

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 18, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2011-0777 to 2011-0790
ORDINANCES - 2011-0880 to 2011-0905
RESOLUTION – None

2011-0776-1

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

Motion 2011-0777 – Procedural motion
Motion 2011-0778 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 19, 2011 - 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 2011-0779 – Close hearing
PUBLIC HEARING relative to the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE)**
DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 40

MISCELLANEOUS - NUMBERS 2 through 8A

Motion 2011-0780 – Suspend rules to consider Items 2 and 4 out of order

2. Motion 2011-0781

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2013:

- Position One - **MR. JORGE GARCIA-HERREROS**
- Position Five - **MR. DAVID BUCEK**
- Position Seven - **MR. JOHN COSGROVE**
- Position Nine - **MS. VENITA RAY**

3. Motion 2011-0783

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **GREATER SOUTHEAST MANAGEMENT DISTRICT BOARD OF DIRECTORS**:

- Position One - **MR. ALAN D. BERGERON**, appointment, for a term to expire 6/1/2013
- Position Two - **MR. SHARONE MAYBERRY**, appointment, for a term to expire 6/1/2013
- Position Three - **MR. JAMES DONATTO, SR.**, appointment, for a term to expire 6/1/2013
- Position Four - **MR. HEXSER J. HOLLIDAY, II**, appointment, for a term to expire 6/1/2013
- Position Five - **MR. OSAMA ABDULLATIF**, appointment, for a term to expire 6/1/2013
- Position Six - **MS. SKYE THOMPSON**, appointment, for a term to expire 6/1/2013
- Position Seven - **MR. ASMARA TEKLE JOHNSON**, appointment, for a term to expire 6/1/2013
- Position Eight - **MR. JAA ST. JULIEN**, appointment, for a term to expire 6/1/2013
- Position Nine - **MR. JIMMY ARNOLD**, appointment, for a term to expire 6/1/2013
- Position Ten - **MR. CYEONI MILES**, appointment, for a term to expire 6/1/2013
- Position Eleven - **HONORABLE ZINETTA A. BURNEY**, reappointment, for a term to expire 6/1/2013
- Position Twelve - **MR. CHRIS HAGENEY**, reappointment, for a term to expire 6/1/2015
- Position Thirteen - **DR. TEDDY A. MCDAVID**, reappointment, for a term to expire 6/1/2015
- Position Fourteen - **MR. BRIAN G. SMITH**, appointment, for a term to expire 6/1/2015
- Position Fifteen - **MINISTER ROBERT S. MUHAMMAD**, reappointment, for a term to expire 6/1/2015
- Position Sixteen - **MR. ROBERT C. COMBRE**, reappointment, for a term to expire 6/1/2015
- Position Seventeen - **MS. JANICE M. SIBLEY-REID**, reappointment, for a term to expire 6/1/2015

4. Motion 2011-0782

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **PLANNING COMMISSION**:

- Position One - **MR. CHRISTOPHER B. AMANDES**, reappointment, for a term to expire 3/31/2013
- Position Two - **MR. TRUMAN C. EDMINSTER, III**, appointment, for a term to expire 9/30/2013
- Position Three - **MR. JAMES R. JARD**, reappointment, for a term to expire 9/30/2013
- Position Four - **MS. SUSAN ALLEMAN**, reappointment, for a term to expire 9/30/2012
- Position Five - **MR. MARK A. KILKENNY**, reappointment, for a term to expire 3/31/2013
- Position Seven - **MR. BLAKE TARTT, III**, reappointment, for a term to expire 9/30/2013
- Position Eight - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 9/30/2013
- Position Nine - **MS. LISA CLARK**, appointment, for a term to expire 9/30/2012
- Position Eleven - **MR. SHAUKAT ZAKARIA**, reappointment, for a term to expire 9/30/2012
- Position Eighteen - **MR. PAUL R. NELSON**, reappointment, for a term to expire 9/30/2012
- Position Nineteen - **MS. LINDA PORRAS-PIRTLE**, reappointment, for a term to expire 9/30/2013
- Position Twenty-one - **MR. MEDARDO "SONNY" E. GARZA**, reappointment, for a term to expire 9/30/2012

MISCELLANEOUS - continued

5. Motion 2011-0784

REQUEST from Mayor for confirmation of the reappointment of **MS. SUZANNE PAGE-PRYDE (District 136 appointee)**, to Position Two of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2012

6. Motion 2011-0790

RECOMMENDATION from Director of Human Resources Department to approve an additional 730 calendar day period for military leave pay differential for employees called to active duty status during a time of war or state of emergency

7. Motion 2011-0785

RECOMMENDATION from Director of Human Resources Department for approval of the Holiday Schedule for Calendar Years 2012 and 2013

