 2009-170, and 2009-208 to increase the maximum contract amounts; approving and authorizing first amendments to contracts between the City and 1) **INTERFAITH MINISTRIES FOR GREATER HOUSTON**, 2) **JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, and 3) **NEIGHBORHOOD CENTERS INC** for Senior Nutrition Services - \$447,178.00 - American Recovery and Reinvestment Act Fund

19. Council Member Jones tagged

ORDINANCE amending Ordinance Numbers 2009-526 and 2009-208 to increase the maximum contract amounts; approving and authorizing first amendments to contracts between the City and 1) **DENT-O-CARE, P.A.** and 2) **PERRYLEE HOME HEALTH CARE SERVICES, INC** for various supportive services for seniors - \$689,406.12 - Grant Fund

20. Ordinance 2010-0446

ORDINANCE approving and authorizing contract between the City of Houston and **MORRIS & MCDANIEL, INC** for Promotional Testing Services for the Houston Fire Department; providing a maximum contract amount - \$75,000.00 - General Fund

21. Ordinance 2010-0447

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ASSETWORKS INC** for Fleet Management Information System for Various Departments (Approved by Ordinance No. 2002-221)

22. Ordinance 2010-0448

ORDINANCE appropriating \$110,000.00 out of Solid Waste Consolidated Construction Fund; approving and authorizing Purchase and Sale Agreement between **LOYAL DEE LYBARGER**, Seller, and the City of Houston, Buyer, for purchase of approximately 1.0 acre of land located at the intersection of West Whitney and Harvard Streets, to be used for the expansion of North Main Neighborhood Recycling Center and Re-use Warehouse; and approving and authorizing payment for the land acquisition costs and all closing costs associated with this transaction - **DISTRICT H - GONZALEZ**

23. Ordinance 2010-0437

ORDINANCE appropriating \$28,000.00 out of Solid Waste Consolidated Construction Fund; approving and authorizing Purchase and Sale Agreement between **SHAWN & JOHNETTA OWENS**, Seller, and the City of Houston, Buyer, for purchase of approximately 11,600 square feet of land located in the 5000 block of Rue Street, to be used for the expansion and renovation of Sunbeam Neighborhood Recycling Center; and approving and authorizing payment for the land acquisition costs and all closing costs associated with this transaction - **DISTRICT D - ADAMS**

24. Council Member Jones tagged

ORDINANCE appropriating \$10,046,947.00 out of Miscellaneous Capital Projects/Acquisitions CP Series E Fund; awarding Design/Build Contract to **GILBANE BUILDING COMPANY** for New Health Department Laboratory; providing funding for Environmental Consulting Services, Civic Art Program, and contingencies relating to design and construction of facilities financed by Miscellaneous Capital Projects/Acquisitions CP Series E Fund - **DISTRICT D - ADAMS**

25. Ordinance 2010-0449

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ABITIBI-CONSOLIDATED CORP. formerly known as ABITIBIBOWATER, INC** (Approved by Ordinance No. 2009-604) for Recycling Services; amending Ordinance No. 2009-604 to increase the maximum contract amount - \$152,059.00 - HGAC Grant Funds

RESOLUTIONS AND ORDINANCES - continued

26. Council Member Jones tagged

ORDINANCE appropriating \$107,596.67 out of Solid Waste Consolidated Construction Fund as an additional appropriation for contract between the City of Houston and **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

27. Ordinance 2010-0438

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **IDYLVWOOD SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**

28. Ordinance 2010-0439

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **MEMORIAL BEND SUBDIVISION, SECTIONS 1 - 3 EAST OF THE SAM HOUSTON TOLLWAY** and **SECTION 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON**

29. Ordinance 2010-0440

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **MEMORIAL BEND SUBDIVISION, SECTIONS 1 - 3 WEST OF THE SAM HOUSTON TOLLWAY, SECTION 3 REPLAT** and **SECTION 5** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON**

30. Ordinance 2010-0441

ORDINANCE appropriating \$2,153,000.00 out of Street & Bridge Consolidated Construction Fund for Purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnation of such real property and associated costs for Appraisal Fees, Title Policy/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with and finding a public necessity for various street projects including (1) Long Point Reconstruction: Pech to Hollister, (2) Ella (Wheatley) Paving: Little York to W. Gulf Bank, (3) Chimney Rock at W. Airport Boulevard Intersection, and other miscellaneous land acquisition

31. Ordinance 2010-0450

ORDINANCE appropriating \$185,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LINA T. RAMEY & ASSOCIATES, INC** for Reconfiguration of Avenida De Las Americas between Rusk and Texas; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

32. Council Member Jones tagged

ORDINANCE awarding contract to **STATEWIDE SERVICES, INC** for FY10 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 testing and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund - \$1,154,447.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2010-0451

