

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 10, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0586 to 2010-0600
ORDINANCES – 2009-0634 to 2009-0659
RESOLUTIONS – 2010-0048 to 2010-0049

2010-0585-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

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 2010-0586 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 11, 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 37

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2010-0593

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON PARKS BOARD LGC, INC:**

- Position One - **MR. DON STEPHEN ARON**, reappointment, for a term to expire 1/1/2013
- Position Two - **MR. JOHN ODAM**, reappointment, for a term to expire 1/1/2013
- Position Three - **MS. DINA ALSOWAYEL**, appointment, for a term to expire 1/1/2013
- Position Ten - **MR. HERMAN LUIS STUDE**, appointment, for a term to expire 1/1/2013
- Position Eleven - **MS. ANN LENTS**, appointment, for an unexpired term ending 1/1/2012
- Position Thirteen - **MR. ALEX MARTINEZ**, appointment, for a term to expire 1/1/2013
- Position Fourteen - **MS. KAREN GARCIA**, appointment, for an unexpired term ending 1/1/2012
- Position Sixteen - **MS. VIVIAN KING**, reappointment, for a term to expire 1/1/2013
- Position Eighteen - **MR. DON WOO**, appointment, for an unexpired term ending 1/1/2011
- Position Nineteen - **MR. W. CHARLES "CHUCK" CARLBERG**, reappointment, for a term to expire 1/1/2013

MISCELLANEOUS - continued

2. Motion 2010-0587

RECOMMENDATION from Director Finance Department for approval of the proposed Equipment Acquisition Plan and Technology Investment Plan for FY2011

ACCEPT WORK - NUMBERS 3 through 5

3. Motion 2010-0588

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,577,583.17 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 3.60% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON and I - RODRIGUEZ**

4. Motion 2010-0595

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,385,065.89 and acceptance of work on contract with **GEORGE & EZZELL, INC** for Berkley Lift Station Rehabilitation and Force Main Extension - 2.25% under the original contract amount - **DISTRICT I - RODRIGUEZ**

5. Motion 2010-0589

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,356,751.44 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 0.80% under the original contract amount - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 13

6. Motion 2010-0590

E-ONE for a replacement Fire Engine Cab for Houston Fire Department - \$121,457.00 - General Fund

7. Council Members Noriega and Jones tagged

HOUSTON ARTS ALLIANCE for Administration Services and Installation of Civic Art, entitled "Standing Vase with Five Flowers" for Parks & Recreation Department - \$360,500.00 - Parks Consolidated Construction Fund

8. Ordinance 2010-0646

ORDINANCE appropriating \$115,740.00 out of Equipment Acquisition Consolidated Fund for purchase of Prisoner Transport Bus for Houston Police Department

a. Motion 2010-0596

TEXAS BUS SALES, INC for Prisoner Transport Bus for Houston Police Department

9. Motion 2010-0591

DIGITAL SAFETY TECHNOLOGIES, INC for Installation and Maintenance Services for In-Car Digital Video Recorders for the Houston Police Department - \$147,500.00 - DARLEP Fund

10. Motion 2010-0597

CPR SERVICES AND SUPPLIES, INC d.b.a MDN ENTERPRISES for Fittings and Appurtenances for Department of Public Works & Engineering - \$5,000,000.00 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

11. Motion 2010-0598

CPR SERVICES AND SUPPLIES, INC d.b.a MDN ENTERPRISES for Fire Hydrants for Department of Public Works & Engineering - \$518,860.00 - Enterprise Fund

12. Motion 2010-0599

STEWART & STEVENSON POWER PRODUCTS, LLC for Automotive, Detroit Diesel Replacement Parts and Repair Services for Various Departments - \$970,830.00 - General Fund

13. Motion 2010-0592

SERVICEWEAR APPAREL, INC for Uniforms through the Master Intergovernmental Cooperative Purchasing Agreement with U. S. Communities Lead Public Agency for Various Departments \$5,823,918.25 - General, Enterprise, Park Special Revenue, Special Waste Transportation & Inspection, Grant, Parking Management, Stormwater and Fleet Management Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 37

14. Resolution 2010-0048

RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Baker-Meyer Building
Hilliard House

315 Travis Street
3375 Del Monte Drive

DISTRICT I - RODRIGUEZ
DISTRICT G - PENNINGTON

15. Ordinance 2010-0634

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in several Series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Water and Sewer System Junior Lien Revenue Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

