

**AGENDA - COUNCIL MEETING - TUESDAY - APRIL 6, 2010 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS 2010-0181 to 2010-0206  
ORDINANCES – 2009-0250 to 2009-0266  
RESOLUTION – 2010-0029

2010-0180-1

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Sullivan

**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 2010-0181 – Procedural motion  
Motion 2010-0182 – Procedural motion  
Motion 2010-0183 – Procedural motion  
Motion 2010-0184 – Procedural motion

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - APRIL 7, 2010 - 9:00 A. M.**

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

Motion 2010-0185 – 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**

**CONSENT AGENDA NUMBERS 1 through 33**

**MISCELLANEOUS** - NUMBERS 1 through 9

1. **Motion 2010-0186**

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for terms to expire December 31, 2011:

Position Five - **MS. ALISON L. SMITH**  
Position Six - **MS. MARY ELLEN ARBUCKLE**

**MISCELLANEOUS** - continued

**2. Motion 2010-0187**

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

- Position Four - **MS. SUSAN ALLEMAN**, for a term to expire 9/30/2010
- Position Six - **MR. J. D. BARTELL**, for a term to expire 3/31/2011
- Position Eighteen - **MR. PAUL R. NELSON**, for a term to expire 9/30/2010
- Position Nineteen - **MS. LINDA PORRAS-PIRTLE**, for a term to expire 3/31/2011

**3. Motion 2010-0188**

REQUEST from Mayor for confirmation of the appointment of **MR. JOSEPH "ALAN" JOHNSTON, JR.**, (Houston Independent School District Representative), to Position Six of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending July 6, 2010

**4. Motion 2010-0189**

REQUEST from Mayor for confirmation of the reappointment of **MR. RAFAEL A. MEDRANO, JR.**, (Houston Independent School District Representative), to Position Seven of the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 9, 2011

**5. Motion 2010-0190**

REQUEST from Mayor for confirmation of the appointment of **MR. ARTURO AGUILAR**, (Houston Independent School District Representative), to Position Six of the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2010

**6. Motion 2010-0191**

REQUEST from Mayor for confirmation of the reappointment of **MS. GALIA M. VARGAS**, (Houston Independent School District Representative), to Position Six of the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2011

**7. Motion 2010-0192**

REQUEST from Mayor for confirmation of the appointment of **MS. KIMBERLY JONES WILLIAMS**, (Houston Independent School District Representative), to Position Eight of the **BOARD OF DIRECTORS OF THE MIDTOWN REDEVELOPMENT AUTHORITY**, for a term to expire December 31, 2011

**8. Motion 2010-0193**

REQUEST from Mayor for confirmation of the appointment of **MR. DWIGHT A. BOYKINS**, (Houston Independent School District Representative), to Position Eight of the **BOARD OF DIRECTORS OF THE OLD SIXTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire December 31, 2011

**9. Motion 2010-0194**

REQUEST from Mayor for confirmation of the appointment of **MRS. DALE ADA DAVIDSON**, (Houston Independent School District Representative), to Position Six of the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending December 20, 2010

**AGENDA - APRIL 7, 2010 - PAGE 3**

**ACCEPT WORK** - NUMBERS 10 and 11

**10. Motion 2010-0195**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$583,538.71 and acceptance of work on contract with **DEYAR BUILDERS, INC** for Safe Sidewalk Program F2 - 0.79% over the original contract amount **DISTRICT E - SULLIVAN**

**11. Motion 2010-0203**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,413,337.48 and acceptance of work on contract with **PACE SERVICES, LP**, for Neighborhood Street Reconstruction Project 463 - 10.07% under the original contract amount - **DISTRICT H - GONZALEZ**

**PROPERTY** - NUMBER 12

**12. Motion 2010-0196**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Carolyn Evans, declining the acceptance of, rejecting, and refusing the dedication of a variable width alley, from West Montgomery Road to Granville Street, within Block 13 of the Highland Heights Addition, Parcel SY10-015 - **DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 16

**13. Motion 2010-0197**

**COTTON COMMERCIAL USA, INC** for Emergency Fire and Smoke Damage Remediation Services for General Services Department - \$148,957.38 - General Fund

**14. Motion 2010-0198**

**DOUBLEDAY ACQUISITIONS LLC dba ACUTEMP** for Portable Temperature Management Units for the Houston Department of Health & Human Services - \$63,570.00 - American Recovery & Reinvestment Act Funds

