

AGENDA - COUNCIL MEETING - TUESDAY - MAY 13, 2014 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2014-0405 to 2014-0438
ORDINANCES – 2014-0440 to 2014-0477
RESOLUTIONS – 2014-0017 to 2014-0018

2014-404-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Cohen

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 2014-0405 – Procedural motion
Motion 2014-0406 – Procedural motion
Motion 2014-0407 – Procedural motion
Motion 2014-0408 – Procedural motion
Motion 2014-0409 – Procedural motion
Motion 2014-0410 – Procedural motion
Motion 2014-0411 – Procedural motion
Motion 2014-0412 – Procedural motion
Motion 2014-0413 – Procedural motion
Motion 2014-0414 – Procedural motion
Motion 2014-0415 – Procedural motion
Motion 2014-0416 – Procedural motion
Motion 2014-0417 – Procedural motion
Motion 2014-0418 – Procedural motion
Motion 2014-0419 – Procedural motion
Motion 2014-0420 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 14, 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 52

ACCEPT WORK - NUMBER 1

1. **Motion 2014-0421**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,206,531.32 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for On-Call Small Diameter Water Line Extensions 19.56% under the original contract amount - **DISTRICTS B - DAVIS; C - COHEN; E - MARTIN; G - PENNINGTON; H - GONZALEZ and K - GREEN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 2 through 11A

2. **Motion 2014-0427**

VIRTUO GROUP CORPORATION for purchase of Professional Services for Critical Infrastructure Cybersecurity Framework - \$500,000.00 - Grant Fund

3. **Pulled-Not Considered**

ORDINANCE appropriating \$322,451.80 out of Public Health Consolidated Construction Fund for Roof Replacement for the General Services Department at Peavy Senior Center, located at 3814 Market Street on behalf of the Health and Human Services Department

a. **Pulled-Not Considered**

JOHN A. WALKER ROOFING CO., INC for Roof Replacement for the General Services Department on behalf of the Health and Human Services Department - \$293,138.00 and contingencies for a total amount not to exceed \$322,451.80 - **DISTRICT B - DAVIS**

4. **Motion 2014-0422**

LIFE TECHNOLOGIES CORPORATION for purchase of Genetic Analyzers and a Real Time PCR System for the Houston Police Department - \$422,722.10 - Grant Fund

5. **Motion 2014-0423**

SELECTION WORKS, LLC for purchase of Examination Booklets for the Firefighter Entrance Level Examination for the Human Resources Department - \$24,500.00 – Central Services Revolving Fund

6. **Motion 2014-0424**

ALL BUSINESS MACHINES, INC for purchase of Gas Chromatograph/Mass Spectrometer System from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering \$113,535.19 - Enterprise Fund

7. **Motion 2014-0425**

LINKO DATA SYSTEMS for purchase of a LIMS Integration, Implementation and Training Services for the Department of Public Works & Engineering - \$96,971.67 – Enterprise Fund

8. **Council Members Pennington and Kubosh tagged**

ORDINANCE appropriating \$4,328,880.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund; awarding contract to **MOCA SYSTEMS, INC** for Technical Advisory Services for the Justice Complex Project Managed by the Finance Department for the Houston Police and Municipal Courts Departments; providing a maximum contract amount

PURCHASING AND TABULATION OF BIDS - continued

- a. **Council Members Pennington and Kubosh tagged**
MOCA SYSTEMS, INC for Technical Advisor Services for the Justice Complex Project Managed by the Finance Department for Houston Police Department and Municipal Court Department

9. **Council Member Laster tagged**
ORDINANCE appropriating \$1,704,739.14 out of Water & Sewer System Consolidated Construction Fund for spending authority to purchase Software Licenses and Integration Services for Public Works & Engineering Department

- a. **Council Member Laster tagged**
INFOR PUBLIC SECTOR, INC - \$3,363,050.80; **CLOUDNEXA, INC** - \$1,500,000.00; **PRECISION TASK GROUP** - \$632,000.00 for Spending Authority to purchase Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services from the General Services Administration Schedule 70 Contract and the Texas Department of Information Resources through the Cooperative Purchasing Program for the Department of Public Works & Engineering - \$5,495,050.80 - Enterprise and Dedicated Drainage & Street Renewal Funds

