

AGENDA - COUNCIL MEETING - TUESDAY - MAY 18, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2010-0289 to 2010-0306
ORDINANCES – 2009-0373 to 2009-0394
RESOLUTION – 2010-0035

2010-0274-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

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 2010-0289 – Procedural motion
Motion 2010-0290 – Procedural motion
Motion 2010-0291 – Procedural motion
Motion 2010-0292 – Procedural motion
Motion 2010-0293 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 19, 2010 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **Motion 2010-0294 – Close hearing**
HEARING to consider a Municipal Setting Designation Ordinance for KBR Technical Services, Inc for the site located at 4100 Clinton Drive - **DISTRICT B - JOHNSON**

2. **Motion 2010-0294 – Close hearing**
HEARING to consider a Municipal Setting Designation Ordinance for Weingarten Realty Investors for the site located at 11092 - 11311 Fondren Road - **DISTRICT C - CLUTTERBUCK**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 32

MISCELLANEOUS - NUMBERS 3 and 4

3. **Motion 2010-0295**

CONFIRMATION of the appointment of **MR. CHARLES STAVA** to Position 12 on the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2012

4. **Motion 2010-0296**

REQUEST from Mayor for confirmation of the reappointment of the following to the **ELECTRICAL BOARD**, for terms to expire January 2, 2012:

Position Two - **MR. ELIOT L. DOUCET**

Position Four - **MR. ANTONIO A. ORTA**

Position Six - **MR. EDWARD T. DICKERSON**, and to serve as Chair

Position Eight - **MS. PIRDY F. NELSON**

Position Ten - **MR. JAVIER M. RAMOS**

ACCEPT WORK - NUMBERS 5 through 7

5. **Motion 2010-0297**

RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$173,754.80 and acceptance of work on contract with **USA ENVIRONMENTAL, L.P.** for Soil Disposal for Right-of-Way Fleet Maintenance Facility at 100 Japhet Street and 1700 East Crosstimbers Street - 1.47% under the original contract amount **DISTRICT H - GONZALEZ**

6. **Motion 2010-0298**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,790,802.48 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Briar Park & Gulf Meadows II 1.88% under the original contract amount - **DISTRICTS E - SULLIVAN and G - PENNINGTON**

7. **Motion 2010-0299**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$997,013.40 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Timber Oaks West Area - 4.37% over the original contract amount - **DISTRICT A - STARDIG**

PROPERTY - NUMBERS 8 and 9

8. **Motion 2010-0302**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett, R. G. Miller Engineers, Inc, on behalf of Americor Partners, Ltd. [American Land LLC. (John Hunt, Manager), General Partner], for sale of ±34,892 square feet of excess, fee-owned West Belfort right-of-way, located in Section 34 of the James Hamilton Survey, A-887, Parcel SY10-048 - **DISTRICT C - CLUTTERBUCK**

PROPERTY - continued

9. Motion 2010-0301

RECOMMENDATION from Director Department of Public Works & Engineering, on request from Mark Gordon, on behalf of Vincent Mandola, reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of a ±15-foot-wide alley, from La Rue Street to Eberhard Avenue, located within the Harlow Addition, the Harlow Addition Fractional Blocks Numbers 4 and 5, and the Vincents Terrace Subdivision, all out of the O. Smith Survey, Parcel SY10-049 - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBER 10

10. Motion 2010-0301

KSB INCORPORATED - \$68,932.00 and **PUMPS & EQUIPMENT OF TEXAS, INC** - \$89,217.00 for Submersible Pumps for Department of Public Works & Engineering - Enterprise Fund

ORDINANCES - NUMBERS 11 through 32

11. Ordinance 2010-0383

ORDINANCE supplementing Ordinance No. 2009-1118 relating to the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B; determining the maximum principal amounts of Subseries B-4, B-5 and B-6 and approving additional Credit Agreements in connection therewith; approving an updated Offering Memorandum; resolving other matters related thereto; and declaring an emergency

12. Ordinance 2010-0384

ORDINANCE approving and authorizing contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, providing up to \$362,422.00 in Housing Opportunities for Persons With AIDS Funds for Administration and Operation of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program including Supportive Services

13. Ordinance 2010-0385

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC**, providing up to \$995,000.00 in Housing Opportunities for Persons with AIDS Funds for Administration and Operation of a Tenant-Based Rental Assistance Program with Supportive Services

14. Ordinance 2010-0386

ORDINANCE de-obligating \$253,315.58 from the Community Development Block Grant Stimulus Funds (as authorized by Ordinance No. 2009-772 and Council Motion No. 2009-0861); appropriating \$144,127.83 from Equipment Acquisition Consolidated Fund and allocating additional grant funds for Purchase of One Pumper Truck for the Fire Department \$109,187.75 - National Clean Diesel Program Fund