16. Ordinance 2010-0647

ORDINANCE amending Ordinance No. 2009-0220 (Passed by City Council on March 11, 2009) to increase the maximum contract amount and approving and authorizing second amendment to an agreement between the City of Houston and **THE CNA CORPORATION** for Professional Services for the drafting of a Regional Catastrophic Preparedness Plan for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$1,290,433.00 Grant Fund

17. Ordinance 2010-0635

ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **THE HOUSTON-GALVESTON AREA COUNCIL** for a 2010 Sustainable Communities Planning Grant; authorizing cooperation with HGAC in connection with such application

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2010-0636

ORDINANCE consenting to the addition of 0.9558 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**, for inclusion in its district

19. Ordinance 2010-0637

ORDINANCE consenting to the addition of 1.50 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district

20. Ordinance 2010-0638

ORDINANCE approving and authorizing agreement between the City of Houston and **SOUTH UNION HOUSING DEVELOPMENT, LLC** to provide a Performance Based Loan of Federal Neighborhood Stabilization Program Funding in an amount up to \$8,802,425.00 for the acquisition and rehabilitation of a foreclosed 158-unit apartment property at 4001 Corder, Houston, Texas, of which all units will be restricted to occupancy by households with incomes at or below 120% of area median income (AMI), with 25% of the funding to be spent for households with incomes at or below 50% of AMI for a period of 15 years - **DISTRICT D - ADAMS**

21. Ordinance 2010-0639

ORDINANCE approving and authorizing submission of an application for grant assistance to the Office Of Juvenile Justice And Delinquency Prevention For FY10 Solving Community-Based Violence Prevention Demonstration Program for the Houston Police Department; 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

22. Council Member Jones tagged

ORDINANCE approving and authorizing submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor, for the Forensic Science Backlog Reduction for Marihuana Initiative; 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

23. Ordinance 2010-0648

ORDINANCE appropriating \$3,875,152.00 out of Police Consolidated Construction Fund for Project Implementation for the Public Safety Radio System for the Information Technology Department

24. Ordinance 2010-0640

ORDINANCE awarding contract to **INDUSTRIAL TX CORPORATION** for Maintenance and Repair Services for Sludge Dewatering and Drying Equipment for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$11,963,515.00 - Enterprise Fund

25. Ordinance 2010-0641

ORDINANCE awarding contract to **SOUTHEAST TEXAS TREES, LLC** for Tree Removal and Disaster Services for the Parks & Recreation Department; providing a maximum contract amount 3 Years with two one-year options - \$3,172,000.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2010-0649

ORDINANCE issuing a permit to **ENTERPRISE TEXAS PIPELINE LLC**, to operate, maintain, improve, repair and replace nine existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

27. Ordinance 2010-0642

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath three tracts of land containing 10.525 acres commonly known as 4516 Harrisburg Boulevard, Houston, Texas; and including portions of the rights-of-way of Lockwood Drive, Felix Street, and Eastwood Avenue; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**

28. Ordinance 2010-0650

ORDINANCE appropriating \$592,530.00 and authorizing Public Road At-Grade Crossing Agreement between the City of Houston and **UNION PACIFIC RAILROAD** for Crossing Improvements in conjunction with the Market Street Reconstruction Project, located on Market Street near Zindler Street - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

29. Ordinance 2010-0643

ORDINANCE appropriating \$2,150,155.00 out of Metro Projects Construction Fund awarding construction contract to **REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC** for Traffic Signal Construction; 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 contingencies, project management and construction management relating to construction of facilities financed by the Metro Projects Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

30. Ordinance 2010-0651

ORDINANCE appropriating \$5,013,143.00 out of HAS Consolidated 2001 AMT Construction Fund and awarding construction contract to **BOYER, INC** for Storm Water Improvements - IAH Fuel Committee Fuel Facility at George Bush Intercontinental Airport/Houston (Project 406); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON**

31. Ordinance 2010-0644

ORDINANCE appropriating \$140,629.65 out of Solid Waste Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Fuel System Upgrade at Solid Waste Maintenance 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 contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund **DISTRICTS A - STARDIG; C - CLUTTERBUCK and H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2010-0623 – Passed second reading

ORDINANCE No. 2010-0623, passed first reading on August 4, 2010

ORDINANCE granting to **OIL PATCH TRANSPORTATION, INC., 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 - **SECOND READING**

33. Ordinance 2010-0624 – Passed second reading

ORDINANCE No. 2010-0624, passed first reading on August 4, 2010

ORDINANCE granting to **VELEZ TRUCKING, INC., 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 - **SECOND READING**

34. Ordinance 2010-0609 – Passed third and final reading

ORDINANCE No. 2010-0609, passed second reading on August 4, 2010

ORDINANCE granting to **V.F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, 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**

