

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 11, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2011-0017 to 2011-0034
ORDINANCES - 2011-0034 to 2011-0047
RESOLUTION – 2011-0001

2011-0016-1

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

Motion 2011-0017 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 12, 2011 - 9:00 A. M.

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

Motion 2011-0018 – Accept report

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

MAYOR'S REPORT - Redistricting Overview

AGENDA - JANUARY 12, 2011 - PAGE 2

CONSENT AGENDA NUMBERS 1 through 26

MISCELLANEOUS - NUMBERS 1 through 4

1. **Motion 2011-0021**

CONFIRMATION of the appointment of **MR. NOMAAN HUSAIN** to Position Six of the **ETHICS COMMITTEE**, for a two year term expiring December 31, 2012

2. **Motion 2011-0022**

REQUEST from Mayor for confirmation of the reappointment of **MR. JOSEPH "ALAN" JOHNSTON, JR., (Houston Independent School District Representative)** to Position Six of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 6, 2012

3. **Motion 2011-0023**

REQUEST from Mayor for confirmation of the reappointment of **MR. ROBERT CASEY, III, (Houston Independent School District Representative)** to Position Six of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2012

4. **Motion 2011-0027**

RECOMMENDATION from the Mayor's Office of Intergovernmental Relations for approval of annual membership with the **GULF COAST REGIONAL MOBILITY PARTNERS** - \$75,000.00 General Fund

ACCEPT WORK - NUMBERS 5 and 6

5. **Motion 2011-0028**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$3,122,758.29 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Air Handler Units Upgrade at 611 Walker - 0.15% over the original contract amount **DISTRICT I - RODRIGUEZ**

6. **Motion 2011-0024**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$139,076.85 and acceptance of work on contract with **JERDON ENTERPRISES, L.P.** for Dryden Street Widening from Main to Fannin - 2.92% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

PROPERTY - NUMBERS 7 through 9

7. **Motion 2011-0029**

RECOMMENDATION from Director Department of Public Works & Engineering to appoint Alan Dominy and Tom Edmonds independent appraisers to determine the fair market value for the portion of right-of-way on the north side of Wheeler Avenue, ±400 feet from the intersection of Wheeler Avenue and Calhoun Street, to ±368 feet from the intersection of Wheeler Avenue and Cullen Boulevard in exchange for fee-owned land from the University of Houston for the construction of Wheeler Street, from Scott Street east to Calhoun Road, out of the Luke Moore Survey, A-51, Parcels SY10-074A, SY10-074B, AY10-331, AY10-332A through AY10-332D, AY10-333, QY10-007 and VY10-039 - **DISTRICT D - ADAMS**

8. **Motion 2011-0025**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-047, located at 1098 DeWalt Street, owned by Charles Evans aka Charles E. Evans and wife Pearlene Evans aka Pearlene F. Evans, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** - \$95,994.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON**

PROPERTY - continued

9. Motion 2011-0026

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-048, located at 1097 DeWalt Street, owned by Annie Maxwell, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** \$81,438.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 26

10. Council Member Jones tagged

RESOLUTION authorizing loan application to the Texas Water Development Board

Motion 2011-0020 – Suspend rules to consider Item 11 out of order

11. Resolution 2011-0001

RESOLUTION establishing procedures, criteria and rules for the consideration and establishment of Council Member District Boundaries following receipt of the Year 2010 Decennial Census Count as required by Article V, Section 3 of the Charter of the City of Houston, Texas; calling public hearings at which interested persons shall have an opportunity to be heard; providing for the publication of notice of such hearings

12. Ordinance 2011-0035

ORDINANCE **SUSPENDING VEHICLE FOR HIRE AGE LIMITATIONS ESTABLISHED IN CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, applicable to 2005 and 2006 Manufacturer Model Year Taxicabs and 2006 and 2007 Sedan-Type Luxury Motor Vehicles and Sport Utility Vehicles operated as chauffeured limousines

Motion 2011-0019 – Suspend rules to consider Item 13 out of order

13. Ordinance 2011-0034

ORDINANCE approving and authorizing contract between the City of Houston and **JERRY WOOD** for Professional Services relating to Demographic and Consulting Services relating to the City's 2011 Redistricting and other matters; establishing a maximum contract amount \$58,800.00 - General Fund

14. Ordinance 2011-0040

ORDINANCE approving and authorizing agreement between the City of Houston and **WILLIAM MARSH RICE UNIVERSITY** for Research Services associated with the development of a Storm Risk Calculator - \$388,466.00 - Grant Fund

15. Ordinance 2011-0036

ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code

16. Ordinance 2011-0041

ORDINANCE relating to the fiscal affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

17. Ordinance 2011-0042

ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC**, Licensor, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-1102, to allow for an increase of the monthly license fee from \$4,500.00 to \$4,550.00 to accommodate the additional equipment all in connection with a new Public Safety Radio System, located at 819 Battleground Road (a/k/a Independence Parkway), Deer Park, Texas

18. Ordinance 2011-0037

ORDINANCE appropriating \$171,566.96 out of Police Consolidated Construction Fund for Purchase and Installation of CCTV and Access Control Security Equipment at the Police Property Room, Westside Police Station, and Clear Lake Police Station for the Houston Police Department under an existing contract with **BL TECHNOLOGY, INC** (Approved by Ordinance No. 2007-0972) **DISTRICTS E - SULLIVAN; G - PENNINGTON and H - GONZALEZ**