ORDINANCES - continued

15. Ordinance 2010-0387

ORDINANCE declaring the intention of the City of Houston to reimburse Dangerous Building Demolition Project Expenditures from future proceeds of certificates of obligation; authorizing a total allocation of \$1,428,506.60 from the General Fund for the purpose of making supplemental allocations in the amount of \$708,789.10 to the task order contracts between the City and **ARROW SERVICES, INC., PfP ABATEMENT GROUP, LLC, and INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement Services (Approved by Ordinance No. 2009-1100), \$69,717.50 to the contracts between the City and **HONESTY ENVIRONMENTAL SERVICES, INC. and TECHNOLOGY SERVING PEOPLE, INC.** for Environmental Consulting Services (Approved by Ordinance No. 2009-492), and \$650,000 to the contracts between the City and **JTB SERVICES, INC., FERNANDEZ & SON, CHERRY MOVING COMPANY INC. DBA CHERRY DEMOLITION, SMITH-MOBLEY, INC., and WILLIS DEMOLISHING COMPANY** for Demolition Services (Approved by Ordinance No. 2009-900) - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

16. Ordinance 2010-0388

ORDINANCE approving and authorizing License Agreement between the City of Houston and **SMG** as Manager of Reliant Park, for the use of Reliant Park Facilities by the Department of Health and Human Services as site to conduct the Fourth Annual Hip Hop for HIV Awareness Campaign and providing a \$102,156.42 of Federal Grant Funds for such event - **DISTRICT D - ADAMS**

17. Ordinance 2010-0373

ORDINANCE approving and authorizing first amendment to Lease Agreement by and between **BNC SOUTH LOOP ASSOCIATES, L.P.** ("Landlord") and the City of Houston, Texas ("Tenant") for a space at 2636 South Loop West, Houston, Texas

18. Ordinance 2010-0374

ORDINANCE accepting into the City Collection a quilt entitled "Power of Houston," currently located at the George R. Brown Convention Center, and a medallion to Christoph Eschenbach, located at Jones Hall; providing for deaccession of a design feature known as "Cornerstones," located at Jones Plaza; and appropriating \$6,600.00 out of C & E - GRB Consolidated Construction Fund for the appraisal of 26 works of art in the collection of the Convention & Entertainment Facilities Department - **DISTRICT I - RODRIGUEZ**

19. Ordinance 2010-0375

ORDINANCE amending Ordinance No. 2009-741, as amended, to increase the maximum contract amount for a contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, upcoming Water/Sewer Rate Cases, Legislative Assistance and Legal Consultation - \$200,000.00 - General Fund

20. Pulled - Not Considered

ORDINANCE appropriating \$1,668,022.00 out of Equipment Acquisition Consolidated Fund for Purchase of Parking Meter Devices and associated equipment, signage and stripping for the Administration & Regulatory Affairs Department - **DISTRICT I - RODRIGUEZ**

21. Ordinance 2010-0389

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Turnkey Parts Services for Public Works & Engineering Department approved and authorized by Ordinance No. 05-705

ORDINANCES - continued

22. Council Member Jones tagged

ORDINANCE amending Ordinance No. 2007-0811 to increase the maximum contract amount for contract between the City of Houston and **HAHN EQUIPMENT COMPANY, INC** for Submersible Pump Repair Services for Public Works & Engineering Department - \$537,500.00 - Enterprise Fund

23. Ordinance 2010-0376

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **APRIL VILLAGE SUBDIVISION, SECTION 1** and **LAKESIDE PLACE SUBDIVISION, SECTION 7** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON**

24. Ordinance 2010-0377

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

25. Ordinance 2010-0378

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **KESWICK PLACE SUBDIVISION REPLAT** and **RAMBLEWOOD PARK SUBDIVISION, SECTION 1 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS**

26. Ordinance 2010-0379

ORDINANCE approving and authorizing first amendment to the Regional Participation Agreement between the City of Houston and the **WOODLANDS TOWNSHIP**

27. Ordinance 2010-0380

ORDINANCE consenting to the creation of **LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**

28. Ordinance 2010-0390

ORDINANCE approving and authorizing a first amendment to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** under the American Recovery and Reinvestment Act and first amendment to agreement between the City of Houston and **BUFFALO BAYOU PARTNERSHIP** (Approved by Ordinance 2001-0016) for Allen's Landing - **DISTRICT H - GONZALEZ**

