

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 28, 2014 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2014-0089 to 2014-0109
ORDINANCES – 2014-0057 to 2014-0088
RESOLUTION – None

2014-0088-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Green

For 01/28/2014 portion of the meeting, see memo, on the last page of this Agenda, from Mayor Annise D. Parker

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 2014-0102 – Procedural motion
Motion 2014-0103 – Procedural motion
Motion 2014-0104 – Procedural motion
Motion 2014-0105 – Procedural motion
Motion 2014-0106 – Procedural motion
Motion 2014-0107 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 29, 2014 - 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 30

MISCELLANEOUS - NUMBERS 1 through 5

1. Motion 2014-0089

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **ANIMAL SHELTER ADVISORY COMMITTEE**, for terms to expire 12/31/2015:

Position Five - **MICHELLE MANTOR**

Position Six - **KIM KIMMEY**

MISCELLANEOUS - continued

2. Motion 2014-0090

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE FIVE CORNERS IMPROVEMENT DISTRICT (formerly HARRIS COUNTY IMPROVEMENT DISTRICT NO. 10-B)**, for terms to expire 6/1/2017:

- Position Two - **HOMER L. CLARK**, reappointment
- Position Four - **RICHARD GONZALEZ**, appointment
- Position Six - **EDWARD TEAMER**, appointment
- Position Eight - **NINA K. SPRINGER**, reappointment

3. Motion 2014-0091

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **MILLER THEATER ADVISORY BOARD**:

- Position Fifteen - **HAL L. ROACH, JR.**, for an unexpired term ending 4/24/2015
- Position Sixteen - **CYDONII MILES**, for a term to expire 4/24/2017

4. Motion 2014-0092

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY FOUR (also known as the GREATER HOUSTON ZONE)**:

- Position One - **DERRICK M. MITCHELL**, for a term to expire 12/31/2014
- Position Two - **DAVID TURKEL**, to serve as Chair, for a term to expire 12/31/2015
- Position Three - **KATHY LUHN**, for a term to expire 12/31/2014
- Position Four - **MITTIE ANDERSON**, for a term to expire 12/31/2015
- Position Five - **DAVE WALDEN**, for a term to expire 12/31/2014
- Position Six - **TED HEAP**, for a term to expire 12/31/2015
- Position Seven - **CHERYL GUENTHER**, for a term to expire 12/31/2014

5. Motion 2014-0093

CONFIRMATION of the reappointment of the following individuals to the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term ending 12/31/2015:

- Position 1 - **DR. TAFFI TIPPIT**
- Position 2 - **DR. CHRIS SOUDERS**
- Position 3 - **KAPPY MUENZER**
- Position 4 - **NEIL SACKHEIM**

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2014-0094

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,379,190.25 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Streetscape Enhancements along Light Rail Lines - 1.65% over the original contract amount and under 5% contingencies - **DISTRICT G - GONZALEZ**

7. Motion 2014-0095

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,201,555.55 and acceptance of work on contract with **SCOHIL CONSTRUCTION SERVICES, LLC** for Water Line Replacement in Watonga Area - 4.09% under the original contract amount - **DISTRICTS A - STARDIG, C - COHEN and G - PENNINGTON**

ACCEPT WORK - continued

8. Motion 2014-0096

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,190,370.43 and acceptance of work on contract with **HUFF AND MITCHELL, INC** for 42-inch Water Line along Hillcroft, Dublin, Dunlap, Easements, Haviland, Minetta, Canemont and Sandpiper from Coachcreek to West Airport - 4.35% under the original contract amount - **DISTRICT K - GREEN**

