

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 31, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0637 to 2010-0661
ORDINANCES – 2009-0687 to 2009-0717
RESOLUTION – 2010-0055

2010-0636-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Adams

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 2010-0637 – Procedural motion
Motion 2010-0638 – Procedural motion
Motion 2010-0639 – Procedural motion
Motion 2010-0640 – Procedural motion
Motion 2010-0641 – Procedural motion
Motion 2010-0642 – Procedural motion
Motion 2010-0643 – Procedural motion
Motion 2010-0644 – Procedural motion
Motion 2010-0645 – Procedural motion
Motion 2010-0646 – Procedural motion
Motion 2010-0647 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 1, 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 2010-0650 – Close hearing**
PUBLIC HEARING regarding project concerning 2.6 acres of designated park land near Allen Parkway and Gillette Street

Motion 2010-0648 – Suspend rules to receive the financial report prior to the public hearing

Motion 2010-0649 – Accept report

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 2 through 38

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2010-0651

REQUEST from Mayor for confirmation of the appointment of **MR. BRIAN K. CANNELL (Houston Independent School District Representative)** to Position Six of the **BOARD OF DIRECTORS OF THE CITY PARK REDEVELOPMENT AUTHORITY**, for a term to expire December 7, 2011

3. Motion 2010-0652

REQUEST from Mayor for confirmation of the appointment of **MS. CHRISTINE DIAZ** (Harris County AFL-CIO Council nominee) to Position Two of the **ETHICS COMMITTEE** for a term to expire December 31, 2011

ACCEPT WORK - NUMBERS 4 through 6

4. Motion 2010-0653

RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$101,240.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos/Lead Abatement, Demolition and Disposal at Six Department of Public Works & Engineering Water Plants - 4.99% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN and G - PENNINGTON**

5. Motion 2010-0654

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,039,045.50 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-56) - 3.43% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS and F - HOANG**

6. Motion 2010-0655

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,027,788.53 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-59) - 1.58% over the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10A

7. Motion 2010-0657

PREFERRED TECHNOLOGIES, INC - \$1,317,657.31, **TROUBADOUR, LTD.** - \$1,072,582.17 and **NWN CORPORATION** - \$125,000.00 for the City of Houston's Public Safety Video Initiative Project through the City's Master Agreement with the Texas Department of Information Resources for the Mayor's Office of Public Safety and Homeland Security; plus contingencies for a total project amount not to exceed \$2,766,763.43 - Grant Fund

8. Motion 2010-0656

INX, INC for Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department - 1 Year - \$1,412,840.13 - Central Service Revolving Fund

9. Ordinance 2010-0702

ORDINANCE appropriating \$402,380.00 out of Fire Consolidated Construction Fund for Facility Improvements at Fire Station No. 20 (Phase II) for the General Services Department

a. Motion 2010-0658

MOMENTUM CONTRACTORS, INC for Facility Improvements at First Station No. 20 (Phase II) for the General Services Department - \$365,800.00 and contingencies for a total amount not to exceed \$402,380.00 - **DISTRICT I - RODRIGUEZ**

10. Ordinance 2010-0703

ORDINANCE appropriating \$418,181.00 out of Police Consolidated Construction Fund for Emergency Fire Alarm System Design, Build and Installation Services at the Houston Police Department Central Command Station Complex

a. Motion 2010-0659

KOETTER FIRE PROTECTION OF HOUSTON, L.L.C. - \$311,350.00 and contingencies for a total amount not to exceed \$342,485.00 for Fire Alarm System Design, Build and Installation Services, **INLAND ENVIRONMENTAL SERVICES, LTD.** - \$58,880.00 for Asbestos Abatement at the Houston Police Department Central Command Station Complex for General Services Department - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 38

11. Resolution 2010-0055

RESOLUTION designating certain property within the City of Houston as a historic landmark (Caravella-Bazile House, 2027 Sunset Boulevard) - **DISTRICT C - CLUTTERBUCK**