29. Ordinance 2010-0381

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of way in connection with the public improvement project known as the Long Point Reconstruction Project, (from Pech Road to Hollister Street); authorizing the acquisition by donation, purchase, or eminent domain proceedings of sixteen (16) parcels of land required for street widening purposes and four (4) parcels of land for water lines uses; said parcels to be acquired in Fee Simple or Easement Title and situated in the A. H. Osborne Survey, A-610, in Harris County, Texas; such property being more specifically situated and located along the north or south boundary lines of Long Point between Pech Road and Hollister Street in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT A - STARDIG**

ORDINANCES - continued

30. Ordinance 2010-0391

ORDINANCE appropriating \$1,700,000.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **AECOM USA GROUP, INC** for Services associated with the Storm Water Management Program (Approved by Ordinance No. 2003-1195)

31. Ordinance 2010-0392

ORDINANCE de-appropriating \$855,136.00 out of Water & Sewer System Consolidated Construction Fund (Authorized by Ordinance No. 2008-221 for Design of the North Corridor Consolidation Plan); appropriating \$855,136.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Northgate and Imperial Valley Wastewater Treatment Plant Improvements - **DISTRICT B - JOHNSON**

32. Ordinance 2010-0382

ORDINANCE appropriating \$4,893,527.00 out of Metro Projects Construction Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** for Generic City Wide Overlay Package #15; 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, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Projects Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 33

MISCELLANEOUS

33. Motion 2010-0303 – Adopt

SET HEARING DATE to consider a Municipal Setting Designation ordinance for BAE Systems Resolution Corporation, Inc for the site located at 4516 Harrisburg Blvd. - **DISTRICT H - GONZALEZ**
HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 14, 2010

MATTERS HELD - NUMBERS 34 through 38

34. Ordinance 2010-0393

ORDINANCE approving and authorizing contract between the City of Houston and **MARJO HOUSE INCORPORATED**, providing up to \$399,459.00 in Housing Opportunities for Persons With AIDS Funds, which amount includes a limitation on additional funding in the amount of \$199,729.50, for the operation and administration of a community residence located at 1706 Gellhorn Drive, Houston, Texas, along with the provision of supportive services - **DISTRICT B - JOHNSON - POSTPONED BY MOTION #2010-249, 4/28/10**
This was Item 38 on Agenda of April 28, 2010

MATTERS HELD - continued

35. Motion 2010-0304 – Adopt

MOTION by Council Member Clutterbuck/Seconded by Council Member Noriega to adopt recommendation to award to **EQUIPMENT DEPOT, LTD.** for Forklifts for Houston Airport System \$63,738.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 8 on Agenda of May 12, 2010

36. Motion 2010-0305 – Adopt

MOTION by Council Member Clutterbuck/Seconded by Council Member Noriega to adopt recommendation to **AMEND MOTION #2008-654, 8/20/08, TO INCREASE** spending authority from \$1,577,127.00 to \$1,971,408.75 for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **CPR SERVICES AND SUPPLIES, INC d.b.a MDN ENTERPRISES** - \$394,281.75 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 9 on Agenda of May 12, 2010

37. Resolution 2010-0035

RESOLUTION approving and authorizing the nomination of **SYSCO CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 11 on Agenda of May 12, 2010

Motion 2010-0306 – Motion by Council Member Lovell/Seconded by Council Member Hoang to amend Item 38 as follows:

1. In Section 6 of the proposed ordinance, amend Item (5) of Subsection (a) of Section 45-364 to read as follows:

Written evidence of neighborhood or community support for the project from residents and property owners within the affected neighborhood area;

2. In Section 11 of the proposed ordinance, amend Items (1) and (2) of Section 45-368 to read as follows:

- (1) Whether the estimated percentage of cut-through traffic on a street is equal to or greater than 20% of the observed daily traffic volume, or the observed daily volume is equal to or greater than 720 vehicles per day;

- (2) Whether at least 15% of observed vehicle speeds on a street are equal to or in excess of the posted speed limit plus three miles per hour or, where there is no posted speed limit, the authorized speed limit pursuant to section 45-91(a)(1) of this Code plus three miles per hour;

- ADOPTED

38. Ordinance 2010-0394 – Adopt as amended

ORDINANCE **AMENDING ARTICLE XV OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to traffic in neighborhood areas; containing findings and other provisions relating to the foregoing subject; providing for severability **TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD and ADAMS**
This was Item 15 on Agenda of May 12, 2010

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

5/18/2010 – Council Members Clutterbuck and Sullivan absent on City business

5/19/2010 – Council Members Clutterbuck and Sullivan absent on City business