

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 2, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0200 to 2013-0210
ORDINANCES – 2013-0286 to 2013-0300
RESOLUTION – 2013-0017

2013-0185-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Costello

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 2013-0200 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 3, 2013 - 9:00 A. M.

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

Motion 2013-0201 – Accept report

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

HEARINGS - 9:00 A.M.

1. Motion 2013-0202 – Close hearing

Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Juvenile Curfew Ordinance should be continued. The Local Government Code requires City Council to conduct public hearings every three years to review and take action to continue the Juvenile Curfew Ordinance. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (832) 393-1100 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary.

HEARINGS - continued

2. Motion 2013-0203 – Close hearing

PUBLIC HEARING on proposals for the City of Houston to enter into separate Strategic Partnership Agreements with the below named Districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:

1. Harris County Municipal Utility District No. 120
2. Fort Bend County Municipal Utility District No. 194
3. White Oak Bend Municipal Utility District
4. Cinco Municipal Utility District No. 12
5. Harris County Municipal Utility District No. 345
6. Cornerstones Municipal Utility District
7. Harris County Water Control and Improvement District No. 109
8. Northwest Harris County Municipal Utility District No. 5
9. Dowdell Municipal Utility District

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 29

PROPERTY - NUMBERS 3 and 4

3. Motion 2013-0204

RECOMMENDATION from Director Department of Public Works & Engineering for purchase and pay relocation assistance expenses related to purchase of Parcel AY10-244, owned by Juan Regalado, located at 134 Annette Lane for the **FULTON PAVING AND DRAINAGE PROJECT from East Tidwell to East Parker - DISTRICT H - GONZALEZ**

4. Motion 2013-0205

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Hong Hoa Do, declining the acceptance of, rejecting, and refusing the dedication of a portion of 14th Street adjacent to Blocks 192 and 193, located within the Genoa Townsite Subdivision, out of the Juan Sutton Survey, Parcel SY13-024 - **DISTRICT E - MARTIN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 7A

5. Ordinance 2013-0292

ORDINANCE appropriating \$541,383.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulance Cabs & Chassis for the Houston Fire Department

a. Motion 2013-0206

KNAPP CHEVROLET, INC for Purchase of Ambulance Cabs & Chassis through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Fire Department

6. Motion 2013-0207

TECHNICAL COMMUNITIES, INC for Purchase of Software License Maintenance Agreement for the VidSys Video Management System from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Police Department \$68,862.40 - Grant Fund

PURCHASING AND TABULATION OF BIDS - continued

7. Ordinance 2013-0293

ORDINANCE appropriating \$235,463.48 out of Equipment Acquisition Consolidated Fund for Purchase of Earth Moving Equipment for Various Departments

a. Motion 2013-0208

JOHN DEERE SHARED SERVICES, INC acting through JOHN DEERE CONSTRUCTION RETAIL SALES DIVISION - \$439,368.35, **MUSTANG MACHINERY COMPANY, LTD. d/b/a MUSTANG CAT** - \$139,988.48, **DOGGETT HEAVY MACHINERY SERVICES, LLC** - \$999,876.00, **HI-WAY EQUIPMENT COMPANY, LLC** - \$644,838.80, and **ROMCO EQUIPMENT COMPANY, LLC** - \$95,475.00 for Purchase of Earth Moving Equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and Texas Local Government Purchasing Cooperative (BuyBoard) for Various Departments - \$2,319,546.63 Enterprise and other Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 29

8. Resolution 2013-0017

RESOLUTION supporting and approving the proposed development for affordable rental housing of Wilmington House, located at 4000 Wilmington Street in the City of Houston, Texas, and authorizing the allocation of 2013 Housing Tax Credit to such development - **DISTRICT D - ADAMS**

9. Council Members Cohen and Bradford tagged

ORDINANCE **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to City water service and water service charges; containing other provisions relating to the foregoing subject; providing for severability

10. Ordinance 2013-0286

ORDINANCE authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds in one or more Series or Subseries (Tax-Exempt and Taxable) as may be further designated and described herein and providing for the payment and security thereof; authorizing the Mayor, the City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing such officials to determine the outstanding obligations to be refunded and/or defeased and to approve certain other procedures, provisions and agreements related thereto; authorizing the execution and delivery of one or more Purchase Contracts, Paying Agent/Registrar Agreements, Escrow Agreements, and other Agreements; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offerings; authorizing a Bond Counsel Agreement and a Special Disclosure Counsel Agreement; and making certain findings and other declarations necessary and incidental to the issuance of such Refunding Bonds; and declaring an emergency