8. Ordinance 2011-0880

ORDINANCE appropriating \$104,811.23 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods under construction contract with **UNDERGROUND TECHNOLOGIES, INC** (Approved by Ordinance No. 2008-1074) - **DISTRICT F - HOANG**

a. Motion 2011-0786

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$261,188.08 for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods on contract awarded to **UNDERGROUND TECHNOLOGIES, INC** 8.35% over the original contract amount - **DISTRICT F - HOANG**

ACCEPT WORK - NUMBERS 9 and 10

9. Motion 2011-0787

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,022,367.72 and acceptance of work on contract with **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving from North of US 90 to Wallisville Road 3.70% under the original contract amount - **DISTRICT I - RODRIGUEZ**

10. Motion 2011-0788

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,736,442.92 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Neighborhood Sanitary Sewer System Improvements: Relocation of Community Sewers at Wastewater Basins II011, SB162-Truxillo Street Back Lot Sewer Relocation and Diversion Force Main of MUD 25 Lift Station Flow - 15.32% under the original contract amount - **DISTRICTS A - STARDIG; H - GONZALEZ and I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBER 11

11. Motion 2011-0789

GT DISTRIBUTORS, INC - \$2,162,949.83, **BAILEY'S HOUSE OF GUNS, INC** - \$461,546.30 and **BITTERROOT VALLEY AMMUNITION AND COMPONENTS** - \$59,795.68 for Ammunition and Accessories for Houston Police and Fire Departments - 2 Years with 3 one-year options - General and Asset Forfeiture Funds

ORDINANCES - NUMBERS 12 through 40

12. Ordinance 2011-0899

ORDINANCE authorizing the issuance, sale and delivery of City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011 (in one or more Series); authorizing certain designated City Officials to determine any Outstanding Obligations to be refunded and/or defeased, and to approve certain other procedures, provisions and agreements related thereto; rescinding Ordinance No. 2011-671 and approving the second amended and restated Special Facilities Lease Agreement, as modified herein; approving the form and substance of, and authorizing the execution and delivery of, the second Supplemental Trust Indenture, Second Amended and Restated Special Facilities Lease Agreement, the Bond Purchase Agreement and Official Statement; making certain findings with respect thereto and containing other provisions relating to the subject; and declaring an emergency

13. Ordinance 2011-0881

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of a 15-foot-wide access easement and a 7-foot-wide sanitary sewer easement in Unrestricted Reserve A, Belle Meade Subdivision, A.C. Reynolds Survey, A-61, Harris County, Texas; abandoning the easements to Belle Meade Investment 2006, L.P., owner, in consideration of its payment to the City of \$4,100.00 and other consideration - **DISTRICT C - CLUTTERBUCK**

14. Ordinance 2011-0882

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide easement from T.C. Jester Boulevard to Detering Street in the John Reinerman Survey, A-642, Harris County, Texas; vacating and abandoning the easement to LCB Holdings, Inc, owner, in consideration of owner's dedication to the City of an easement for the widening of Detering Street, payment of \$300.00 and other consideration - **DISTRICT H - GONZALEZ**

15. Pulled - Not Considered

ORDINANCE authorizing sale of a 8,840-square-foot tract of land to McGinnis Cadillac, Inc, abutting owner, out of a fee-owned 5.7-acre tract in Sherwood Estates Section 2, E. Williams Survey, A-834, Harris County, Texas, in consideration of payment to the City of \$41,990.00 and other consideration - **DISTRICT A - STARDIG**

16. Council Members Jones, Rodriguez, Noriega, Clutterbuck, Johnson, Sullivan and Bradford tagged

ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **KROGER TEXAS L.P.** for the Development and Operation of a combination grocery and drug store and fuel center on Studemont Street - **DISTRICT H - GONZALEZ**

17. Ordinance 2011-0900

ORDINANCE designating a contiguous geographic area within the City of Houston located in the East End of the Central Business District of Houston and generally bounded by Buffalo Bayou on the north, Lawndale Street on the south, 75th Street on the east, and Sampson Street/York Street on the west as Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone), for Tax Increment Financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a Board of Directors for such zone, containing findings and other provision relating to the foregoing subject; providing a severability clause - **DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ**

ORDINANCES - continued

18. Ordinance 2011-0901

ORDINANCE appropriating \$24,897.60 out of Fund 1850 (Reimbursement of Equipment/Projects Fund) for payment to the **HOUSTON CHRONICLE** for publication of the notice of public hearing on the designation of Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) - **DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ**

19. Ordinance 2011-0883

ORDINANCE approving and authorizing two International Facilities Agreements by and between the City of Houston and **ATLAS AIR, INC** and **AEROENLACES NACIONALES, S.A. DE C.V.** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON**

20. Ordinance 2011-0884

ORDINANCE appropriating \$11,280,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **WEBBER, LLC**, for Rehabilitation of Taxiways "WA" and "WB" and New West Vault at George Bush Intercontinental Airport/Houston (Project No. 648) - **DISTRICT B - JOHNSON**

