

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 9, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2011-0619 to 2011-0627
ORDINANCES - 2011-0670 to 2011-0700
RESOLUTION – None

2011-0618-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 10, 2011 - 9:00 A. M.

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

Motion 2011-0619 – Accept reports

9:00 A.M. - **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 and a Quarterly Investment Report by the City Controller

MAYOR'S REPORT - Drought and Houston Reservoir Status

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 1 through 3

1. **Motion 2011-0621**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **AUTOMOTIVE BOARD**, for one-year terms:

- Position One - **MR. WILLIAM C. SMITH, III**, appointment
- Position Two - **MR. BILLY H. JONES**, reappointment
- Position Three - **MS. SHELLY E. RICHARDSON**, reappointment
- Position Four - **MS. ERMA PALMER**, reappointment
- Position Five - **MR. MAZEN ALLAHAM**, reappointment
- Position Six - **MR. KEN W. ULMER**, reappointment, and to serve as Chair
- Position Seven - **MR. BENJAMIN K. SANCHEZ**, reappointment
- Position Eight - **MR. OWEN C. WANG**, reappointment
- Position Nine - **MR. TIMOTHY STRANEY**, reappointment

2. **Motion 2011-0622**

REQUEST from Mayor for confirmation of the appointment of **MS. NOLA J. LUSK** to Alternate Position 3 of the **BUILDING AND STANDARDS COMMISSION**, for a term to expire December 31, 2012

3. **Motion 2011-0623**

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON ZONE)**:

- Position One - **MR. KEVIN M. CHAVEZ**, for a term to expire 12/20/2011
- Position Three - **MS. NICHELLE L. MCLEMORE**, for a term to expire 12/20/2011
- Position Four - **MR. STEPHEN T. LE, JR.**, for a term to expire 12/20/2012
- Position Five - **MR. SAUL VALENTIN**, for a term to expire 12/20/2011

ACCEPT WORK - NUMBER 4

4. **Motion 2011-0624**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,999,176.35 and acceptance of work on contract with **GILBANE BUILDING COMPANY** for Fire Station 90 - 1.53% under the guaranteed maximum price - **DISTRICT A - STARDIG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 7

5. **Motion 2011-0625**

HEWLETT PACKARD COMPANY - \$1,093,077.66, **APPLE, INC** - \$379,496.16 and **DELL MARKETING, LP** - \$51,248.00 for the Purchase of Equipment and Services for the Broadband Technology Opportunities Program Initiative through the City's Master Agreement with the Texas Department of Information Resources for the Houston Public Library - \$1,567,772.87 and contingencies for an amount not to exceed \$1,724,550.15 - American Recovery and Reinvestment Act

6. **Motion 2011-0626**

PUMPS & EQUIPMENT OF TEXAS, INC for Emergency Repair of 48" Wastewater Transfer Pumps for the Department of Public Works & Engineering - \$206,238.00 - Enterprise Fund **DISTRICT I - RODRIGUEZ**

7. **Motion 2011-0627**

TEXAS TOWEL & SUPPLY, INC - \$354,196.00 and **THE BARGAIN SOURCE** - \$76,900.80 for Rags and Cleaning Towels for Various Departments - 5 Years - General and Enterprise Funds

ORDINANCES - NUMBERS 8 through 37

8. Ordinance 2011-0672

ORDINANCE re-adopting the Houston Youth Recreation Programs Standards of Care as codified at **ARTICLE XII OF CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and other provisions related to the subject; providing an effective date; providing for severability

9. Ordinance 2011-0673

ORDINANCE amending the City of Houston Construction Code by adopting the 2011 National Electrical Code and local amendments thereto entitled the 2011 Administrative Code Provisions for the National Electrical Code, as the City of Houston Electrical Code; containing other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability

10. Council Members Adams and Johnson tagged

ORDINANCE appropriating \$160,000.00 from the TIRZ Affordable Housing Fund (2409); approving and authorizing Development Agreement between the City and **CONGO, LLC dba CONTEMPO** for Development of eight Energy Efficient Affordable Single-Family Homes to be sold to qualified homebuyers - **DISTRICT G - PENNINGTON**

