

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 16, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2010-0080 to 2010-0089
ORDINANCES – 2009-0132 to 2009-0151
RESOLUTION – None

2010-0079-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

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 2010-0080 – Procedural motion
Motion 2010-0081 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 17, 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 2010-0082 – Close hearing**
PUBLIC HEARING to consider a Municipal Setting Designation ordinance (MSD) for Harcros Chemicals, Inc and Union Pacific Rail Road for the site located at 1701 and 1610 Oliver Street, Houston, Texas - **DISTRICT H - GONZALEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 29

MISCELLANEOUS - NUMBER 2

2. **Motion 2010-0083**
RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Midwest Police Station District 18 - **DISTRICT F - HOANG**

ACCEPT WORK - NUMBERS 3 through 5

3. Motion 2010-0084

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$259,546.00 and acceptance of work on contract with **MGM CONSORTIUM, LLC d/b/a ARRIBA CONSTRUCTION LLC** for Guadalupe Plaza - 3.82% over the original contract amount **DISTRICT H - GONZALEZ**

4. Motion 2010-0085

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$334,984.00 and acceptance of work on contract with **EXCALIBUR EXCAVATION, L.P.** for Paving and Drainage Improvements at the Southwest Environmental Service Center 3.19% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

5. Motion 2010-0086

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,645,139.11 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Spring Oaks - 11.49% under the original contract amount - **DISTRICT A - STARDIG**

PROPERTY - NUMBER 6

6. Motion 2010-0087

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Doug Moss, Percheron Acquisitions, LLC, on behalf of Monument Pipeline, LP, [NET General Partners, LLC (Jerry C. Dearing, Vice President), General Partner], for the sale of a ±22,659-square-foot subsurface pipeline easement and a ±80,788-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042, Parcels SY10-050A and SY10-050B - **DISTRICT E - SULLIVAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 and 8

7. Council Members Jones, Costello and Bradford tagged

KEMIRA WATER SOLUTIONS - \$4,739,569.70 for Liquid Ferrous Iron Solution and payment to **PENCCO, INC** - \$1,071,600.00 for Emergency Purchase of Liquid Ferrous Iron Solution for Department of Public Works & Engineering - Enterprise Fund

8. Motion 2010-0088

SINGLE SOURCE, INC for Automotive, Refinishing Products for Various Departments mot \$611,586.74 - General Fund

ORDINANCES - NUMBERS 9 through 29

9. Ordinance 2010-0132

ORDINANCE consenting to the addition of 4.490 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, for inclusion in its district

10. Ordinance 2010-0133

ORDINANCE consenting to the addition of 4.5683 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**, for inclusion in its district

ORDINANCES - continued

11. Ordinance 2010-0134

ORDINANCE approving and authorizing correction to Resident Company, Ticket Surcharge and Backstage Operations Agreement for Jones Hall between the City of Houston, **THE FOUNDATION FOR JONES HALL**, the **HOUSTON SYMPHONY SOCIETY**, and **THE SOCIETY FOR THE PERFORMING ARTS** to correct a scrivener's error in the amount of ticket surcharge - **DISTRICT I - RODRIGUEZ**

12. Ordinance 2010-0135

ORDINANCE approving and authorizing first amendment to the Lease Agreement (Contract No. C70671) by and between the City of Houston, Texas ("Landlord") and **FOURTH WARD CLINIC, dba GOOD NEIGHBOR HEALTHCARE CENTER ("Tenant")** for space at the West End Multi-Service Center Building located at 190 Heights Boulevard, Houston, Harris County, Texas **DISTRICT H - GONZALEZ**

13. Ordinance 2010-0136

ORDINANCE appropriating \$107,861.43 out of Public Health Consolidated Construction Fund approving and authorizing the issuance of purchase order to **CONTRACT RESOURCE GROUP, L.L.C.** for Furniture for the Northeast Multi-Service Center and Fifth Ward Multi-Service Center **DISTRICT B - JOHNSON**

14. Council Member Sullivan tagged

ORDINANCE amending Ordinance No. 2009-287 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and the **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for Elderly Services provided through the Harris County Area Agency on Aging - \$5,364,720.52 - American Recovery and Reinvestment Act and Other Grant Funds

15. Ordinance 2010-0137

ORDINANCE approving the grant application and accepting the grant award from the **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)** for the 2009 Lead-Based Paint Hazard Control Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$975,000.00 CDBG Funds

16. Ordinance 2010-0138

ORDINANCE approving the grant application and accepting the grant award from the **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)** for the 2009 Lead-Hazard Reduction Demonstration Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$975,000.00 CDBG Funds

17. Ordinance 2010-0149

ORDINANCE approving and authorizing submission of an application for grant assistance to the State of Texas through the Criminal Justice Division ("CJD"), Office of the Governor, for the **GANG RESISTANCE EDUCATION AND TRAINING (GREAT) PROGRAM 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

