

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 6, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2012-0128 to 2012-0170
ORDINANCES – 2012-0201 to 2012-0216
RESOLUTION – 2012-0006

2012-0127-1

Motion 2012-0149 omitted

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Costello

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

Motion 2012-0127 – Procedural motion
Motion 2012-0128 – Procedural motion
Motion 2012-0129 – Procedural motion
Motion 2012-0130 – Procedural motion
Motion 2012-0131 – Procedural motion
Motion 2012-0132 – Procedural motion
Motion 2012-0133 – Procedural motion
Motion 2012-0134 – Procedural motion
Motion 2012-0135 – Procedural motion
Motion 2012-0136 – Procedural motion
Motion 2012-0137 – Procedural motion
Motion 2012-0138 – Procedural motion
Motion 2012-0139 – Procedural motion
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Motion 2012-0157 – Procedural motion
Motion 2012-0158 – Procedural motion
Motion 2012-0159 – Procedural motion
Motion 2012-0160 – Procedural motion
Motion 2012-0161 – Procedural motion
Motion 2012-0162 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 7, 2012 - 9:00 A. M.

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

Motion 2012-0163 – Accept report

9:00 A.M. - **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 1 through 23

ACCEPT WORK - NUMBERS 1 and 2

1. Council Member Hoang tagged

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$24,227,906.44 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Terminal D Fully Automated Explosive Detection System In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston, Project No. 612K - 5.34% over the original contract amount - **DISTRICT B - DAVIS**

2. Council Member Hoang tagged

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,569,099.50 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System Baggage Handling System and security enhancements at William P. Hobby Airport and Ellington Airport, Project No. 612L - 3.49% over the original contract amount **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**

PROPERTY - NUMBERS 3 through 5

3. Motion 2012-0168

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Chong C. Park, et al., Cause No. 994,119; for acquisition of Parcel AY9-427; for the **LONG POINT PAVING AND DRAINAGE PROJECT, SUBPROJECT II (Pech - Hollister) DISTRICT A - BROWN**

4. Motion 2012-0164

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Perzetta Hurd, et al., Cause No. 992,498; for acquisition of Parcel AY10-068; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT, (Little York - W. Gulf Bank) - DISTRICT B - DAVIS**

PROPERTY - continued

5. Motion 2012-0165

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Elisandro Flores, aka E. Alex Flores, aka Alex Flores, et al., Cause No. 996,954; for acquisition of Parcel AY10-211; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610) - DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 7

6. Motion 2012-0166

TYLER MOTOR COMPANY, INC dba HALL VOLVO GMC for Purchase of Firefighting Pumper Trucks through the Houston-Galveston Area Council for the Houston Fire Department \$2,999,813.00 - CDBG Fund - **DISTRICTS B - DAVIS; H - GONZALEZ and K - GREEN**

7. Motion 2012-0167

APPROVE spending authority to Address Emergency Concrete and Asphalt Restoration Services in an amount not to exceed \$650,000.00 for the Department of Public Works & Engineering to **ISI CONTRACTING, INC** - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 23

8. Pulled - Not Considered

RESOLUTION petitioning the **TEXAS ALCOHOLIC BEVERAGE COMMISSION** to adopt an order approving the revised boundaries of the City of Houston's Central Business District for the purposes of prohibiting possession of an open container or public consumption of alcoholic beverages in said boundaries - **DISTRICT I - RODRIGUEZ**

9. Resolution 2012-0006

RESOLUTION designating the **RUFUS CAGE ELEMENTARY SCHOOL** located at 1417 Telephone Road within the City of Houston as a landmark and protected landmark **DISTRICT I - RODRIGUEZ**

Motion by Council Member Hoang/Seconded by Council Member Pennington to amend Section 20-5 (h) of Item 10 to read as follows:

"Sec. 20-5(h). Any person who violates any provision of this section shall, after 3 written warnings, be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$2,000 \$500;" – **tagged by Council Members Bradford and Adams**

10. Council Members Pennington, Sullivan and Adams tagged

ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to feeding those in need

11. Ordinance 2012-0204

ORDINANCE supplementing Ordinance No. 2009-1118 relating to the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B, determining the maximum principal amount of Series B-5 and approving an additional Credit Agreement in connection therewith; approving an updated Offering Memorandum; resolving other matters related thereto; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

12. Ordinance 2012-0201

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of an alley, from Lorraine Avenue north approximately 544.48 feet, and an alley, from Terry Street to McKee Street; vacating and abandoning the alleys to the Houston Independent School District, owner, in consideration of owner's conveyance to the City of three right-of-way easements, all located in the Cascara Addition and/or the J. R. Little's Addition, Harris County, Texas, payment to the City of \$25,578.00, and other consideration - **DISTRICT H - GONZALEZ**

13. Ordinance 2012-0205

ORDINANCE approving the acceptance of a grant award from the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES** for the Community-Based Care Transitions Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department ("HDHHS") to act as the City's representative in the application process; authorizing the Director of HDHHS to accept the grant and expend the grant funds and to apply for and accept all subsequent awards, if any, pertaining to the grant; approving and authorizing contract between the City, acting on behalf of HDHHS' Harris County Area Agency on Aging and **CENTER FOR MEDICARE & MEDICAID INNOVATION** related to the grant - \$726,291.00 - Grant Fund