21. Ordinance 2011-0885

ORDINANCE appropriating \$400,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 6 to contract for Professional Architectural/Engineering Services by and between the City of Houston and **LOCKWOOD, ANDREWS AND NEWNAM, INC** for Terminal Improvements at William P. Hobby Airport (Project No. 417E) - **DISTRICT I - RODRIGUEZ**

22. Ordinance 2011-0886

ORDINANCE appropriating \$60,000.00 out of Woodlands Regional Participation Fund; approving and authorizing first amendment to Professional Landscape Architectural Services Contract between the City of Houston and **SWA GROUP** for Lake Houston Park (Approved by Ordinance No. 2008-1015); amending Ordinance No. 2008-1015 to increase the maximum contract amount **DISTRICT E - SULLIVAN**

23. Ordinance 2011-0902

ORDINANCE appropriating \$3,000,000.00 out of Fire Consolidated Construction Fund and \$650,000.00 out of Police Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovation and Office Build-Out Projects of various City facilities for the Houston Fire Department and the Houston Police Department

24. Ordinance 2011-0887

ORDINANCE approving and authorizing contract between the City of Houston and the **DEPARTMENT OF STATE HEALTH SERVICES ("DSHS") OF THE STATE OF TEXAS** for Preventive Health Screenings (DSHS Contract No. 2012-039883-001); providing a maximum contract amount - \$50,000.00 - General Fund

25. Ordinance 2011-0888

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$200,000.00 in additional funds for the continuing administration and operation of two community residences, a Tenant Based Rental Assistance Program and a Short-Term Rent Mortgage and Utility Assistance Program, and the provision of Housing Information Services, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program - Grant Fund - **DISTRICT B - JOHNSON**

ORDINANCES - continued

26. Ordinance 2011-0889

ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Step Comprehensive Commercial Motor Vehicle Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

27. Ordinance 2011-0890

ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Step Comprehensive Motor Vehicle Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

28. Council Member Rodriguez tagged

ORDINANCE approving and authorizing Amendment No. 1 to agreement for heating, ventilating, and air conditioning systems and associated plumbing, electrical and control systems operations and maintenance for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC - DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

29. Ordinance 2011-0891

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WESTON SOLUTIONS, INC** (Approved by Ordinance No. 2010-0060) for environmental assessment work through the City of Houston's Brownfield Redevelopment Program to decrease the maximum contract amount

30. Ordinance 2011-0892

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **TERRACON CONSULTING, INC** (Approved by Ordinance No. 2010-0060) for environmental assessment work through the City of Houston's Brownfield Redevelopment Program to increase the maximum contract amount

31. Ordinance 2011-0893

ORDINANCE appropriating \$714,280.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Storm Sewer Improvements to Rampart Street Drainage and Paving, Westmoreland, Sharpstown, Braeburn, and Maplewood Areas (Approved by Ordinance No. 2007-596); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund **DISTRICTS C - CLUTTERBUCK and F - HOANG**

32. Ordinance 2011-0903

ORDINANCE appropriating \$6,673,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Metro Central, Keegans Bayou, Park Ten and Upper Brays Wastewater Treatment Plant 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, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; E - SULLIVAN and G - PENNINGTON**

ORDINANCES - continued

33. Ordinance 2011-0894

ORDINANCE appropriating \$1,844,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C. F. MCDONALD ELECTRIC, INC** for Upper Brays Wastewater Treatment Plant Electrical 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON**

34. Ordinance 2011-0895

ORDINANCE appropriating \$3,625,270.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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

35. Ordinance 2011-0896

ORDINANCE appropriating \$3,170,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **DCE CONSTRUCTION, INC** for Water Line Replacement in Oak Forest Area; 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, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG**

36. Ordinance 2011-0897

ORDINANCE appropriating \$2,177,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Laura Koppe Area; 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, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ**

37. Ordinance 2011-0904

ORDINANCE appropriating \$2,728,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks; 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, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (WBS S-000600-0035-4) - **DISTRICTS B - JOHNSON and E - SULLIVAN**

ORDINANCES - continued

38. Ordinance 2011-0905

ORDINANCE appropriating \$1,130,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks; 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, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (WBS S-000600-0037-4) - **DISTRICTS B - JOHNSON and F - HOANG**

39. Ordinance 2011-0898

ORDINANCE amending Ordinance No. 2011-855, relating to the public hearings at which interested persons will be given the opportunity to be heard on a proposed Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494** and on proposals for the City of Houston to annex for limited purposes certain territory located within district in Harris County; containing a proposal for the City of Houston to impose the City Sales and Use Tax in such territory; providing for the publication of notice of such hearings

40. Ordinance 2011-0854 – Passed third and final reading

ORDINANCE No. 2011-0854, passed second reading October 12, 2011

ORDINANCE granting to **JIANQI AN d/b/a GREENLAND WASTE COLLECTION, 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega 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

10/18/2011 – Council Member Lovell absent on personal business

10/19/2011 – All present