

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 26, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2010-0035 to 2010-0050
ORDINANCES – 2009-0047 to 2009-0070
RESOLUTION – 2010-0002

2010-0034-1

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 2010-0035 – Procedural motion
Motion 2010-0036 – Procedural motion
Motion 2010-0037 – Procedural motion
Motion 2010-0038 – Procedural motion
Motion 2010-0039 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 27, 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 2010-0040 – Close hearing**
PUBLIC HEARING to consider a Municipal Setting Designation ordinance (MSD) for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Drive - **DISTRICT H - GONZALEZ**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 37

MISCELLANEOUS - NUMBERS 2 through 4

2. Motion 2010-0047

CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2010:

Position One - Mayor Annise D. Parker

Position Two - Council Member Anne Clutterbuck

Alternate At-Large Positions - Council Members Sue Lovell and Melissa Noriega

3. Motion 2010-0048

RECOMMENDATION from Acting Fire Chief to approve the sale of Decommissioned Firefighting Equipment and Bunker Gear our "Sister City" Tampico, Mexico

4. Motion 2010-0041

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,060,290.00 for permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for 2010 groundwater withdrawal and 2009 amendment fees - Enterprise Fund

DAMAGES - NUMBER 5

5. Motion 2010-0042

RECOMMENDATION from City Attorney for settlement of claim of **KEITH BOONE and LINDA ZAPALAC, parents of LEIGH BESS BOONE (Deceased)** - \$225,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 6 and 7

6. Motion 2010-0043

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,013,438.12 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 5.07% under the original contract amount

7. Motion 2010-0044

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,048,179.90 and acceptance of work on contract with **SHUMAKER-HARVEY EQUIPMENT CO., INC dba SHE-CO., INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 1.80% over the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 12

8. Motion 2010-0049

RELIEF SERVICES for VETERINARY PRACTITIONERS (RSVP) for Emergency Veterinary Services for the Bureau of Animal Regulation and Care (BARC) - \$20,000.00 - General Fund

9. Motion 2010-0045

PEARLAND ALTERNATOR COMPANY, INC - \$199,680.00 and **HOMER J. WOOD dba WOOD ALTERNATOR & STARTER SERVICE** - \$271,169.80 for Ambulance, Pumper and Ladder Truck Replacement Parts for Fire Department - General Fund

10. Pulled - Not Considered

INTERNATIONAL FORENSIC SCIENCE LABORATORY & TRAINING CENTRE for Firearms Analysis Services for the Houston Police Department - \$80,000.00 - Grant Fund

PURCHASING AND TABULATION OF BIDS - continued

11. Motion 2010-0046

CONSOLIDATED TRAFFIC CONTROL, INC for Audible Pedestrian Signals in accordance with the American Disabilities Act for Department of Public Works & Engineering - \$111,380.00 Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON and H - GONZALEZ**

12. Motion 2010-0050

TOTER INCORPORATED for Automated Recycling Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson, Arizona for Solid Waste Management Department \$2,874,972.15 - American Recovery & Reinvestment Act Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 37

13. Resolution 2010-0002

RESOLUTION requesting H-GAC add the Design and Construction of Pedestrian Improvements (identified in the Montrose Pedestrian-Bicyclist Special Districts Study) in the Transportation Improvement Program for Congestion Mitigation and Air Quality Funding Consideration **DISTRICT D - ADAMS**

14. Ordinance 2010-0065

ORDINANCE relating to the Retail Electric Rates of **ENERGY TEXAS, INC** within the City of Houston, Texas; suspending for ninety days the effective date of new rates - **DISTRICT E - SULLIVAN**

15. Council Member Gonzalez tagged

ORDINANCE approving and authorizing contract between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, A Texas Nonprofit Corporation**, to provide \$3,000,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 144 Unit Affordable Family Housing Apartment Complex to be located in the Near Northside on an approximately 5.72 acre tract on Irvington Boulevard, of which 26 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT H - GONZALEZ**

16. Council Member Stardig tagged

ORDINANCE approving and authorizing contract between the City of Houston and **ORCHARD COMMUNITIES, INC, A Texas Nonprofit Corporation**, to provide \$3,540,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 118 Unit Affordable Senior Housing Apartment Complex on an approximately 5.6965 acre tract at the northeast corner of Brinkman and West 34th Street, of which 30 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT A - STARDIG**

17. Ordinance 2010-0066

ORDINANCE appropriating \$79,900.00 out of TIRZ Affordable Housing Fund (Fund 2409) for work related to one (1) of the thirty-three (33) houses described herein and approving and authorizing thirty-three (33) Single Family Home Repair Contracts between the City, as the Repair Agency acting on behalf of thirty-three (33) homeowners, and two (2) construction contractors (**JOSHUA DADE HOMES AND GENERAL CONTRACTOR SERVICES, INC**) and providing \$2,459,208.00 in Community Development Block Grant (Disaster Recovery) Funds, \$77,300.00 in Community Development Block Grant (Fund 5000) Funds and \$79,900.00 in TIRZ (Fund 2409) Funds for the Demolition and Reconstruction Work on thirty three (33) houses for the Single Family Home Repair Program - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2010-0047

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **INWOOD FOREST SUBDIVISION, SECTIONS 1 - 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

19. Ordinance 2010-0048

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **INWOOD FOREST SUBDIVISION, SECTIONS 8 and 9** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