19. Pulled - Not Considered

ORDINANCE appropriating \$3,130,000.00 out of General Improvement Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BALFOUR BEATTY CONSTRUCTION, LLC (f/k/a SPAWMAXWELL COMPANY, LLC)** for City Hall Annex and City Hall Renovations; providing funding for materials testing, security, and Information Technology Services for the project and for the Civic Art Program and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund

20. Ordinance 2011-0043

ORDINANCE awarding contract to **CROWN RELOCATIONS** for Moving & Storage of Household Goods for Housing & Community Development Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$235,568.00 - Community Development Block Grant Fund

21. Ordinance 2011-0044

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 28.04 acres commonly known as 7030 Ardmore Street, Houston, Texas and portions of Yellowstone Boulevard, Alice Street, Fall Avenue, Grand Boulevard and Charline Avenue rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT D - ADAMS**

22. Ordinance 2011-0045

ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TEDSI INFRASTRUCTURE GROUP, INC** for Traffic Signal and Intelligent Transportation Systems Design Services; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

23. Ordinance 2011-0046

ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TRAFFIC ENGINEERS, INC** for Traffic Signal and Intelligent Transportation Systems Design Services; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2011-0038

ORDINANCE appropriating \$878,392.00 out of Federal State Local - Pass Through Fund and \$183,608.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Routes to School Program; 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 Federal State Local - Pass Through Fund and the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

25. Ordinance 2011-0039

ORDINANCE appropriating \$276,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for Neighborhood Back Lot Wastewater Substitute Service Program - First Montrose Commons; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

26. Ordinance 2011-0011 – Passed second reading

ORDINANCE NO. 2011-11, passed first reading January 5, 2011

ORDINANCE granting to **GENERAL SITE 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; and making certain findings related thereto - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 27 through 30

27. Motion 2011-0030 – Adopt

WRITTEN Motion by Council Member Noriega to amend Item 27A below by replacing Section 14 of the proposed ordinance with the following:

Section 14. That Subsection (c) of Section 18-33 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(c) It shall be unlawful for a city employee to solicit contributions for any candidate at any time unless the employee is acting during off-duty hours or is on a duly approved leave of absence. Further, this section does not contradict state law as it applies to police and fire personnel.”

TAGGED BY COUNCIL MEMBERS NORIEGA and ADAMS

MATTERS HELD - continued

Motion 2011-0031 - Written motion by Council Member Pennington to amend Item 27a as follows:

I move to amend Item 27a by amending the definition of the term *benefit* set forth in **Section 2** of the proposed Ordinance (amending Sections 18-1, 18-2 and 18-3 of the City Code), to read as follows:

“*Benefit* means anything reasonably regarded as economic gain or economic advantage, including any charitable contribution to any other person in whose welfare a city official is directly interested. The term *benefit* shall not apply to elected city officials in receipt of any political contribution, fee, gift, award, or other benefit as exempted by section 36.10 of the Texas Penal Code, as amended.” – **Adopted**

Motion 2011-0032 - Written motion by Council Member Constello to amend Item 27a as follows:

I move to amend Item 27a by amending Section 18-3(b)(1) of the City Code, as set forth in **Section 2** of the proposed Ordinance, to read as follows:

“Use or attempt to use the official’s position to exercise any administrative powers over any city department, as provided for in section 10, article VII of the City Charter.”

a. Ordinance 2011-0047 – Adopt as amended

ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Ethics and Financial Disclosure; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBERS NORIEGA, ADAMS, HOANG, JONES and BRADFORD
This was Item 11 on Agenda of January 5, 2011

28. Council Member Johnson tagged

ORDINANCE appropriating \$600,000.00 out of Equipment Acquisition Consolidated Fund for conversion of data from the Municipal Court’s Integrated Case Management System to it’s Court System Management and Resource Technology System pursuant to contract, (Approved by Ordinance No. 2008-806); providing funding for contingencies related to the project and for services under contract with **HOV SERVICES, LTD.** - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 21 on Agenda of January 5, 2011

29. Motion 2011-0033 – Close nomination

MOTION by Council Member Noriega/Seconded by Council Member Sullivan to receive nominations for Position Four of the **ETHICS COMMITTEE**, for a two year term expiring December 31, 2012 - **POSTPONED BY MOTION #2011-12, 1/5/11**

This was a portion of Item 41 on Agenda of January 5, 2011

Council Member Johnson nominated Dr. Franklin M. Jones

30. Motion 2011-0034 – Refer back to the Administration

ORDINANCE awarding contract to **ARAMARK CORRECTIONAL SERVICES, LLC** for Jail Food Services; providing a maximum contract amount - 3 Years with two one-year options \$3,296,043.99 - General Fund - **POSTPONED BY MOTION #2011-15, 1/5/11**

This was Item 44 on Agenda of January 5, 2011

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Pennington 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

- 01/11/2011 – Council Members Clutterbuck and Noriega out of the City on City business**
 - Council Member Adams absent on personal business**
 - Council Member Joang absent on City business**
 - Council Member Bradford out of the City**
 - Council Members Sullivan and Jones absent**
- 01/12/2011 – Council Member Hoang absent on City business**
 - Council Member Bradford out of the City**