

**AGENDA - COUNCIL MEETING - TUESDAY - MARCH 29, 2011 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

**MOTIONS – 2011-0229 to 2011-0248**  
**ORDINANCES - 2011-0224 to 2011-0242**  
**RESOLUTIONS – 2011-0006 to 2011-0008**

**2011-0228-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Johnson

**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 2011-0229 – Procedural motion**  
**Motion 2011-0230 – Procedural motion**  
**Motion 2011-0231 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - MARCH 30, 2011 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 32A**

**MISCELLANEOUS** - NUMBER 1

**1. Motion 2011-0232**

REQUEST from Mayor for confirmation of the appointment of **MS. DEBORAH A. GEBHARDT** to Position Six of the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for an unexpired term ending December 31, 2011

**ACCEPT WORK** - NUMBERS 2 through 7

**2. Motion 2011-0241**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$17,915.00 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at Fire Station 30 - 24.63% under the original contract amount - **DISTRICT H - GONZALEZ**

**3. Motion 2011-0233**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$442,978.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Ervan Chew Park - 4.97% over the original contract amount - **DISTRICT D - ADAMS**

**4. Motion 2011-0234**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$176,057.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Law Park Lighting - 3.87% over the original contract amount - **DISTRICT E - SULLIVAN**

**5. Motion 2011-0242**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,332,209.13 and acceptance of work on contract with **PACE SERVICES, L.P.**, for Academy Street (N. Braeswood to Merrick) Storm Sewer Project Segment 1 2.72% under the original contract amount - **DISTRICT C - CLUTTERBUCK**

**6. Motion 2011-0235**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,738,491.39 and acceptance of work on contract with **STATEWIDE TRAFFIC SIGNAL COMPANY** for On-Call Traffic Signal Construction - 0.81% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ**

**7. Motion 2011-0236**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,115,387.83 and acceptance of work on contract with **TRAFFIC SYSTEMS CONSTRUCTION, INC** for South Zone Traffic Signal Construction - 0.03% under the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON and I - RODRIGUEZ**

**PROPERTY** - NUMBERS 8 and 9

**8. Motion 2011-0237**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert Kness, Windrose Land Services, Inc, on behalf of Halliburton Energy Services, Inc (Tommy Jamail, Vice President - Real Estate), for abandonment and sale of Swan Road, from Morales Road to North Sam Houston Parkway, located within the Heartland Acres Subdivision and the Heartland Annex Subdivision, out of the Washington County R.R. Company Survey and the J.W. McGinnis Survey, Parcel SY11-041 - **DISTRICT B - JOHNSON**

**9. Motion 2011-0238**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-214, located at 2520 Airline Drive, owned by Farmers Marketing Association of Houston, Texas, Inc, a Texas corporation, Lester Hildebrandt, President, for the **AIRLINE DRIVE PAVING PROJECT from North Main to IH-610** - \$101,961.00 - **DISTRICT H - GONZALEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 and 11

**10. Motion 2011-0239**

APPROVE spending authority for National Registry Testing, Certification and Recertification of Emergency Medical Technicians and Paramedics through the **NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS** for the Texas Department of State Health Services and for State Provider License for emergency medical units for the Houston Fire Department \$185,000.00 - General Fund

**11. Motion 2011-0240**

**PHILPOTT MOTORS, LTD.** for Aerial Manlift Truck through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for the Houston Police Department - \$91,721.35 Supplemental Environmental Project and Grant Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 32A

**12. Resolution 2011-0008**

RESOLUTION authorizing a Revised Loan Application to the Texas Water Development Board

**13. Resolution 2011-0006**

RESOLUTION supporting and approving the proposed development for affordable rental housing of Zion Bayou, located at 5200-5300 Airport Boulevard in the City of Houston, Texas, and authorizing the allocation of 2011 Housing Tax Credits to such development - **DISTRICT D - ADAMS**

**14. Resolution 2011-0007**

RESOLUTION supporting and approving the proposed development for affordable rental housing of Trinity East Village, located on fourteen contiguous parcels bordered by St. Charles Street, Tuam Street, Live Oak Street and McGowen Street in the City of Houston, Texas, and authorizing the allocation of 2011 Housing Tax Credits to such development - **DISTRICT I - RODRIGUEZ**

**15. Council Members Rodriguez and Noriega tagged**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Glenheath Street, from Glen Loch Drive west to its terminus, and two utility easements with attendant aerial easements, all located in Glenbrook Valley Section 7, or the replat of Block 38, Glenbrook Valley Section 7; vacating and abandoning said right-of-way and easements to Houston Independent School District, owner, in consideration of owner's conveyance to the City of a water meter easement, payment of \$31,647.00 to the City and other consideration - **DISTRICT I - RODRIGUEZ**

**16. Ordinance 2011-0224**

ORDINANCE amending City of Houston Ordinance No. 2010-372, passed on May 12, 2010, which approved and authorized the submission to the United States Department of Housing and Urban Development of the 2010 Consolidated Action Plan (Also referred to as the 2010-2014 Consolidated Plan and 2010 Action Plan), which included several Federal Grant Applications \$350,000.00 - CDBG Fund - **DISTRICTS B - JOHNSON; F - HOANG; H - GONZALEZ and I - RODRIGUEZ**

