

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 11, 2017 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2017-0184 to 2017-0196
ORDINANCES – 2017-0253 to 2017-0261
RESOLUTION – None

2017-0183-1

1:30 P. M. - PRESENTATIONS

2:00 P.M. - INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Edwards

ROLL CALL AND 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 2017-0184 – Procedural motion
Motion 2017-0185 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 12, 2017 - 9:00 A. M.

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

HEARINGS - 9:00 A. M.

1. **Motion 2017-0186 – Close hearing**

PUBLIC HEARING to provide a Resolution of No Objection to the 4% tax credit application of **HOUSTON LEASED HOUSING ASSOCIATES V, LLLP** for an affordable housing community located at 9393 Tidwell Rd. - **DISTRICT B - DAVIS**

MAYOR'S REPORT

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CONSENT AGENDA NUMBERS 2 through 18

ACCEPT WORK - NUMBERS 2 through 4

2. **Motion 2017-0187**

RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$2,520,607.39 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program - 13.06% under the original contract amount - **DISTRICTS D - BOYKINS and E - MARTIN**

3. **Motion 2017-0188**

RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$977,260.85 and acceptance of work on contract with **NERIE CONSTRUCTION** for Wastewater Collection System Rehabilitation and Renewal (WW4235-64) 0.40% over the original contract amount - **DISTRICTS D - BOYKINS; F - LE; G - TRAVIS; H - CISNEROS and I - GALLEGOS**

4. **Motion 2017-0189**

RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract of \$3,793,402.86 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, LLC**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (WW4257-135) - 3.74% under the original contract amount - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; D - BOYKINS; E - MARTIN and K - GREEN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 7

5. **Ordinance 2017-0253**

ORDINANCE appropriating \$65,000.00 out of Contributed Capital Project Fund for Purchase of a Response Command Vehicles Replacement Parts for the Houston Fire Department

6. **Motion 2017-0190**

KNAPP CHEVROLET, INC - \$642,180.00 and **CHASTANG'S ENTERPRISE d/b/a CHASTANG FORD** - \$65,000.00 for Twenty-two Ambulance Cabs & Chassis, and a Response Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Fire Department
This item should only be considered after passage of Item 5 above

7. **Motion 2017-0191**

RFD & ASSOCIATES, INC for the Services of a Software Developer Analyst through the Texas Department of Information Resources for the Department of Public Works & Engineering \$188,485.00 - Project Cost Recovery Fund

ORDINANCES - NUMBERS 8 through 18

Motion 2017-0192 – Amend Item 8 to amend Section 40-27(f)

8. **Ordinance 2017-0256 – Adopt as amended**

ORDINANCE **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to impeding the use of a roadway, blocking a sidewalk, and blocking the entrance or exit to a building; declaring certain conduct to be unlawful; containing findings and other provisions relating to the foregoing subject; providing for severability

ORDINANCES - continued

9. Ordinance 2017-0254

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide water line easement and two 12-foot-wide fire hydrant easements, all located in the Tanglewood Apartments Addition, John D. Taylor Survey, A-72, Houston, Texas; abandoning the easements to SIC Ripple Creek, LLC, the abutting owner, in consideration of its payment to the City of \$135,027.00, and other consideration - **DISTRICT G - TRAVIS**

10. Ordinance 2017-0257

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **MONTROSE COUNSELING CENTER, INC, dba THE MONTROSE CENTER**, providing up to \$1,193,982.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration and operation of an Emergency Rental Assistance Program, including Supportive Services, for low income persons living with HIV/AIDS - **DISTRICT C - COHEN**

11. Ordinance 2017-0258

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ACCESS CARE of COASTAL TEXAS, INC**, providing up to \$440,015.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration and operation of an Emergency Rental Assistance Program, including Supportive Services, for low income persons living with HIV/AIDS

12. Ordinance 2017-0259

ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 23** and the inclusion of certain lands within the district; consenting to the addition of 12.5268 acres of land for inclusion within the district