14. Ordinance 2012-0206

ORDINANCE amending Ordinance No. 2009-0220 (Passed by City Council on March 11, 2009) to increase the maximum contract amount and approving and authorizing third amendment to agreement between the City of Houston and the **CNA CORPORATION** for Professional Services for Catastrophic Preparedness Planning for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$299,422.00 - Grant Fund

15. Ordinance 2012-0207

ORDINANCE approving and authorizing the Mayor to accept two FY2009 Technology Program Grant Awards from the **UNITED STATES DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES** in an amount not to exceed \$1,600,000.00 for Radio Communications Equipment for Harris County and Brazoria County; authorizing the Mayor to execute the grant award agreement and any subsequent related documents, and to accept all subsequent awards, if any, pertaining to the program; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to apply for all subsequent awards, if any, pertaining to the program

16. Ordinance 2012-0208

ORDINANCE appropriating \$218,251.00 out of Police Consolidated Construction Fund, authorizing the issuance of purchase order to the **STAR OF HOPE MISSION** for the preparation of Design Documents and Project Management Services for a planned Sobering Center at 1811 Ruiz - **DISTRICT H - GONZALEZ**

17. Ordinance 2012-0209

ORDINANCE appropriating \$143,801.00 out of Police Consolidated Construction Fund (Approved by Ordinance No. 2007-972) for Purchase and Installation of Security Equipment from **BL TECHNOLOGY, INC** for the Houston Police Department's new Tactical Operations Facility **DISTRICT A - BROWN**

18. Ordinance 2012-0202

ORDINANCE approving and authorizing first amendment to Operation and Maintenance Agreement between **WILLOW POOL, INC, a Texas Corporation, as operator**, and the City of Houston, Texas, as owner, for approximately 104,622 square feet of Real Property located at 10500 Cliffwood, Houston, Harris County, Texas - Revenue - **DISTRICT K - GREEN**

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2012-0210

ORDINANCE amending Ordinance 2007-1144 (Passed October 10, 2007) to increase the maximum contract amount under an Interlocal Agreement with **GEO-TECHNOLOGY RESEARCH INSTITUTE** for administration of the City's 5-Star Energy Efficient Home Program

20. Ordinance 2012-0211

ORDINANCE approving the purchase by the City of Houston, Texas of 0.5469 acre of land, being Lots 1, 2, 3, 4 and part of Lot 5, Block 7, Pierce Court Addition, Houston, Harris County, from Houston Independent School District ("HISD") for purchase price of \$255,000.00 for the expansion of Moses Leroy Park; in lieu of cash payment, establishing a credit for HISD in the amount of the purchase price pursuant to the terms and conditions of an Interlocal Agreement; approving the form of Special Warranty Deed - **DISTRICT D - ADAMS**

21. Ordinance 2012-0212

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential lots in **FREWAY SUBDIVISION, SECTIONS 1-4 and OAK ACRES SUBDIVISION and EXTENSION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**

22. Ordinance 2012-0203

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential lots in **GESSPORT PATIO HOMES SUBDIVISION, REPLAT and AMENDED REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT K - GREEN**

23. Ordinance 2012-0213

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 9.1677 acres commonly known as 3777 West 12th Street, Houston, Harris County, Texas; supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C - COHEN**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 24 through 27

24. Ordinance 2012-0214

ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; supplementing and amending Ordinance No. 2004-300, Ordinance No. 2008-252 and Ordinance No. 2010-215 as it relates to the City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-6, authorizing the substitution of a credit facility authorizing a Paying Agent/Registrar Agreement; a Tender Agent Agreement, a Remarketing Agreement, a Co-Bond Counsel Agreement, and other necessary agreements or documents related to the bonds; and declaring an emergency - **TAGGED BY COUNCIL MEMBER BROWN**

This was Item 12 on Agenda of February 29, 2012

MATTERS HELD - continued

25. Ordinance 2012-0215

ORDINANCE consenting to the creation of the **BRIDGELAND MANAGEMENT DISTRICT** in the extraterritorial jurisdiction of the City and the inclusion of certain land within the district

TAGGED BY COUNCIL MEMBER BROWN

This was Item 15 on Agenda of February 29, 2012

26. Ordinance 2012-0216

ORDINANCE appropriating \$517,837.00 out of Water & Sewer System Consolidated Construction Fund; awarding a contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; 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

TAGGED BY COUNCIL MEMBER GONZALEZ

This was Item 32 on Agenda of February 29, 2012

Motion 2012-0169 – Suspend rules to hear a representative on Item 27

27. Motion 2012-0170 – Adopt motion to uphold denial of the appeal

MOTION by Council Member Gonzalez/Seconded by Council Member Sullivan after a review of the record on the appeal filed by Richard V. Rothfelder, Attorney at Law, on behalf of Garrett Operators, Inc., regarding the interpretation of the Sign Code for a sign located at 2600 South Loop West, Houston, Texas, by the General Appeals Board, the decision of the Board be upheld and the appeal denied - **DISTRICT K - GREEN** - **TAGGED BY COUNCIL MEMBER BROWN**

This was Item 40 on Agenda of February 29, 2012

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Pennington 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

3/6/2012 - Council Member Sullivan absent on City business

3/7/2012 - All Present