10. **Council Member Laster tagged**
ORDINANCE approving and authorizing an agreement between the City of Houston and **INFOR PUBLIC SECTOR, INC** for purchase of Software Licenses, and Support through the U.S. General Services Administration Contract

- a. **Council Member Laster tagged**
INFOR PUBLIC SECTOR, INC for purchase of Software Licenses, and Support under the Master Agreement and the U.S. General Services Administration Schedule 70 Contract \$4,913,049.91 – General and Central Service Revolving Funds

11. Ordinance 2014-0440
ORDINANCE appropriating \$322,542.15 out of Equipment Acquisition Consolidated Fund for the purchase of Grounds Maintenance Equipment for Various Departments

- a. **Motion 2014-0426**
KUBOTA TRACTOR CORPORATION - \$62,946.00; **JOHN DEERE COMPANY (Deere & Company)** - \$108,499.60; **LANSDOWNE-MOODY COMPANY, LP** - \$173,819.64; **PROFESSIONAL TURF PRODUCTS, LP** - \$287,433.35 for purchase of Earthmoving and Grounds Maintenance Equipment through the Interlocal Agreements for Cooperative Purchasing with the Houston Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for the purchase of Grounds Maintenance Equipment for Various Departments \$632,698.59 - Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 52

12. **Council Members Gonzalez and Stardig tagged**
RESOLUTION designating the High First Ward Area of the City of Houston as a Historic District **DISTRICT H - GONZALEZ**

13. **Resolution 2014-0017**
RESOLUTION of the City Council prescribing the date, time, and location of a Public Hearing on the City Budgets for the time period July 1, 2014 through June 30, 2015; authorizing notice of such public hearing and making other provisions related to the subject
HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 3, 2014

RESOLUTIONS AND ORDINANCES - continued

14. Resolution 2014-0018

RESOLUTION add additional recitals as requested by the Granting Agency to Resolution No. 2014-3 that authorized the Municipal Courts Department to submit an application for Juvenile Justice Delinquency Prevention Grant from the Criminal Justice Division of the Office of the Governor of Texas for the Juvenile Case Manager Program Delinquency Prevention Initiative and to accept funds, if awarded

15. Ordinance 2014-0441

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing Issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain City of Houston, Texas Combined Utility System Commercial Paper Notes, Water & Sewer System Junior Lien Revenue and Refunding Bonds, Series 2004A-1 and Series 2004A-2, Combined Utility System First Lien Revenue Refunding Bonds, Series 2005, Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A and Combined Utility System First Lien Revenue Refunding Bonds, Series 2007A and Series 2007B; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Escrow verification and engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and a Special Disclosure Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

16. Ordinance 2014-0463

ORDINANCE approving a first amendment to lease agreement between the City of Houston, Texas, as landlord, and **J.B. SMITH MFG. CO., LLC**, as tenant, for approximately 5,400 rentable square feet of real property located under the overpass in the space between the east side of the railroad tracks and west of Terminal Road, Houston, Harris County, Texas, for use by tenant as parking space - Revenue - **DISTRICT I - GALLEGOS**

17. Ordinance 2014-0464

ORDINANCE approving and authorizing an agreement between the City of Houston, Texas, and **THE HOUSTON PARKS BOARD** to accept an assignment of a purchase and sale agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive - **DISTRICT D - BOYKINS**

18. Ordinance 2014-0465

ORDINANCE approving and authorizing a second amendment to the Memorial Park Development Agreement between the City of Houston and **THE MEMORIAL PARK CONSERVANCY** for the Houston Parks and Recreation Department to amend the scope of work for the Seymour Lieberman Trail and Council Authorization of improvements to Memorial Park – **DISTRICTS C - COHEN AND G - PENNINGTON**

19. Ordinance 2014-0466

ORDINANCE making findings concerning the permanent taking of approximately 0.2125 acres of **BRAEBURN GLEN PARK** in connection with a project to Renovate Fire Station No. 68 and to expand the parking lot for the Fire Station - **DISTRICT J - LASTER**

RESOLUTIONS AND ORDINANCES - continued

20. Ordinance 2014-0442

ORDINANCE accepting a commemorative bronze sculpture of Dr. Martin Luther King, Jr. into the public art collection of the City of Houston, Texas, and approving and authorizing agreement between the City of Houston and **THE BLACK HERITAGE SOCIETY** for the donation of such work of art - **DISTRICT D - BOYKINS**

