

**AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 7, 2014 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

MOTIONS 2014-0004 to 2014-0017  
ORDINANCES – 2014-0001 to 2014-0009  
RESOLUTION - None

2014-0003-1

**INVOCATION 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

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

Motion 2014-0004 – Procedural motion

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - JANUARY 8, 2014 - 9:00 A. M.**

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

**Motion 2014-0005 – Suspend rules to consider Items 2, 3, Finance Report and Hearing out of order**

**HEARINGS - 9:00 A.M.**

1. Motion 2014-0009 – Close hearing

**PUBLIC HEARING** on the proposal to use approximately 6,986 square feet of Stuebner-Airline Park for a sanitary sewer corridor - **DISTRICT B - DAVIS**

Motion 2014-0008 – Accept report

**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**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 19

MISCELLANEOUS - NUMBERS 2 and 3

2. **Motion 2014-0006**

REQUEST from Mayor for confirmation of the appointment of **ASHLEY R. THRETON**, to Position Four to the **HOUSTON CLEAN CITY COMMISSION**, for a term to expire February 1, 2016

3. **Motion 2014-0007**

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF PUBLIC TRUSTS**, for terms to expire 3/22/2015:

Position One - **PARVIN AHMADI MCVEY**, reappointment

Position Three - **KIM E. JONES**, appointment

Position Five - **KATHERINE M. YZAGUIRRE**, reappointment

Position Seven - **BRIE KELMAN**, appointment

Position Nine - **LILLIE J. SCHECHTER**, reappointment

DAMAGES - NUMBER 4

4. **Motion 2014-0010**

RECOMMENDATION from City Attorney for settlement of claim of **MEMORIAL HERMANN HEALTH SYSTEM** - \$65,101.91 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 5 through 7

5. **Motion 2014-0011**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$439,313.00 and acceptance of work on contract with **JERDON ENTERPRISE, L. P.** for Open Space Projects at Various Parks - 7.83% over the original contract amount and under 10% contingency amount - **DISTRICTS C - COHEN; D - BOYKINS; F - NGUYEN and H - GONZALEZ**

6. **Motion 2014-0014**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,294,280.31 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Whiteheather Storm Sewer Improvements Segment III 0.92% under the original contract amount - **DISTRICT K - GREEN**

7. **Motion 2014-0012**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$485,602.21 and acceptance of work on contract with **ISI CONTRACTING, INC** for On-Call Bridge Repairs City Wide Work Order Contract 2.88% under the original contract amount - **DISTRICT C - COHEN**

**PROPERTY - NUMBER 8**

**8. Motion 2014-0015**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Janet Baccus, P.E., Jones & Carter, Inc, on behalf of GIIC Houston, LLC, and FC42 Houston, LLC, (Kenneth E. Aboussie, Jr., Owner of both businesses) for abandonment and sale of a 20-foot-wide utility easement located within Reserve A, Block 1, in exchange for conveyance to the City of a 20-foot-wide storm sewer easement, located within Tract 10, both out of the W.M. White Survey, A-836, Parcels SY14-003 and LY14-010 - **DISTRICT G - PENNINGTON**

**PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 10**

**9. Motion 2014-0013**

**D.L. ELLIOTT ENTERPRISES, INC** for Emergency Waterline Break Repair Services for the Department of Public Works & Engineering - \$166,000.00 - Enterprise Fund - **DISTRICT H - GONZALEZ**

**10. Motion 2014-0016**

**SOUTHERN CRUSHED CONCRETE, LLC** for Reclaimed Asphalt Pavement Concrete Materials for Various Departments - \$33,515,188.44 - 5 years - General and Other Funds

**ORDINANCES - NUMBERS 11 through 19**

**11. Ordinance 2014-0005**

ORDINANCE amending the volume of the City of Houston Construction Code known as the City of Houston Residential Energy Conservation Code; containing findings; providing an effective date; providing for severability

**12. Ordinance 2014-0001**

ORDINANCE approving and authorizing the submission of an application for grant assistance from the Texas Department of Transportation for the FY14 Impaired Driving Mobilization Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department or his designee to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**13. Ordinance 2014-0002**

