

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 27, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0237 to 2010-0249
ORDINANCES – 2009-0309 to 2009-0334
RESOLUTION – 2010-0031

2010-0236-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 28, 2010 - 9:00 A. M.

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

MAYOR'S REPORT - Fiscal Year 2010 Budget Update and Fiscal Year 2011 Preview

CONSENT AGENDA NUMBERS 1 through 34

MISCELLANEOUS - NUMBERS 1 through 3

Motion 2010-0237 – Suspend rules to consider Item 1 before the Mayor's Report

1. Motion 2010-0238

REQUEST from Mayor for confirmation of the appointment of **MR. MARIO C. DIAZ** as Director of the Houston Airport System

2. Pulled - Not Considered

REQUEST from Mayor for confirmation of the appointment of **MR. CHARLES STAVA** to Position Twelve of the **ARCHAEOLOGICAL AND HISTORICAL COMMISSION**, for a term to expire March 1, 2012

MISCELLANEOUS - continued

3. Motion 2010-0239

RECOMMENDATION from Director Planning & Development for Designation of an Honorary Street Marker for **REVEREND O. C. JOHNSON, SR.** - **DISTRICT B - JOHNSON**

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2010-0240

RECOMMENDATION from Interim Director Houston Airport System for approval of final contract amount of \$4,144,249.46 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Access Control and Telecom Duct Bank construction at William P. Hobby Airport, Project No. 576A - 0.03% under the original contract amount - **DISTRICT I - RODRIGUEZ**

5. Motion 2010-0241

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$695,630.00 and acceptance of work on contract with **AAR INCORPORATED** for Asbestos/Lead Based Paint Abatement and Interior Demolition at 1002 Washington Avenue 4.99% over the original contract amount - **DISTRICT H - GONZALEZ**

6. Council Member Hoang tagged

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,828,056.00 and acceptance of work on contract with **SPAW GLASS CONSTRUCTION CORPORATION** for Midwest Police Station - District 18 - 0.99% under the guaranteed maximum price - **DISTRICT F - HOANG**

7. Motion 2010-0242

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,595,826.97 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for 69th Street Wastewater Treatment Plant Dryer Replacement/Rehabilitation - 6.13% under the original contract amount - **DISTRICT I - RODRIGUEZ**

8. Motion 2010-0243

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,627,703.55 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Westheimer to West Alabama Sewer Relocation - 3.69% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

PROPERTY - NUMBER 9

9. Motion 2010-0244

RECOMMENDATION from Director Department of Public Works & Engineering, on request from Rich Cryar, reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of an unnamed platted street, from Fitzhugh Street east to its terminus, located in the Knollwood Estates Subdivision, out of the J. L. Stanley Survey, A-700, Parcel SY10-060 - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBER 10

10. Motion 2010-0245

PHILPOTT MOTORS, LTD. for Light-Duty Cabs & Chassis with Modular Bodies through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for the Houston Police Department - \$352,557.22 - Grant Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 34

11. Resolution 2010-0031

RESOLUTION amending Resolution 2009-16 to correct the legal description of the First Evangelical Church and Education Building landmark and protected landmark - **DISTRICT I - RODRIGUEZ**

12. Ordinance 2010-0327

ORDINANCE authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series J, in an aggregate principal amount not to exceed \$125,000,000 for the purpose of funding certain authorized purposes; approving and authorizing certain officers and employees to act on behalf of the City in the selling and delivery of such notes, making certain covenants, agreements and resolving other matters incident and related to the issuance, sale, delivery and security of the notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Dealer Agreement; and declaring an emergency

13. Ordinance 2010-0328

ORDINANCE authorizing issuance of the City of Houston, Texas Taxable Pension Obligation Note, Series 2010; approving and delegating certain authority to the Mayor and the City Controller with regard to the note; approving a Note Purchase Agreement; approving a Paying Agent/Registrar Agreement; making other provisions regarding such note and matters incident thereto; making certain findings relating to the subject and matters incident thereto; and declaring an emergency

14. Ordinance 2010-0309

ORDINANCE approving and authorizing Lease Agreement with **HOUSTON SYMPHONY SOCIETY**, as tenant, for office space at Jones Hall - 5 Years - Revenue - **DISTRICT I - RODRIGUEZ**

15. Ordinance 2010-0310

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY FOR THE HOUSTON AUTO CRIMES TASK FORCE/19 GRANT**; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