21. Ordinance 2014-0467

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**; approving suspension of an interim rate adjustment and otherwise maintaining current rates in effect until changed

22. Ordinance 2014-0443

ORDINANCE awarding the contract to **DIVERSIFIED UTILITY CONSULTANTS, INC** for Electric, Gas and Water Regulatory and Technical Professional Consulting Services; providing a maximum contract amount - \$340,000.00 – General Fund

23. Ordinance 2014-0468

ORDINANCE accepting the proposal from **AMERICAN INTERNATIONAL GROUP**, through National Union Fire Insurance Company of Pittsburgh, PA., a Member Company, and approving and authorizing the purchase of a Commercial Crime Insurance Policy for Public Employee Dishonesty \$78,634.00 – Property and Casualty Fund

24. Ordinance 2014-0444

ORDINANCE amending Ordinance No. 2013-0950 (passed on October 16, 2013) to increase the maximum contract amount and expand the scope of work between the City of Houston and **LEIDOS, INC (formerly Science Applications International Corporation)**; approve and authorize a second amendment to the contract - \$73,345.00 - Grant Fund

25. Ordinance 2014-0445

ORDINANCE awarding a contract to **URS GROUP INCORPORATED** for Regional Catastrophic Preparedness Planning for Cyber Disruption Response Planning - \$290,000.00 - Grant Fund

26. Council Member Martin tagged

ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, **TRENDAKER CLEAR LAKE LLC**, and **CLEAR DORADO LAND ASSOCIATES, L.P.** for the Construction of certain public works and improvements - **DISTRICT E - MARTIN**

27. Ordinance 2014-0446

ORDINANCE approving and authorizing the submission of an application to the Office of the Governor, Criminal Justice Division, for assistance under the General Juvenile Justice and Delinquency Prevention Program; declaring the City's Eligibility for such grant; authorizing the Director of the Department of Neighborhoods 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

28. Ordinance 2014-0447

ORDINANCE approving and authorizing the submission of an application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Director of the Department of Neighborhoods to act as the City's representative in the application process, to approve, accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2014-0448

ORDINANCE amending Ordinance No. 2012-925 to increase the maximum contract amount to \$785,000.00 for a contract between the City of Houston and **PORTER HEDGES LLP** to provide construction-related legal services for the Houston Airport System and approving and authorizing Amendment No. 1 to the contract - \$450,000.00 - Enterprise Fund

30. Ordinance 2014-0449

ORDINANCE amending Ordinance No. 2012-935 to increase the maximum contract amount to \$345,000.00 for a contract between the City of Houston and **WALTER P. MOORE** for construction-related consulting services for the Houston Airport System and approving and authorizing Amendment No. 1 to the contract - \$100,000.00 - Enterprise Fund

31. Ordinance 2014-0476

ORDINANCE appropriating \$260,784.15 out of Metro Projects Construction DDSRF for the Relocation of a pipeline for the Buffalo Speedway Paving and Drainage: Holmes Road to West Airport Boulevard Project; approving Pipeline Adjustment Reimbursement Agreement with **COPANO NGL SERVICES LLC** - **DISTRICT K - GREEN**

32. Ordinance 2014-0469

ORDINANCE establishing the east side of the 2700 block of Yupon Street, between California and Westheimer Streets, within the City of Houston as a special minimum building line block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN**

33. Ordinance 2014-0477

ORDINANCE appropriating \$1,174,000.00 out of Public Health Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **DRYMALLA CONSTRUCTION COMPANY** for a Transportation /Mobile Vehicle Inspection Area; providing funding for the Civic Art Program and for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - \$1,400,000.00 - Special Waste Transportation & Inspection Fund - **DISTRICT I - GALLEGOS**

34. Ordinance 2014-0470

ORDINANCE appropriating \$199,000.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HMA CONSULTING, INC** for Department Wide Security Upgrades; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICTS B - DAVIS; C - COHEN; D - BOYKINS; H - GONZALEZ; I - GALLEGOS; J - LASTER and K - GREEN**