12. Ordinance 2010-0704

ORDINANCE releasing certain territory consisting of approximately 73 acres in Harris County in the vicinity of the City of Humble, Texas, from the extraterritorial jurisdiction of the City of Houston

13. Ordinance 2010-0687

ORDINANCE creating the **DEAN FOODS D/B/A SOUTHERN FOODS GROUP, LLC REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT I - RODRIGUEZ**

a. Ordinance 2010-0688

ORDINANCE approving and authorizing Tax Abatement and Chapter 380 Economic Development Agreement between the City of Houston, Texas and **SOUTHERN FOODS GROUP, LLC** for certain property located within the Dean Foods d/b/a Southern Foods Group, LLC Reinvestment Zone - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

b. Ordinance 2010-0689

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of: (1) Clay Avenue, from Velasco Street east to its terminus (SY10-001A), (2) Denver Street, from Velasco Street east to its terminus (SY10-001B), (3) Roberts Street, from Bell Avenue to Denver Street (SY10-011C), (4) Roberts Street, from Leeland Avenue to Bell Avenue (SY10-011D), (5) Bell Avenue, from Velasco Street east to its terminus (SY10-011E), (6) six sanitary sewer easements consisting of tracts of 0.0741 acres (SY10-011H), 0.0326 acres (SY10-011I), 0.0257 acres (SY10-011J), 0.0186 acres (SY10-011K), 0.0449 acres (SY10-011L), and 0.1084 acres (SY10-011M), (7) Roberts Street, from Clay Avenue north approximately 100 feet (SY10-011O), (8) a storm sewer easement commencing at the terminus of Bell Avenue (SY10-011P), and (9) a variable-width utility easement (SY10-011Q), all located in the Henry Thurwachter Survey, A-75, Harris County, Texas; vacating and abandoning the street rights-of-way and easements to Southern Foods Group, LLC, abutting owner, in consideration of (A) conveyance to the City of (I) a water line easement in Denver Street (KY10-053), (II) a storm sewer easement commencing at the east line of the former Roberts Street (LY10-033), (III) utility easements in Bell Avenue (VY10-040) and Roberts Street (VY10-041), and (IV) a sanitary sewer easement along the north line of the property (DY10-040), also located in the Henry Thurwachter Survey, and (B) owner's performing certain obligations in the Tax Abatement and Chapter 380 Economic Development Agreement and related agreements between owner and the City; authorizing City Officers to determine the performance of such obligations by owner and to execute and deliver conveyance instruments and such related agreements documents when appropriate - **DISTRICT I - RODRIGUEZ**

14. Ordinance 2010-0705

ORDINANCE approving and authorizing Lease Agreement for ten years between Cullen Continental II Co., L.P., a Delaware Limited Partnership, Landlord, and the City of Houston, Texas, for a total of 63,850 square feet of space located at 600 Jefferson Street, Houston, Harris County, Texas, at a monthly rental of \$72,735.79 during the first eight (8) months and thereafter at market rate increases; landlord to pay construction and relocation costs, operating expenses and parking charges; for use by various divisions of the Houston Fire Department - **DISTRICT I - RODRIGUEZ**

15. Ordinance 2010-0706

ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **UNITED PARCEL SERVICE, INC** for certain premises at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON**

16. Ordinance 2010-0690

ORDINANCE approving and authorizing a second amendment to the contract between the City and **JPMORGAN CHASE BANK, N.A. (#C73154)** for Pay Connexion Service Terms Agreement to provide Point-of-Sale Payment Processing Services for all City Departments

17. Ordinance 2010-0691

ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **HARMONY HOUSE, INC** for the Reimbursement of Equipment purchased from Texas Department of Health Services Grant Funds for residential facilities that house tuberculosis patients for the Department of Health and Human Services - 5 Years - \$135,680.00 - Grant Fund

