

AGENDA - COUNCIL MEETING - TUESDAY - MAY 3, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2011-0347 to 2011-0365
ORDINANCES - 2011-0307 to 2011-0327
RESOLUTION – 2011-0010

2011-0346-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Hoang

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 2011-0347 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 4, 2011 - 9:00 A. M.

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

Motion 2011-0348 – 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

CONSENT AGENDA NUMBERS 1 through 32

AGENDA - MAY 4, 2011 - PAGE 2

ACCEPT WORK - NUMBERS 1 through 5

1. Motion 2011-0349

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,559,240.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for T.C. Jester Park - 5% over the original contract amount - **DISTRICT A - STARDIG**

2. Motion 2011-0350

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,367,222.96 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, INC** for Whiteheather Storm Sewer Improvements Segment 1 4.77% under the original contract amount - **DISTRICT D - ADAMS**

3. Motion 2011-0351

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$375,671.62 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D6 - 5.27% under the original contract amount **DISTRICT G - PENNINGTON**

4. Motion 2011-0352

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,241,656.34 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for Lockwood Lift Station Rehabilitation - 2.30% over the original contract amount - **DISTRICT I - RODRIGUEZ**

5. Motion 2011-0353

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$854,238.50 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Ground Storage Tanks and Cathodic Protection Systems - 19.94% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON and G - PENNINGTON**

PROPERTY - NUMBER 6

6. Motion 2011-0354

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc, on behalf of Saint Philip Presbyterian Church of Houston, for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 12-foot-wide access easement, all within Block 1, Riviera Addition, out of the A. C. Reynolds Survey, A-61, Parcels SY11-053 and AY11-168 - **DISTRICT C - CLUTTERBUCK**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

7. Motion 2011-0355

FORDE CONSTRUCTION COMPANY, INC for Parking Lot Renovation at 4400 San Jacinto for the General Services Department - \$145,166.36 and contingencies for a total amount not to exceed \$152,424.68 - Parking Management Operating Fund

8. Motion 2011-0356

PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD for Pickup Truck and a Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Police Department - \$52,461.80 - Supplemental Environmental Project Fund

PURCHASING AND TABULATION OF BIDS - continued

9. Motion 2011-0357

OPERATIONAL RESOURCES INTERNATIONAL, INC for Battery Powered Digital X-ray Systems and associated equipment for the Houston Police Department - \$165,375.00 - Grant Fund

10. Ordinance 2011-0318

ORDINANCE appropriating \$306,812.00 out of Equipment Acquisition Consolidated Fund for Purchase of Light, Medium, and Heavy Duty Cabs & Chassis and Truck Bodies for Various Departments

a. Motion 2011-0358

HOUSTON FREIGHTLINER, INC - \$86,462.00; **INTERNATIONAL TRUCKS OF HOUSTON** - \$187,170.00 and **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$754,952.00 for Light, Medium and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - \$753,950.00 Stormwater and Enterprise Funds

11. Ordinance 2011-0319

ORDINANCE appropriating \$652,171.00 out of Equipment Acquisition Consolidated Fund for Purchase of Medium and Heavy Duty Cabs & Chassis and Truck Bodies for Various Departments

a. Motion 2011-0359

TYMCO, INC - \$165,897.00, **HOUSTON FREIGHTLINER, INC** - \$87,829.00; **VAC-CON, INC** - \$221,181.70, **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$1,181,766.00 and **SCHWARZE INDUSTRIES, INC** - \$132,520.00 through the Interlocal Agreements for Cooperative Purchasing (**H-GAC Contractors**) and **CHASTANG ENTERPRISES, INC** - \$381,247.00 (**Buy Board Contractor**) for Medium and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - \$1,518,269.70 Enterprise Funds

12. Motion 2011-0360

SNAP-ON INDUSTRIAL a Division of IDSC Holding, LLC for spending authority to Purchase Automotive Tools and Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program - 5 Years - \$478,952.00 General, Enterprise and Park Special Revenue Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 32

