

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 18, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2012-0847 to 2012-0868
ORDINANCES - 2012-1098 to 2012-1129
RESOLUTION – None

2012-0846-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Sullivan

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

NOTE: If a translator is required, please advise when reserving time to speak

Motion 2012-0847 – Procedural motion
Motion 2012-0848 – Procedural motion
Motion 2012-0849 – Procedural motion
Motion 2012-0850 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 19, 2012 - 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 42

MISCELLANEOUS - NUMBERS 1 through 5A

1. Motion 2012-0851

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **PLANNING COMMISSION**, for terms to expire September 30, 2014:

Position Four - **SUSAN ALLEMAN**
Position Nine - **LISA M. CLARK**
Position Eleven - **SHAUKAT ZAKARIA**
Position Eighteen - **PAUL R. NELSON**
Position Twenty - **ANTOINE BRYANT**
Position Twenty-one - **MEDARDO "SONNY" GARZA**

MISCELLANEOUS - continued

2. Motion 2012-0852

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) BOARD OF DIRECTORS:**

KAREN J. DORRIS, reappointment, to serve as Chair, for a term to expire 12/31/2013

Position One - **WILLIAM E. MORFEY**, appointment, for a term to expire 12/7/2014

Position Three - **MATTHEW K. ZEVE**, appointment, for a term to expire 12/7/2014

Position Five - **ROBBI J. JONES**, reappointment, for a term to expire 12/7/2014

3. Motion 2012-0857

RECOMMENDATION from Deputy Director Mayor's Office of Intergovernmental Relations for renewal of Annual Membership in the **HOUSTON-GALVESTON AREA COUNCIL** - \$83,978.04 General Fund

4. Motion 2012-0858

RECOMMENDATION from Director Houston Information Technology Services for allocation of funds in the amount of \$781,213.18 for FY13 Microsoft Software and License Maintenance Services for the fleet of City Desktops awarded to **DELL FINANCIAL SERVICES, LLC** - Central Services Revolving Fund

5. Ordinance 2012-1111

ORDINANCE appropriating \$450,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for West Little York Paving from T.C. Jester to Alabonson/Deep Forest under Construction Contract with **CONRAD CONSTRUCTION CO., LTD.** (Approved by Ordinance No. 2011-0525) - **DISTRICTS A - BROWN and B - DAVIS**

a. Motion 2012-0859

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$372,619.49 for the West Little York Paving from T.C. Jester to Alabonson/Deep Forest - **DISTRICTS A - BROWN and B - DAVIS**

PROPERTY - NUMBERS 6 through 12

6. Motion 2012-0860

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 settle the case in connection with eminent domain proceeding styled City of Houston v. Shady Village, Inc., et al., Cause No. 1014943; for acquisition of Parcels AY8-291, LY8-038 & LY8-039; for the **YALE STREET PAVING & DRAINAGE PROJECT (Tidwell - W. Parker) - DISTRICT H - GONZALEZ**

7. Motion 2012-0861

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 settle the case in connection with eminent domain proceeding styled City of Houston v. Balearia L.L.C., a Texas Limited liability corporation, et al., Cause No. 1009726; for acquisition of Parcel AY10-219; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610) - DISTRICT H - GONZALEZ**

PROPERTY - continued

8. Motion 2012-0862

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 settle the case in connection with eminent domain proceeding styled City of Houston v. Bao Van Ngo., d/b/a Happyland Food, et al., Cause No. 1015302; for acquisition of Parcel AY11-130; for the **RECONSTRUCTION OF PARKER ROAD PROJECT (Hardy Toll Road - Eastex Fwy.)** **DISTRICT H - GONZALEZ**

9. Motion 2012-0863

RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Green & Fresh Produce, Inc., a Texas corporation, et al., Cause No. 994,116; for acquisition of Parcel AY10-205; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610)** - **DISTRICT H - GONZALEZ**

10. Motion 2012-0853

RECOMMENDATION from City Attorney to purchase Parcels AY9-414 and KY10-132 in lieu of eminent domain proceedings styled City of Houston v. Son Hoang Nguyen & Cindy Lam, et al., Cause No. 1014098; for the **LONG POINT RECONSTRUCTION PROJECT (Pech - Hollister)** **DISTRICT A - BROWN**