13. Ordinance 2017-0260

ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **THE METHODIST HOSPITAL d/b/a HOUSTON METHODIST** for Human Cadaver Based Simulation Training for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$195,000.00 - General Fund

14. Ordinance 2017-0255

ORDINANCE appropriating \$750,000.00 out of Metro Projects Construction DDSRF as an additional appropriation; approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **JACOBS ENGINEERING GROUP, INC** for Negotiated Work Orders for Pre-Engineering for Street and Traffic (Thoroughfares) Improvements (Approved by Ordinance No. 2014-352)

15. Ordinance 2017-0239 – Passed second reading

ORDINANCE No. 2017-239, passed first reading April 5, 2017
ORDINANCE granting to **BOZE ENTERPRISES II, LLC dba OAKMONT MAINTENANCE & RENTAL, a Texas corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

ORDINANCES - continued

16. Ordinance 2017-0240 – Passed second reading

ORDINANCE No. 2017-240, passed first reading April 5, 2017

ORDINANCE granting to **M.A. REYES TRUCKING, 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**

17. Ordinance 2017-0241 – Passed second reading

ORDINANCE No. 2017-241, passed first reading April 5, 2017

ORDINANCE granting to **PUPO 66, LLC dba INSTANT SOLUTIONS, a Texas corporation**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

18. Ordinance 2017-0242 – Passed second reading

ORDINANCE No. 2017-242, passed first reading April 5, 2017

ORDINANCE granting to **WELLKEPT PROPERTY SERVICES, LLC, a Delaware Limited Liability Company**, the right, privilege, and franchise to collect, haul, and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 19 through 40

19. Motion withdrawn

MOTION by Council Member Stardig to amend Item 26 below to amend Section 21-61 of the Code of Ordinances to add the following:

(d) any item that cannot be easily transported by an individual alone

DELAYED BY MOTION #2017-171, 3/29/17

20. Motion withdrawn

MOTION by Council Member Stardig to amend Item 26 below to add the following to Section 21-61 of the Code of Ordinances:

Police Officer means an officer of the Houston Police Department, or a peace officer as ascribed in section 1701.001 (4) of the Texas Occupations Code.

DELAYED BY MOTION #2017-171, 3/29/17

MATTERS HELD – continued

21. Motion withdrawn

MOTION by Council Member Gallegos to amend Item 26 below to add the following to definitions in Section 21-61 of the Code of Ordinances:

Doorway means an opening into a building designed for persons to walk through that normally contains a door and which may or may not abut a stoop, porch, canopy, vestibule, or stairway

Encampment means any one or more of the following:

(a) The unpermitted use of fabric, metal, cardboard, or other materials as a tent or other temporary structure for living accommodation purposes or for human habitation; or

(b) The unpermitted use of a heating device; or

(c) The unpermitted accumulation of personal property that would not fit in a container three feet high, three feet wide, and three feet deep.

Public place means an outdoor area owned, managed, or controlled by the city to which the public has access, including public rights-of-way, parks, streets, sidewalks, hike and bike trails, transit facilities, underpasses, and parking lots.

DELAYED BY MOTION #2017-171, 3/29/17

22. Motion withdrawn

MOTION by Council Member Gallegos to amend Item 26 below to add the following to Section 21-62 of the Code of Ordinances:

(a) Encampment in a public place, or doorway of a residential or commercial building in the city is unlawful

DELAYED BY MOTION #2017-171, 3/29/17

23. Motion withdrawn

MOTION by Council Member Laster to amend Item 26 below to amend Article III, Section 21-61 of the Code of Ordinances:

ARTICLE III. ENCAMPMENTS

Sec. 21-61. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates

another meaning:

Encampment means the use of fabric, metal, cardboard, or other materials as (i) a tent or other temporary structure for human habitation: or (ii) as a device, mechanism, or foundation upon which a human may lie, recline, sit, knee, or stand

