

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 13, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0207 to 2010-0222
ORDINANCES – 2009-0267 to 2009-0285
RESOLUTION – None

2010-0206-1

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 2010-0207 – Procedural motion
Motion 2010-0208 – Procedural motion
Motion 2010-0209 – Procedural motion
Motion 2010-0210 – Procedural motion
Motion 2010-0211 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 14, 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.

1. Motion 2010-0214 – Close hearing

Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (832) 393-1100 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary.

2. Motion 2010-0215 – Close hearing

PUBLIC HEARING to consider a Municipal Setting Designation ordinance for Flex Tank Systems, LLC for the site located at 16514 De Zavalla Road, Channelview, Texas

3. Motion 2010-0215 – Close hearing

PUBLIC HEARING to consider a Municipal Setting Designation ordinance for Westbrook Investments, LP for the site located at 1111 Lockwood Drive, Houston, Texas - **DISTRICT H - GONZALEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 28

MISCELLANEOUS - NUMBERS 4 and 5

Motion 2010-0212 – Suspend rules to consider Item 4 out of order

4. Motion 2010-0213

REQUEST from Mayor for confirmation of the appointment of **CHARLES A. McCLELLAND, JR.**, as City of Houston Police Chief

Motion 2010-0220 – Refer Position One back to the Administration

5. Motion 2010-0221 – Appointed

Confirmation of the appointment or reappointment of the following individuals to the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2011:

Position One - **DR. TAFFI S. TIPPIT**, appointment – Referred back to the Administration

Position Two - **DR. CHRIS SOUDERS**, reappointment

Position Three- **MS. KAPPY MUENZER**, reappointment

Position Four - **MR. NEIL SACKHEIM**, appointment

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2010-0216

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$518,947.28 and acceptance of work on contract with **D.L. ELLIOTT ENTERPRISES, INC** for Lake Houston Septic System Removal Project - 6.0% under the original contract amount - **DISTRICT E - SULLIVAN**

7. Motion 2010-0217

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,608,375.20 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 1.18% over the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; F - HOANG; G - PENNINGTON and I - RODRIGUEZ**

8. Motion 2010-0218

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,136,770.47 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.C.** for FY08 Citywide Fire Hydrant Replacement and Height Correction 32.8% under the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 10

9. Motion 2010-0222

RDI MECHANICAL, INC for Emergency HVAC System Repair for General Services Department \$132,667.50 - Public Health Consolidated Construction Fund

10. Motion 2010-0219

NATIONAL ELECTRICAL SYSTEMS, INC for Installation of an Emergency 800 KW Generator and purchase of a second 800 KW Generator at Houston TranStar for Department of Public Works & Engineering - \$534,908.00 and contingencies for a total amount not to exceed \$561,653.40 - Grant and Greater Houston TranStar & Emergency Center Funds

ORDINANCES - NUMBERS 11 through 28

11. Ordinance 2010-0269

ORDINANCE approving the application of Entergy Texas, Inc. for authority to implement new Rough Production Cost Equalization Adjustment rate filed with the City of Houston on March 25, 2010 - **DISTRICT E - SULLIVAN**

12. Ordinance 2010-0270

ORDINANCE relating to the Retail Electric Rates of Entergy Texas, Inc. within the City of Houston, Texas; ordering reimbursement of all rate case expenses incurred on behalf of all Entergy Texas, Inc. ratepayers within the City of Houston, Texas; denying rate increase request and maintaining the current Entergy Texas, Inc. rates in effect - **DISTRICT E - SULLIVAN**

13. Ordinance 2010-0285

ORDINANCE approving and authorizing contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services and Representation of the City in connection with negotiation of employee agreements between the City and the Professional Firefighters Association Local 341, Houston Police Officers' Union and the Houston Organization of Public Employees; establishing maximum contract amount - \$400,000.00 - General Fund

