

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 25, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2011-0777 to 2011-0790
ORDINANCES - 2011-0880 to 2011-0905
RESOLUTION – None

2011-0776-1

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 2011-0791 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 26, 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 39

MISCELLANEOUS - NUMBERS 1 through 3

1. Motion 2011-0792

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **INDEPENDENT POLICE OVERSIGHT BOARD**:

Name	District	Panel	Term
Bill C. Littlejohn, Chair	C	A1	3 years
Andrea Schmauss	G	A2	2 years
Minh Tran	C	A3	3 years
Alfredo Blanco	I	A4	2 years
Kristopher Banks	D	A5	3 years
Brendettae J. Payne	C	A Alternate	2 years
Ila Jane Harris, Chair	A	B1	3 years
Joe Tirado	D	B2	2 years
Kristin J. Anderson	H	B3	3 years
Clinton Donald Johns, Jr.	B	B4	2 years
Philip H. Hilder	D	B5	3 years
Muriel Funches	D	B Alternate	2 years
Thomas B. "Ben" Gillis, Chair	A	C1	3 years
Wilburn C. (Dub) Wright, Jr.	A	C2	2 years
Patricia I. Cabrera	A	C3	3 years
Linda K. Brown	C	C4	2 years
Diane M. Guillerman	G	C Alternate	2 years
Bob Glazier, Ph. D., Chair	C	D1	3 years
Michael Espinoza	F	D2	2 years
Amy C. Weiss, Rabbi	C	D3	3 years
Timothy Webb	D	D4	2 years
Stelena Hooper Evans	C	D5	3 years
Margaret Palacios Rodriguez	A	D Alternate	2 years

2. Motion 2011-0801

RECOMMENDATION from Director Convention & Entertainment Facilities Department for supplemental budget submitted by the Greater Houston Convention and Visitors Bureau \$848,225.00 - Enterprise Fund

3. Motion 2011-0802

RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** Annual Consolidated Water Quality Fee for FY12 - \$1,357,963.55 - Enterprise Fund

ACCEPT WORK - NUMBER 4

4. Motion 2011-0793

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,407,063.16 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 7 - 0.50% over the original contract amount

PROPERTY - NUMBERS 5 through 8

5. Motion 2011-0794

RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Woon Sun Lee and Kil Soon Lee, d/b/a Lee's Sign Co., et al., Cause No. 951,765; for acquisition of Parcel AY8-051; for the **BUNKER HILL PAVING PROJECT, Phase II (IH-10 Feeder Road - Long Point Road) - DISTRICT A - STARDIG**

6. Motion 2011-0795

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw the City's objections to the Award to settle eminent domain proceeding styled City of Houston v. The Estate of Thomas Gary, Jr., deceased and Bertha Gary, et al., Cause No. 981,962; for acquisition of Parcels AY10-041 and AY10-042; for **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON**

7. Motion 2011-0796

RECOMMENDATION from City Attorney to purchase Parcel AY10-026 in lieu of condemnation from Mary Goodie, Landowner, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON**

8. Motion 2011-0797

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Lou Henry, TBG/Vernon Henry & Associates, on behalf of Crane/Willis Properties, LLC (Mark Willis, President) and Willis Real Estate Investments, LLC (Mark Willis, President), for abandonment and sale of a ±10-foot-wide sanitary sewer easement and a ±4-foot-wide sanitary sewer easement, both located within Lots 1, 2, 8, 9, 10 and 11, Block 1, Meyers First Addition, out of the A. C. Reynolds Survey, Parcels SY11-111A, SY11-111B and SY11-121 - **DISTRICT G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 12

9. Ordinance 2011-0906

ORDINANCE appropriating \$3,049,356.13 out of Equipment Acquisition Consolidated Fund for purchase of Patrol Vehicles for Houston Police Department

a. Motion 2011-0798

PHILPOTT MOTORS LTD., d/b/a PHILPOTT FORD - \$2,873,632.12, CALDWELL AUTOMOTIVE PARTNERS, LLC, d/b/a CALDWELL COUNTRY CHEVROLET - \$105,543.00 and DALLAS DODGE JEEP CHRYSLER - \$70,181.01 for Patrol Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Police Department

10. Motion 2011-0803

MACI FEED & SUPPLY for Dry Animal Feed for Houston Police Department Horses and Canines for the Police Department - 1 Year with four one-year options - \$244,085.99 - General and Asset Forfeiture Funds

11. Council Member Jones tagged

REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC for Traffic Signal System Parts for Department of Public Works & Engineering - \$739,645.44 - Grant Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - continued

12. Council Member Jones tagged

AMEND MOTION #2008-380, 6/4/08, TO INCREASE spending authority from \$229,724.95 to \$321,614.93 for Chemical, Liquid Ammonium Sulfate for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION**