11. Ordinance 2013-0287

ORDINANCE authorizing the issuance of the City of Houston, Texas Certificates of Obligation (Demolition Program), Series 2013; authorizing the Mayor, City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing and approving a Purchase Contract, Paying Agent/Registrar Agreement and other related Documents; approving the use a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offering; ratifying the designation of Bond Counsel and Special Disclosure Counsel; making certain findings and other provisions regarding such certificates and matters incident thereto; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

12. Council Member Pennington tagged

ORDINANCE authorizing the issuance of the City of Houston, Texas Qualified Energy Conservation Tax Notes (QECB Direct Pay to Issuer), Series 2013Q; authorizing the Mayor, City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing and approving a Purchase Contract, Paying Agent/Registrar Agreement and other related Documents; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offerings; ratifying the designation of Bond Counsel and Special Disclosure Counsel; making certain findings and other provisions regarding such notes and matters incident thereto; and declaring an emergency

13. Ordinance 2013-0294

ORDINANCE authorizing and approving Purchase and Sale Agreement between **MOHAMMAD TARIQ ZAKA, NKA TARIQ ZAKA AND SALMA ZAKA** (Seller) and the City of Houston (Purchaser), for the purchase of 10,000 square feet of land located at 2810 and 2812 Dowling Street, Houston, Harris County, Texas at a price, including due diligence and closing costs, of \$159,638.00; allocating \$79,819.00 of Texas Parks and Wildfire Department Grant Funds; appropriating \$79,819.00 out of Park Consolidated Construction Fund for the Expansion of Emancipation Park

14. Council Member Brown tagged

ORDINANCE pursuant to and implementing the provisions of Ordinance No. 2012-685, appropriating \$1,800,000.00 of Section 108 HUD-Guaranteed Loan Funds; allocating \$5,550,000.00 of EDI Grant Funds; approving and authorizing the issuance of non-recourse City of Houston notes in the amount of \$1,800,000.00, a contract for loan guarantee assistance and related loan documents between the City of Houston and the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** and a Loan Agreement and related documents between the City of Houston and **806 MAIN, LLC** to provide a \$7,350,000.00 Second Lien Loan to finance acquisition, furniture and equipment costs related to the redevelopment of the building located at 806 Main Street, Houston, Texas - **DISTRICT I - RODRIGUEZ**

15. Ordinance 2013-0295

ORDINANCE appropriating \$49,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Used All Electric Vehicles for the Fleet Management Department

16. Ordinance 2013-0288

ORDINANCE appropriating \$16,990.69 out of Parks Consolidated Construction Fund for Purchase and Installation of Furniture for Keith Wiess Park Maintenance Facility - **DISTRICT B - DAVIS**

17. Council Member Brown tagged

ORDINANCE approving and authorizing Revenue Contract between the City of Houston and **ELEMENT MARKETS, LLC** for Emission Credit Brokerage Services for the Public Works & Engineering Department

18. Ordinance 2013-0289

ORDINANCE appropriating \$260,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Installation of Uninterruptable Power Supply Systems and Battery Backups at traffic signals along corridors within the City of Houston

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2013-0290

ORDINANCE appropriating \$698,448.00 out of Water & Sewer System Consolidated Construction Fund; awarding contact to **SEWER AND STORM MAINTENANCE, LLC**, 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 contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4277-73)

20. Ordinance 2013-0291

ORDINANCE appropriating \$1,788,464.00 out of Water & Sewer System Consolidated Construction Fund; awarding contact to **PMG PROJECT MANAGEMENT GROUP, LLC**, for Fire Hydrant and Small Diameter Valve Replacement 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (11008)

21. Ordinance 2013-0281 – Passed second and final reading

ORDINANCE No. 2013-0281, passed first reading March 27, 2013

ORDINANCE adopting Drainage Impact Fees in accordance with Chapter 395 of the Texas Local Government Code; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS** and containing findings and other provisions relating to the foregoing subject; containing a savings clause; and providing for severability - **SECOND AND FINAL READING**