14. Ordinance 2010-0271

ORDINANCE directing the Department of Planning and Development to prepare service plan that provides for the extension of Municipal Services into certain territory in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas; calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to annex certain territory in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas; providing for the publication of notice of such hearings
HEARING DATE - WEDNESDAY - 9:00 A.M. - MAY 5 and MAY 12, 2010

15. Ordinance 2010-0272

ORDINANCE approving and authorizing contract between the City of Houston and **RECYCLEREWARDS, INC** for Web-Based Recycling Incentives Rewards Program Services for the Solid Waste Management Department; providing a maximum contract amount - 3 years with 2 one-year options - \$528,000.00 - Recycling Revenue Fund

16. Ordinance 2010-0273

ORDINANCE approving and authorizing joint funding agreement between the City of Houston and The United States Geological Survey for Water Resource Investigation and Monitoring; providing a maximum contract amount - 1 year - \$840,250.00 - Enterprise Fund

17. Ordinance 2010-0274

ORDINANCE awarding contract to **KEILERS HOLDINGS, INC dba CY-FAIR TIRE** for Tire repair services for Various Departments; providing a maximum contract amount - 3 years with 2 one-year options - \$1,201,618.00 - General Fund

18. Ordinance 2010-0275

ORDINANCE appropriating \$733,065.95 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department

19. Ordinance 2010-0276

ORDINANCE appropriating \$10,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of Brittmoore Road from Old Katy Road to Hammerly Boulevard - **DISTRICT A - STARDIG**

ORDINANCES - continued

20. Ordinance 2010-0277

ORDINANCE appropriating \$26,728.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **BOVAY ENGINEERS, INC**

21. Ordinance 2010-0278

ORDINANCE appropriating \$368,109.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services contract between the City of Houston and **AECOM USA GROUP, INC formerly known as TURNER COLLIE & BRADEN, INC** for Yale Street Paving from West Tidwell Road to West Parker Road (approved by Ordinance No. 2006-0478) - **DISTRICT H - GONZALEZ**

22. Ordinance 2010-0279

ORDINANCE appropriating \$2,860,049.00 out of Metro Projects Construction Fund and \$172,651.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION COMPANY, LTD.** for 11th Street Rehabilitation from West of Heights Blvd. to Studewood Dr.; 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 Metro Projects Construction Fund; Water & Sewer System Consolidated Construction Fund **DISTRICT H - GONZALEZ**

23. Ordinance 2010-0280

ORDINANCE appropriating \$484,012.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PIPELINE VIDEO INSPECTION, LLC dba PIPELINE VIDEO INSPECTION & CLEANING, LLC** for Sanitary Sewer Cleaning and Television in support of rehabilitation; 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

24. Ordinance 2010-0281

ORDINANCE appropriating \$954,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R&B GROUP, INC** for Benbrook Lift Station 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, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

25. Council Member Johnson tagged

ORDINANCE awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Fifth Ward Multi Service Center New Parking Lot; 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 materials testing and contingencies relating to construction of facilities financed by the American Recovery and Reinvestment Act - \$276,400.00 - ARRA Fund **DISTRICT B - JOHNSON**

ORDINANCES - continued

26. Ordinance 2010-0282

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ROYAL OAKS SUBDIVISION, SECTIONS 1 - 3, SECTION 4 REPLAT AND SECTION 6** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

27. Ordinance 2010-0283

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ACADIA PLACE SUBDIVISION, BARR CIRCLE ESTATES SUBDIVISION, GRANADOS ESTATES SUBDIVISION, KERRWOOD ESTATES SUBDIVISION, PEPPER MILL ESTATES SUBDIVISION, SPRING BRANCH ESTATES SUBDIVISION, SECTIONS 2 AND 2 REPLAT, AND ALLEGRO VILLAGE PATIO UNRECORDED** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

28. Ordinance 2010-0284

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHEPHERD PARK TERRACE SUBDIVISION, SECTIONS 1 - 3** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - JOHNSON**

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

4/13/2010 – Council Member Noriega absent on personal business

4/14/2010 – All Present