ORDINANCES - NUMBERS 13 through 39

13. Ordinance 2011-0907

ORDINANCE reducing the boundaries of Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone)

a. Ordinance 2011-0908

ORDINANCE approving the fifth amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone); authorizing the City Secretary to distribute such plans - **DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

14. Ordinance 2011-0909

ORDINANCE approving and authorizing submittal of an application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL**, for Community Transformation Grant; authorizing the Director of the City's Health and Human Services Department to act as the City's representative in the application process, to accept and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant program - \$500,000.00 - Grant Fund

15. Ordinance 2011-0910

ORDINANCE approving submission of an application to the **DEPARTMENT OF STATE HEALTH SERVICES** for Tuberculosis Prevention and Control Services Grant; authorizing the Director of the Health and Human Services Department to accept the initial funding, to expend approved funding as awarded, to accept any supplemental change notices, to apply for and accept subsequent awards, if any, and authorizing the Mayor to execute, without further Council action, all subsequent related contracts and change notices - \$1,178,930.00 - Grant Fund

16. Ordinance 2011-0911

ORDINANCE approving and authorizing first amendment to Interlocal Agreement between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Laboratory Manager for the Houston Department of Health & Human Services Public Health Laboratory

17. Ordinance 2011-0921

ORDINANCE awarding contract to **PRIME TREES, INC** for Tree Removal, Trimming and Pruning Services for the Parks and Recreation Department; providing a maximum contract amount 3 years with two one-year options - \$2,976,062.50 - General Fund

18. Ordinance 2011-0931

ORDINANCE amending Ordinance No. 2008-1225 to increase the maximum contract amount; approve and authorize second amendment to Contract No. C53094 between the City of Houston and **NORTHROP GRUMMAN SYSTEMS CORPORATION (Formerly NORTHROP GRUMMAN INFORMATION TECHNOLOGY, INC)** for Maintenance and Operational Support of the Consolidated Dispatching System at the Houston Emergency Center and extend the contract term from January 1, 2012 to January 1, 2016 - \$6,000,000.00 - Houston Emergency Center Fund

ORDINANCES - continued

19. Council Member Jones tagged

ORDINANCE appropriating \$1,538,280.00 out of Equipment Acquisition Consolidated Fund and amending Ordinance No. 2010-1007 (Passed on December 8, 2010) to increase the maximum contract amount for contract between the City of Houston and **LAGAN TECHNOLOGIES, INC** for Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department - \$52,016.00 - Central Services Revolving Fund

20. Council Member Jones tagged

ORDINANCE awarding contract to **VALLEY TANK TESTING, LLC** for Fuel System Tank Testing Service for the Fleet Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$344,335.00 - Fleet Management Revolving Fund

21. Council Member Jones tagged

ORDINANCE awarding contract to **PROFESSIONAL AUDIO VIDEO SERVICE, INC** for Television Production Equipment Repairs & Routine Maintenance Services for the Mayor's Office (HTV); providing a maximum contract amount - 3 Years with two one-year options - \$230,125.00 Special Cable Fund

22. Ordinance 2011-0922

ORDINANCE approving and authorizing contract between the City of Houston and **COZEN O'CONNOR, P.C.** for Legal Services relating to various utility related matters, legislative assistance and legal consultation; providing a maximum contract amount - \$335,000.00 - General Fund

23. Ordinance 2011-0912

ORDINANCE approving and authorizing submission of application for funding grant assistance from the **U.S DEPARTMENT OF TRANSPORTATION** to fund the Transportation Investment Generating Economic Recovery Discretionary Grant Program in the City of Houston; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Houston Parks & Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICTS A - STARDIG; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

24. Ordinance 2011-0923

ORDINANCE consenting to the creation of **FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1** consisting of 1,611 acres and providing an agreement for the duration, rate, and allocation of Sales and Use Tax

25. Ordinance 2011-0924

ORDINANCE consenting to the creation of **FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2** consisting of 1,940 acres and providing an agreement for the duration, rate, and allocation of Sales and Use Tax

26. Ordinance 2011-0925

ORDINANCE consenting to the creation of **FORT BEND COUNTY ASSISTANCE DISTRICT NO. 4** consisting of 3,675 acres and providing an agreement for the duration, rate, and allocation of Sales and Use Tax

ORDINANCES - continued

27. Ordinance 2011-0926

ORDINANCE approving the acquisition by the City of Houston, Texas, of the Former Rufus Cage School site located at 1417 Telephone Road, Houston, Texas, from Houston Independent School District ("HISD") for \$100,000.00 and in lieu of a cash payment, establishing a credit for HISD in the amount of \$100,000.00 pursuant to the terms and conditions of an Interlocal Agreement; approving a form of Special Warranty Deed - **DISTRICT I - RODRIGUEZ**