PROPERTY - NUMBER 9

9. Motion 2014-0100

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy M. Youngblood, Brown & Gay Engineers, Inc., on behalf of Gulfbrook Investments, Inc., (Robert E. Asselbergs, President), Southbrook Corporation, (Robert E. Asselbergs, President), Finwood Properties Co., Inc., (Robert E. Asselbergs, President), Baybrook Mall, LLC, (Aaron Bartels, President), and Dillard Texas East, LLC, (Kim Brown, Real Estate Counsel), for abandonment and sale of: 1) a 65-foot-wide-portion of Glenbrook Drive (aka Baybrook Mall Drive), from Gulfbrook Drive east to its terminus; 2) a variable width portion of Bentbrook Drive from Glenbrook Drive (aka Baybrook Mall Drive) north to its terminus; 3) one sanitary sewer easement; 4) two storm sewer easements; and 5) nine water line easements, in exchange for conveyance to the City of: 1) 80-foot-wide right-of-way for and construction of Gulfbrook Drive to City standards, from its dead end north to the IH 45 South service road; 2) three water line easements; and 3) one sanitary sewer easement, all located within Reserve C and Reserve E of Baybrook Mall Section One and Reserve F and Reserve G of Baybrook Mall Section Two, all out of the August Whitlock Survey, A-793 and A-794, Parcels SY13-090A through D, SY13-105A through I, SY13-106A through D, SY13-107B through I, AY14-037, AY14-038, KY14-095A through C, KY14-096A through B, KY14-097, KY14-098A through C, and DY14-008 - **DISTRICT E - MARTIN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 12

10. Motion 2014-0097

AZTECA SYSTEMS, INC for purchase of Software Maintenance and Support Services Agreement for the Infrastructure Management System for the Department of Public Works & Engineering - \$133,295.00 - Enterprise Fund

11. Ordinance 2014-0057

ORDINANCE appropriating \$1,230,285.28 out of the Water & Sewer System Consolidated Construction Fund for the purchase of Services to Uncover and Replace Covered Water Meters for the Department of Public Works & Engineering

a. Motion 2014-0098

UNICOM GOVERNMENT, INC for purchase of Services to Uncover and Replace Covered Water Meters through the Master Intergovernmental Cooperative Purchasing Agreement with U. S. Communities for the Department of Public Works & Engineering - \$1,230,285.28

12. Motion 2014-0099

CONTRACT RESOURCE GROUP, LLC - \$194,136.98 and **J. TYLER SERVICES, INC** - \$191,396.70 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State Cooperative Purchasing Program for Various Departments - General, Enterprise, Grant and Other Funds

ORDINANCES - NUMBERS 13 through 30

13. Ordinance 2014-0075

ORDINANCE adopting a Three-Year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code; containing findings and other provisions relating to the foregoing subject; providing for severability

14. Ordinance 2014-0076

ORDINANCE approving and authorizing a contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,714,050.00 in Housing Opportunities for Persons with Aids Funds for the Administration and Operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services

15. Ordinance 2014-0088

ORDINANCE approving and authorizing a contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON** to provide \$151,765.00 in Community Development Block Grant Funds for the Administration and Operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services

16. Ordinance 2014-0077

ORDINANCE approving and authorizing an agreement between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for Creation and Implementation of a Homeless Transition Plan; appropriating \$250,000.00 of Homeless and Housing Consolidated Bond Funds

17. Ordinance 2014-0078

ORDINANCE approving and authorizing fourth amendment to the contract among the City of Houston, the Spring Branch Independent School District and SPARK to provide an additional \$98,500.00 in Community Development Block Grant Funds for the continuation of the SPARK Program for the Development of Neighborhood Parks on Public School Grounds - **DISTRICT A - STARDIG**

18. Ordinance 2014-0079

ORDINANCE approving and authorizing eighth amendment to the contract among the City of Houston, the Houston Independent School District and SPARK to provide an additional \$301,500.00 in Community Development Block Grant Funds for the continuation of the SPARK Program for the Development of Neighborhood Parks on Public School Grounds - **DISTRICTS H - GONZALEZ, I - GALLEGOS and J - LASTER**

19. Ordinance 2014-0080

ORDINANCE approving and authorizing an Updated Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - \$12,000,000.00 - Enterprise Fund **DISTRICTS B - DAVIS and I - GALLEGOS**

20. Ordinance 2014-0081

ORDINANCE authorizing the transfer of Budget Expenditure authority within Fleet Management Fund (Fund 1005) from the Adopted FY14 Budget of the Public Works & Engineering Department to the Adopted FY14 Budget of the Fleet Management Department, authorizing the expenditure thereof in order to implement the consolidation of the Fleet Management Department