13. Resolution 2011-0010

RESOLUTION designating certain properties within the City of Houston as historic landmarks
Holley-Mengden House 2240 Glen Haven Blvd **DISTRICT C - CLUTTERBUCK**
Loggins-Hughes Building 4216-4218 Washington Avenue **DISTRICT H - GONZALEZ**

14. Ordinance 2011-0320

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to reorganization of the Mayor's Office of Affirmative Action and Contract Compliance

RESOLUTIONS AND ORDINANCES - continued

15. Ordinance 2011-0307

ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; providing for the issuance of the City of Houston, Texas, Combined Utility System First Lien Revenue Bonds, Series 2011B and the City of Houston, Texas, Combined Utility System First Lien Revenue Bonds, Series 2011C, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; authorizing a Co-Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

16. Ordinance 2011-0321

ORDINANCE establishing the north and south sides of the 1600 block of Milford Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

17. Ordinance 2011-0322

ORDINANCE establishing the north and south sides of the 1600 block of Milford Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

18. Ordinance 2011-0323

ORDINANCE relating to the Retail Gas Rates of **CENTERPOINT ENERGY RESOURCES CORP. d/b/a CENTERPOINT ENERGY ENTEX**, and **CENTERPOINT ENERGY TEXAS GAS ("ENTEX")** within the City of Houston, Texas; suspending for forty-five days the effective date of new rates; maintaining current rates in effect; containing findings and other provisions relating to the foregoing subject; providing for severability

19. Ordinance 2011-0308

ORDINANCE approving and authorizing submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY** for the Houston Auto Crimes Task Force/20 Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

20. Ordinance 2011-0309

ORDINANCE approving and authorizing contract between the City of Houston and **BUSINESS ENTERPRISE MAPPING, INC** for Consulting Services to attain ISO 9001:2008 Certification in the Houston Police Department's Emergency Communications and Property & Supply Room Divisions - \$35,900.00 - General Fund

21. Ordinance 2011-0310

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Greater Harris County 9-1-1 Emergency Network and **HARRIS COUNTY** for Sharing a Microwave System to enhance and augment their respective Emergency Communications Programs

22. Council Members Sullivan and Noriega tagged

ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD, LLP** for Professional Services relating to representing the Houston Airport System in Washington, D.C.; providing a maximum contract amount - 1 Year with 2 one-year options - \$446,400.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

23. Ordinance 2011-0327

APPROVING and authorizing ordinance relating to the pursuit of reimbursement of funds associated with overpayments for street light maintenance and illumination; approving first amendment to Professional Services Contract between the City of Houston and **TRI-STEM, LTD.**, (Approved by Ordinance No. 2009-942) for Utility Bill Auditing Services and approving and authorizing contract between the City of Houston and **BECK, REDDEN & SECREST, A Registered Limited Liability Partnership** for Legal Services in connection with a contractual dispute with CenterPoint Energy Houston Electric LLC

24. Ordinance 2011-0311

ORDINANCE appropriating \$39,786.00 out of Library Capital Project Fund for Concrete Repair Services to the Clayton Library Parking for the Houston Public Library Department under an existing citywide contract (Approved by Ord No. 2007-1052) with **SPRING EQUIPMENT CO., INC** and Design/Permit Documents Services under an existing Professional Architectural Services Contract with **BRAVE/ARCHITECTS, INC** and providing funding for contingencies relating to construction of facilities financed by Library Capital Project Fund - **DISTRICT D - ADAMS**

25. Ordinance 2011-0312

ORDINANCE appropriating \$225,000.00 out of General Improvement Consolidated Construction Fund, \$310,000.00 out of Parks Consolidated Construction Fund, and \$180,000.00 out of Fire Consolidated Construction Fund; approving and authorizing first amendment to contract between the City of Houston and **INLAND ENVIRONMENTS, LTD.** (Approved by Ord No. 2009-1100) for Asbestos Abatement and Demolition Services