DELAYED BY MOTION #2017-171, 3/29/17

24. Motion withdrawn

MOTION by Council Member Laster to amend Item 26 below to amend Article III, Section 21-61 of the Code of Ordinances:

Encampment means any one or more of the following:

(a) The unpermitted use of fabric, metal, cardboard, or other materials as; (i) a tent or other temporary structure for human habitation; or (ii) as a device, mechanism, or foundation - upon which a human may lie, recline, sit, kneel, or stand;

(b) The unpermitted use of a *heating device*; or,

(c) The unpermitted accumulation of personal property that would not fit in a container three feet high, three feet wide, and three feet deep

DELAYED BY MOTION #2017-171, 3/29/17

MATTERS HELD – continued

25. Motion withdrawn

MOTION by Council Member Knox to amend Item 26 below to insert the following under Section 21-62 of the Code of Ordinances and create Subsection (c):

Houston Police Department Calls for Service Citywide Panhandling Incidents

2012	2013	2014	2015	2016	2017 (Jan - Feb)
433	546	488	783	1,548	0

(c) All for-profit commercial activities under overpasses, excluding vehicular parking, not authorized and permitted by the City of Houston as of March 29, 2017 shall be prohibited. Enforcement of this section shall be applied under Section 21-63

DELAYED BY MOTION #2017-171, 3/29/17

Motion 2017-0193 – Suspend rules to consider Item 26 out of order

Motion 2017-0194 – Substitute revised ordinance for Item 26

26. Ordinance 2017-0261 – Substitute ordinance adopted

ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to encampments in public places; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability

This item should only be considered after passage of Items 19-25 above

DELAYED BY MOTION #2017-171, 3/29/17

This was Item 6 on Agenda of March 29, 2017

27. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Stardig to amend Item 39 below to amend Section 28-46 of the Code of Ordinances to add the following:

Sec. 28-46. Aggressive panhandling; impeding the use of a roadway or sidewalk

DELAYED BY MOTION #2017-172, 3/29/17

28. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Stardig to amend Item 39 below to amend Section 28-46 of the Code of Ordinances to add the following:

Police Officer means an officer of the Houston Police Department, or a peace officer as ascribed in section 1701.001 (4) of the Texas Occupations Code.

DELAYED BY MOTION #2017-172, 3/29/17

29. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Stardig to amend Item 39 below to amend Section 28-46 (a) of the Code of Ordinances to add the following:

Sidewalk means that portion of a public street which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for, or is ordinarily used for, pedestrian travel

DELAYED BY MOTION #2017-172, 3/29/17

30. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Stardig to amend Item 39 below to amend Section 28-46 (a) of the Code of Ordinances to add the following:

Impede means to render use of a roadway or sidewalk unreasonably difficult or dangerous.

DELAYED BY MOTION #2017-172, 3/29/17

MATTERS HELD – continued

31. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Stardig to amend Item 39 below to amend Section 28-46 of the Code of Ordinances to add the following:

- (f) Notwithstanding the other provisions of this section, it shall be unlawful for a person to impede the use of a roadway **or sidewalk**. No police officer shall issue a citation, make an arrest or otherwise enforce a violation of impeding a roadway **or sidewalk** against any person unless the officer first request or orders the person to refrain from the alleged prohibited conduct and the person fails to comply

DELAYED BY MOTION #2017-172, 3/29/17

32. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Gallegos to amend Item 39 below to add the following to Section 28-46 of the Code of Ordinances:

Sec. 28-46. Aggressive panhandling; impeding the use of a roadway **sidewalk**

DELAYED BY MOTION #2017-172, 3/29/17

33. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Gallegos to amend Item 39 below to add the following to definitions in Section 28-46 of the Code of Ordinances:

Doorway means an opening into a building designed for persons to walk through that normally contains a door and which may or may not abut a stoop, porch, canopy, vestibule, or stairway.