11. Council Members Adams and Johnson tagged

ORDINANCE appropriating \$90,000.00 from the TIRZ Affordable Housing Fund (2409); approving and authorizing Development Agreement between the City and **MASTERMARK DEVELOPERS, INC, dba SOLARIS HOMES** for the Development of two Energy Efficient Affordable Single-Family Homes to be sold to qualified homebuyers - **DISTRICT B - JOHNSON**

12. Council Members Jones, Costello and Adams tagged

ORDINANCE appropriating \$3,000,000.00 out of Fund 2409 (TIRZ Affordable Housing Fund) for payment of administrative expenses associated with the TIRZ Affordable Housing Program

13. Ordinance 2011-0691

ORDINANCE appropriating \$71,500.00 from TIRZ Affordable Housing Fund (2409); approving and authorizing repayment in the amount of \$71,500.00 to the United States Department of Housing and Urban Development for the resolution of outstanding issues raised in a 2009 HUD Monitoring Report relating to the City's CDBG and HOME Programs

14. Ordinance 2011-0692

ORDINANCE approving and authorizing Sub-Grantee Award Agreement between Harris County, Texas and the City of Houston to accept FY2009 Port Security Grant Program Funding for Houston Police Department Unit Safe Boat - \$277,254.00 - Grant Fund

15. Ordinance 2011-0674

ORDINANCE approving and adopting an updated ongoing Service and Assessment Plan for and on behalf of the Lamar Terrace Public Improvement District No. 2 covering the period 2011 through 2020 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT C - CLUTTERBUCK**

a. Ordinance 2011-0675

ORDINANCE appropriating \$228,662.52 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to Saint George Place Redevelopment Authority pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK**

ORDINANCES - continued

16. Ordinance 2011-0693

ORDINANCE relating to the Retail Water Rates of Aqua Texas, Inc, Aqua Utilities, Inc & Aqua Development, Inc dba Aqua Texas, approving a Settlement Agreement relating to an increase in the Water Rates that shall constitute the Legal Retail Water Rates of Aqua Texas until changed as provided by the Texas Water Code; providing for the filing of rate schedules and tariffs; providing for the repeal of conflicting ordinances - **DISTRICT E - SULLIVAN**

17. Ordinance 2011-0694

ORDINANCE appropriating \$66,547.04 out of Street & Bridge Consolidated Construction Fund for Landscaping and Beautification of City streets and thoroughfares

18. Ordinance 2011-0676

ORDINANCE awarding contract to **ASSOCIATED LANDSCAPE SERVICES, LC** for Grounds Maintenance and Landscaping Services for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$383,121.63 Enterprise and Houston TranStar Funds - **DISTRICTS A - STARDIG; F - HOANG and I - RODRIGUEZ**

19. Ordinance 2011-0677

ORDINANCE approving and authorizing Airport Shoeshine Concession Agreement between the City of Houston and **ELSIE HEBERT, A Sole Proprietor, d/b/a ELSIE HEBERT AIRPORT SHOESHINE PARLORS**, for Houston Shoeshine Facilities at George Bush Intercontinental Airport/Houston - 5 Years with three one-year options - Revenue - **DISTRICT B - JOHNSON**

20. Ordinance 2011-0678

ORDINANCE appropriating \$961,770.00 out of Federal Aviation Administration Grants Fund and \$961,770.00 out of Houston Airport System Consolidated 2004 NONAMT Construction Fund; approving and authorizing Design Build Agreement between the City of Houston and **SPAWGLASS CONSTRUCTION CORPORATION** for Central Plant Upgrades at George Bush Intercontinental Airport/Houston (Project No. 621) - **DISTRICT B - JOHNSON**