35. Ordinance 2014-0471

ORDINANCE appropriating \$11,700.00 out of Metro Projects Construction DDSRF; approving and authorizing an advance funding agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for the Construction of Buffalo Speedway Overpass Railroad Grade Separation - **DISTRICT K - GREEN**

36. Ordinance 2014-0450

ORDINANCE appropriating \$302,200.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **R. G. MILLER ENGINEERS, INC** for Houston Heights, John Brashear and Memorial Heights Paving and Drainage; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF **DISTRICTS C - COHEN and H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

37. Ordinance 2014-0451

ORDINANCE appropriating \$358,100.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Potomac and Nantucket Area Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT G - PENNINGTON**

38. Ordinance 2014-0452

ORDINANCE appropriating \$230,000.00 out of Metro Projects Construction DDSRF as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P.** for Work Order Bridge Rehabilitation Design/Replacement (approved by Ordinance No. 2013-0010); providing funding for CIP Cost Recovery Relating to construction of facilities financed by the Metro Projects Construction DDSRF

39. Ordinance 2014-0453

ORDINANCE appropriating \$1,634,610.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Laura Koppe Road Paving And Drainage: Hirsch To Homestead (Approved By Ordinance No. 2013-0309); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – **DISTRICT B - BOYKINS**

40. Ordinance 2014-0454

ORDINANCE appropriating \$1,017,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Linkwood Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – **DISTRICT K - GREEN**

41. Ordinance 2014-0472

ORDINANCE appropriating \$500,000.00 out of Metro Construction – Other Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Safe Sidewalk Program; providing funding for contingencies relating to construction of facilities financed by the Metro Construction – Other Fund

42. Ordinance 2014-0455

ORDINANCE appropriating \$1,268,452.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** for Wastewater Force Main Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A – STARDIG; B – DAVIS; G – PENNINGTON and I - GALLEGOS**

43. Ordinance 2014-0473

ORDINANCE appropriating \$1,027,456.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Northbrook Diversion and Abandonment Phase 1 – Construction of Proposed Williamcrest Lift Station And Gravity Diversion Of Willow Meadow Lift Station; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **DISTRICT J - LASTER and K - GREEN**

RESOLUTIONS AND ORDINANCES - continued

44. Ordinance 2014-0456

ORDINANCE appropriating \$100,000.00 out of Metro Projects Construction DDSRF and \$100,000.00 out of Street & Traffic Control and Storm Drainage DDSRF-A; approving and authorizing a Professional Construction Management and Inspection Services Agreement between the City of Houston and **GUNDA CORPORATION** for Storm Water and Paving Projects

45. Ordinance 2014-0457

ORDINANCE appropriating \$40,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Waterline and Sanitary Sewer Projects; providing funding construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

46. Ordinance 2014-0458

ORDINANCE appropriating \$1,072,643.00 out of Metro Projects Construction DDSRF: awarding a contract to **TRAFFIC SYSTEMS CONSTRUCTION, INC** for Citywide Intersection Redesign And Street Safety Improvements #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 Metro Projects Construction DDSRF - **DISTRICTS A - STARDIG; E - MARTIN and K - GREEN**

47. Ordinance 2014-0459

ORDINANCE appropriating \$1,993,610.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **BRH-GARVER CONSTRUCTION, L.P.** for Chasewood Lift Station Replacement and Willowchase Lift Station Diversion; 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 Water & Sewer System Consolidated Construction Fund – **DISTRICTS A – STARDIG and K - GREEN**

48. Ordinance 2014-0474

ORDINANCE appropriating \$22,154,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **BRH-GARVER CONSTRUCTION, L.P.**, for Lift Station Renewal and Replacement, 54-Inch Gravity Sewer Line; 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, construction management, and contingencies relating to construction of facilities financed by the water and sewer system consolidated construction fund - **DISTRICTS C - COHEN and J - LASTER**

49. Ordinance 2014-0460

ORDINANCE appropriating \$1,983,099.81 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **GRAVA LLC**, for Waterline Rehab and Replacement Project II; 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

RESOLUTIONS AND ORDINANCES - continued

50. Ordinance 2014-0461

ORDINANCE appropriating \$1,718,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **BLASTCO TEXAS, INC**, for Rehabilitation of Water Storage Tanks at Various Locations - 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 Water & Sewer System Consolidated Construction Fund