20. Ordinance 2010-0049

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ABST 269 J FLOWERS SUBDIVISION, ECONOMY SUBURBAN GARDENS SUBDIVISION, HERZOG HP SECTION 2 HILLDALE SUBDIVISION, HILLEND AHL ACRES SUBDIVISION, LENTZ VILLAS SUBDIVISION, LONG POINT MANOR SUBDIVISION, LONG POINT OAKS SUBDIVISION, POINT PLACE SUBDIVISION, SILVERBONNET PLACE SUBDIVISION, THONIG TRACT ABST 269 J FLOWERS, and WOODVINE LOFTS SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

21. Ordinance 2010-0050

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

22. Ordinance 2010-0051

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 1, 2 and 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

23. Ordinance 2010-0052

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 3, 5, 7, 11 and 13, SECTION 8 REPLAT, SECTION 8 2ND REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

24. Ordinance 2010-0053

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 9, 10, 12, 15, 16, 17, 18, and 19, SECTION 9 REPLAT, SECTION 17 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - STARDIG**

25. Ordinance 2010-0054

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **WESTCHESTER SUBDIVISION, SECTIONS 1, 2, and SECTION 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON**

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2010-0055

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **GLENBROOK VALLEY SUBDIVISION, SECTIONS 1 - 4, 6 - 11, GLENBROOK VALLEY SUBDIVISION, SECTIONS 5 REPLAT, 7 REPLAT and 12 REPLAT**, and **GLENBROOK VALLEY SUBDIVISION, SECTION 7 EXTENSION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ**

27. Ordinance 2010-0067

ORDINANCE awarding contract between the City of Houston and **HOUSTON AUTO AUCTION, INC** for Surplus Vehicle Auctioneering Services for Finance Department - Revenue

28. Ordinance 2010-0056

ORDINANCE amending Ordinance No. 2006-0246 (Passed on March 8, 2006) to increase the maximum contract amount for contract between the City of Houston, the **COUNTY OF LOS ANGELES**, and **OFFICE DEPOT** for Purchase of Office Supplies for Various Departments \$3,627,521.10 - General, Enterprise, Grant and Other Funds

29. Ordinance 2010-0057

ORDINANCE appropriating \$325,000.00 out of Airports Improvement Fund as additional funding for Professional Environmental Consulting Services Contract between the City of Houston and **BROWN AND CALDWELL** for the Houston Airport System (Project No. 625A; Contract No. 4600007063) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

30. Ordinance 2010-0058

ORDINANCE appropriating \$1,470,000.00 out of Street & Bridge Consolidated Construction Fund and \$1,567,825.55 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**; approving and authorizing Amendment One to an Advance Funding Agreement; for the reconstruction of Little York from Airline to Hardy Road **DISTRICTS B - JOHNSON and H - GONZALEZ**

31. Ordinance 2010-0059

ORDINANCE appropriating \$25,000.00 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 the Wi-Max Radio System

32. Ordinance 2010-0060

ORDINANCE approving and authorizing Professional Environmental Consulting Services Contracts between the City of Houston and **WESTON SOLUTIONS, INC** and **TERRACON CONSULTANTS, INC** for Environmental Assessments under the Brownfield Redevelopment Program; providing maximum contract amounts - Total for both contracts \$260,099.32 - Grant Fund

33. Ordinance 2010-0068

ORDINANCE appropriating \$803,988.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract with **SES HORIZON CONSULTING ENGINEERS, INC** for Whiteheather Storm Sewer Improvements (Approved by Ordinance No. 2005-0842) - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

34. Ordinance 2010-0061

ORDINANCE appropriating \$212,147.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROOKS & SPARKS, INC** for Safe Sidewalk Program; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG; E - SULLIVAN and H - GONZALEZ**

35. Ordinance 2010-0062

ORDINANCE appropriating \$1,408,660.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Airline Drive: Canino to Tidwell Drainage Improvements (Glen Oaks) (Approved by Ordinance No. 2007-596) **DISTRICTS B - JOHNSON and H - GONZALEZ**

36. Ordinance 2010-0063

ORDINANCE appropriating \$2,513,000.00 out of Drainage Improvement Commercial Paper Series F Fund; \$107,000.00 out of Water & Sewer System Consolidated Construction Fund, and \$3,350,000.00 out of Drainage Improvement Commercial Paper Series F Fund (which \$3,350,000.00 is to be reimbursed by TxDOT); awarding contract to **JFT CONSTRUCTION, INC** for Whiteheather Storm Sewer Improvements Segment II; 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 Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund **DISTRICT D - ADAMS**

37. Ordinance 2010-0064

ORDINANCE appropriating \$2,250,550.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SCOHIL CONSTRUCTION SERVICES, L.L.C.** for Water Line Replacement in Link Valley Areas, 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 38 through 40

38. Ordinance 2010-0069

ORDINANCE **AMENDING SECTION 4608 OF CHAPTER 46 OF THE BUILDING CODE OF THE CITY OF HOUSTON, TEXAS, THE HOUSTON SIGN CODE**, to authorize temporary signage for businesses adjacent to light rail construction projects
TAGGED BY COUNCIL MEMBERS LOVELL and NORIEGA
This was Item 15 on Agenda of January 20, 2010

MATTERS HELD - continued

39. Council Member Rodriguez tagged

ORDINANCE appropriating \$60,000.00 out of Public Health Consolidated Construction Fund; awarding Construction Management At Risk Contract to **SPAWMAXWELL COMPANY, LLC** for Bureau of Animal Regulation and Care Facility Expansion/Renovation & Ann Slemmons Young Animal Center - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 29 on Agenda of January 20, 2010

40. Ordinance 2010-0070

ORDINANCE appropriating \$385,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Local Rehabilitation Contingency Projects under the American Recovery and Reinvestment Act - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER NORIEGA**

This was Item 36 on Agenda of January 20, 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

1/26/2010 – All Present

1/27/2010 – All Present