

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 19, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0126 to 2013-0142
ORDINANCES – 2013-0135 to 2013-00162
RESOLUTIONS – 2013-0002 to 2013-0004

2013-0111-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Christie

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 2013-0126 – Procedural motions
Motion 2013-0127 – Procedural motions
Motion 2013-0128 – Procedural motions
Motion 2013-0129 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 20, 2013 - 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 37

MISCELLANEOUS - NUMBER 1

1. **Motion 2013-0130**

REQUEST from Mayor for confirmation of the reappointment of **VERGIL R. RATLIFF**, to Position Two of the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF DIRECTORS**, for a term to expire September 30, 2014

ACCEPT WORK - NUMBERS 2 through 4

2. Motion 2013-0136

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,768,280.00 and acceptance of work on contract with **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Herman Brown Park - 5.00% over the original contract amount and within the 5% contingency - **DISTRICT I - RODRIGUEZ**

3. Motion 2013-0131

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$16,835,885.35 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Southwest Wastewater Treatment Plant Improvements 1.82% over the original contract amount and under 5% contingency amount - **DISTRICT C - COHEN**

4. Motion 2013-0137

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$727,490.51 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, LTD.** for Pump and Lift Station Replacement for the Westway Utility District Lift Station - 8.34% under the original contact amount - **DISTRICT A - BROWN**

PROPERTY - NUMBERS 5 through 7

5. Motion 2013-0132

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sandra Williams, on behalf of Shasta Holiday, Inc., (Ron Rau, President), for abandonment and sale of Jarmese Street from Coffee Street to the east property line of Lot 19, located within the Southland Acres Subdivision, Parcels SY13-022, SY13-040 and IT13-006 - **DISTRICT D - ADAMS**

6. Motion 2013-0133

RECOMMENDATION from Director Department of Public Works & Engineering to purchase and pay relocation assistance expenses for Parcel AY10-257, located at 36 Soren Lane, owned by R. E. Huffstetter, II, for the **FULTON PAVING AND DRAINAGE PROJECT from East Tidwell to East Parker** - **DISTRICT H - GONZALEZ**

7. Motion 2013-0134

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY10-040, located on Northline Drive between Rosamond and Parker, owned by Poseidon Holdings, L.L.C., John Stergiou, Director, for the **NORTHLINE RECONSTRUCTION PROJECT from Parker to Canino** - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. Council Member Brown tagged

DATABANK IMX, LLC for OnBase Software and Software Hosting through the Texas Department of Information Resources Agreement for the Housing and Community Development Department - \$397,739.73 - TIRZ Affordable Housing Fund

9. Motion 2013-0135

AMEND MOTION #2007-742, 7/3/07, as amended by #2012-458, 6/20/2012, TO EXTEND the expiration date from July 8, 2013 to July 7, 2014, and **TO INCREASE** spending authority from \$6,101,637.66 to \$8,951,217.66 for Firefighter Uniforms for Fire Department, awarded to **LONE STAR UNIFORMS, INC** - \$2,849,580.00 - General and Other Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 37

10. Resolution 2013-0004

RESOLUTION approving and authorizing the nomination of **FOSTER WHEELER USA CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICT A - BROWN**

11. Resolution 2013-0002

RESOLUTION amending Resolution No. 2012-34 approving and authorizing the nomination of **GOODMAN MANUFACTURING COMPANY, L.P.** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICT C - COHEN**

12. Ordinance 2013-0135

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 Airline Drive Paving Project (from North Main to IH-610); amending City of Houston Ordinance No. 2011-5 relating thereto; authorizing the acquisition of Fee Simple Title Interest in or easement to two parcels of land required for the project and situated in the John Austin Survey, Abstract No. 1, in Harris County, Texas, said parcels of land being located along the east line of Airline Drive between North Main and IH-610 in Houston, Harris County, Texas by gift, dedication, purchase and use of eminent domain; and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title Interest in or easements to two parcels of land required for the project - **DISTRICT H - GONZALEZ**

13. Ordinance 2013-0136

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the public improvement project known as the Clinton Drive Paving and Drainage Project from Hirsch to Harvey Wilson Road; authorizing the acquisition of Fee Simple Title Interest in or easement to 10 parcels of land required for the project and situated in the Harris and Wilson Survey, Abstract No. 32; in Harris County, Texas, said parcels of land being along the northerly and southerly lines of Clinton Drive from Hirsch to Harvey Wilson Road in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title Interest in or easement to the 10 parcels of land required for the project - **DISTRICTS B - DAVIS and H - GONZALEZ**

14. Ordinance 2013-0147

ORDINANCE authorizing the Mayor to accept funding in the amount of \$1,340,348.70 by executing amendment of solicitation to an Other Transaction Agreement by and between the City and the **DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION** for Surveillance Program Enhancements at William P. Hobby Airport (Approved by Ordinance No. 2010-723); approving and authorizing first amendment to that Other Transaction Agreement - **DISTRICT I - RODRIGUEZ**

15. Ordinance 2013-0137

ORDINANCE awarding contract to **CKS HYDRO SERVICES, INC** for Runway Rubber Removal Services for the Houston Airport System; providing a maximum contract amount - 3 Years \$190,950.00 - Enterprise Fund - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