ORDINANCES - continued

21. Ordinance 2014-0058

ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks and Wildlife Department – Recreation Grants Branch to support a Recreational Trails Grant for the Wildheather Park Recreational Trail Project; declaring the City’s eligibility for such grant; authorizing the Director of the Parks and Recreation Department 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 - **DISTRICT K - GREEN**

22. Ordinance 2014-0087

ORDINANCE de-appropriating \$388,280.00 from the Contribution to Capital Projects Fund and appropriating \$188,280.00 from the Contribution to Capital Projects Fund; approving and authorizing first amendment to an Interlocal Agreement between the City of Houston and the International Management District for the Construction of the IMD Bikeway Project (approved by Ordinance No. 2011-0944, as amended) - **DISTRICT F - NGUYEN**

23. Ordinance 2014-0082

ORDINANCE approving and authorizing first amendment to an agreement for Fuel Tanker and Trailer Services between the City of Houston and **ADOBE EQUIPMENT HOUSTON, LLC** (approved by Ordinance 2009-0072) for the Fleet Management Department

24. Ordinance 2014-0059

ORDINANCE consenting to the creation of **FORT BEND COUNTY ASSISTANCE DISTRICT NO. 6** consisting of 568 acres and providing an agreement for the duration, rate, and allocation of sales and use tax - **DISTRICT F - NGUYEN**

25. Ordinance 2014-0060

ORDINANCE consenting to the addition of 135.340 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 531**

26. Ordinance 2014-0061

ORDINANCE appropriating \$230,000.00 out of Street & Traffic Control and Storm Drainage DDSRFA as an additional appropriation to a Professional Engineering Services Contract between the City of Houston and **LJA ENGINEERING, INC** for Local Drainage Projects Negotiated Work Orders and On-Call Design (approved by Ordinance No. 2012-0227); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRFA

27. Council Member Davis tagged

ORDINANCE approving and authorizing contract between the City of Houston and **CLAY POPE AND CLIFF JOHNSON** for State and Federal Representation related to water and wastewater issues; providing a maximum contract amount - \$522,000.00 - 2 years with one option year - Enterprise Fund

28. Ordinance 2014-0062

ORDINANCE awarding contract to **CLEANSERVE, INC** for Storm Sewer Cleaning and Television Inspection Work Order Contract FY2014 Program A; 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 - \$600,000.00 - Stormwater Fund

ORDINANCES - continued

29. Ordinance 2014-0063

ORDINANCE awarding contract to **CLEANSERVE, INC** for Storm Sewer Cleaning and Television Inspection Work Order Contract FY2014 Program B; 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 - \$600,000.00 - Stormwater Fund

30. See Ordinances below

ORDINANCES granting to the following listed as A through K, 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 **FIRST READING**

- A. **Ordinance 2014-0064 - FRESH CAN LLC D/B/A TEXAS WASTE CO.**, a Texas Limited Liability Company – passed first reading
- B. **Ordinance 2014-0065 - TRUE BLUE SOLUTIONS, LLC**, a Texas Limited Liability Company – passed first reading
- C. **Ordinance 2014-0066 - SNEAD'S, INC**, a Texas Corporation – passed first reading
- D. **Ordinance 2014-0067 - CONTROL WASTE SERVICES, LTD.**, a Texas Limited Partnership – passed first reading
- E. **Ordinance 2014-0068 - EVERGREEN ENVIRONMENTAL SERVICES, LLC**, a Texas Limited Liability Company – passed first reading
- F. **Ordinance 2014-0069 - SAFETY-KLEEN CORP.**, a Wisconsin Corporation – passed first reading
- G. **Ordinance 2014-0070 - HOA TRAN DBA A-EVERGREEN VACUUM SERVICE**, a Texas Sole Proprietorship – passed first reading
- H. **Ordinance 2014-0071 - DAVID PATTERSON DBA DUMPSTER DAVE**, a Texas Sole Proprietorship – passed first reading
- I. **Ordinance 2014-0072 - PHILIP RECLAMATION SERVICES, HOUSTON, LLC**, a Texas Limited Liability Company – passed first reading
- J. **Ordinance 2014- 0073 - NEXUS DISPOSAL, LLC**, a Texas Limited Liability Company – passed first reading
- K. **Ordinance 2014-0074 - WASTE CONNECTIONS OF TEXAS, LLC**, a Delaware Limited Liability Company – passed first reading

