

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 22, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

**MOTIONS 2010-0395 to 2010-
ORDINANCES – 2009-0482 to 2009-0507
RESOLUTION – None**

2010-0394-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Jones

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

1:30 P. M. - JOINT SESSION - HARRIS COUNTY COMMISSIONERS COURT

Pursuant to Sec. 61.158(C) of the Texas Water Code a Joint Session of the City Council of the City of Houston and the Harris County Commissioners Court has been called for Tuesday, June 22, 2010 at 1:30 p.m. in the City Council Chamber on the second floor of City Hall, located at 901 Bagby in Houston, Texas for the purpose of nominating and appointing the Chairman of the Board of Commissioners of the Port of Houston Authority of Harris County, Texas

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 2010-0395 – Procedural motion
Motion 2010-0396 – Procedural motion
Motion 2010-0397 – Procedural motion
Motion 2010-0398 – Procedural motion
Motion 2010-0399 – Procedural motion
Motion 2010-0400 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JUNE 23, 2010 - 9:00 A. M.

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

HEARINGS

1. **Motion 2010-0401 – Close hearing**
PUBLIC HEARING on a proposal for the City of Houston to amend Land Use Assumptions, A Capital Improvement Plan, and Impact Fees in accordance with Chapter 395 of the Texas Local Government Code

HEARINGS - continued

a. **Ordinance 2010-0482 – Passed first reading**

ORDINANCE adopting amended Land Use Assumptions, Capital Improvement Plan, and Impact Fees in accordance with Chapter 395 of the Texas Local Government Code; amending Chapter 47 of the Code of Ordinances of Houston, Texas and containing findings and other provisions relating to the foregoing subject; containing a savings clause; and providing for severability - **FIRST READING**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 36

MISCELLANEOUS - NUMBER 2

2. **Motion 2010-0402**

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT**, for terms to expire June 1, 2014:

Position Sixteen - **MS. EDNA L. RAMOS**
Position Seventeen - **MS. SHEREA A. MCKENZIE**
Position Eighteen - **MR. KARUN SREERAMA**
Position Nineteen - **MR. DONALD J. HENDERSON**
Position Twenty - **MS. JACQUELINE C. TRAYWICK**
Position Twenty-one - **MR. MUSTAFA TAMEEZ**
Position Twenty-two - **MR. GARY W. WARWICK**
Position Twenty-three - **MR. KENNY MEYER**

ACCEPT WORK - NUMBER 3

3. **Motion 2010-0403**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,228,029.35 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section II - 2.05% over the original contract amount - **DISTRICT H - GONZALEZ**

PROPERTY - NUMBER 4

4. **Motion 2010-0404**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Turnbo, Gullett & Associates, Inc, on behalf of Magellan Pipeline Company, L.P. [Magellan Pipeline GP, LLC (Larry J. Davied, Vice President) General Partner], for the sale of a 40-foot-wide subsurface pipeline easement within an existing CenterPoint Energy transmission easement, within the Battaglia Tract (Parcel Q45-001), out of the Reels and Trobough League Survey, A-59, Parcel SY10-066 **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 6

5. **Motion 2010-0406**

DELL MARKETING LP for Microsoft Software through the City's Master Agreement with Texas Department of Information Resources for Houston Airport System - 3 Years - \$994,313.13 Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

6. Motion 2010-0405

PHOENIX PUMP, INC to Furnish Vertical Turbine Wet Pit Pump Rebuild Kits for Department of Public Works & Engineering - \$76,402.00 - Enterprise Fund

7. Omitted

ORDINANCES - NUMBERS 8 through 36

8. Ordinance 2010-0483

ORDINANCE approving and authorizing an agreement between the City of Houston and **FIFTH WARD COMMUNITY REDEVELOPMENT 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 (7) foreclosed homes with proceeds from sales to be returned to the City of Houston NSP Program - **DISTRICT B - JOHNSON**

9. Ordinance 2010-0494

ORDINANCE approving and authorizing contract between the City of Houston and **GOODWILL INDUSTRIES OF HOUSTON** providing up to \$300,000.00 in Housing Opportunities for Persons With AIDS Funds for Job Training and Employment Services - **DISTRICT D - ADAMS**

10. Ordinance 2010-0503

ORDINANCE de-appropriating \$101,808.82 out of TIRZ Affordable Housing Fund 2409 previously allocated to various affordable housing activities and \$526,059.56 out of TIRZ Affordable Housing Fund 2400 previously allocated to various affordable housing activities; and appropriating \$101,808.82 out of TIRZ Affordable Housing Fund (2409) and \$526,059.56 out of TIRZ Affordable Housing Fund (2400) to the City's Housing and Community Development Department for use by the City's Single Family Home Repair Program, including payment of related home repair relocation expenses

11. Ordinance 2010-0495

ORDINANCE approving and authorizing contract between the City of Houston and **JOHN L. WORTHAM & SON, L.P** for Insurance Broker of Record Services; providing a maximum contract amount - 3 Years with two one-year options - \$1,489,800.00 - Property and Casualty Fund