16. Ordinance 2013-0148

ORDINANCE amending Ordinance No. 2008-1230 (Passed on December 30, 2008) to increase the maximum contract amount for contract between the City of Houston and **JOHN BEAN TECHNOLOGIES CORPORATION, JBT AEROTECH AIRPORT SERVICES** for Baggage Handling and Aircraft Support Systems Maintenance and Hardstand Operations Services for the Houston Airport System - \$3,679,017.00 - Enterprise Fund - **DISTRICTS B - DAVIS and E - MARTIN**

17. Ordinance 2013-0159

ORDINANCE amending Ordinance No. 2012-0619 (Passed on June 27, 2012) to increase the maximum contract amount for contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial Cleaning and associated services for Various Departments \$419,155.94 - General Fund

18. Ordinance 2013-0160

ORDINANCE amending Ordinance No. 2012-0618 (Passed on June 27, 2012) to increase the maximum contract amount for contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial Cleaning and associated services for Houston Police Department - \$286,542.64 - General Fund

19. Ordinance 2013-0138

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **LION TOTALCARE, INC** (Approved by Ordinance 2008-301) for Cleaning, Decontamination and Repair Services for Fire Protective Ensembles for Various Departments

20. Ordinance 2013-0149

ORDINANCE approving and authorizing first amendment for Office Lease and Concession Management Rights to the contract between the City of Houston and **MEMORIAL PARK CONSERVANCY** (Approved by Ordinance No. 2008-0859) - **DISTRICT C - COHEN**

21. Council Member Brown tagged

ORDINANCE approving and authorizing Professional Service Agreements between the City of Houston and the **BODE TECHNOLOGY GROUP, INC** and **SORENSEN FORENSICS, LLC** for DNA Analysis; providing a maximum contract amount - \$4,400,000.00 - General and Grant Funds

22. Ordinance 2013-0150

ORDINANCE approving and authorizing a District Office Lease Agreement between the City of Houston, Texas, as Landlord, and the **HONORABLE SHEILA JACKSON LEE**, member of the U.S. House of Representatives, as Tenant, for lease space located at the Acres Homes Multi-Service Center at 6719 West Montgomery Road, Houston, Texas - **DISTRICT B - DAVIS**

23. Ordinance 2013-0139

ORDINANCE appropriating \$820,000.00 out of General Improvement Consolidated Construction Fund, \$737,000.00 out of Public Library Consolidated Construction Fund, \$1,000,000.00 out of Parks Consolidated Construction Fund, \$171,000.00 out of Solid Waste Consolidated Construction Fund, and \$360,000.00 out of Public Health Consolidated Construction Fund for the Job Order Contracting Program for FY2013; providing a maximum contract amount

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2013-0151

ORDINANCE appropriating \$126,184.63 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Environmental and Demolition Services Task Order Contracting Program for FY 2012 (Approved by Ordinance No. 2012-0341); providing funding for project management and asbestos and air monitoring services - 5 Years - **DISTRICT A - BROWN**

25. Ordinance 2013-0161

ORDINANCE appropriating \$1,999,924.00 out of General Improvement Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **PIN OAK INTERESTS, LLC** for Miller Outdoor Theater Structural Canopy Improvements; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT D - ADAMS**

26. Ordinance 2013-0162

ORDINANCE appropriating \$245,227.50 out of Parks Consolidated Construction Fund, awarding construction contract to **TRI-POINT CONSTRUCTION SERVICES INCORPORATED** for Townwood Park - Ballfield Lighting & Parking Overlay; 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 construction management, engineering and materials testing services, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, and Texas Parks and Wildlife Department Fund - \$202,872.00 - Grant Fund - **DISTRICT K - GREEN**

27. Ordinance 2013-0140

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 388**

28. Ordinance 2013-0141

ORDINANCE consenting to the addition of 3.1892 acres of land to **LOUETTA ROAD UTILITY DISTRICT**, for inclusion in its district

29. Ordinance 2013-0142

ORDINANCE consenting to the addition of 23.651 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district

30. Ordinance 2013-0143

ORDINANCE consenting to the addition of 26.1572 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district

31. Ordinance 2013-0144

ORDINANCE approving and authorizing contract between the City and **A&R ENGINEERING AND TESTING, INC, ALLIANCE LABORATORIES, INC, ALL-TERRA ENGINEERING, INC, ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AUSTIN-REED ENGINEERS, L.L.C., AVILES ENGINEERING CORPORATION, COASTAL TESTING LABORATORIES, INC, EARTH ENGINEERING, INC, FUGRO CONSULTANTS, INC, GEOSCIENCE ENGINEERING & TESTING, INC, GEOTEST ENGINEERING, INC, DAE AND ASSOCIATES, LTD. d/b/a GEOTECH ENGINEERING AND TESTING, A Texas Limited Partnership, GORRONDONA & ASSOCIATES, INC, HTS, INC. CONSULTANTS, HVJ ASSOCIATES, INC, JRB ENGINEERING, LLC, KENALL, INC, NINYO & MOORE, INC, PARADIGM CONSULTANTS, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, TERRACON CONSULTANTS, INC, THE MURILLO COMPANY, and TOLUNAY-WONG ENGINEERS, INC**, for Testing Laboratory Services