18. Ordinance 2010-0707

ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** to implement State Tuberculosis Prevention Program in the African American Community from Grant Funds for the Houston Department of Health and Human Services

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2010-0692

ORDINANCE de-appropriating \$292,319.95 out of Hurricane Ike Aid and Recovery Fund (Created by Ordinance No. 2008-823); appropriating \$292,319.95 to the Health Special Revenue Fund for specific public health purposes for the Houston Department of Health and Human Services

20. Ordinance 2010-0693

ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTICULTURAL COMMUNITY SERVICES**, providing up to \$290,150.00 in Housing Opportunities for Persons With AIDS Funds for the Operation and Administration of a Short-term Rent Mortgage and Utility Assistance Program - **DISTRICT F - HOANG**

21. Ordinance 2010-0708

ORDINANCE approving and authorizing City of Houston to enter into contracts with **ALIEF INDEPENDENT SCHOOL DISTRICT, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT**, and **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA**, to administer an After School Achievement Program - \$165,000.00 - General Fund - **DISTRICTS A - STARDIG; F - HOANG and G - PENNINGTON**

22. Ordinance 2010-0694

ORDINANCE appropriating \$6,551,411.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation to contract between the City of Houston and **SIEMENS INDUSTRY, INC** for Implementation of Energy Conservation Measures at Health Department Facilities for the General Services Department (Approved by Ordinance No. 2010-317) - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

23. Ordinance 2010-0709

ORDINANCE appropriating \$914,260.00 out of Equipment Acquisition Consolidated Fund and awarding contract to **FUSION CONSULTING, INC** for SAP Business Objects Rapid Marts Implementation Services for the Information Technology Department; establishing a maximum contract amount of \$1,082,700.00

24. Council Member Bradford tagged

ORDINANCE appropriating \$3,000,000.00 out of FY11 Equipment Acquisition Consolidated Fund as an additional appropriation for Houston Municipal Courts Case Management System; approving and authorizing a first amendment to the contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863); providing for expenses relating to the development and implementation of the system

25. Council Member Bradford tagged

ORDINANCE awarding contract to **RBEX, INC dba APPLE TOWING CO.** for Towing and Storage Services for Seized Vehicles for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,375,000.00 - Asset Forfeiture Fund

26. Ordinance 2010-0710

ORDINANCE approving and authorizing contract between City and **FREEMAN AUDIO VISUAL SOLUTIONS, INC** for Audio-Visual Services for the Convention and Entertainment Facilities Department - 2 Years with three one-year options - Revenue

RESOLUTIONS AND ORDINANCES - continued

27. Ordinance 2010-0695

ORDINANCE appropriating \$300,000.00 out of Fire Consolidated Construction Fund and amending Ordinance No. 2007-1052 (Passed on September 12, 2007) to increase the maximum contract amount and approving first amendment to contract between the City of Houston and **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments \$356,255.11 - Fire Consolidated Construction and In-House Renovation Revolving Funds

28. Council Members Lovell, Adams and Johnson tagged

ORDINANCE awarding Job Order Contracts to **TIMES CONSTRUCTION, INC** and **J. E. DUNN CONSTRUCTION COMPANY** for Minor Construction, Repairs, Rehabilitations and Alterations of Various City Facilities; providing a maximum contract amount of \$10,000,000 for each contract 5 Years

29. Ordinance 2010-0696

ORDINANCE appropriating \$40,147.00 out of Fire Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at Fire Station 30; 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 project management and construction oversight, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT H - GONZALEZ**

30. Ordinance 2010-0697

ORDINANCE approving and authorizing Professional Educational Services Contract between the City of Houston and **ENVIRONMENTAL TRAINING CENTER** for Texas Commission on Environmental Quality License Training - \$75,000.00 - Enterprise Fund

31. Ordinance 2010-0711

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **AIRLINE IMPROVEMENT DISTRICT** to provide Water and Sanitary Sewer Service outside the City of Houston - Revenue