**15. Motion 2010-0199**

**TOTER, INCORPORATED** for Automated Refuse Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson Arizona for Solid Waste Management Department - \$432,000.00 - General Fund

**16. Motion 2010-0200**

**COMDATA CORPORATION/TRANSMONTAIGNE PRODUCT SERVICES, INC** for spending authority to purchase Fuel Cards and related services from the Texas Facilities Commission formerly known as the Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$4,768,000.00 - Central Services Revolving Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 33

**17. Resolution 2010-0029**

RESOLUTION supporting and approving the proposed construction by Zion Bayou, Ltd of Zion Bayou, a development for affordable rental housing, located at 5300 Airport Boulevard in the City of Houston and authorizing the allocation of 2010 Housing Tax Credits to such development **DISTRICT D - ADAMS**

**RESOLUTIONS AND ORDINANCES** - continued

**18. Ordinance 2010-0250**

ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE of the EMERGENCY AID RESOURCE CENTER for the HOMELESS, INC**, to provide \$148,728.00 in Community Development Block Grant Funds to assist in the administration and operation of the Emergency Mobile Outreach Program

**19. Ordinance 2010-0251**

ORDINANCE appropriating \$160,000.00 out of the HAS-Sublien Bond 1998B AMT Construction Fund (8006); authorizing purchase of approximately 1.272 acre of vacant land in the W. A. Arnold Survey, A-1461, Houston, Harris County, Texas (9000 Telephone Road) for Hobby Airport; approving Purchase and Sale Agreement with the owner of the land (Fortune Small Business, LLC) - **DISTRICT I - RODRIGUEZ**

**20. Ordinance 2010-0252**

ORDINANCE appropriating \$57,960.00 out of Street & Bridge Consolidated Construction Fund, approving and authorizing Reimbursement Agreement between **MAGELLAN PIPELINE COMPANY, L.P.** and the City of Houston relating to the Mercury Drive Paving Project from U. S. Highway 90 to Wallisville Road, Houston, Texas - **DISTRICT I - RODRIGUEZ**

**21. Ordinance 2010-0253**

ORDINANCE finding and determining 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 Ella Boulevard (Wheatley Street) Paving Project; from Little York to West Gulf Bank, authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in Fee Simple Title or easements to eight seven (87) parcels of land situated in either the J. Erwin Survey, Abstract No. 258, the John Durkee Survey, Abstract No. 1068 or the Phillip Thompson Survey, Abstract No. 768, in Harris County, Texas, such property being more specifically situated out of the subdivisions of Highland Acre Homes, Highland Heights Annex Sections 7 and 9, Lincoln City Sections 5 and 7, Highland Acres Homes Annex, Highland Heights and Little City an Unrecorded Subdivision, as these parcels of land abut the east and west lines of Wheatley Street between Little York and West Gulf Bank 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 B - JOHNSON**

**22. Ordinance 2010-0254**

ORDINANCE appropriating \$200,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Environmental Consulting Services Contract between the City of Houston and **TERRACON CONSULTANTS, INC** for Total Maximum Daily Load support

**23. Ordinance 2010-0266**

ORDINANCE appropriating \$71,632.05 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Neighborhood Street Reconstruction Project 450 (Approved by Ordinance No. 2008-0587) **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

**24. Ordinance 2010-0255**

ORDINANCE appropriating \$398,236.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation; approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Reconstruction of Brittmoore Road from Hammerly to Clay Road (Approved by Ordinance No. 1999-0055) - **DISTRICT A - STARDIG**

**RESOLUTIONS AND ORDINANCES** - continued

**25. Ordinance 2010-0256**

ORDINANCE appropriating \$645,150.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **JONES AND CARTER, INC** for Beechnut Rehabilitation from Wilcrest to Kirkwood Road (Approved by Ordinance Nos. 2006-0152 and 2007-0762) - **DISTRICT F - HOANG**

**26. Ordinance 2010-0257**

ORDINANCE appropriating \$400,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **HUFF & MITCHELL, INC** for condition assessment of large diameter water lines (Approved by Ordinance No. 2008-684) - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON and I - RODRIGUEZ**