ORDINANCE approving and authorizing an agreement between the City of Houston and **ICF INCORPORATED, L.L.C.** for the Development of a Preparedness Plan - \$298,306.23 Grant Fund

**14. Ordinance 2014-0006**

ORDINANCE appropriating \$2,216,900.00 out of Metro Construction – Other, awarding contract to **P^2MG, LLC DBA P2MG, LLC** for Safe Sidewalk Program Work authorization 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 services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Construction - Other

**ORDINANCES** - continued

**15. Ordinance 2014-0003**

ORDINANCE appropriating \$6,293,232.00 out of Metro Projects Construction DDSRF, awarding contract to **DURWOOD GREENE CONSTRUCTION CO** for City Wide Overlay Package #20; 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

**16. Ordinance 2014-0004**

ORDINANCE appropriating \$6,605,583.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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

**17. See ordinances below**

ORDINANCES Nos. 2013-1183 to 2013-1185, passed first reading December 18, 2013 for Ordinances granting to the following listed as A through C, 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 and making certain findings related thereto  
**SECOND READING**

- A. **Ordinance 2013-1183 - HOLCOMB ENVIRONMENTAL OIL SERVICES LLC**, a Texas Limited Liability Company – Passed second reading
- B. **Ordinance 2013-1184 - TOMMY MILES GARBAGE SERVICE**, a Texas Partnership – Passed second reading
- C. **Ordinance 2013-1185 - THE DUMPSTER GUYS, LLC**, a Texas Limited Liability Company – Passed second reading

**ORDINANCES** - continued

**18. See ordinances below**

ORDINANCES Nos. 2013-1186 to 2013-1199, passed first reading December 18, 2013 for Ordinances granting to the following listed as A through N, 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 and making certain findings related thereto

**SECOND READING**

- A. **Ordinance 2013-1186 - TEXAS ENVIRONMENTAL CONTROL, INC**, a Texas Corporation – Passed second reading
- B. **Ordinance 2013-1187 - SPECIALIZED MAINTENANCE SERVICES, INC**, a Texas Corporation – Passed second reading
- C. **Ordinance 2013-1188 - K & S CONSTRUCTION SERVICES, LLC**, a Texas Limited Liability Company – Passed second reading
- D. **Ordinance 2013-1189 - STERICYCLE SPECIALTY WASTE SOLUTIONS, INC**, a Delaware Corporation – Passed second reading
- E. **Ordinance 2013-1190 - LEGACEE INTERNATIONAL ENVIRONMENTAL SERVICES, INC**, a Texas Corporation – Passed second reading
- F. **Ordinance 2013-1191 - DANIEL RODRIGUEZ DBA A-HAWK GREASE TRAP**, a Texas Sole Proprietorship – Passed second reading
- G. **Ordinance 2013-1192 - AMIR BENJAMIN DBA JAYCO VACUUM SERVICES**, a Texas Sole Proprietorship – Passed second reading
- H. **Ordinance 2013-1193 - J.A. GAMEZ TRUCKING SERVICES**, a Texas Partnership – Passed second reading
- I. **Ordinance 2013-1194 - CLEANER EARTH GROUP, LLC**, a Texas Limited Liability Company – Passed second reading
- J. **Ordinance 2013-1195 - COMBS INDUSTRIAL SERVICES, INC. DBA ONSITE ENVIRONMENTAL**, a Tennessee Corporation – Passed second reading
- K. **Ordinance 2013-1196 - MAGNOLIA ENVIRONMENTAL SERVICES**, a Texas Partnership – Passed second reading
- L. **Ordinance 2013-1197 - ALFRED SAVOY JR. DBA DIRT WORKS UNLIMITED**, a Texas Sole Proprietorship – Passed second reading
- M. **Ordinance 2013-1198 - SET ENVIRONMENTAL, INC**, an Illinois Corporation – Passed second reading
- N. **Ordinance 2013-1199 - AARON OIL COMPANY, INC**, a Texas Corporation – Passed second reading

**19. See ordinances below**

ORDINANCES Nos. 2013-1135 to 2013-1140, passed second reading December 18, 2013 for Ordinances granting to the following listed as A through F, 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 and making certain findings related thereto