26. Ordinance 2011-0313

ORDINANCE approving and authorizing agreement between the City of Houston and **HARRIS COUNTY** for Construction of Ella/Wheatley Boulevard from West Little York to West Gulf Bank Road - **DISTRICT B - JOHNSON**

27. Ordinance 2011-0314

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAES TERRACE SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**

28. Ordinance 2011-0315

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAES MANOR SUBDIVISION, SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**

29. Ordinance 2011-0316

ORDINANCE appropriating \$1,058,858.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Paving Extension of Kirby Drive from Fannin Street to Airport Boulevard (Approved by Ordinance No. 2009-1103); providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2011-0317

ORDINANCE appropriating \$3,125,606.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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

31. Council Member Sullivan tagged

ORDINANCE granting to **PHOENIX POLLUTION CONTROL & ENVIRONMENTAL SERVICES, 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; and making certain findings related thereto - **FIRST READING**

32. Ordinance 2011-0280 – Passed third and final reading

ORDINANCE NO. 2011-0280, passed second reading April 27, 2011
ORDINANCE granting to **SUN COAST RESOURCES, INCORPORATED, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 33 through 36

33. Ordinance 2011-0324

ORDINANCE **AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to a charge for SafeClear towing; containing findings and other provisions relating to the foregoing subject; providing for severability
TAGGED BY COUNCIL MEMBERS HOANG and BRADFORD
This was Item 10 on Agenda of April 27, 2011

34. Ordinance 2011-0325

ORDINANCE approving and authorizing amendments to the fourth amended and restated SafeClear Freeway Towing and Emergency Road Service Agreements between the City of Houston and **ALLIED COLLISION CENTER, INC, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, C-MAS, INC, d/b/a FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NORTH HOUSTON MOTORS, INC, T & T MOTORS, UNIFIED AUTO WORKS PAINT & BODY, INC, d/b/a UNIFIED AUTO WORKS AND WESTSIDE WRECKER SERVICE, INC** to add City's Contractor's Pay or Play Program and to provide for collection of Tow Service Fees; and authorizing and approving first amendments to SafeClear Towing Services Agreements with **RBEX, INC d/b/a APPLE TOWING CO., STERLING INTEREST INVESTMENTS, INC, d/b/a ELITE COLLISION CENTER AND HOUSTON AUTO TECH INC, d/b/a HOUSTON AUTO TECH** to provide for the collection of Tow Services Fees; establishing a maximum contract amount for and authorizing a Temporary Assistance Program; authorizing the City Attorney to establish guidelines for eligibility for such Temporary Assistance Program - **TAGGED BY COUNCIL MEMBERS HOANG, JONES, BRADFORD and JOHNSON**
This was Item 11 on Agenda of April 27, 2011

MATTERS HELD - continued

35. Ordinance 2011-0326

ORDINANCE approving the issuance of Bonds by the **MIDTOWN REDEVELOPMENT AUTHORITY - DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER CLUTTERBUCK

This was Item 13 on Agenda of April 27, 2011

36. See motions below

MOTION by Council Member Lovell/Seconded by Council Member Rodriguez to receive nominations for City Council Appointees to the **REBUILD HOUSTON OVERSIGHT COMMITTEE**

DELAYED BY MOTION #2011-346, 4/27/11

This was Item 36 on Agenda of April 27, 2011

Motion 2011-0361 – Close nominations

Position Two – Council Member Adams nominated Mr. Dwight Boykins

Motion 2011-0362 – Close nominations

Position One – Council Member Rodriguez nominated Ms. Frances Castenada Dyess

Motion 2011-0363 – Close nominations

Position Three – Council Member Lovell nominated Mr. Edward Taravella

Motion 2011-0364 – Close nominations

Position Four – Council Member Pennington nominated Mr. C.P. “Chip” Bryan

Motion 2011-0365 – Close nominations

Position Five – Council Member Sullivan nominated Mr. Bert Keller

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Jones 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

5/3/2011 – Council Member Stardig absent on City business

Council Member Jones absent on personal business

5/4/2011 – Council Member Jones absent on personal business