12. Council Member Adams tagged

ORDINANCE approving and authorizing contract between the City of Houston and **eCIVIS, INC** for subscription to the grant network and related services for the Mayor's Office of Intergovernmental Relations; providing a maximum contract amount - 3 Years - \$201,450.00 General Fund

13. Council Member Jones tagged

ORDINANCE approving and authorizing Parking Operations and Management Services Agreement between the City of Houston and **REPUBLIC PARKING SYSTEM, INC** for Convention & Entertainment Facilities Department; providing a maximum contract amount 3 Years with two one-year options - \$11,929,380.00 - Enterprise Fund - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

14. Ordinance 2010-0505

ORDINANCE approving and authorizing Amendment No. 1 to agreement for Professional Services between the City of Houston and **THE GREATER HOUSTON PARTNERSHIP, INC** \$221,250.00 - Enterprise Fund

ORDINANCES - continued

15. Ordinance 2010-0496

ORDINANCE approving and authorizing Amendment No. 1 to International Facilities Agreements with **CONTINENTAL AIRLINES, INC; BRITISH AIRWAYS, PLC; KLM ROYAL DUTCH AIRLINES; SOCIETE AIR FRANCE; DEUTSCHE LUFTHANSA AG; AEROVIAS DE MEXICO, S.A. DE C.V.** and **TACA INTERNATIONAL AIRLINES, S.A.** at George Bush Intercontinental Airport//Houston - Revenue - **DISTRICT B - JOHNSON**

16. Ordinance 2010-0504

ORDINANCE approving and authorizing Reservation of Rights Agreement between the City of Houston and **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** and **CENTERPOINT ENERGY RESOURCES CORP. d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS** (Collectively, "Centerpoint Companies") relating to the relocation of utility facilities for the Dynamo Stadium Project; providing for arbitration of a disputed issue; establishing a maximum contract amount; providing for certain expenditures relating to the subject; containing other provisions relating to the subject

17. Ordinance 2010-0484

ORDINANCE awarding contract to **HI-WAY EQUIPMENT COMPANY** for Paving Equipment Preventive Maintenance and Repair Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$748,963.40 - Fleet Management Fund

18. Ordinance 2010-0485

ORDINANCE appropriating \$45,000.00 out of Solid Waste Consolidated Construction Fund for Purchase of Stormwater Filtration Systems for the Solid Waste Management Department **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK and I - RODRIGUEZ**

19. Council Members Johnson, Jones and Adams tagged

ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance Services for the Kingwood Area Water and Wastewater Utilities and Facilities (Approved by Ordinance No. 2002-91); amending Ordinance No. 2002-91 to increase the maximum contract amount - \$1,000,000.00 - Enterprise Fund - **DISTRICT E - SULLIVAN**

20. Ordinance 2010-0506

ORDINANCE de-appropriating \$500,000.00 appropriated from the Woodlands Regional Participation Fund by Ordinance No. 2009-681 in connection with the Houston Amateur Sports Park, \$1,200,000.00 appropriated from the Woodlands Regional Participation Fund by Ordinance No. 2009-218 in connection with the Bayou Drive Project, \$1,241,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2009-786 in connection with the Cambridge Bridge Paving Project, \$1,982,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2008-1008 in connection with the N. Macgregor Way Relocation Project; appropriating \$500,000.00 from the General Improvement Consolidated Construction Fund for the Houston Amateur Sports Park as described by Ordinance No. 2009-681, \$1,241,000.00 from the Woodlands Regional Participation Fund for the Cambridge Bridge and Paving Project as described by Ordinance No. 2009-786, \$1,982,000.00 from the Woodlands Regional Participation Fund for the N. Macgregor Project as described by Ordinance No. 2008-1008; and authorizing the transfer of sums appropriated out of the Woodlands Regional Participation Fund by this ordinance to reimburse the Street & Bridge Consolidated Construction Fund for expenditures to date in connection with the projects described in this title - **DISTRICTS D - ADAMS and H - GONZALEZ**

ORDINANCES - continued

21. Ordinance 2010-0497

ORDINANCE appropriating \$5,872,000.00 out of Street & Bridge Consolidated Construction Fund approving and authorizing payments for land acquisition costs, Appraisal Fees, Salary Recovery, and other services, for and in connection with finding a public necessity for various street projects including Parker Road; Hardy Toll Road to Eastex Freeway, other miscellaneous land acquisition, and miscellaneous right-of-way acquisition, design, and construction

22. Ordinance 2010-0486

ORDINANCE de-allocating \$115,000.00 from the Building Inspection Fund (as authorized by Ordinance No. 2010-0163); and appropriating \$115,000.00 from the Reimbursement of Equipment/Project Fund

23. Ordinance 2010-0487

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 4.3950 acres commonly known as 5802 Navigation Boulevard, Houston, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**

24. Council Member Costello tagged

ORDINANCE appropriating \$50,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Interlocal Agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for a sustainable infrastructure program