21. Ordinance 2011-0679

ORDINANCE appropriating \$5,609,765.00 out of Airports Improvement Fund; approving and authorizing Amendment No. 4 to Construction Management At Risk Contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP**, for Terminal and Central Concourse Expansion at William P. Hobby Airport (Project 417F); providing funding for engineering testing services and for contingencies relating to construction of the facilities financed by such funds; providing funding for the Civic Art Program - **DISTRICT I - RODRIGUEZ**

22. Ordinance 2011-0680

ORDINANCE amending the caption of City of Houston Ordinance No. 2011-0600 to correct a clerical error and lower the supplemental allocation to \$750,000.00 for contract between the City of Houston and **CH2M HILL, INC** (Project No. 677) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

23. Council Member Johnson tagged

ORDINANCE approving Lease Agreement with the **NEAR NORTHWEST MANAGEMENT DISTRICT, AS TENANT**, for the Inwood Forest Clubhouse Building and Swimming Pool at 7603 Antoine Drive - **DISTRICT A - STARDIG**

ORDINANCES - continued

24. Ordinance 2011-0701

ORDINANCE amending Ordinance No. 2009-1362 (Passed December 16, 2009) to increase the maximum contract amount under the Job Order Contract with **WXR, LLC fka DIRECT ENERGY, LP** for the Residential Energy Efficiency Program - \$5,000,000.00 - American Recovery and Reinvestment Act

25. Ordinance 2011-0695

ORDINANCE approving and authorizing Professional Residential Post Weatherization Home Inspection Contract between the City of Houston and **THE GAIA GROUP, INCORPORATED** for the Residential Energy Efficiency Program - 1 Year - \$750,000.00 - American Recovery and Reinvestment Act

26. Ordinance 2011-0681

ORDINANCE appropriating \$651,630.00 out of C&E - Construction Fund; awarding construction contract to **TIMES CONSTRUCTION INC** for Relocation of Historic Houses and Train; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, environmental testing services, and contingencies relating to construction of facilities financed by C&E - Construction Fund **DISTRICT I - RODRIGUEZ**

27. Ordinance 2011-0682

ORDINANCE appropriating \$2,070,000.00 out of Public Library Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP** for Stanaker Neighborhood Library Renovation; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for material testing laboratory services, Civic Art Program and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and Federal Government - Grant Funded - \$668,000.00 Grant Fund - **DISTRICT I - RODRIGUEZ**

28. Ordinance 2011-0683

ORDINANCE appropriating \$57,897.00 out of Drainage Improvement Commercial Paper Series F Fund, \$392,071.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund and \$1,206,299.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Consent Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY** for betterment of the City Utility Facilities for the North Line Corridor Route (Approved by Ordinance No. 2008-0567); providing funding for CIP Cost Recovery relating to construction of facilities financed by Drainage Improvement Commercial Paper Series F Fund, Miscellaneous Capital Projects/Acquisitions CP-Series E Fund, and Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ**

29. Ordinance 2011-0684

ORDINANCE appropriating \$873,328.00 out of Street & Bridge Consolidated Construction Fund, \$667,645.00 out of Drainage Improvement Commercial Paper Series F Fund, \$179,431.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund, \$545,288.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Consent Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY** for betterment of the City Utility Facilities for the Southeast Corridor Route (Approved by Ordinance No. 2008-0567); providing funding for CIP Cost Recovery relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund, Drainage Improvement Commercial Paper Series F Fund, Miscellaneous Capital Projects/Acquisitions CP-Series E Fund, and Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

ORDINANCES - continued

30. Ordinance 2011-0685

ORDINANCE appropriating \$23,305.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund and \$80,983.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Consent Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY** for betterment of the City Utility Facilities for the East End Corridor Route (Approved by Ordinance No. 2008-0567); providing funding for CIP Cost Recovery relating to construction of facilities financed by Miscellaneous Capital Projects/Acquisitions CP-Series E Fund, and Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

31. Ordinance 2011-0686

ORDINANCE approving and authorizing Concession Agreement between the City of Houston and **LUCHI AND JOEY'S** for Operation of the Café at the Houston Permitting Center - 5 Years **DISTRICT H - GONZALEZ**

