

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 21, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2010-0683 to 2010-0702
ORDINANCES - 2010-0729 to 2010-0751
RESOLUTION - None

2010-0682-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Hoang

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 2010-0683 – Procedural motion
Motion 2010-0684 – Procedural motion
Motion 2010-0685 – Procedural motion
Motion 2010-0686 – Procedural motion
Motion 2010-0687 – Procedural motion
Motion 2010-0688 – Procedural motion
Motion 2010-0689 – Procedural motion
Motion 2010-0690 – Procedural motion
Motion 2010-0691 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 22, 2010 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

AGENDA - SEPTEMBER 22, 2010 - PAGE 2

MISCELLANEOUS - NUMBERS 1 through 3

1. **Motion 2010-692**

REQUEST from Mayor for confirmation of the appointment of **MS. CHRISTY B. SMIDT** to Position Four to the **AIRPORT BOARD OF ADJUSTMENT**, for a term to expire February 1, 2011

2. **Motion 2010-693**

REQUEST from Mayor for confirmation of the appointment of **DR. NORMA SANTOS-MENDOZA** to Position Eleven to the **MILLER THEATER ADVISORY BOARD**, for a term to expire April 24, 2014

3. **Motion 2010-694**

RECOMMENDATION from the Director of the Finance Department to place the proposed 2010 tax rate of \$.63875 on each \$100 of taxable value on the September 29, 2010 Council Agenda

ACCEPT WORK - NUMBERS 4 and 5

4. **Motion 2010-695**

RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$354,853.00 and acceptance of work on contract with **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Wiley Park - 4.98% over the original contract amount - **DISTRICT I - RODRIGUEZ**

5. **Motion 2010-696**

RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$1,832,887.00 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Neighborhood Depositories at 10785 Southwest Freeway and 9003 N. Main - 4.97% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and H - GONZALEZ**

PROPERTY - NUMBER 6

6. **Motion 2010-697**

RECOMMENDATION from Director Department of Public Works & Engineering, on request from Katy Emde, reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of a ±15-foot-wide alley, from the south property line of Block 1 north to its terminus into White Oak Bayou, located adjacent to Lots 1 through 4, Brown Addition, North Side Buffalo Bayou, Parcel SY10-076 - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBER 7

7. **Motion 2010-698**

TOTER, INCORPORATED for Automated Recycling Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson, Arizona for Solid Waste Management Department - \$119,097.25 - American Recovery & Reinvestment Act Fund

ORDINANCES - NUMBERS 8 through 28

8. **Ordinance 2010-740**

ORDINANCE **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Municipal Courts; containing findings and other provisions relating to the foregoing subject; providing for severability

ORDINANCES - continued

9. Ordinance 2010-729

ORDINANCE amending the Rules of Practice and Procedure for the Municipal Courts of the City of Houston; providing an effective date; providing a severability clause making various findings and provisions relating to the subject

10. Ordinance 2010-741

ORDINANCE approving and authorizing contract between the City and the **HOUSTON ARTS ALLIANCE, THE HOUSTON MUSEUM DISTRICT ASSOCIATION, MILLER THEATRE ADVISORY BOARD, INC,** and **THEATER DISTRICT IMPROVEMENT, INC** for the support, advancement and promotion of the Arts; providing for contract payments from Hotel Occupancy Tax Revenue

11. Ordinance 2010-730

ORDINANCE approving and authorizing first amendment to contract between the City and **AVIA PARTNERS, INC** for Elderly services provided through the Harris County Area Agency on Aging to extend the term

12. Ordinance 2010-742

ORDINANCE amending Ordinance No. 2008-0602 (Passed by City Council on June 25, 2008) to increase the maximum contract amounts and approving and authorizing first amendments to contracts between the City of Houston and **HARRIS COUNTY HOSPITAL DISTRICT, MEMORIAL HERMANN HOSPITAL SYSTEM** and **LEGACY COMMUNITY HEALTH SERVICES** for Implementing Routine HIV Services for the Houston Department of Health and Human Services - \$1,911,310.00 - Grant Fund

13. Ordinance 2010-731

ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC,** providing up to \$406,485.00 in Housing Opportunities for Persons With AIDS Funds for the operation of community residences and the administration of a short-term rent, mortgage and utility assistance program, along with the provision of supportive services - **DISTRICT H - GONZALEZ**