25. Ordinance 2010-0488

ORDINANCE appropriating \$179,605.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **R.G. MILLER ENGINEERS, INC** for Aldine Westfield Road Paving Improvements from Tidwell Road to Little York Road (Approved by Ordinance No. 2004-0742) **DISTRICT B - JOHNSON**

26. Ordinance 2010-0498

ORDINANCE appropriating \$1,460,000.00 out of Drainage Improvement Commercial Paper Series F Fund; allocating \$500,000.00 out of Stormwater Fund; awarding contract to **HUFF & MITCHELL, INC** for construction of Local Drainage Projects; providing a maximum contract amount; 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 Stormwater Fund

27. Council Member Jones tagged

ORDINANCE appropriating \$1,563,164.75 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P. d/b/a NATHELYNE A. KENNEDY & ASSOCIATES, INC** for Design of Broadway Street from IH 45 to Airport Boulevard (Approved by Ordinance No. 2006-0201) - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

28. Ordinance 2010-0489

ORDINANCE appropriating \$5,828,170.00 out of Metro Projects Construction Fund and \$737,780.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for South Braeswood Reconstruction from Kirby to Stella Link; 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 Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK**

29. Ordinance 2010-0499

ORDINANCE appropriating \$998,824.00 out of Metro Projects Construction Fund awarding construction contract to **JERDON ENTERPRISE, L.P.** for Intersection Improvements Construction Contract for Beltway 8 at Clay Road, and W. Airport Boulevard at Chimney Rock Road; 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, construction management and engineering testing services relating to construction of facilities financed by the Metro Projects Construction Fund - **DISTRICTS A - STARDIG and C - CLUTTERBUCK**

30. Ordinance 2010-0500

ORDINANCE appropriating \$3,237,395.00 out of Metro Projects Construction Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD.** for Generic City Wide Overlay Package #14 - Hot-In-Place Asphaltic Concrete Recycling (Work Order Contract); 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 Metro Projects Construction Fund

31. Ordinance 2010-0501

ORDINANCE appropriating \$3,529,150.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX CORP.** for Southwest Wastewater Treatment Plant Improvements (Package 2); 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 C - CLUTTERBUCK**

32. Ordinance 2010-0490 – Passed first reading

ORDINANCE granting to **TEXAS ENVIRONMENTAL CONTROL, 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 **FIRST READING**

33. Pulled - Not Considered

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 **FIRST READING**

ORDINANCES - continued

34. Ordinance 2010-0491 – Passed first reading

ORDINANCE granting to **FPF DEMOLITION, LLC, A Texas Limited Liability Company, dba FERNANDEZ & SONS**, 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**

35. Ordinance 2010-0492 – Passed first reading

ORDINANCE granting to **AMERIWASTE SERVICES, LLC, 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**

36. Ordinance 2010-0493 – Passed first reading

ORDINANCE granting to **TWISTER WASTE 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 - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 37 through 40A

37. Council Member Jones tagged

ORDINANCE amending Ordinance No. 2009-1359 to increase the maximum contract amount for contract between the City and **RON SMITH & ASSOCIATES, INC** (Contract #4600009345) for Latent Print Support Services - \$2,332,000.00 - General Fund

TAGGED BY COUNCIL MEMBER BRADFORD

This was Item 16 on Agenda of June 16, 2010

38. Ordinance 2010-0502

ORDINANCE amending Ordinance No. 2005-822 to increase the maximum contract amount; approving and authorizing second amendment to the contract with new **AT&T MOBILITY NATIONAL ACCOUNTS, LLC (Formerly NEW CINGULAR WIRELESS NATIONAL ACCOUNTS, LLC)** and first amendment to contract with **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS** by **SAN ANTONIO MTA, L.P., it's General Partner, by VERIZON WIRELESS TEXAS, LLC, it's General Partner and SAN ANTONIO MTA, LP, d/b/a VERIZON WIRELESS** by **VERIZON WIRELESS TEXAS, LLC, it's General Partner**, to extend the terms of the contracts for Wireless Voice and Data Telecommunications Equipment and Services for Various Departments - \$1,420,686.75 - Central Service Revolving Fund - **TAGGED BY COUNCIL MEMBER CLUTTERBUCK**

This was Item 19 on Agenda of June 16, 2010

39. Council Member Jones tagged

ORDINANCE relating to Water Conservation Incentive Program for rent restricted apartment units; containing provisions related to the subject

TAGGED BY COUNCIL MEMBERS STARDIG and BRADFORD

This was Item 26 on Agenda of June 16, 2010

FISCAL YEAR 2011 BUDGET MATTERS HELD

MATTERS HELD - continued

40. Consideration of proposed amendments to Item 40A below, submitted in writing on June 16, 2010 by Council Members Clutterbuck, Stardig, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones (by Bradford) as set forth in the attached Exhibits (Amendments will be considered in the order of a matrix prepared by the Administration)

a. **Ordinance 2010-0507 – Adopted as amended**

ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2011 including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability

TAGGED BY COUNCIL MEMBER CLUTTERBUCK

This was Item 36 on the Agenda of June 16, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Rodriguez 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

6/22/2010 – Council Member Pennington absent on City business

6/23/2010 – All Present