11. Motion 2012-0854

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brian Nawara, Texas Engineering and Mapping, on behalf of Tommie Vaughn Motors, Inc (Jim Janke, President), and V & G Realty Company, Inc (Jim Janke, President), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley, from North Durham Drive ±240 feet east to its terminus, located within the Shadywood Addition, Parcel SY13-030 - **DISTRICT C - COHEN**

12. Council Member Sullivan tagged

RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel LY10-045, located at the 7400 block of Northline Drive, owned by Turning Point Center, Inc., a Texas corporation f/k/a Rehab Mission, Inc., a Texas corporation, Isha Desselle, President, for the **NORTHLINE RECONSTRUCTION PROJECT from Parker to Canino** - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 14A

13. Motion 2012-0864

THE FIBAR GROUP, LLC for Surface Materials for Playgrounds and Jogging Trails for Parks & Recreation Department - 3 Years with two one-year options - \$256,669.30 - General Fund

14. Ordinance 2012-1098

ORDINANCE appropriating \$502,207.50 out of Metro Projects Construction DDSRF for purchase of Wi-Max Radio System Equipment for Public Works & Engineering Department

a. Motion 2012-0855

CONSOLIDATED TRAFFIC CONTROL, INC for Wi-Max Radio System Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Department of Public Works & Engineering

ORDINANCES - NUMBERS 15 through 42

15. Ordinance 2012-1112

ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of vehicles for hire; containing findings and other provisions related to the foregoing subject; declaring certain conduct to be unlawful; containing a repealer; containing a savings clause; providing for severability

16. Ordinance 2012-1113

ORDINANCE creating a Pilot Program and authorizing the suspension of vehicle for hire age limitations for certain Manufacturer Model Year Taxicabs and Chauffeured Limousines

17. Ordinance 2012-1099

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as public street rights-of-way of McGee Street, from Hoffman Road West approximately 1,042 feet, a portion of Troost Street, from Hoffman Road West approximately 987 feet, and Hoffman Road, from Interstate Highway 610 north to Kelley Street; vacating and abandoning the rights-of-way to the Harris County Hospital District, abutting owner, in consideration of its conveyance to the City of Houston, Texas, of a 60-foot-wide street right-of-way easement, construction of a street to City standards, payment to the City of \$92,041.00, and other consideration - **DISTRICT B - DAVIS**

18. Ordinance 2012-1100

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as public street rights-of-way of (1) Wheeler Street, from Deems Street to Lidstone Street, (2) Wheeler Street, from Lidstone Street to Brays Bayou, (3) Wheeler Street, from the northern boundary line of Tract 37, Luke Moore Survey, A-51, Harris County, Texas, to Old Spanish Trail, (4) 53,471 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of said Tract 37, and (5) Lidstone Street, from the former Lidstone Street to Brays Bayou; vacating and abandoning the rights-of-way to the Harris County Flood Control District and the Houston Parks Board, abutting owners, in consideration of (a) 12,402 square feet of right-of-way for the relocation of Lidstone Street, and (b) Five fee-owned parcels for park purposes; approving a form of Special Warranty Deed - **DISTRICT I - RODRIGUEZ**

Motion 2012-0856 – Suspend rules to consider Item 19 out of order

19. Ordinance 2012-1110

ORDINANCE relating to employment terms and conditions of Classified Fire Fighters of the City of Houston; ratifying the amendment to the 2011 Agreement between the City of Houston and the **HOUSTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION, also known as the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-CLC, LOCAL UNION 341**, containing provisions relating to promotional testing of Classified Fire Fighters and containing other provisions relating of the foregoing subject; suspending the operation of certain ordinances; providing for severability

20. Council Member Sullivan tagged

ORDINANCE relating to the Retail Gas Utility Rates of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex and as CenterPoint Energy Texas Gas; requiring a rate filing; maintaining current rates in effect until changed