14. Ordinance 2010-743

ORDINANCE appropriating \$1,600,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CH2M HILL, INC** for Professional Environmental Consulting Services for the Houston Airport System (Project 625D) **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

15. Ordinance 2010-732

ORDINANCE terminating contract authorized by Ordinance No. 2010-0005, by and between the City of Houston and West, A Thomson Reuters Business and approving and authorizing contract between the City of Houston and **WEST, A THOMSON REUTERS BUSINESS,** for On-Line Legal Research Services and Library Maintenance of Print Product Subscriptions for the Legal Department; providing a maximum contract amount - 3 Years - \$680,825.00 General and Property and Casualty Funds

16. Ordinance 2010-733

ORDINANCE authorizing the City Council of the City of Houston, Texas to terminate a Proclamation declaring a Local State of Disaster for the City of Houston as a result of Hurricane Ike

ORDINANCES - continued

17. Ordinance 2010-734

ORDINANCE approving and authorizing Lease Agreement between **LEVAN PROPERTIES, L.P., as landlord**, and the City of Houston, Texas, as tenant, for the property located at 2020 McKinney, Houston, Texas, for ten years, to be used by the Parking Management Division of the Administration and Regulatory Affairs Department - **DISTRICT I - RODRIGUEZ**

18. Ordinance 2010-735

ORDINANCE appropriating \$15,150.12 out of Fleet/Equipment Special Revenue Fund for Purchase of a Utility Vehicle for the Houston Fire Department - **DISTRICT E - SULLIVAN**

19. Ordinance 2010-744

ORDINANCE awarding contract to **SNR TECHNOLOGIES, LLC** for Activated Carbon Replacement and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$830,822.84 - Enterprise Fund

20. Ordinance 2010-745

ORDINANCE finding and determining that public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Chimney Rock at W. Airport Intersection Redesign Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of four parcels of land required for street purposes; said parcels to be acquired in fee simple or easement title and situated in the H.T. & B.R.R. Company Survey, A-418, in Harris County, Texas; such property being more specifically situated and located out of Unrestricted Reserves "V" and "X" of Westbury South and Unrestricted Reserves "U" and "W" of Westbury Section 4, Subdivisions in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT C - CLUTTERBUCK**

21. Ordinance 2010-736

ORDINANCE appropriating \$200,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to implement provisions of the Municipal Separate Storm Sewer (MS4) Permit

22. Ordinance 2010-737

ORDINANCE approving and authorizing Cooperative Development Agreement between the City of Houston and **WILDCAT INTERESTS, L.P.** for Buffalo Speedway Design Modification **DISTRICT D - ADAMS**

23. Ordinance 2010-738

ORDINANCE appropriating \$5,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$5,000.00 out of Street & Bridge Consolidated Construction Fund, and \$145,000.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for Various C.I.P. Projects relating to construction of facilities financed by the respective funds for the Department of Public Works & Engineering

24. Ordinance 2010-739

ORDINANCE appropriating \$228,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RESICOM, INC** for On-Call Clearing and Grubbing; 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 CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

ORDINANCES - continued

25. Ordinance 2010-0698 – Passed third and final reading

ORDINANCE No. 2010-698, passed second reading on September 15, 2010

ORDINANCE granting to **BCS RESOURCE, L.L.C., A Texas Limited Liability Company**, 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**

26. Ordinance 2010-0699 – Passed third and final reading

ORDINANCE No. 2010-699, passed second reading on September 15, 2010

ORDINANCE granting to **J. A. GAMEZ TRUCKING SERVICES, 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**

27. Ordinance 2010-0700 – Passed third and final reading

ORDINANCE No. 2010-700, passed second reading on September 15, 2010

ORDINANCE granting to **GALLEGOS & SONS TRUCKING, 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**

28. Ordinance 2010-0701 – Passed third and final reading

ORDINANCE No. 2010-701, passed second reading on September 15, 2010

ORDINANCE granting to **IESI, 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 - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 29

