

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

with notes of action taken

MOTIONS – 2011-0064 to 2011-0091
ORDINANCES - 2011-0073 to 2011-0086
RESOLUTION – None

2011-0063-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Pennington

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 2011-0064 – Procedural motion
Motion 2011-0065 – Procedural motion
Motion 2011-0066 – Procedural motion
Motion 2011-0067 – Procedural motion
Motion 2011-0068 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 2, 2011 - 9:00 A. M.

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

Motion 2011-0069 – 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 - Rebuild Houston: Part Two

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2011-0075

CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2011:

Position One - Mayor Annise Parker

Position Two - Council Member Anne Clutterbuck

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

2. Motion 2011-0076

CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON READ COMMISSION**, for three-year staggered terms:

Position 18 - **MS. MARY ALMENDAREZ**, appointment

Position 20 - **MS. AIESHA ODUTAYO**, appointment

Position 21 - **MS. MARTY DANIEL**, reappointment

Motion 2011-0071 – Suspend rules to consider Items 3 and 4 out of order

3. Motion 2011-0072

REQUEST from Mayor for confirmation of the appointment of **Associate Judge SHERILYN DAVIS EDWARDS** to serve as Municipal Court Judge, for a two-year term

4. Motion 2011-0073

REQUEST from Mayor for confirmation of the appointment of **Municipal Court Judge GLADYS T. BRANSFORD** to serve as Associate Judge of Municipal Courts, for a two-year term

Motion 2011-0074 – Suspend rules to remain in session beyond the scheduled noon recess

ACCEPT WORK - NUMBERS 5 through 9

5. Motion 2011-0087

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$46,577.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23rd Street - 4.14% over the original contract amount - **DISTRICTS A - STARDIG and H - GONZALEZ**

6. Motion 2011-0088

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,285,097.22 and acceptance of work on contract with **TOTAL SITE, INC** for Paving Extension of West Bellfort Road from South Main Street to Buffalo Speedway 1.12% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

7. Motion 2011-0089

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$593,205.77 and acceptance of work on contract with **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps - 4.74% over the original contract amount

ACCEPT WORK - continued

8. Motion 2011-0077

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,832,065.72 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, INC** for Generic Citywide Overlay Package #13 (Work Order Contract) - 15.10% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

9. Motion 2011-0078

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,204,989.64 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION CO.** for 42-inch water line along Allum, Player and Tidewater from Hiram Clarke to Candleshade - 1.87% under the original contract amount - **DISTRICT D - ADAMS**

PROPERTY - NUMBERS 10 through 14

10. Motion 2011-0079

RECOMMENDATION from Director General Services Department that City Council declare surplus and authorize the sealed bid sale of the following properties:

Parcels SY7-077, SY7-057	801 Gillette Street	<u>DISTRICT I - RODRIGUEZ</u>
Parcel SY9-058	6440 West Belfort	<u>DISTRICT C - CLUTTERBUCK</u>
Parcel SY9-065	10803 Ella	<u>DISTRICT B - JOHNSON</u>
Parcel SY9-057	3100 West Fuqua	<u>DISTRICT D - ADAMS</u>
Parcel SY10-028	1822 Rankin Road	<u>DISTRICT B - JOHNSON</u>
Parcel SY7-127	3300/3400 Main Street	<u>DISTRICT D - ADAMS</u>
Parcel SY11-048	820 Marston	<u>DISTRICT D - ADAMS</u>
Parcel SY11-044	1995, 2001 Dairy Ashford	<u>DISTRICT G - PENNINGTON</u>
Parcel SY11-046	1301 Dart	<u>DISTRICT H - GONZALEZ</u>
Parcel SY11-047	3000 block of West Belfort	<u>DISTRICT C - CLUTTERBUCK</u>

11. Motion 2011-0080

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court and pay the costs of court in connection with eminent domain proceedings styled City of Houston v. LMT Tradewinds L.P., a Texas limited partnership, et al., Cause No. 934,856, for acquisition of Parcel AY3-050; for **KEEGANS' BAYOU BIKEWAY PROJECT - DISTRICT F - HOANG**