16. Ordinance 2010-0311

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ESPERANZA, INC, a Nonprofit Texas Corporation**, to provide a \$2,449,929.00 Performance Based Loan of Federal "HOME" Funds to assist in the land acquisition and construction of a 140 unit Senior Residential Housing Facility, targeting low income tenants, to be located at the northwest corner of Minnesota and Almeda Genoa, of which 20 units will be restricted to floating home assisted units, which 16 units restricted to HUD high home rents and 4 units restricted to HUD low home rents for a period of 20 years - **DISTRICT I - RODRIGUEZ**

17. Ordinance 2010-0312

ORDINANCE approving and authorizing contract between the City of Houston and **FLORAL SENIOR LDG, LP** to provide a \$726,000.00 loan of Federal "HOME" Funds to assist in the acquisition and development of a 100 unit affordable housing development targeting seniors 55 and older, to be located on the northeast side of Beltway 8 and Fondren Road, of which 6 units will be restricted to floating home assisted units, with 4 units restricted to HUD high home rents and 2 units restricted to HUD low home rents - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2010-0313

ORDINANCE approving and authorizing agreement between the City of Houston and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** to provide a Loan of Federal Neighborhood Stabilization Program Funds in the amount not to exceed \$595,000.00 for eligible costs in connection with the acquisition, rehabilitation and resale to income-qualified households of up to seven foreclosed homes with proceeds from sales to be returned to the City of Houston NSP Program - **DISTRICT D - ADAMS**

19. Ordinance 2010-0314

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

20. Ordinance 2010-0315

ORDINANCE amending Ordinance No. 2008-0617, as amended, to increase the maximum contract amount for a contract between the City of Houston and the **LAW OFFICES OF PATRICK ZUMMO** for Legal Services relating to the City's continued enforcement of the Sexually Oriented Business Ordinance - \$100,000.00 - Property and Casualty Fund

21. Ordinance 2010-0316

ORDINANCE appropriating \$350,000.00 out of Combined Utility System General Purpose Fund and approving and authorizing contract between the City of Houston and **OLSON & OLSON, L.L.P.**, for Legal Services relating to Cause No. 799233; Trail Enterprises, Inc d/b/a Wilson Oil Company, et al. v. City of Houston; in the County Civil Court at Law No. One of Harris County, Texas; establishing a maximum contract amount - **DISTRICT E - SULLIVAN**

22. Ordinance 2010-0329

ORDINANCE awarding contract to **CAPT. KIRK'S MARINE SERVICE, INC** for Boat, Boat Motor and Boat Trailer Repair Services for Various Departments; providing a maximum contract amount 3 Years with two one-year options - \$358,230.58 - General and Enterprise Funds

23. Ordinance 2010-0317

ORDINANCE appropriating \$1,113,147.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing a Phase II Energy Savings Performance Contract between the City of Houston and **SIEMENS INDUSTRY, INC** for Implementation of Energy Conservation Measures at Solid Waste, Parks & Recreation and Health Department Facilities for the General Services Department; providing a maximum contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; H - GONZALEZ and I - RODRIGUEZ**

24. Ordinance 2010-0318

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 Houston Heritage Corridor Bayou Trails West Hike and Bike Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in Easement Title into two tracts of land situated in the John Austin Survey, A-1, in Harris County, Texas; such property being more specifically situated out of Lot 10, Block 228, of W. R. Baker Addition an Unrecorded Subdivision Plat, North Side Buffalo Bayou and Lot 20, Block 43, of Allen Addition, 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 H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2010-0319

ORDINANCE appropriating \$731,372.00 out of Water & Sewer System Consolidated Construction Fund for Repair to the Lake Houston Pump Station under contract with the **COASTAL WATER AUTHORITY** (C35911, Ordinance No. 03-1137) - **DISTRICT E - SULLIVAN**

26. Ordinance 2010-0320

ORDINANCE appropriating \$110,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Negotiated Work Orders Contract between the City of Houston and **ROBERT REID CONSULTING ENGINEER, INC** for Local Drainage Project Negotiated Work Orders; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund

27. Ordinance 2010-0321

ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SIEMENS INDUSTRY** for the Intelligent Transportation System

28. Ordinance 2010-0322

ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Various Wastewater Lift Station Improvement Projects

29. Ordinance 2010-0323

ORDINANCE appropriating \$423,500.00 out of Street & Bridge Consolidated Construction Fund, and \$265,000.00 from Contribution for Capital Projects Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program Work Authorization Project; 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 Street & Bridge Consolidated Construction Fund; and Contribution for Capital Projects Fund - **DISTRICTS A - STARDIG; D - ADAMS; E - SULLIVAN; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

30. Ordinance 2010-0324

ORDINANCE appropriating \$669,628.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SYNAGRO OF TEXAS - CDR, INC** for Solids Removal from Wastewater Facilities; 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