28. Ordinance 2011-0927

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SANTA ROSA SUBDIVISION, SECTIONS 1-5; SIMS BAYOU ESTATES SUBDIVISION, SECTIONS 1&2; KATERWOOD SUBDIVISION; PARK PLACE TERRACE SUBDIVISION; PARK PLACE SUBDIVISION AND ABST 27 J R HARRIS**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**

29. Ordinance 2011-0913

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential properties within **OAK FOREST SUBDIVISION, SECTION 16** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG**

30. Ordinance 2011-0914

ORDINANCE approving and authorizing Boundary Adjustment Agreement between the City of Houston and the **CITY OF WEBSTER** relating to the relinquishment of 1.7 acres and the annexation of 4.6 acres near the intersection of the southwest boundary line of El Camino Village Apartments Subdivision and the southeast row line of El Camino Village Drive - **DISTRICT E - SULLIVAN**

31. Ordinance 2011-0928

ORDINANCE approving and authorizing an Antenna Site License Agreement between **TEXAS TOWER LIMITED**, Licensor and the City of Houston, Texas, Licensee, to allow the Houston Police Department to operate communications equipment at 600 Travis Street, Houston, Texas **DISTRICT I - RODRIGUEZ**

32. Ordinance 2011-0915

ORDINANCE amending Ordinance 2007-1144 to increase the maximum contract amount and approving third amendment to Interlocal Agreement with **GEOTECHNOLOGY RESEARCH INSTITUTE** for administration of **SECO** Grant Funded Wind Turbines and continued administration of ARRA Grant Funded Programs

33. Ordinance 2011-0916

ORDINANCE appropriating \$157,820.16 out of Parks & Recreation Dedication Fund and approving and authorizing issuance of purchase orders to **PLAYPOWER LT FARMINGTON, INC** and the **PLAYWELL GROUP, INC** for Purchase of Playground Equipment for St Lo Park and Clark Park - **DISTRICTS D - ADAMS and H - GONZALEZ**

ORDINANCES - continued

34. Ordinance 2011-0917

ORDINANCE appropriating \$64,000.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for the Acres Homes Multi-Service Center Renovation; 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 material testing services and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and the American Recovery and Reinvestment Act of 2009 Reimbursement Fund - \$2,185,200.00 - Grant Fund - **DISTRICT B - JOHNSON**

35. Ordinance 2011-0918

ORDINANCE consenting to the consolidated of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 433** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 435** into a single municipal utility district to be named **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 433** and the inclusion of land within the consolidated district

36. Ordinance 2011-0929

ORDINANCE approving and authorizing amendment to contract between the City of Houston and **NRG ENERGY SERVICES LLC** (Approved by Ordinance 2010-862) for Emergency Back Up Power Generation Services for the Public Works & Engineering Department

37. Council Member Jones tagged

ORDINANCE appropriating \$3,766,576.28 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **ITRON, INC** for Radio Automated Meter Reading and Fixed Network/Advanced Meter Infrastructure Systems (Approved by Ordinance No. 98-575, as amended)

38. Ordinance 2011-0919

ORDINANCE appropriating \$563,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **FCM ENGINEERS, P.C.** for 7,000 LF Well Collection Line along Scenic Ridge; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG**

39. Council Member Jones tagged

ORDINANCE appropriating \$595,057.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, 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 - (4277-66)

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 40

MISCELLANEOUS

40. Motion 2011-0804

SET A PUBLIC HEARING DATE relative to the fifth amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER THREE (MAIN STREET/MARKET SQUARE ZONE) - DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 9, 2011

MATTERS HELD - NUMBERS 41 and 42

Motion 2011-0799 – Suspend rules to consider Item 41 out of order

Motion 2011-0800 – Call the question on Item 41

41. Ordinance 2011-0920

ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **KROGER TEXAS L.P.** for the Development and Operation of a combination grocery and drug store and fuel center on Studemont Street - **DISTRICT H - GONZALEZ**
TAGGED BY COUNCIL MEMBERS JONES, RODRIGUEZ, NORIEGA, CLUTTERBUCK, JOHNSON, SULLIVAN and BRADFORD
This was Item 16 on Agenda of October 19, 2011

42. Ordinance 2011-0930

ORDINANCE approving and authorizing Amendment No. 1 to agreement for heating, ventilating, and air conditioning systems and associated plumbing, electrical and control systems operations and maintenance for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC - DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER RODRIGUEZ
This was Item 28 on Agenda of October 19, 2011

Motion 2011-0805 – Suspend rules to hear from Ms. Carlecia Wright, Director of Office of Business Opportunities

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

10/25/2011 - Council Member Lovell absent on personal business

10/26/2011 - All Present