32. Ordinance 2010-0712

ORDINANCE appropriating \$1,937,200.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Street and Traffic Enhancement for Near Northside Sidewalk 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ**

33. Ordinance 2010-0713

ORDINANCE appropriating and transferring \$2.6 Million out of Fleet/Equipment Special Revenue Fund into the General Fund Fund Balance

34. Ordinance 2010-0698 – Passed first reading

ORDINANCE granting to **BCS RESOURCE, L.L.C., A Texas Limited Liability Company**, 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 - **FIRST READING**

RESOLUTIONS AND ORDINANCES - continued

35. Ordinance 2010-0699 – Passed first reading

ORDINANCE granting to **J. A. GAMEZ TRUCKING SERVICES, 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 **FIRST READING**

36. Ordinance 2010-0700 – Passed first reading

ORDINANCE granting to **GALLEGOS & SONS TRUCKING, 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 - **FIRST READING**

37. Ordinance 2010-0701 – Passed first reading

ORDINANCE granting to **IESI, 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 - **FIRST READING**

38. Ordinance 2010-0682 – Passed second reading

ORDINANCE No. 2010-682, passed first reading on August 25, 2010

ORDINANCE granting to **GI ENVIRONMENTAL VACUUM SERVICE, 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 39 through 42

39. Ordinance 2010-0714

ORDINANCE approving Oil and Gas Lease with **SOUTHERN STAR EXPLORATION, LLC**, as Lessee, for prospecting for and producing oil and gas from the City's Herman Brown Park, Brock Park, parts of Maxey Park, and Public Works McCarty Road Service Center - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** - TAGGED BY COUNCIL MEMBER JONES
This was Item 10 on Agenda of August 25, 2010

MATTERS HELD - continued

40. Ordinance 2010-0715

ORDINANCE appropriating \$2,204,176.69 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston, Texas (Leland Woods Zone) for administrative expenses, payments to Houston Independent School District, and payment to certain redevelopment authorities as provided herein - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 11 on Agenda of August 25, 2010

41. Motion 2010-0660 – Adopt

WRITTEN Motion by Council Member Stardig to amend Item 41A below to read as follows: Section 1.04 Government Requirements and Approvals. DEVELOPER will apply for and use its best efforts to obtain, at its own expense, any and all necessary subdivision plats, permits, licenses, variances, and approvals that are necessary to construct the Project, including any environmental controls. DEVELOPER shall satisfy all permitting requirements, including but not limited to detention and building permitting requirements. - **TAGGED BY COUNCIL MEMBER STARDIG**

Motion 2010-0661 – Motion by Council Member Gonzalez/Seconded by Council Member Bradford to amend Item 41a to provide that the Administration shall, within 90 days of passage of the ordinance, present a plan to connect the current terminus of the MKT hike & bike trail to the Southern end of the West White Oak Bayou hike & bike trail to create a public access east/west into T.C. Jester – **Adopted**

a. Ordinance 2010-0716 – Adopt as amended

ORDINANCE approving agreement between the City of Houston, Texas and **INTOWN HOMES, LTD.** pursuant to Chapter 380 of the Texas Local Government Code for Economic Development Assistance for development of three residential subdivisions in the City - **DISTRICTS A - STARDIG and H - GONZALEZ** - **POSTPONED BY MOTION #2010-636, 8/25/10**
This was Item 19 on Agenda of August 25, 2010

MATTERS HELD - continued

42. Ordinance 2010-0717

ORDINANCE approving and authorizing contract between the City of Houston and **GT DISTRIBUTORS, INC** for Conducted Energy Devices (Tasers), Accessories, Supplies and Repair Services for the Houston Police Department; providing a maximum contract amount 5 Years - \$4,452,310.25 - General Fund

TAGGED BY COUNCIL MEMBER JONES

This was Item 20 on Agenda of August 25, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Stardig 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

8/31/2010 – Council Member Costello absent due to being ill

9/1/2010 – Council Member Jones out of the City on City business