31. Ordinance 2010-0330

ORDINANCE appropriating \$1,231,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **N. G. PAINTING, L. P.** for Rehabilitation of Ground Storage Tanks and Cathodic Protection Systems; 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 - **DISTRICTS A - STARDIG; B - JOHNSON and G - PENNINGTON**

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2010-0331

ORDINANCE appropriating \$408,542.00 out of General Improvement Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal and Installation at City of Houston Police Academy Vehicle Maintenance Shop; 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 materials testing, project management and construction oversight, and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT B - JOHNSON**

33. Ordinance 2010-0325

ORDINANCE appropriating \$886,233.00 out of Parks Consolidated Construction Fund, awarding construction contract to **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Godwin Park - Phase II; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, abatement inspection and air monitoring services, Civic Art and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

34. Ordinance 2010-0326

ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2010; making additional appropriations and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2010

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 through 39

35. Motion 2010-0246 – Adopt

RECOMMENDATION from Director General Services Department to appoint Michael Welch and Bill Jackson independent appraisers and Samuel Jarrett alternate appraiser to determine the fair market value of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street - **DISTRICT H - GONZALEZ** - **TAGGED BY COUNCIL MEMBER GONZALEZ**

This was Item 6 on Agenda of April 21, 2010

36. Ordinance 2010-0332

ORDINANCE appropriating \$64,759.12 out of Fleet/Equipment Special Revenue Fund for Purchase of Utility Vehicles for the Houston Fire Department

a. Motion 2010-0247 – Adopt

RECOMMENDATION from Purchasing Agent to award to **PHILPOTT MOTORS LTD. d/b/a PHILPOTT FORD** - \$56,996.00 and **BABY JACK II AUTOMOTIVE LTD. d/b/a CALDWELL COUNTRY CHEVROLET** - \$64,759.12 for Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Police and Fire Departments - Supplemental Environmental Projects and Fleet/Equipment Special Revenue Funds - **TAGGED BY COUNCIL MEMBER SULLIVAN**

These were Items 9 and 9A on Agenda of April 21, 2010

MATTERS HELD - continued

37. Ordinance 2010-0333

ORDINANCE appropriating \$4,023,982.36 out of Equipment Acquisition Consolidated Fund, \$781,450.65 out of Reimbursement of Equipment/Projects Fund and \$511,908.00 out of Solid Waste Consolidated Construction Fund for Purchase of Cabs and Chassis and Refuse Bodies for Solid Waste Management Department for Roll-Off Trucks to be used to expand the Department's Neighborhood Depository and Recycling Operations at the expanded 5100 Sunbeam location and the new 9003 N. Main location

a. Motion 2010-0248 – Adopt

MOTION by Council Member Sullivan/Seconded by Council Member Lovell to adopt recommendation from Purchasing Agent to award to **HOUSTON FREIGHTLINER/STERLING** - \$1,605,258.00, **EAST TEXAS MACK SALES, LLC d/b/a B & C BODY COMPANY** - \$154,328.00, **CHASTANG BAYOU CITY FORD** - \$990,333.00, **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$1,365,264.00 and **MCNEILUS TRUCK & MANUFACTURING** - \$1,739,096.01 for Cabs & Chassis and Refuse Bodies through the Interlocal Agreements for Cooperative Purchasing with BuyBoards and Houston-Galveston Area Council for the Solid Waste Management Department - \$536,938.00 - National Clean Diesel Accelerated Fleet Replace Program Fund - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**
These were Items 11 and 11A on the Agenda of April 21, 2010

38. Motion 2010-0249 – Delay two (2) weeks or until after Special Meeting of the Housing Committee

ORDINANCE approving and authorizing contract between the City of Houston and **MARJO HOUSE INCORPORATED**, providing up to \$399,459.00 in Housing Opportunities for Persons With AIDS Funds, which amount includes a limitation on additional funding in the amount of \$199,729.50, for the operation and administration of a community residence located at 1706 Gellhorn Drive, Houston, Texas, along with the provision of supportive services - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBERS JOHNSON and JONES**
This was Item 18 on Agenda of April 21, 2010

39. Ordinance 2010-0334

ORDINANCE appropriating \$364,600.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **SMITH & COMPANY ARCHITECTS** for Fifth Ward Deluxe Theatre Renovation; providing funding for the Civic Art Program - \$285,000.00 - CDBG Fund - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER CLUTTERBUCK**
This was Item 31 on Agenda of April 21, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Gonzalez 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

4/27/2010 – All Present

4/28/2010 – All Present