12. Motion 2011-0081

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brown & Gay Engineers, Inc., on behalf of BGW, Properties, Ltd., [BGW Management, L.L.C., (Bernard S. Woolf, President) General Partner], for sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2 and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696, Parcel SY11-024 - **DISTRICT D - ADAMS**

13. Motion 2011-0082

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel N. Pinnell, The Pinnell Group, on behalf of Fisk Acquisition, Inc. (Larry C. Brookshire, President), for abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642, Parcels SY11-013 and AY11-020 - **DISTRICT H - GONZALEZ**

PROPERTY - continued

14. Motion 2011-0083

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel LY10-002, located at 7515 Cook Road, owned by Sunshine Development One, L.P., a Texas limited partnership [Sunshine GP, LLC, a Texas limited liability company, General Partner, Terry Cheng, Sole Manager and Sole Member], for the **BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT - DISTRICT F - HOANG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 18

15. Motion 2011-0084

CUMMINS SOUTHERN PLAINS, LLC for Portable and Trailer-Mounted Generators through the Houston-Galveston Area Council for the Houston Department of Health & Human Services \$370,911.00 - Grant Fund

Motion 2011-0070 – Suspend rules to consider Items 16, 16a, 22, 24 and 25 prior to the Mayor’s Report

16. Council Member Adams tagged

ORDINANCE appropriating \$1,156,007.78 out of Equipment Acquisition Consolidated Fund for Purchase of Special Duty Vehicles for the Houston Police Department and Houston Airport System - \$174,916.00 - Enterprise Fund

a. Council Member Adams tagged

MCCALL-T, INC d/b/a STERLING MCCALL TOYOTA - \$157,440.00, **HUB BUICK COMPANY, d/b/a HUB HYUNDAI** - \$154,950.00, **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$644,129.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$315,763.00 and **JOHNSON GRAYSON AUTOMOTIVE, INC d/b/a HOLIDAY CHEVROLET** - \$58,641.78 for Special Duty Vehicles for the Houston Police Department and the Houston Airport System - \$1,330,923.78 - Enterprise and Equipment Acquisition Consolidated Funds

17. Motion 2011-0085

FACILITIES MECHANICAL, INC to Replace a 225 Ton Air Cooled Chiller for the Department of Public Works & Engineering - \$121,367.00 and contingencies for a total amount not to exceed \$127,435.35 - Enterprise Fund

18. Motion 2011-0086

R & B GROUP, INC for Replacement of a Pneumatic Ejector System for the Department of Public Works & Engineering - \$140,000.00 and contingencies for a total amount not to exceed \$147,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 19 through 33

19. Ordinance 2011-0075

ORDINANCE **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to adjudication of parking citations; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

20. Ordinance 2011-0083

ORDINANCE **AMENDING SECTION 26-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, clarifying the fines for parking violations, including the fine for parking in a space designated for persons with disabilities; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

ORDINANCES - continued

21. Council Member Costello tagged

ORDINANCE **AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to ethical conduct; containing findings and other provision relating to the foregoing subject; providing for severability

22. Council Members Adams and Bradford tagged

ORDINANCE **AMENDING CHAPTERS 1, 10, 28, and 34 OF THE CODE OF ORDINANCES** relating to dangerous and other substandard buildings

23. Ordinance 2011-0084

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in several Series Designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Water and Sewer System First Lien Revenue Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

24. Ordinance 2011-0073

ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **DYNAMO STADIUM, LLC** for the development, construction, operation, and maintenance of a Multi-Purpose Sports and Entertainment Facility in the City - **DISTRICT I - RODRIGUEZ**

25. Ordinance 2011-0074

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Texas, Harris County, Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) and the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY** relating to the participation of Harris County in the Reinvestment Zone - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