MISCELLANEOUS

29. Motion 2010-699 - Uphold the decision

REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by Richard V. Rothfelder, Attorney at Law, on behalf of Trinity Lutheran Church regarding the interpretation of a Changeable Message Sign located at 800 Houston Avenue - **DISTRICT I - RODRIGUEZ**

MATTERS HELD - NUMBERS 30 through 36

30. Motion 2010-700

MOTION by Council Member Clutterbuck/Seconded by Council Member Lovell to adopt recommendation from Director Houston Airport System for approval of final contract amount of \$2,150,653.26 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Wetlands Creation at Westside Mitigation Area, Project No. 586A - 4.81% over the original contract amount **TAGGED BY COUNCIL MEMBER JONES**

This was Item 8 on Agenda of September 15, 2010

31. Ordinance 2010-746

ORDINANCE appropriating \$120,831.70 out of Fire Consolidated Construction Fund for Structural Remediation at Fire Station No. 29 for General Services Department

TAGGED BY COUNCIL MEMBER JONES

a. Motion 2010-701

MOTION by Council Member Clutterbuck/Seconded by Council Member Sullivan to adopt recommendation from Purchasing Agent to award to **BASELINE PAVING AND CONSTRUCTION, INC** for Structural Remediation at Fire Station No. 29 for General Services Department - \$109,847.00 and contingencies for a total not to exceed \$120,831.70 **DISTRICT I - RODRIGUEZ - TAGGED BY COUNCIL MEMBER JONES**

These were Items 14 and 14A on Agenda of September 15, 2010

32. Ordinance 2010-747

ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System (Project 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER JONES

This was Item 25 on Agenda of September 15, 2010

Motion 2010-702 - Motion to amend Item 33 - See page 8

33. Ordinance 2010-748 - Adopt as amended

ORDINANCE approving an Agreement between the City of Houston, Texas and **AINBINDER HEIGHTS, LLC** pursuant to Chapter 380, Texas Local Government Code for Economic Development Assistance for Development of a Multi-Tenant Commercial Retail Project in the City **DISTRICT H - GONZALEZ**

TAGGED BY COUNCIL MEMBERS GONZALEZ AND JONES

This was Item 26 on Agenda of September 15, 2010

34. Ordinance 2010-749

ORDINANCE appropriating \$550,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing contract between the City of Houston and **SOGETI USA, LLC** for analysis and design of a Queuing and Payment System for the Houston Permitting Center; providing a maximum contract amount; providing funding for contingencies relating to design and construction of facilities financed by the Reimbursement of Equipment/Projects Fund

TAGGED BY COUNCIL MEMBER BRADFORD

This was Item 28 on Agenda of September 15, 2010

MATTERS HELD – continued

35. Ordinance 2010-750

ORDINANCE appropriating \$3,000,000.00 out of FY11 Equipment Acquisition Consolidated Fund as an additional appropriation for Houston Municipal Courts Case Management System; approving and authorizing a first amendment to the contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863); providing for expenses relating to the development and implementation of the system - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 38 on Agenda of September 15, 2010

36. Ordinance 2010-751

ORDINANCE awarding contract to **RBEX, INC dba APPLE TOWING CO.** for Towing and Storage Services for Seized Vehicles for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,375,000.00 - Asset Forfeiture Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 39 on Agenda of September 15, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Jones 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

9/21/2010 – Council Member Johnson absent on City business

9/22/2010 – All present

Motion 2010-702

WRITTEN Motion by Council Member Clutterbuck to amend Item No. 33, as follows:

I move to amend Item No. 33 on the September 22, 2010 City Council Agenda as follows:

1. Amend the Agreement attached to the Ordinance ("Agreement") by deleting the second sentence in Article II, Section A and replacing it with the following sentence: "A preliminary list of the Improvements is set forth in Exhibit "C", which may be modified by mutual agreement of the Mayor, or her designee, and the Developer at any time to modify, add, or remove Improvements if the Mayor determines that the modification addition, or removal is necessary to achieve the intent of this Agreement and does not exceed the total cost of \$6,050,000 as provided in Article III, Section A of the Agreement."

2. Amend the Agreement attached to the Ordinance to revise the fourth sentence of the first paragraph in Article III, Section A to read: "The Total Payment Amount, net of Interest, shall not exceed \$6,050,000."