ORDINANCES - continued

21. Ordinance 2012-1114

ORDINANCE approving and authorizing agreement between the City of Houston and **JOHNSON & JOHNSON ACTIVITIES, INC** to provide a \$975,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition and construction of a facility to be located in the vicinity of 14750 Fondren Road, Houston, Texas, which will serve low to moderate income seniors with special needs and persons with mental disabilities - **DISTRICT K - GREEN**

22. Ordinance 2012-1115

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES**, to provide up to \$70,000.00 for the continuing administration and operation of a Supportive Services Program under the Housing Opportunities for Persons With AIDS Program - **DISTRICT D - ADAMS**

23. Ordinance 2012-1127

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON**, providing up to \$600,000.00 in Housing Opportunities for Persons With AIDS for the continuing operation of multiple Rental Assistance Programs with supportive services - **DISTRICTS C - COHEN and H - GONZALEZ**

24. Ordinance 2012-1116

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, to extend the contract and provide up to \$92,490.00 for the continuing administration and operation of a community residence and the provision of supportive services for low-income and homeless persons under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - COHEN and D - ADAMS**

25. Ordinance 2012-1117

ORDINANCE approving and authorizing Pre-Qualified Contractors for the City of Houston's Single-Family Home Repair Programs, including the Community Development Block Grant Disaster Recovery Program

26. Ordinance 2012-1101

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **STUDENT AID FOUNDATION ENTERPRISES** to settle a lawsuit \$120,000.00 - Property & Casualty Fund

27. Ordinance 2012-1118

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **JORGE MEDRANO, Individually, and FERNANDO MEDRANO as the Independent Administrator of the Estate of Estela E. MEDRANO, ALEJANDRO MEDRANO, FEDERICO MEDRANO, MARIANO MEDRANO and FERNANDO MEDRANO, Individually**; to settle a lawsuit related to a vehicular accident between an on-duty HPD Officer driving an HPD vehicle and vehicle driven by Jorge Medrano - \$262,500.00 - Property & Casualty Fund

28. Ordinance 2012-1119

ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program \$200,000.00 - CDBG Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; D - ADAMS; E - SULLIVAN; I - RODRIGUEZ and K - GREEN**

ORDINANCES - continued

29. Ordinance 2012-1128

ORDINANCE appropriating \$685,168.04 out of Reimbursement of Equipment / Projects Fund for purchase of 75 parking pay stations for the Administration and Regulatory Affairs Department

a. Motion 2012-0868

DIGITAL PAYMENT TECHNOLOGIES, INC for 75 parking pay stations for the Administration and Regulatory Affairs Department

30. Council Member Bradford tagged

ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863)

31. Ordinance 2012-1129

ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **G4S SECURE SOLUTIONS (USA) INC (Formerly the WACKENHUT CORPORATION)** (Approved by Ordinance 2009-572) for Security Guard Services for the City of Houston

32. Ordinance 2012-1102

ORDINANCE appropriating \$539,064.20 out of Police Consolidated Construction Fund for Purchase and Sale Agreement between **HOANG T. WOUNG** and **TULE VAN WOUNG** and the City of Houston for purchase of 3.291 acres of land located on Westplace Drive near South Gessner Road, for the purchase price of \$530,000.00 and associated closing costs in the amount of \$9,064.20 - **DISTRICT K - GREEN**

33. Ordinance 2012-1120

ORDINANCE appropriating \$1,237,507.00 out of Parks Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Sam Houston Park; 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 services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, and Texas Parks and Wildlife Department Fund - \$895,500.00 - Grant Fund **DISTRICT I - RODRIGUEZ**

34. Ordinance 2012-1121

ORDINANCE approving and authorizing Lease Agreement between **UNION PACIFIC RAILROAD COMPANY, as Landlord**, and the City of Houston, Texas, as tenant, for approximately 33,820 square feet of unimproved land for parking for the Houston Permitting Center; approving a payment of \$109,900.00 - Building Inspection Fund - **DISTRICT I - RODRIGUEZ**

35. Ordinance 2012-1103

ORDINANCE consenting to the addition of 15.4229 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district