51. Ordinance 2014-0462

ORDINANCE appropriating \$2,345,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **METRO CITY CONSTRUCTION, L.P.** for Installation of Short Segment of Water Lines at Various Locations; 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 Water & Sewer System Consolidated Construction Fund – **DISTRICTS D – BOYKINS; E - MARTING AND I - GALLEGOS**

52. Ordinance 2014-0427 – Passed second reading

ORDINANCE No. 2014-0427, passed first reading May 7, 2014

ORDINANCE granting to **ELTON CHILDS dba ADVANCE VACUUM TRAP SERVICES, 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 - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 53

MISCELLANEOUS

53. Motion 2014-0528

SET A PUBLIC HEARING DATE regarding the designation of a Tax Abatement Reinvestment Zone for Breckenridge Group Houston Texas, LP - **DISTRICT I - GALLEGOS**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 28, 2014

MATTERS HELD - NUMBERS 54 through 55L

54. Ordinance 2014-0475

ORDINANCE appropriating \$99,188.00 out of Equipment Acquisition Consolidated Fund for Sole Source Purchase of B2Gnow Web-Based Diversity Management System Software and Support Services for the Office of Business Opportunity

MATTERS HELD - continued

a. Motion 2014-0429 – Adopt

MOTION by Council Member Bradford/Seconded by Council Member Gonzalez to adopt recommendation from Purchasing Agent to award to **ASKREPLY, INC d/b/a B2GNOW** for Purchase of B2GNow Web-Based Diversity Management System Software and Support Services for the Office of Business Opportunity

TAGGED BY COUNCIL MEMBER KUBOSH

These were Items 11 and 11A on Agenda of May 7, 2014

55. Motion 2014-0430 – Adopt

WRITTEN MOTION by Council Member Cohen to amend Item 55L as follows:

1. "Amend the last sentence of the definition of "place of public accommodation" in Section 17-2 of Exhibit A of the Ordinance to read as follows:

"For purposes of article IV of this chapter, the leasing office, visitor parking area and model units of a multi-family housing facility shall not be considered a *place of public accommodation*."

2. Amend Section 17-112 of Exhibit A of the Ordinance by adding new Subsections (i) and (j) to read as follows:

"(i) The provisions of this article do not apply to discrimination based on age.

"(j) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment."

3. Amend Section 17-123 of Exhibit A of the Ordinance to read as follows"

"Sec. 17-123. Housing for the elderly exempted.

The provisions of this article relating to familial status, age and pregnancy do not apply to housing for older persons."

4. Amend Subsection 17-131(a) of Exhibit A of the Ordinance by adding a new sentence at the end of the subsection, which shall read as follows:

"If the complaint, other than a complaint referred pursuant to subsection (b) of this section, states a claim that is within the jurisdiction of a federal or state agency, the fair housing administrator may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint."

5. Amend the first line of Subsection 17-131(f) of Exhibit A of the Ordinance to read as follows" "Except as to complaints that are referred to a federal or state agency, within 10 days after the filing of a complaint, the fair housing administrator shall:"

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

a. Motion 2014-0431 – Adopt

WRITTEN MOTION by Council Member Green to amend Item 55L as follows:

"I move to amend Article III (Contracting), Section 17-41 (Prohibition against discrimination in awarding contracts) to include:

"The language of this article shall not be interpreted to conflict with provisions of Chapter 15 of the City of Houston Code of Ordinances."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

MATTERS HELD - continued

b. Motion 2014-0432 – Adopt

WRITTEN MOTION by Council Member Davis to amend Item 55L as follows:

“I move to amend Article IV (Public Accommodations), Section 17-54 (Exemptions) to include:

This article shall not apply to:

- (4) Discounts on any product, service, or facility for any person on the basis of age, or military status.

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

c. Motion 2014-0433 – Adopt

WRITTEN MOTION by Council Member Gallegos to amend Item 55L as follows:

“Add a new Section 2A to the Ordinance, which shall follow Section 2 and read as follows:

"Section 2A. That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the first anniversary of the effective date of this Ordinance:

'Employer means a person who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.'

That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the second anniversary of the effective date of this Ordinance:

'Employer means a person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.'"