**17. Not Received - Not Considered**

ORDINANCE appropriating \$3,300,000.00 out of Dangerous Building Consolidated Fund for the abatement of dangerous buildings

**RESOLUTIONS AND ORDINANCES** - continued

**18. Ordinance 2011-0225**

ORDINANCE amending License Agreement with **CROWN COMMUNICATION LLC, Licensor**, and the City of Houston, Texas, Licensee, to allow for an increase of the monthly license fee from \$3,672.00 to \$4,472.00, with an annual escalator of 2%, and payment of \$51,000.00 for costs associated with structural improvements to accommodate additional equipment, all in connection with a New Public Safety Radio System, located at 9220 Tigner Road, Rosharon, Texas

**19. Ordinance 2011-0226**

ORDINANCE amending Government Entity Tower License Agreement between **PINNACLE TOWERS LLC, Licensor**, and the City of Houston, Texas, Licensee, to provide for a change in location of microwave dishes on the communications tower and for payment by the City of \$50,000.00 for costs associated with structural improvements to accommodate the equipment, all in connection with a New Public Safety Radio System, located at 4605 West Baker Road, Baytown, Texas

**20. Ordinance 2011-0227**

ORDINANCE amending Government Entity Tower License Agreement between **PINNACLE TOWERS ASSET HOLDINGS LLC, Licensor**, and the City of Houston, Texas, Licensee, to provide for larger microwave dishes to be installed on the communications tower, a \$400 increase in the monthly license fee, and payment of \$51,000.00 for costs associated with structural improvements to accommodate the additional equipment, all in connection with a New Public Safety Radio System located at 15409 Old Humble Road, Humble, Texas - **DISTRICT B - JOHNSON**

**21. Ordinance 2011-0232**

ORDINANCE awarding two Job Order Contracts between the City of Houston and **CONGO, LLC** and **HOUSTON HABITAT FOR HUMANITY, INC** for the 5 Star Energy Efficient Homes Program; providing a maximum contract amount - 2 Years - \$975,000.00 per contract

**22. Ordinance 2011-0233**

ORDINANCE approving and authorizing Interlocal Agreement among the City of Houston, **REINVESTMENT ZONE NUMBER TWO** and **MIDTOWN REDEVELOPMENT AUTHORITY** for Milling Overlay Maintenance on Austin Street and Crawford Street - **DISTRICT I - RODRIGUEZ**

**23. Ordinance 2011-0234**

ORDINANCE approving and authorizing Interlocal Agreement among the City of Houston, **REINVESTMENT ZONE NUMBER TWO** and **MIDTOWN REDEVELOPMENT AUTHORITY** for Elgin Street Local Drainage Project - **DISTRICT I - RODRIGUEZ**

**24. Ordinance 2011-0228**

ORDINANCE consenting to the addition of 107.395 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district

**25. Ordinance 2011-0229**

ORDINANCE consenting to the addition of 13.95 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64**, for inclusion in its district

**26. Ordinance 2011-0235**

ORDINANCE consenting to the addition of 2.2463 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

**RESOLUTIONS AND ORDINANCES** - continued

**27. Ordinance 2011-0236**

ORDINANCE approving and authorizing contract between the City and **SIVELL CORPORATION** for Hosting an Interactive Inspection Process Software Application for the Public Works & Engineering Department; providing a maximum contract amount - 2 Years with 3 one-year renewals not to exceed \$680,480.00 - Building Inspection Fund

**28. Ordinance 2011-0230**

ORDINANCE appropriating \$2,542,040.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for FY 11 Fire Hydrant Replacement; 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 and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**29. Pulled - Not Considered**

ORDINANCE appropriating \$4,595,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Astoria Boulevard Paving and Drainage Improvements; 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICT E - SULLIVAN**

**30. Ordinance 2011-0231**

ORDINANCE appropriating \$1,614,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO TEXAS INC** for Rehabilitation of Ground Storage Tanks and Cathodic Protection Systems; 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, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS F - HOANG and G - PENNINGTON**

**31. Ordinance 2011-0213 – Passed second reading**

ORDINANCE NO. 2011-213, passed first reading March 23, 2011

ORDINANCE granting to **POT-O-GOLD RENTALS, INC, A Foreign For-Profit 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**

**MATTERS RELATING TO ESTABLISHMENT OF A MUNICIPAL DRAINAGE UTILITY SYSTEM**

**Written motions presented to amend Item 32 as follows:**

- Council Member Costello to amend Section 47-822 to delete Nos. 5, 6 and 7
  - Council Member Pennington to amend Section 47-861 - Oversight committee
  - Council Member Pennington to amend Section 47-824 – Verification, correction and appeal
  - Council Members Bradford and Hoang to amend Section 47-822 – Exemptions
  - Council Member Bradford to amend Section 47-802 – Definitions (impervious surface)
  - Council Member Bradford to amend Section 47-824 – Verification, correction and appeal
  - Council Member Bradford to amend Section 47-805 – Administration of Municipal Drainage Utility System
  - Council Member Bradford to amend Section 47-822 – Drainage charge established; exemptions
  - Council Member Bradford to amend to support SB714 and HB1022 – Instruct Lobby team in Austin to
  - Council Member Hoang to amend Section 47-861 – Oversight committee
- All above written motions were tagged by Council Members Costello, Sullivan and Johnson will appear on the agenda for April 6, 2011**