22. Ordinance 2013-0234 – Passed third and final reading

ORDINANCE No. 2013-0234, passed second reading March 27, 2013

ORDINANCE granting to **FCC ENVIRONMENTAL, LLC, A Delaware 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 **THIRD AND FINAL READING**

23. Ordinance 2013-0235 – Passed third and final reading

ORDINANCE No. 2013-0235, passed first reading March 20, 2013

ORDINANCE granting to **SPECIALIZED WASTE SYSTEMS, 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 - **THIRD AND FINAL READING**

24. Ordinance 2013-0236 – Passed third and final reading

ORDINANCE No. 2013-0236, passed second reading March 27, 2013

ORDINANCE granting to **AAA FLEXIBLE PIPE CLEANING CO., 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 - **THIRD AND FINAL READING**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2013-0237 – Passed third and final reading

ORDINANCE No. 2013-0237, passed second reading March 27, 2013

ORDINANCE granting to **DESIGNING TECHNIQUES LLC dba DURAN'SYOURDUMPSTER.COM, 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 - **THIRD AND FINAL READING**

26. Ordinance 2013-0238 – Passed third and final reading

ORDINANCE No. 2013-0238, passed second reading March 27, 2013

ORDINANCE granting to **GREG MORALES dba HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, A Texas Sole Proprietorship**, 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 - **THIRD AND FINAL READING**

27. Ordinance 2013-0239 – Passed third and final reading

ORDINANCE No. 2013-0239, passed second reading March 27, 2013

ORDINANCE granting to **CLEAN SERVE 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 - **THIRD AND FINAL READING**

28. Ordinance 2013-0240 – Passed third and final reading

ORDINANCE No. 2013-0240, passed second reading March 27, 2013

ORDINANCE granting to **BERKELEY OUTSIDE 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 - **THIRD AND FINAL READING**

29. Ordinance 2013-0241 – Passed third and final reading

ORDINANCE No. 2013-0241, passed second reading March 27, 2013

ORDINANCE granting to **LATINOSI, 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 - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 30 through 35

30. Motion 2013-0210 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to **AMEND MOTION #2007-0612, 06/20/07 previously amended by #2012-0419, 06/06/12, TO INCREASE** spending authority from \$34,926,668.33 to \$48,897,335.53 for Chemical, Sodium Hypochlorite for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION - TAGGED BY COUNCIL MEMBER GREEN**

This was Item 7 on Agenda of March 27, 2013

31. Ordinance 2013-0296

ORDINANCE **AMENDING CHAPTERS 1 and 2 OF THE CITY OF HOUSTON FIRE CODE and CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Orders, Permits, and Abatements by Fire Department Officials; containing findings and other provision relating thereto; providing for savings; providing for severability

TAGGED BY COUNCIL MEMBER BROWN

This was Item 8 on Agenda of March 27, 2013

32. Ordinance 2013-0297

ORDINANCE awarding contract to **FIRST STUDENT, INC** for School Buses Rental Services for the Parks & Recreation Department; providing a maximum contract - 2 Years with three one-year options - \$390,250.00 - Park Special Revenue Fund

TAGGED BY COUNCIL MEMBER GONZALEZ

This was Item 25 on Agenda of March 27, 2013

33. Ordinance 2013-0298

ORDINANCE appropriating \$293,250.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Negotiated Work Orders for Design of new and rehabilitation of existing Pump Stations and Flood Warning Systems (Approved by Ordinance No. 2012-0173); providing funding for contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

TAGGED BY COUNCIL MEMBER GREEN

This was Item 30 on Agenda of March 27, 2013

34. Ordinance 2013-0299

ORDINANCE approving and authorizing agreement with **MITHOFF LAW FIRM and COTCHETT, PITRE & MCCARTHY, LLP** relating to the pursuit of damages associated with London Interbank Offered Rate Manipulation - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 65 on Agenda of March 27, 2013

35. Ordinance 2013-0300

ORDINANCE awarding contract to **DRC EMERGENCY SERVICES, LLC** for Base Camp Services (Post Disaster) for the City of Houston - 5 Years - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 67 on Agenda of March 27, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green 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

AGENDA - APRIL 3, 2013 - PAGE 8

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

**4/2/2013 - Council Member Hoang absent on City business
Council Member Burks absent due to being ill**