ORDINANCE appropriating \$5,889,400.00 out of Drainage Improvement Commercial Paper Series F Fund; \$711,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Crestmont Park and South Acres Drainage Improvements; 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, construction management and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

34. Ordinance 2010-0442

ORDINANCE appropriating \$108,933.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **FLORIDA TRAFFIC CONTROL DEVICES, INC** for Underpass Lighting Rehabilitation Project along SH 288 at Blodgett St., Wheeler St., Cleburne St., and Alabama St.; 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 contingencies, project management and construction management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 through 41

35. Motion 2010-0370 – Adopt

MOTION by Council Member Clutterbuck/Seconded by Council Member Hoang to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,607,605.31 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in the Magnolia Park Area - 5.78% under the original contract amount - **DISTRICT I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBERS JONES and RODRIGUEZ
This was item 9 on Agenda of June 2, 2010

36. Motion 2010-0371 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,575,657.33 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Grid Extensions at various locations - 4.48% under the original contract amount - **DISTRICTS D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 11 on Agenda of June 2, 2010

MATTERS HELD – continued

Motion 2010-0356 – Suspend rules to consider Items 37 and 37a out of order after the consent

37. Motion 2010-0363 – Adopt

WRITTEN Motion by Council Member Lovell to amend Item 37A below by adding Section 7A as follows:

Section 7A: The City Council acknowledges that one or more neighborhoods are in the process of collecting signatures for an application for Historic District Designation. It is the intent of City Council that the work of these neighborhoods in collecting signatures will be recognized and accepted when a neighborhood submits an application for designation after the termination of this ordinance. It is the intent of City Council that any recommendation for amendments to the Historic Preservation Ordinance will specifically address these neighborhoods in progress

TAGGED BY COUNCIL MEMBERS RODRIGUEZ and SULLIVAN

Motion 2010-0364 – Motion by Council Member Adams/seconded by Council Member Hoang to amend Item 37a as follows:

“Section 6. Notwithstanding the provisions of this Ordinance, the Planning Official shall issue a 90-day waiver certificate to an applicant whose application for certificate of appropriateness for new construction within a Historic District was denied by the Houston Archaeological and Historical Commission if the applicant 1) demonstrates to the Planning Official that he has relied on his ability to build new construction in a Historic District by presenting proof that he has expended funds in preparation of the construction by entered entering into a contract with, and paid paying money to, an architect or builder, or otherwise expending funds on such items as a survey, soils test, clearing or other related improvements to the property prior to the passage of this Ordinance, to design or build a structure requiring a certificate of appropriateness for new construction within a Historic District; and 2) has otherwise complied with all provisions of the Historic Preservation Ordinance entitling the applicant to a 90-day waiver certificate.” - ADOPTED

a. Ordinance 2010-0443 – Adopt as amended

ORDINANCE relating to historic districts within the City of Houston, Texas; temporarily discontinuing the applicability of Subsections 33-250 (a), (b), and (d) of the Code of Ordinances, Houston, Texas, relating to the demolition or relocation of historic structures and new construction within historic districts; temporarily discontinuing acceptance of applications for designation of historic districts pursuant to Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas

TAGGED BY COUNCIL MEMBERS RODRIGUEZ and SULLIVAN

This was Item 25 on Agenda of June 2, 2010

MATTERS HELD – continued

38. Ordinance 2010-0452

ORDINANCE appropriating \$64,077,663.25 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-one, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-two, City of Houston Texas (Leland Woods Zone) for payment of affordable housing costs, payment of administrative expenses, payment of project costs, payment to Houston Housing Finance Corporation, and payments to certain redevelopment authorities as provided herein - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 42 on Agenda of June 2, 2010

39. Ordinance 2010-0453

ORDINANCE appropriating \$445,120.50 out of Equipment Acquisition Consolidated Fund for Purchase of Capital Equipment for Houston Fire Department

TAGGED BY COUNCIL MEMBER JONES

This was Item 45 on Agenda of June 2, 2010

40. Ordinance 2010-0454

ORDINANCE amending Ordinance No. 2008-0302 (Passed on April 9, 2008) to increase the maximum contract amount for contract between the City of Houston and **RBEX, INC dba APPLE TOWING CO.** for Towing Services for Vehicles and Equipment for Various Departments \$244,416.00 - General and Asset Forfeiture Funds - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 48 on Agenda of June 2, 2010

41. Ordinance 2010-0455

ORDINANCE appropriating \$148,000.00 out of Miscellaneous Capital Projects / Acquisition CP Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC** for Harrisburg Grade Separation at Union Pacific Railroad Tracks; providing funding for contingencies relating to construction of facilities financed by the Miscellaneous Capital Projects / Acquisition CP Series E Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER JONES

This was Item 60 on Agenda of June 2, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello 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

6/8/2010 – All Present

6/9/2010 – Council Member Sullivan absent on City business