36. Ordinance 2012-1104

ORDINANCE consenting to the addition of 17.3409 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district

ORDINANCES - continued

37. Ordinance 2012-1122

ORDINANCE consenting to the addition of 48.1450 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

38. Ordinance 2012-1105

ORDINANCE consenting to the addition of 83.503 acres of land to **NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT**, for inclusion in its district

39. Ordinance 2012-1106

ORDINANCE appropriating \$500,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TEDSI INFRASTRUCTURE GROUP, INC** for Traffic Signal Management Program / Intelligent Transportation Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF

40. Ordinance 2012-1107

ORDINANCE appropriating \$12,000.00 out of Metro Projects Construction DDSRF; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **SOWELLS CONSTRUCTION MANAGEMENT & INSPECTION, LLC** for Traffic Signalization and Intersection Redesign

41. Ordinance 2012-1108

ORDINANCE appropriating \$750,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Services Engineering Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Work Orders for Pre-Engineering of Thoroughfare Improvements; providing funding for construction of facilities financed by the Metro Projects Construction DDSRF

42. Ordinance 2012-1109

ORDINANCE appropriating \$592,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **LBG-GUYTON ASSOCIATES, INC** for services associated with the rehabilitation of water wells at various locations (Approved by Ordinance No. 2008-0086) and approving and authorizing third amendment to the contract; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN and K - GREEN**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 43

MISCELLANEOUS

43. Motion 2012-0865

SET A HEARING DATE regarding the granting of a pipeline easement at Lake Houston Wilderness Park - **DISTRICT E - SULLIVAN**
HEARING DATE - 9:00 A.M. - WEDNESDAY - JANUARY 16, 2013

MATTERS HELD - NUMBERS 44 through 49

44. Motion 2012-0866 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,392,363.11 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2010 (675) ES, etc. - 0.002% over the original contract amount and under the 5% contingency - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; F - HOANG; G - PENNINGTON; H - GONZALEZ; I - RODRIGUEZ and J - LASTER**
TAGGED BY COUNCIL MEMBER DAVIS

This was Item 6 on Agenda of December 12, 2012

45. Motion 2012-0867 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,889,172.50 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Riverwood Estates & John Alber Areas 0.04% under the original contract amount - **DISTRICT B - DAVIS**
TAGGED BY COUNCIL MEMBER DAVIS

This was Item 8 on Agenda of December 12, 2012

46. Ordinance 2012-1123

ORDINANCE approving and authorizing agreement for Professional Legal Services between the City of Houston and **ZUCKERT SCOUTT & RASENBERGER, LLP** for Specialized Aviation Legal Services for the benefit of the Houston Airport System; providing a maximum contract amount \$4,450,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 39 on Agenda of December 12, 2012

47. Ordinance 2012-1124

ORDINANCE approving and authorizing agreement for Professional Legal Services between the City of Houston and **KAPLAN KIRSCH & ROCKWELL, LLP** for Specialized Aviation Legal Services for the benefit of the Houston Airport System; providing a maximum contract amount \$1,400,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 40 on Agenda of December 12, 2012

48. Ordinance 2012-1125

ORDINANCE approving and authorizing contract between the City of Houston and **INTERVISTAS CONSULTING LLC** for Professional Aviation Consulting Services for the Houston Airport System; providing a maximum contract amount - \$1,875,000.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER SULLIVAN

This was Item 43 on Agenda of December 12, 2012

49. Ordinance 2012-1126

ORDINANCE appropriating \$2,182,000.00 out of HAS Consolidated 2001 NONAMT Construction Fund and \$16,748,000.00 out of Airports Improvement Fund as an additional appropriation for Construction Phase Services for the Design Building Agreement between the City of Houston and **MICA CORPORATION** (Approved by Ordinance No. 2012-472) for Exterior Way-Finding Roadway Signage at George Bush Intercontinental Airport/Houston (Project No. 684); providing funding for engineering testing services and for contingencies; providing funding for the Civic Art Program - **DISTRICT B - DAVIS** - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 44 on Agenda of December 12, 2012

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Cohen 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

12/18/2012 - All Present

11/19/2012 - All Present