**THIRD AND FINAL READING**

- A. **Ordinance 2013-01135 - DANIELS SHARPSMART, INC**, a Delaware Corporation – Passed third and final reading
- B. **Ordinance 2013-1136 - R. M. WOODS INC DBA DRANE RANGER VACUUM SERVICE**, a Texas Corporation – Passed third and final reading
- C. **Ordinance 2013-1137 - WASTE PARTNERS OF TEXAS, INC**, a Delaware Corporation – Passed third and final reading
- D. **Ordinance 2013-1138 - TAP INC DBA TAP ENVIRONMENTAL**, a Texas Corporation – Passed third and final reading
- E. **Ordinance 2013-1139 - INTERGULF CORPORATION, INC**, a Texas Corporation – Passed third and final reading
- F. **Ordinance 2013-1140 - WASTEWATER TRANSPORT SERVICE, LLC**, a Texas Limited Liability Company – Passed third and final reading

**MATTERS HELD** - NUMBERS 20 through 23A

**20. Ordinance 2014-0007**

ORDINANCE approving and authorizing an agreement between the City of Houston and **AT&T CORP.** for a Central Office-Based Business Communications System Services (Plexar) for Houston Information Technology Services; providing a maximum contract amount - \$2,000,000.00 2 years with three one-year options - Central Service Revolving Fund

**TAGGED BY COUNCIL MEMBER DAVIS**

This was Item 16 on Agenda of December 18, 2013

**21. Ordinance 2014-0008**

ORDINANCE approving and authorizing a contract between the City and **MCCONNELL & JONES LLP/BANKS, FINLEY, WHITE & CO., a Joint Venture Partnership** known as M&J/BFW Team for Professional Auditing Services; providing a maximum contract amount \$7,000,000.00 3 years with two one-year options - General Fund

**TAGGED BY COUNCIL MEMBERS PENNINGTON AND MARTIN**

This was Item 18 on Agenda of December 18, 2013

**22. Council Members Boykins and Nguyen tagged**

ORDINANCE approving and authorizing an airport advertising concession agreement between the City of Houston and **THE JOINT VENTURE FOR THE ADVERTISING CONCESSION AT HOUSTON AIRPORTS, LLC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - DAVIS and I - GALLEGOS**

**TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 51 on Agenda of December 18, 2013

**23. Motion 2014-0017 – Adopt substitute motion (see below)**

Written Motion by Council Members Costello and Green to amend Section 3-1 of the proposed following ordinance as follows:

Grocery store means establishments of at least 10,000 square feet of retail space, excluding space used to sell items subject to the motor fuels tax, and generally known as supermarkets and grocery stores engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food. Excluded from this industry are establishments with gross receipts from the sale of alcoholic beverages that exceed 25% and establishments that provide for on-premises consumption. A “grocery store” may only sell beer and wine, but not distilled spirits, and in calculating the percentage of alcohol sales to total sales, the sale of items subject to the motor fuels tax must be excluded from the calculation of total sales.

**Motion 2014-0017 – Written motion by Council Member Costello to amend the proposed ordinance amending Chapter 3 of the Code of Ordinances as follows:**

“Grocery store means an establishment of at least 10,000 square feet of interior floor space, selling at retail a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry. Included in this industry are establishments, such as supermarkets that hold a valid Wine and Beer Retailer’s Off-Premise Permit authorizing the establishment to sell wine, beer and malt liquors for off-premise consumption only. Excluded from this industry are establishments that derive more than 25 percent of gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, from the sale of wine, beer and malt liquors; also excluded are establishments that allow on-premises consumption or that sell distilled spirits.”

**MATTERS HELD** - continued

Item 23 – continued

a. **Ordinance 2014-0009 – Adopt as amended**

ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Alcohol Free Zones; containing findings and other provisions relating to the foregoing subject; providing for severability

**POSTPONED BY MOTION #2013-0823, 12/18/13**

This was Item 46 on Agenda of December 18, 2013

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Davis 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

1/7/2014 - All present

1/8/2014 - All present