32. Ordinance 2011-0687

ORDINANCE appropriating \$54,220.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES** for Pinemont Paving Improvements from T. C. Jester Boulevard to Ella Boulevard (Approved by Ordinance No. 2004-0539); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG**

33. Council Member Jones tagged

ORDINANCE appropriating \$920,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Design of On-Call Small Diameter Water Line Extensions; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

34. Ordinance 2011-0688

ORDINANCE appropriating \$750,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** for the Southwest Pump Station Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

35. Ordinance 2011-0689

ORDINANCE approving and authorizing first amendment to Construction Management and Inspection Services Agreement between the City of Houston and **OMEGA ENGINEERS, INC** for Construction Management and Inspection Services for Water and Sewer Capital Improvement Projects (Approved by Ordinance No. 2011-0412) - \$600,000.00 - Enterprise Fund

36. Ordinance 2011-0690 – Passed first reading

ORDINANCE granting to **GLOBAL WASTE SERVICES, LLC A Texas Limited Liability 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

37. Ordinance 2011-0624 – Passed third and final reading

ORDINANCE No. 2011-624, passed second reading August 3, 2011

ORDINANCE granting to **FCC ENVIRONMENTAL, LLC A Texas Limited Liability 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 38 through 42A

38. Ordinance 2011-0696

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding in an area within the East Downtown Management District as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER JONES
This was Item 25 on Agenda of August 3, 2011

39. Ordinance 2011-0697

ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the creation of the Department of Neighborhoods; authorizing the transfer of certain approved Fiscal Year 2012 Budget Funds

a. Ordinance 2011-0698

ORDINANCE amending Exhibits "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2011-0490), to amend the Master Classification Ordinance to add one new job classification; providing a repealer; providing for severability
TAGGED BY COUNCIL MEMBERS JONES, ADAMS and STARDIG
These were Items 26 and 26A on Agenda of August 3, 2011

40. Ordinance 2011-0699

ORDINANCE relating to the Retail Gas Utility Rates of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy and as CenterPoint Energy Texas Gas; approving a Settlement Agreement relating to an Interim Rate Adjustment subject to refund and otherwise maintaining current rates in effect until changed; providing for the filing of rate schedules and tariffs; providing for the repeal of conflicting ordinances - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 29 on Agenda of August 3, 2011

41. Ordinance 2011-0700

ORDINANCE approving and authorizing a Sub-Grantee Award Agreement between the **TEXAS DEPARTMENT OF PUBLIC SAFETY** and the City of Houston to accept FY2010 Buffer Zone Protection Program Funding to protect and secure critical infrastructures and key resources; declaring the city's eligibility for such grant; authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to accept such grant funds; authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to execute the agreement and any subsequent amendments, and to apply for and accept all subsequent awards, if any; pertaining to the program
TAGGED BY COUNCIL MEMBER SULLIVAN
This was Item 36 on Agenda of August 3, 2011

MATTERS HELD - continued

Motion 2011-0620 – Suspend rules to consider Items 42 and 42a out of order

42. Ordinance 2011-0670

ORDINANCE approving and authorizing Amendment No. 1 to Airport Use & Lease Agreement by and between the City of Houston and **CONTINENTAL AIRLINES, INC** for Terminals B and C at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**

a. Ordinance 2011-0671

ORDINANCE approving and authorizing second amended and restated Special Facilities Lease Agreement by and between the City of Houston and **CONTINENTAL AIRLINES, INC** for Terminal B at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**
TAGGED BY COUNCIL MEMBERS JONES, NORIEGA and JOHNSON

These were Items 40 and 40A on Agenda of August 3, 2011

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

- 8/9/2011 – Council Member Hoang absent on City business
Council Member Pennington absent on personal business
Council Member Gonzalez out of the City on City business**
- 8/10/2011 - Council Member Hoang absent on City business
Council Member Pennington absent on personal business
Council Member Gonzalez out of the City on City business**