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 31

MISCELLANEOUS

31. Motion 2014-0101

REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by David A. McDougald, regarding denial of sign permit at 6008 San Felipe – **uphold decision of the Board**

MATTERS HELD - NUMBERS 32 through 37

32. Ordinance 2014-0083

ORDINANCE approving and authorizing Airport Advertising Concession Agreement between the City of Houston and **THE JOINT VENTURE FOR THE ADVERTISING CONCESSION AT HOUSTON AIRPORTS, LLC** for George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS** - **TAGGED BY COUNCIL MEMBERS BRADFORD, LASTER, DAVIS, GREEN, GALLEGOS and NGUYEN**

This was Item 27 on Agenda of January 22, 2014

33. Ordinance 2014-0084

ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 35 on Agenda of January 22, 2014

34. Motion 2014-0108 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Costello to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert Perry, The Pinnell Group, on behalf of 6804 Properties, LLC. (Gary Hamby, Director) and John C. Stephen, Hall and Stephen, P.C., on behalf of Ruth Rental Real Estate, Ltd. (Ruth Rental Real Estate Management, Inc. [Joel Ruth, President], General Partner) for abandonment and sale of Plainview Street, from La Paseo Street south to its terminus, located within the Dixie Acres Subdivision, out of the H.B. Prentice Survey, Parcels SY13-092 and SY14-017 - **DISTRICT I - GALLEGOS**

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 41 on Agenda of January 22, 2014

35. Motion 2014-0109 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of Harris County Municipal Utility District 529 (Dan Quinlan, President), and Lakes of Parkway Homeowners Association, Inc., (William F. Schwind Jr., President), for abandonment and sale of Colecrest Lane, from its southern terminus north to its cul-de-sac terminus at Barton Gate Lane, in exchange for conveyance to the City of a public utility easement in the same location, all located within the Lakes of Parkway Subdivision, Section 17, out of Joel Wheaton Survey, A-80, Parcels SY14-042, SY14-047, VY14-004 and VY14-005 **DISTRICT G – PENNINGTON** - **TAGGED BY COUNCIL MEMBER DAVIS**

This was Item 42 on Agenda of January 22, 2014

MATTERS HELD - continued

36. Ordinance 2014-0085

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 Pinemont Drive Paving and Drainage Improvements Project from Ella Boulevard to N. Shepherd Drive; authorizing the acquisition of fee simple title interest in or easement to 15 parcels of land required for the project and situated in the S. McClelland Survey, Abstract No. 544 and the S. W. Allen Survey, Abstract No. 94; in Harris County, Texas, by gift, dedication, purchase or 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 15 parcels of land required for the project - **DISTRICTS B - DAVIS and C - COHEN** -

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 47 on Agenda of January 22, 2014

37. Ordinance 2014-0086

ORDINANCE approving and authorizing contract between the City of Houston and **CIGNA HEALTH AND LIFE INSURANCE COMPANY** for Administrative Services for Self-Funded Integrated Medical and Pharmacy Health Plans effective May 1, 2014; providing a maximum contract amount; containing other provisions relating to the foregoing subject; providing for severability - \$29,200,000.00 - 3 years - Health Benefits Fund

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 49 on Agenda of January 22, 2014

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Kubosh 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

01/29/2014 - All Present

EMERGENCY NOTICE OF RESCHEDULING OF COUNCIL MEETING

Due to inclement weather conditions, this week's meeting of the Houston City Council, which had been scheduled to convene at 1:30 p.m. on Tuesday, January 28th, 2014, has been rescheduled and will instead convene and be conducted in one combined session to commence at 9:00 am on Wednesday, January 29th, 2014, in the City Council Chambers, 2nd Floor, Houston City Hall, 901 Bagby, Houston, Texas 77002. All business previously scheduled to be conducted at the 1:30 p.m. session on Tuesday, January 28th, will be conducted in the rescheduled session on January 29th, and public speakers who were scheduled to speak at 2:00 p.m. on January 28th will instead be heard commencing at 9:30 am. on January 29th or as soon as conditions permit.



Annise D. Parker
Mayor