

AGENDA - COUNCIL MEETING - TUESDAY - MAY 10, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2011-0366 to 2011-0382
ORDINANCES - 2011-0328 to 2011-0348
RESOLUTION – None

2011-0365-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

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 - MAY 11, 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 40

MISCELLANEOUS - NUMBERS 1 and 2

Motion 2011-0366 – Suspend rules to consider Items 1, 2, 41 and 41a out of order

1. Motion 2011-0367

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE):**

Position One - **MR. F. XAVIER PEÑA**, for a term to expire 12/31/2011, and to serve as Chair
Position Two - **MR. CURTIS V. FLOWERS**, for a term to expire 12/31/2012
Position Four - **MS. DEBORAH KEYSER**, for a term to expire 12/31/2012
Position Five - **MS. KATHRYN CHACE MCNIEL**, for a term to expire 12/31/2011
Position Eight - **MR. HAROLD A. ("AL") ODOM, III**, for a term to expire 12/31/2012

MISCELLANEOUS - continued

2. Motion 2011-0368

CONFIRMATION of the appointment of the following to the **REBUILD HOUSTON OVERSIGHT COMMITTEE:**

Position 1 - **MS. FRANCES CASTAÑEDA DYESS**

Position 2 - **MR. DWIGHT BOYKINS**

Position 3 - **MR. EDWARD TARAVELLA**

Position 4 - **MR. C. P. "CHIP" BRYAN**

Position 5 - **MR. BERT KELLER**

ACCEPT WORK - NUMBERS 3 through 13

3. Motion 2011-0369

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,490,741.24 and acceptance of work on contract with **KENMOR ELECTRIC COMPANY, LP** for Intersection Modification at ten locations along the Caroline Corridor, and one at Bagby and Capitol-Rusk in the Central Business District - 0.62% under the original contract amount - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

4. Motion 2011-0381

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$11,322,269.59 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION COMPANY** for Holcombe Blvd. Reconstruction W/Area Drainage Improvements - 1.91% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

5. Motion 2011-0370

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,116,636.06 and acceptance of work on contract with **HUFF AND MITCHELL, INC** for Hayes Road Reconstruction from Westheimer Road to Briar Forest Drive 4.53% over the original contract amount - **DISTRICT G - PENNINGTON**

6. Motion 2011-0382

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$653,602.42 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D4 - 18.06% under the original contract amount - **DISTRICT F - HOANG**

7. Council Member Jones tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$393,016.59 and acceptance of work on contract with **TJ & T ENTERPRISES, INC** for Safe Sidewalk Program D5 - 6.14% under the original contract amount **DISTRICT F - HOANG**

8. Motion 2011-0371

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,632,563.50 and acceptance of work on contract with **INDUSTRIAL TX, CORP.** for West District and Cedar Bayou Wastewater Treatment Plant Improvements - 11.64% under the original contract amount - **DISTRICTS E - SULLIVAN and G - PENNINGTON**

ACCEPT WORK - continued

9. Council Member Jones tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$904,134.34 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Dora Street Sanitary Sewer Replacement - 0.87% under the original contract amount - **DISTRICT C - CLUTTERBUCK**

10. Motion 2011-0372

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,656,954.00 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L. P.** for Evaluation of Alameda Sims Treatment Plant Service Area - Dalmatian Lift Station Force Main and Ambrose Avenue Gravity Sewer - 1.20% under the original contract amount - **DISTRICT D - ADAMS**

11. Motion 2011-0373

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,520,998.00 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Sandalwood Area - 3.13% under the original contract amount - **DISTRICT G - PENNINGTON**

12. Motion 2011-0374

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,148,138.03 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Sunnyside I - 3.24% under the original contract amount - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

13. Motion 2011-0375

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,193,085.19 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Water Line Replacement in Port Houston Subdivision - 3.36% under the original contract amount - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

PROPERTY - NUMBER 14

14. Motion 2011-0376

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mr. Floyd Guillory, for sale of ±7,277-square-foot parcel of fee-owned land, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, from the south line of the existing 10-foot sanitary sewer easement running along the north property line, both out of Lot 3, Block 7, Brentwood Addition, Section 3, out of the Joseph Kopman Survey, A-186, Parcels SY11-026 and DY11-023 **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 20