RESOLUTIONS AND ORDINANCES - continued

32. Ordinance 2013-0152

ORDINANCE approving and authorizing second amendment and appropriating \$780,000.00 out of Street and Traffic Storm Drainage Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES** for the development of a Stormwater Evaluation Enhancement Tool for the Department of Public Works & Engineering (Ordinance 2009-0947)

33. Ordinance 2013-0153

ORDINANCE appropriating \$177,200.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Services Engineering Contract between the City of Houston and **JACOBS ENGINEERING GROUP INC** for Neighborhood Street Reconstruction (Approved By Ordinance No. 2000-0308); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON**

34. Ordinance 2013-0145

ORDINANCE appropriating \$1,150,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **S & B INFRASTRUCTURE, LTD.** for Negotiated Work Order Engineering Services associated with Wastewater Lift Stations Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

35. Ordinance 2013-0154

ORDINANCE approving and authorizing first amendment and appropriating \$526,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **KALLURI GROUP, INC** for Engineering Services associated with the Northeast Water Purification Plant (Approved by Ordinance No. 2011-0453); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

36. Ordinance 2013-0155

ORDINANCE approving and authorizing first amendment and appropriating \$2,541,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CAROLLO ENGINEERS, INC** for services associated with Project Advisor/Technical Consultant for the City's Future Expansion for the Northeast Water Purification Plant (Approved by Ordinance No. 2012-0121); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

37. Ordinance 2013-0146

ORDINANCE appropriating \$3,740,862.00 out of Metro Projects Construction DDSRF, awarding contract to **TRAFFIC SYSTEMS CONSTRUCTION, INC** for Citywide Traffic Signal Rebuild Package #3; 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 Metro Projects Construction DDSRF - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; H - GONZALEZ; F - HOANG; G - PENNINGTON; J - LASTER and K - GREEN**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 38 through 42

38. Motion 2013-0138 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,280,885.68 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION CO.** for City Wide Overlay / Rehabilitation Project Package #16 (Work Order Contract) - 4.60% over the original contract amount and under the 5% contingency amount - **DISTRICTS C - COHEN; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER ADAMS

This was Item 7 on Agenda of February 13, 2013

39. Ordinance 2013-0156

ORDINANCE appropriating \$335,579.11 out of Equipment Acquisition Consolidated Fund for purchase of Light-, Medium- and Heavy-Duty, Cabs & Chassis Mounted with Truck Bodies for Various Departments - \$5,019,739.20 - Enterprise and Other Funds

TAGGED BY COUNCIL MEMBER BROWN

a. Motion 2013-0139 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to award to **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$3,724,482.68, **HOUSTON FREIGHTLINER, INC** - \$157,070.00, **TEXAS UNDERGROUND, INC** - \$441,288.00, **GAP VAX, INC** - \$471,875.00, **CHASTANG ENTERPRISES, INC d/b/a CHASTANG BAYOU CITY FORD** - \$84,101.85 and **PHILPOTT MOTORS LTD. d/b/a PHILPOTT FORD** - \$476,500.78 for Light-, Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for Various Departments - **TAGGED BY COUNCIL MEMBER BROWN**

These were Items 13 and 13A on Agenda of February 13, 2013

40. Resolution 2013-0003

RESOLUTION supporting the Texas Department of Transportation's delivery of the SH288 managed lanes and direct connectors for access to the Texas Medical Center - **DISTRICT D - ADAMS** - **TAGGED BY COUNCIL MEMBER ADAMS**

This was Item 14 on Agenda of February 13, 2013

Motion 2013-0140 – Written motion by Council Member Gonzalez to amend Item 41 as follows:

“Section 10. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon at 12:01 a.m. on the sixtieth day following the day after its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

MATTERS HELD – continued

Motion 2013-0141 – Suspend rules to hear from Lt. Dana Hitzman on Item 41

Motion 2013-0142 – Postpone Item 41 one (1) week – “Died for lack of a second”

41. Motion 2013-0157 – Adopt as amended

ORDINANCE AMENDING SECTIONS OF CHAPTERS 1, 5, 7 AND 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to criminal background check requirements and results for the consideration and issuance of certain licenses and permits

TAGGED BY COUNCIL MEMBER BROWN

This was Item 16 on Agenda of February 13, 2013

42. Ordinance 2013-0158

ORDINANCE appropriating \$3,450,000.00 out of Fire Consolidated Construction Fund, \$2,100,000.00 out of Police Consolidated Construction Fund and \$100,000.00 out of Public Health Consolidated Construction Fund to the In-House Renovation Revolving Fund for the Renovation and Office Build-out Projects for various City facilities during Fiscal Year 2013

TAGGED BY COUNCIL MEMBER COSTELLO

This was Item 26 on Agenda of February 13, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Gonzalez 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

2/19/2013 - Council Member Bradford absent on personal business

2/20/2013 - All Present