**32. Council Member Costello tagged**

ORDINANCE adopting Article XIV to Chapter 47 of the Code of Ordinances, Houston, Texas, to create a Municipal Drainage Utility System; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

**a. Council Members Costello and Sullivan tagged**

RECOMMENDATION from Director Department of Public Works & Engineering to approve a schedule of rates to establish and levy drainage charges for the implementation of a Municipal Drainage Utility System

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 33 through 39

**33. Motion 2011-0244 – Adopt**

MOTION by Council Member Gonzalez/Seconded by Council Member Noriega to adopt recommendation from Director General Services Department for approval of final contract amount of \$1,364,500.00 and acceptance of work on contract with **STUDIO RED ARCHITECTS, LP** for Miller Outdoor Theatre Sound System Replacement - 5.98% over the original Guaranteed Maximum Price after execution of a change order - **DISTRICT D - ADAMS**

**TAGGED BY COUNCIL MEMBER JONES**

This was Item 6 on Agenda of March 23, 2011

**34. Ordinance 2011-0237**

ORDINANCE amending City of Houston Ordinance No. 2004-1003 relating to employment conditions, compensation and benefits of classified police officers of the City of Houston; ratifying the 2011 Meet and Confer Agreement between the City of Houston and the **HOUSTON POLICE OFFICERS' UNION**, and containing other provisions relating to the foregoing subject; suspending the operation of certain ordinances; providing for severability

**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and JOHNSON**

This was Item 26 on Agenda of March 23, 2011

**MATTERS HELD** – continued

**35. Ordinance 2011-0238**

ORDINANCE approving and authorizing contract between the City and **XEROX CORPORATION** for Multi-Function Office Machines for Various Departments for the City of Houston; providing a maximum contract amount - 3 Years with 2 one-year options - \$12,000,000.00 - Central Service Revolving Fund - **TAGGED BY COUNCIL MEMBERS JONES and HOANG**

This was Item 34 on Agenda of March 23, 2011

**36. Ordinance 2011-0239**

ORDINANCE appropriating \$2,312,400.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Safe Sidewalk Project; 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 - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and H - GONZALEZ**  
**TAGGED BY COUNCIL MEMBER JONES**

This was Item 43 on Agenda of March 23, 2011

**37. Ordinance 2011-0240**

ORDINANCE appropriating \$1,984,500.00 out of Woodlands Regional Participation Fund; awarding construction contract to the **GONZALEZ GROUP, L.P.** for Lake Houston Park Phase One; 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 materials testing, Civic Art Program and contingencies relating to construction of facilities financed by Woodlands Regional Participation Fund - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 47 on Agenda of March 23, 2011

**38. Motion 2011-0245 – Adopt**

WRITTEN Motion by Council Member Gonzalez to amend Item 38A below to reduce the appropriation from \$2,766,738.74 to \$1,637,205.11 - **TAGGED BY COUNCIL MEMBER ADAMS**

**a. Ordinance 2011-0241 – Adopt as amended**

ORDINANCE appropriating \$2,766,738.74 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments

**TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 52 on Agenda of March 23, 2011

**b. Motion 2011-0246 – Adopt**

WRITTEN Motion by Council Member Gonzalez to amend Item 38C below to reduce the authority for purchase orders to certain vendors as follows:

Philpott Motors Ltd, d/b/a Philpott Ford	\$2,413,764.00
Ron Carter Automotive	\$560,293.00
Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet	\$258,902.00
Johnson Whitesboro Ford, d/b/a Holiday Ford	\$385,922.10
Fred Haas Toyota Country	\$164,137.00

**TAGGED BY COUNCIL MEMBER ADAMS**

**MATTERS HELD** – continued

**c. Motion 2011-0247 – Adopt as amended**

RECOMMENDATION from Purchasing Agent to award to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$3,006,220.00, **RON CARTER AUTOMOTIVE** - \$671,943.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$627,321.00, **TOMMIE VAUGHN MOTORS, INC** - \$466,896.00, **JOHNSON WHITESBORO FORD d/b/a HOLIDAY FORD** - \$492,866.83, **FRED HAAS TOYOTA COUNTRY** - \$409,136.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD** - \$61,635.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for a total of \$5,736,017.83 for Various Departments - \$2,969,279.09 - Enterprise, Stormwater and Other Funds - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 52A on Agenda of March 23, 2011

**Motion 2011-0248 – Call the question on Item 39**

**39. Ordinance 2011-0242**

ORDINANCE approving and authorizing contract between the City of Houston and Connecticut General Life Insurance Company for an administrative services agreement related to the administration of various health plans in compliance with Council Motion 2011-0228

This was a portion of Item 53 on Agenda of March 23, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Adams 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

**3/29/2011 – All Present**

**3/30/2011 – All Present**