ORDINANCES - continued

18. Ordinance 2010-0139

ORDINANCE approving and authorizing second amendment to contract between the City and **DATABANK IMX LLC, formerly IMAGEMAX, INC** (Approved by Ordinance No. 2000-194) for Document Scanning and Retrieval Services for the Controller's Office

19. Ordinance 2010-0150

ORDINANCE amending Ordinance No. 2008-806 to approve supplemental allocation and to remove the maximum contract amount for Compromise and Settlement Agreement between the City of Houston and **COURT VIEW JUSTICE SOLUTIONS (Formerly MAXIMUS, INC)** for costs relating to the Municipal Courts Case Management System - \$405,000.00 - Municipal Courts Technology Fund

19-1 Ordinance 2010-0140

ORDINANCE approving and authorizing contract between the City and **SPAY NEUTER ASSISTANCE PROGRAM, INC** for Mobile Clinic to provide Spay/Neuter Services on dogs and cats in neighborhoods with large populations of loose animals; providing a maximum contract amount - 5 years - \$282,000.00 - General Fund

20. Ordinance 2010-0141

ORDINANCE appropriating \$312,570.00 out of Street & Bridge Consolidated Construction Fund and \$131,830.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing first amendment to the Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** (Approved by Ordinance No. 2006-186); approving and authorizing an Advance Funding Agreement for Voluntary Local Government Contributions between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Replacement of North Wayside Drive Bridge at Halls Bayou; providing funding for contingencies relating to construction of facilities financed by the above-referenced funds **DISTRICT B - JOHNSON**

21. Ordinance 2010-0142

ORDINANCE appropriating \$12,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Kirkwood and Briarforest Storm Sewer Improvements and Bellaire West Drainage Improvements **DISTRICTS F - HOANG and G - PENNINGTON**

22. Ordinance 2010-0143

ORDINANCE appropriating \$495,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LOCKWOOD ANDREWS & NEWNAM, INC** for Extended Feasibility Study for Meyerland Area, Garden Oaks, and Shepherd Forest Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICTS A - STARDIG and C - CLUTTERBUCK**

23. Ordinance 2010-0144

ORDINANCE appropriating \$226,588.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MICHAEL BAKER JR., INC** for Extended Feasibility Study for Easthaven Boulevard Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund
DISTRICT I - RODRIGUEZ

ORDINANCES - continued

24. Ordinance 2010-0145

ORDINANCE appropriating \$275,554.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC, A Wholly-Owned Subsidiary of the Howard R. Green Company** for Extended Feasibility Study for Binglewood and Inwood Forest Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT A - STARDIG**

25. Ordinance 2010-0146

ORDINANCE appropriating \$214,100.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TSC ENGINEERING COMPANY** for Extended Feasibility Study for Western Village and Sherwood Estates Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT A - STARDIG**

26. Ordinance 2010-0147

ORDINANCE appropriating \$7,617,030.00 out of Metro Projects Construction Fund and \$948,820.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B SERVICES, L.L.P.** for Pinemont Drive Paving from T.C. Jester to Ella Blvd.; 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 and Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON**

27. Ordinance 2010-0148

ORDINANCE appropriating \$11,362,650.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for 69th Street WWTP Improvements (Package 3); 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 - **DISTRICT I - RODRIGUEZ**

28. Ordinance 2010-0120 – Passed second reading

ORDINANCE No. 2010-120, passed first reading February 10, 2009

ORDINANCE granting to **ACTION RESTORATION, 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**

29. Ordinance 2010-0121 – Passed second reading

ORDINANCE No. 2010-121, passed first reading February 10, 2009

ORDINANCE granting to **PNEUVAC TRANSFER, INC, d/b/a UVAC, 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 30 and 31

30. Motion 2010-0089 – Adopt

MOTION by Council Member Clutterbuck/Seconded by Council Member Noriega to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$7,062,707.77 and acceptance of work on contract with **PACE SERVICES, L.P.** for Sharpstown Area Drainage Improvements - 2.15% over the original contract amount **DISTRICTS C - CLUTTERBUCK and F – HOANG - TAGGED BY COUNCIL MEMBER JONES**

This was Item 2 on Agenda of February 10, 2010

31. Ordinance 2010-0151

ORDINANCE finding and determining public convenience and necessity for the acquisition of easements and related real property interests in connection with the new Public Safety Radio System; authorizing the acquisition of the property interests required for such system and payment of the costs of such purchases, leases and/or eminent domain proceedings of such property interests and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of such property interests - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 18 on Agenda of February 10, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello 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

2/16/2010 – All Present

2/17/2010 – Council Member Johnson absent due to being ill