**27. Ordinance 2010-0258**

ORDINANCE appropriating \$1,528,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for On-Call Rehabilitation to large-diameter waterlines, valves and appurtenances Package No. 8; 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 project management relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**28. Ordinance 2010-0259**

ORDINANCE appropriating \$545,958.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **STATEWIDE SERVICES, INC** for Utility System Infrastructure Improvement Contract; 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 Consolidated Construction Fund

**29. Ordinance 2010-0260**

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **FONDREN SW SOUTHMEADOW SUBDIVISION, SECTIONS 2, 3 AND 5** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**

**30. Ordinance 2010-0261**

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **LARKWOOD SUBDIVISION, SECTIONS 1 AND 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICTS C - CLUTTERBUCK and F - HOANG**

**31. Ordinance 2010-0262**

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **WINDSOR VILLAGE SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS**

**32. Ordinance 2010-0263**

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **WINDSOR VILLAGE SUBDIVISION, SECTIONS 2 - 4, SECTION 5 REPLAT, AND SECTION 6 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS**

**RESOLUTIONS AND ORDINANCES** - continued

**33. Ordinance 2010-0264**

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **WOODLAND HILLS VILLAGE SUBDIVISION, SECTIONS 1 REPLAT, 2, 4, 6, AND 10 - 13** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBERS 34 through 36

**MISCELLANEOUS**

**34. Motion 2010-0204 – Close nominations**

RECEIVE nominations for appointments to Positions One through Four of the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2011

Council Member Lovell nominated Dr. Taffi S. Tippit for appoint to Position 1

Council Member Lovell nominated Dr. Chris Souders for reappointment to Position 2

Council Member Lovell nominated Ms. Kappy Muenzer for reappointment to Position 3

Council Member Noriega nomated Mr. Neil Sackheim for appointment to Position 4

**35. Motion 2010-0205**

**SET HEARING DATE** to consider a Municipal Setting Designation Ordinance for KBR Technical Services, Inc for the site located at 4100 Clinton Drive - **DISTRICT B - JOHNSON**

**HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 19, 2010**

**36. Motion 2010-0206**

**SET HEARING DATE** to consider a Municipal Setting Designation Ordinance for Weingarten Realty Investors for the site located at 11092 - 11311 Fondren Road - **DISTRICT C - CLUTTERBUCK**

**HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 19, 2010**

**MATTERS HELD** - NUMBERS 37 through 39

**Motion 2010-0201 – Suspend rules to consider Item 37 out of order**

**Motion 2010-0202 – Suspend rules to allow Mr. Oliver Luck to make statements on Item 37**

**37. Ordinance 2010-0265**

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, **HARRIS COUNTY** and the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** for the purpose of describing actions by the parties preliminary to the construction by the Houston Dynamo LLC. of a Public Professional Soccer Stadium on property owned by the City in Reinvestment Zone Number Fifteen, City of Houston (East Downtown TIRZ), including anticipated (1) provision of funding for certain public infrastructure improvements through the East Downtown TIRZ, (2) participation by Harris County in the East Downtown TIRZ, (3) creation by the City of two new Tax Increment Reinvestment Zones in the City, and (4) assistance by the Harris County-Houston Sports Authority in (A) negotiating a lease with the Dynamo LLC, (B) acting as project manager during construction of the stadium, and (C) acting as property manager following construction, all subject to additional actions to be taken and agreements to be negotiated among the parties - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 17 on Agenda of March 31, 2010

**MATTERS HELD** - NUMBERS 37 through 39

**38. Ordinance 2010-0267**

ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** to provide \$389,938.00 in Housing Opportunities for Persons With AIDS Funds to provide for the administration and operation of a Community Residence located at 1804 Carr Street, along with supportive services - **DISTRICT B - JOHNSON**

**TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 18 on Agenda of March 31, 2010

**39. Ordinance 2010-0268**

ORDINANCE approving and authorizing contract between the City of Houston and **STOP TURNING ENTERING PRISON, INC**, providing up to \$582,901.04 in Housing Opportunities for Persons With AIDS Funds, which amount includes a limitation on additional funding in the amount of \$291,450.52, for the administration and operation of a Transitional Housing Program and the provision of supportive services - **DISTRICT B - JOHNSON**

**TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 20 on Agenda of March 31, 2010

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Clutterbuck 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

**4/06/2010 – All Present**

**4/07/2010 – All Present**