15. Ordinance 2011-0328

ORDINANCE appropriating \$246,135.75 out of Parks Consolidated Construction Fund for Swimming Pool Improvements for the General Services Department

a. Motion 2011-0377

PROGRESSIVE COMMERCIAL AQUATICS, INC for Swimming Pool Improvements for General Services Department - \$234,415.00 and contingencies for a total amount not to exceed \$246,135.75 - **DISTRICTS E - SULLIVAN; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - continued

16. Motion 2011-0378

NORTH AMERICAN COMMUNICATION RESOURCE, INC for Hardware, Software, Installation and Professional Services through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - \$748,884.22 - Equipment Acquisition Consolidated Fund

17. Ordinance 2011-0329

ORDINANCE appropriating \$1,144,248.36 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of a 30" Sanitary Sewer Line for Public Works & Engineering Department

a. Motion 2011-0379

T. CONSTRUCTION, LLC for Emergency Repair of Sanitary Sewer Line along Westheimer Road at Fountain View Drive for Department of Public Works & Engineering - **DISTRICTS C - CLUTTERBUCK and G - PENNINGTON**

18. Council Member Jones tagged

AMEND MOTION #2007-588, 6/13/07, TO INCREASE spending authority from \$7,200,000.00 to \$9,000,000.00 for Chemical, Liquid Polymer Flocculent for Department of Public Works & Engineering, awarded to **POLYDYNE, INC** - Enterprise Fund

19. Motion 2011-0380

AMEND MOTION #2007-518, 5/30/07, TO INCREASE spending authority from \$242,960.00 to \$340,144.00 for Traffic Signal Control Hardware for Department of Public Works & Engineering \$97,184.00 - General Fund

20. Council Members Noriega and Jones tagged

KELLOGG, BROWN AND ROOT, LLC for On-Call Maintenance and Repair Services through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Department of Public Works & Engineering - 1 Year with six one-year options \$12,500,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 21 through 40

21. Ordinance 2011-0342

ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2011 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and Official Notice of Sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; authorizing a Bond Counsel Agreement and a Special Tax and Special Disclosure Counsel Agreement; and making other findings and provisions relating to such Notes and matters incident thereto; and declaring an emergency

ORDINANCES - continued

22. Ordinance 2011-0343

ORDINANCE approving a Supplemental Borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2011A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2011 and ending June 30, 2012; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Bond Counsel and Special Tax and Special Disclosure Counsel; making other findings and provisions related to such notes and matters incident thereto; and declaring an emergency

23. Omitted

24. Ordinance 2011-0330

ORDINANCE approving and authorizing sixth amendment to contract among the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide an additional \$275,000.00 in Community Development Block Grant Funds for the continuation of the SPARK Program for the development of neighborhood parks on public school grounds - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

25. Ordinance 2011-0331

ORDINANCE approving and authorizing second amendment to contract among the City of Houston, the **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide an additional \$75,000.00 in Community Development Block Grant Funds for the continuation of the SPARK Program for the development of neighborhood parks on public school grounds **DISTRICT A - STARDIG**

26. Ordinance 2011-0332

ORDINANCE de-appropriating \$9,995.14 out of TIRZ Uptown Series 2001B Bond Fund (Fund 2400); de-appropriating \$169,408.34 out of TIRZ Affordable Housing Fund (Fund 2409); and appropriating \$9,995.14 out of Fund 2400 and \$169,408.34 out of Fund 2409 to fund the continued implementation of the City's Single Family Home Repair Program

27. Ordinance 2011-0344

ORDINANCE approving and authorizing Purchase Agreement between the **MIDTOWN REDEVELOPMENT AUTHORITY, Purchaser**, and the City of Houston, Texas, Seller, for the sale of a tract of land with improvements located at 3300 Main Street in the Main Street Addition Subdivision, Houston, Harris County, Texas, for \$5,000,000.00; approving Lease Agreement between the Midtown Redevelopment Authority, as Lessor, and the City, as Lessee; approving a Special Warranty Deed - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

28. Council Member Sullivan tagged

ORDINANCE changing the status of a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas previously annexed for general purposes to limited purposes annexation status - **DISTRICT E - SULLIVAN**

a. Council Member Sullivan tagged

ORDINANCE approving and authorizing a Channel Area Industrial District Agreement between the City of Houston and the **COASTAL WATER AUTHORITY - DISTRICT E - SULLIVAN**

b. Council Member Sullivan tagged

ORDINANCE approving and authorizing first amendment to Channel Area Industrial District Agreement between the City of Houston and **VOPAK TERMINAL DEER PARK INC** and **VOPAK LOGISTICS SERVICES USA INC, A Delaware Corporation - DISTRICT E - SULLIVAN**