Impede means to render the use of a roadway, or sidewalk unreasonably difficult or dangerous.

Sidewalk means that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

DELAYED BY MOTION #2017-172, 3/29/17

34. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Gallegos to amend Item 39 below to add the following to Section 28-46 (d) and (e) of the Code of Ordinances:

- (d) Regardless of whether any request is made by the solicitee to the solicitor, no solicitor shall engage in solicitation within a distance of eight feet from any ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, or outdoor dining establishment, including, but not limited to, a sidewalk cafe, or a doorway of a residential or commercial building

- (e) For the purposes of subsection (d) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the physical structure of the ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, or outdoor dining establishment, including but not limited to, a sidewalk cafe, or a doorway of a residential or commercial building

DELAYED BY MOTION #2017-172, 3/29/17

MATTERS HELD – continued

35. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Gallegos to amend Item 39 below to add the following to Section 28-46 (f) and (g) of the Code of Ordinances:

- (f) Notwithstanding the other provisions of this section, it shall be unlawful for a person to impede the use of a roadway, or sidewalk. No police officer shall issue a citation, make an arrest or otherwise enforce a violation of impeding a roadway, or sidewalk against any person unless the officer first requests or orders the person to refrain from the alleged prohibited conduct and the person fails to comply.
- (g) It is a defense to prosecution under this section that the person impeding the roadway, or sidewalk is an employee or agent of the city engaged in the solicitation of funds on behalf of a nonprofit corporation, group, or organization pursuant to a class A certificate issued under Chapter 36, Article V.

DELAYED BY MOTION #2017-172, 3/29/17

36. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Knox to amend Item 39 below to add the following to Section 28-46 (d) and (e) of the Code of Ordinances:

- (d) Regardless of whether any request is made by the solicitee to the solicitor, no solicitor shall engage in solicitation within a distance of eight feet from any ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, a standing vehicle in a moving inside lane of traffic, or outdoor dining establishment, including, but not limited to, a sidewalk café
- (e) For the purposes of subsection (d) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the physical structure of the ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, a standing vehicle in a moving inside lane of traffic, or outdoor dining establishment, including but not limited to, a sidewalk cafe

DELAYED BY MOTION #2017-172, 3/29/17

37. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Knox to amend Item 39 below to delete Section 28-46 (g) of the Code of Ordinances and re-letter any and all subsequent subsections

DELAYED BY MOTION #2017-172, 3/29/17

38. Motion 2017-0195 – Motion to withdraw

MOTION by Council Member Knox to amend Item 39 below to repeal the City of Houston Class A permit under Section 26-72 of the City of Houston Code of Ordinances and all its rights and privileges pertaining to permitting the solicitation of funds that includes among its means and methods the solicitation of vehicles on public streets.

DELAYED BY MOTION #2017-172, 3/29/17

39. Motion 2017-0195 – Refer back to the Administration

ORDINANCE AMENDING SECTION 28-46 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, relating to aggressive panhandling and impeding the use of a roadway; declaring certain conduct to be unlawful; containing findings and other provisions relating to the foregoing subject; providing for severability

This item should only be considered after passage of Items 27-38 above

DELAYED BY MOTION #2017-172, 3/29/17

This was Item 7 on Agenda of March 29, 2017

MATTERS HELD – continued

40. Motion 2017-0196 – Refer back to the Administration

ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, Texas, Seller, and **SCRAP TRADING INTERNATIONAL, Purchaser**, for the sale of 5.033 acres of land located at 800 Dorsett Street, being a part of the John Brown Survey, Abstract Number 8, Houston, Harris County, Texas, for \$865,000.00; approving and authorizing a Special Warranty Deed - **DISTRICT H - CISNEROS** - **TAGGED BY COUNCIL MEMBER KUBOSH**

This was Item 7 on Agenda of April 5, 2017

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

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

4/11/2017 - All present

4/12/2017 - All present