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

Motion 2014-0434 – Written motion by Council Member Davis to substitute the following for Item 55d:

“I move to amend Section 17-51 of Exhibit A of the proposed ordinance, Item 55L on the May 14, 2014 Agenda, be deleting subsection (b) of Section 17-51 in its entirety, and relettering the remaining subsections accordingly.” – **Council Member Bradford tagged**

MATTERS HELD - continued

d. **Withdrawn**

WRITTEN MOTION by Council Member Gonzalez to amend Item 55L as follows:

"I move to amend Article I, Section 17-2 (Definitions) so as to change the definitions of the terms "Gender Identity" and "Sex" to read as follows:

"Gender Identity means an individual's innate identification, appearance, expression or behavior as either male or female. Although the same may not correspond to the individual's body or sex as assigned at birth."

"Sex is defined as the biological differences between men and women."

I further move to amend Article IV, Section 17-51(b)(Prohibition against discrimination in public accommodation) to read as follows:

"It shall be unlawful for any place of public accommodation or employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if, under all the facts and circumstances, the defendant reasonably believed that the person discriminated against was seeking access to the facility for an unlawful purpose. Nothing in section shall require construction of a new bathroom shower room, or similar facility."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

e. **Withdrawn**

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

"I move to edit Section 6 of the Ordinance by:

Replace the effective date of the ordinance **from:** *"the thirtieth day next following the date of its passage and approval by the Mayor"* **to** *"September 1, 2014"*.

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

f. **Withdrawn**

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

"I move to edit Section 17-51 (b) by:

Delete the first two sentences *"It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if the defendant had a good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility."*

Replace with:

"It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally, and with the absence of good faith, deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

MATTERS HELD - continued

g. Motion 2014-0435 – “FAILED”

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

“I move to:

Insert the following after the second sentence of Section 17-52(b):

“As part of such investigation, the office of the inspector general shall provide to the party being investigated for violating this article an affidavit in which such party shall have the ability to disclose the factual basis of its good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility. If such affidavit is received by the office of the inspector general within 30 days and the facts stated in the affidavit states such good faith belief comprehensively (in terms of the behavior, clothing, hairstyles, activities, voice or mannerisms of the person discriminated against), the office of the inspector general shall dismiss the case with prejudice. By not providing such an affidavit to the inspector general during the preliminary investigation, the person being investigated shall not be deemed to waive the affirmative defense contained herein, which may still be raised in connection with any such legal proceeding regarding these claims.

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

h. Withdrawn

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

“I move to edit:

Sec 17-121 (a)(1)a. - **Replace** the number "3" with the number "8"

Sec 17-121 (a)(1)b. - **Replace** the number "3" with the number "8"

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN TAGGED

i. Motion 2014-0436 – “FAILED”

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

“Insert at the end of Sec.17-55 (b):

“Provided, however, that upon a first time conviction for an offense under this Article IV, the defendant shall be placed on deferred adjudication and, provided there are no convictions for additional offenses committed under this Article IV by the defendant within one calendar year, all penalties for the offense shall be dismissed and waived and the original case shall be dismissed.”

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

j. Withdrawn

WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

“I move to amend Exhibit A of the Ordinance by deleting the text of Article V in its entirety and reserving the Article number and Sections 17-61 through 17-64.”

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

k. Motion 2014-0437 – Adopt

MOTION by Council Member Bradford/seconded by Council Member Laster to amend Item 55L to incorporate “in accordance with federal law” into Section 17-122(a)(2)

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

MATTERS HELD - continued

Motion 2014-0438 – Written motion by Council Member Gonzalez to allow the City Attorney to undertake such nonsubstantive changes to the adopted amendments to Item No. 55L that are necessary to conform the amendments to the publishing conventions used for ordinances that are included in the Code of Ordinances.

I. Motion 2014-0439 – Postpone for two (2) weeks

ORDINANCE AMENDING CHAPTERS 2, 15 and 17 of the CODE OF ORDINANCES, HOUSTON, TEXAS, prohibiting discrimination on the basis of protected characteristics in City employment, City services, City contracting practices, housing, public accommodations, and private employment; containing findings and other provisions relating to the foregoing subject; declaring certain conduct unlawful; providing for a penalty; providing for severability

TAGGED BY COUNCIL MEMBERS LASTER and COHEN

These was Item 14 on Agenda of May 7, 2014

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Gallegos 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

4/13/2014 - All Present

4/14/2014 - All Present