MATTERS RELATING TO THE NOVEMBER 2, 2010 ELECTION

35. Ordinance 2010-0652

ORDINANCE ordering a Special Election to be held on November 2, 2010, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition to amend the City Charter to provide for the creation of a dedicated funding source to enhance, improve and renew the City's drainage systems and streets

36. Ordinance 2010-0645

ORDINANCE ordering a Special Election to be held on November 2, 2010, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition amending the City Charter to change the residency requirement for the November 2011 General Election for district council offices from twelve months to six months preceding the election date

Motion 2010-0594 – Suspend rules to consider Item 37 out of order

37. Council Members Lovell, Jones and Bradford tagged

ORDINANCE ordering a Special Election to be held on November 2, 2010, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition amending the City Charter to change the length of terms for City elective offices from two years to four years, to change term limits for city elective offices to two four-year terms in the same office, and to provide for transition from current provisions

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 38 through 46

38. Council Member Adams tagged

MOTION by Council Member Lovell/Seconded by Council Member Noriega to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,461.13 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6 - 0.77% under the original contract amount **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** - TAGGED BY COUNCIL MEMBERS JONES, BRADFORD and HOANG

This was Item 7 on Agenda of August 4, 2010

39. Resolution 2010-0049

RESOLUTION approving and authorizing the issuance of \$2,500,000 of bonds by the Greater Sharpstown Management District - **DISTRICTS C - CLUTTERBUCK; F - HOANG and G - PENNINGTON** - TAGGED BY COUNCIL MEMBERS HOANG and NORIEGA

This was Item 12 on Agenda of August 4, 2010

40. Ordinance 2010-0653

ORDINANCE awarding contract to **THE PUBLIC GROUP, LLC** for Online Auction Services of General Merchandise, Long Guns, Vehicles and Equipment for the Administration and Regulatory Affairs Department - 5 Years with five one-year options - Revenue
TAGGED BY COUNCIL MEMBER JONES

This was Item 20 on Agenda of August 4, 2010

Motion 2010-0600 – Amendment to Item 41 to increase MWBE subcontracting from 7% to 14%

41. Ordinance 2010-0654 – Adopted as amended

ORDINANCE awarding contract to **RBEX, INC, dba APPLE TOWING CO.** for Towing Services for Vehicles and Equipment for Various Departments; providing a maximum contract amount 3 years with two one-year options - \$2,718,765.00 - General and Fleet Management Funds

TAGGED BY COUNCIL MEMBERS RODRIGUEZ, JONES and HOANG

This was Item 21 on Agenda of August 4, 2010

42. Ordinance 2010-0655

ORDINANCE issuing a permit to **ENTERPRISE INTRASTATE L.P.**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued
DISTRICT E - SULLIVAN - TAGGED BY COUNCIL MEMBER JONES

This was Item 26 on Agenda of August 4, 2010

43. Ordinance 2010-0656

ORDINANCE issuing a permit to **ENTERPRISE PRODUCTS OPERATING LLC**, to operate, maintain, improve, repair and replace three existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - ADAMS and E - SULLIVAN**

TAGGED BY COUNCIL MEMBER JONES

This was Item 27 on Agenda of August 4, 2010

MATTERS HELD – continued

44. Ordinance 2010-0657

ORDINANCE issuing a permit to **SEMINOLE PIPELINE COMPANY**, to operate, maintain, improve, repair and replace four existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ** - TAGGED BY COUNCIL MEMBER JONES

This was Item 28 on Agenda of August 4, 2010

45. Ordinance 2010-0658

ORDINANCE issuing a permit to **SOUTH TEXAS NGL PIPELINES, LLC**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN** - TAGGED BY COUNCIL MEMBER JONES

This was Item 29 on Agenda of August 4, 2010

46. Ordinance 2010-0659

ORDINANCE **AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to taxicabs and sightseeing and charter services, concerning corrections to inadvertent inconsistencies regarding the regulation of taxicabs; and addressing inadvertent omissions regarding regulatory controls concerning sightseeing and charter services as a result of previous omnibus amendments effecting the repeal of the City's regulation of suburban buses; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBER NORIEGA

This was Item 36 on Agenda of August 4, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Adams 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

- 8/10/2010 – Council Member Clutterbuck absent on vacation**
 - Council Member Pennington absent on personal business**
 - Council Member Noriega absent due to being ill**
- 8/11/2010 – Council Member Clutterbuck absent on vacation**
 - Council Member Pennington absent on personal business**