26. Ordinance 2011-0076

ORDINANCE relating to the Fiscal Affairs of the Hardy/Near Northside Redevelopment Authority on behalf of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone; containing findings and other provisions related to the foregoing subject; containing a repealer - **DISTRICT H - GONZALEZ**

27. Ordinance 2011-0077

ORDINANCE making findings pursuant to Chapter 26 of the Texas Parks and Wildlife Code concerning the proposed lease of Joplin Street Park by Houston Independent School District for Playground and Green Space Use; approving a certain Lease Agreement to **HOUSTON INDEPENDENT SCHOOL DISTRICT - DISTRICT I - RODRIGUEZ**

28. Pulled - Not Considered

ORDINANCE disannexing a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas - **DISTRICT E - SULLIVAN**

ORDINANCES - continued

a. **Pulled - Not Considered**

ORDINANCE amending Ordinance No. 2008-392 relating to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494** to change the conditions for the City's consent to the creation

29. Ordinance 2011-0078

ORDINANCE approving and authorizing Professional Consulting Services Contract between the City of Houston and **ROGER H. BATES**, for general financial advisory services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$500,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

30. Ordinance 2011-0079

ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC**, Licensor, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-1131, to allow for an increase of the monthly license fee from \$4,699.50 to \$4,749.50 to accommodate the additional equipment, all in connection with a new Public Safety Radio System, located at 310 Englewood, Houston, Texas - **DISTRICT B - JOHNSON**

31. Ordinance 2011-0080

ORDINANCE approving and authorizing contract between the City of Houston and **SANTA MARIA HOSTEL** providing up to \$294,988.00 in Housing Opportunities for Persons With AIDS Funds for the operation of a Community Residence and the provision of Supportive Services Grant Fund

32. Ordinance 2011-0081

ORDINANCE appropriating \$300,000.00 out of Water & Sewer System Consolidated Construction Fund, \$150,000.00 out of the Drainage Improvement Commercial Paper Series F Fund and \$150,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Materials Engineering Laboratory Contracts between the City of Houston and **ASSOCIATED TESTING LABORATORIES, INC** and **PARADIGM CONSULTANTS, INC** for Engineering and Testing Services

33. Ordinance 2011-0082

ORDINANCE appropriating \$585,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **ISI CONTRACTING, INC** for On-Call Bridge Repairs City Wide 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, CIP Cost Recovery and contingencies relating to Construction of facilities financed by the Street & Bridge Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 34 through 37

34. Motion 2011-0090 – Adopt

MOTION by Council Member Lovell/Seconded by Council Member Costello to adopt recommendation from Director General Services Department to incorporate the Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with **CLARK CONDON ASSOCIATES, INC** for the Parks and Recreation Department - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 6 on Agenda of January 26, 2011

35. Motion 2011-0091 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation from Purchasing Agent to award to **GRAYBAR** - \$287,099.30, **ELLIOTT ELECTRIC SUPPLY** - \$471,587.30 and **TURTLE AND HUGHES, INC** - \$283,595.40 for Electrical Switchgear and Motor Controls and Various Departments - 5 Years - General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 13 on Agenda of January 26, 2011

36. Ordinance 2011-0085

ORDINANCE approving and authorizing contract between the City of Houston and **ACCELERATED TECHNOLOGY LABORATORIES, INC** for Laboratory Information Management System for the Department of Public Works & Engineering; providing a maximum contract amount 3 Years with two one-year options - \$159,529.40 - Enterprise Fund

TAGGED BY COUNCIL MEMBER JONES

This was Item 17 on Agenda of January 26, 2011

37. Ordinance 2011-0086

ORDINANCE awarding contract to **SC HYDRAULICS, INC dba SOUTH COAST HYDRAULICS** for Aerial Devices / Bucket Trucks Maintenance and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,051,870.60 General, Enterprise and Fleet Management Funds

TAGGED BY COUNCIL MEMBER JONES

This was Item 18 on Agenda of January 26, 2011

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Bradford 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

2/1/2011 – Council Member Clutterbuck absent on personal business

2/2/2011 – All Present