ORDINANCES - continued

29. Ordinance 2011-0333

ORDINANCE amending Ordinance No. 2011-0132 (passed by City Council on February 23, 2011) to increase the amount appropriated; appropriating \$27,259.00 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department

30. Ordinance 2011-0334

ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **ALERE TOXICOLOGY SERVICES, INC, FORMERLY, KROLL LABORATORY SPECIALISTS, INC**; (Approved by Ordinance No. 2008-0662) for Alcohol and Controlled Substance Testing Services

31. Council Member Jones tagged

ORDINANCE appropriating \$301,372.00 out of Public Health Consolidated Construction Fund, \$200,000.00 out of Fire Consolidated Construction Fund, and \$53,000.00 out of Parks Consolidated Construction Fund for minor construction, repairs, rehabilitations or alterations of various facilities under the Job Order Contracting Program

32. Ordinance 2011-0335

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 1.1799 acres commonly known as 811 Main Street, Houston, Texas and portions of Rusk Avenue, Walker Avenue and Fannin Street rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT I - RODRIGUEZ**

33. Ordinance 2011-0336

ORDINANCE appropriating \$230,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KAVI CONSULTING, INC** for Local Drainage Project Negotiated Design Work Orders; providing funding for CIP Cost Recovery relating to Construction of Facilities financed by the Drainage Improvement Commercial Paper Series F Fund

34. Ordinance 2011-0345

ORDINANCE appropriating \$261,500.00 out of Water & Sewer System Consolidated Construction Fund, and \$1,200,000.00 out of Water & Sewer Contributed Capital Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Sims Bayou Widening Wastewater Utility Relocation Lift Station; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Water & Sewer Contributed Capital Fund **DISTRICT D - ADAMS**

35. Ordinance 2011-0337

ORDINANCE appropriating \$725,473.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MICHAEL BAKER JR., INC** for Parker Road Bridge Widening over Hardy Toll Road; providing funding for CIP Cost Recovery relating to Construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON and H - GONZALEZ**

ORDINANCES - continued

36. Ordinance 2011-0346

ORDINANCE appropriating \$4,763,000.00 out of Drainage Improvement Commercial Paper Series F Fund and \$553,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SER CONSTRUCTION PARTNERS, LLC.** for Bellaire West Drainage Improvements 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 and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - HOANG**

37. Ordinance 2011-0338

ORDINANCE appropriating \$474,824.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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 (4277-55)

38. Ordinance 2011-0339

ORDINANCE appropriating \$474,824.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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 (4277-57)

39. Ordinance 2011-0340

ORDINANCE appropriating \$285,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Neighborhood Back Lot Wastewater Substitute Service Program - Eastwood Subdivision; 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 I - RODRIGUEZ**

40. Ordinance 2011-0341 – Passed first reading

ORDINANCE granting to **USAGAIN ENVIRONMENTAL, LLC, A Texas Limited Liability Company**, 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 41 and 41A

41. Council Members Clutterbuck and Noriega tagged

MOTION to select the redistricting plan to be included as Exhibit A in the ordinance

a. Council Members Noriega and Clutterbuck tagged

ORDINANCE approving and adopting a redistricting plan for the City of Houston, including the creation of two New City Council Districts to be designated as Council Districts J and K; establishing the boundaries of all single member districts from which district council members are elected

MATTERS HELD - NUMBERS 42 and 43

42. Ordinance 2011-0347

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** - **TAGGED BY COUNCIL MEMBERS SULLIVAN and NORIEGA**

This was Item 22 on Agenda of May 4, 2011

43. Ordinance 2011-0348 – Passed first reading

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**

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 31 on Agenda of May 4, 2011

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello 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

AGENDA - MAY 11, 2011 - PAGE 9

- 5/10/2011 – Mayor Parker, Council Members Sullivan and Hoang absent on City business
Council Members Johnson, Adams, Costello and Jones absent on personal
business
Vice Mayor Pro Tem Gonzales presiding**
- 5/11/2011 – Council Members Johnson and Adams absent on personal business
Council Member Hoang absent on City business**