

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 20, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2012-0171 to 2012-0188
ORDINANCES – 2012-0217 to 2012-0246
RESOLUTIONS – 2012-0007 to 2012-0010

2012-0170-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Rodriguez

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 21, 2012 - 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 48

MISCELLANEOUS - NUMBERS 1 through 5

Motion 2012-0174 – Suspend rules to consider Items 1, 2 and 3 out of order

1. Motion 2012-0175

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE GREATER SHARPSTOWN MANAGEMENT DISTRICT**:

- Position One - **MR. KENNETH LI**, reappointment, for a term to expire 6/1/2015
- Position Two - **MR. FEROZE (FRED) BHANDARA**, appointment, for a term to expire 6/1/2015
- Position Three - **MR. KUN CHEE (CASEY) YOUN**, appointment, for a term to expire 6/1/2015
- Position Four - **MR. HARRY SHANI**, reappointment, for a term to expire 6/1/2015
- Position Five - **MR. DON WANG**, reappointment, for a term to expire 6/1/2015
- Position Six - **MR. PETER ACQUARO**, appointment, for a term to expire 6/1/2013
- Position Seven - **MR. RICK OGDEN**, appointment, for a term to expire 6/1/2013
- Position Eight - **MS. TONI J. FRANKLIN**, reappointment, for a term to expire 6/1/2013
- Position Nine - **MS. JUANA MADRID**, appointment, for a term to expire 6/1/2013

MISCELLANEOUS - continued

2. Motion 2012-0176

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 12:**

- Position One - **MR. WILLIAM RANDALL (RANDY) ROBERTSON**, for a term to expire 6/1/2015
- Position Two - **MR. STEPHEN C. HELM**, for a term to expire 6/1/2015
- Position Three - **MR. STEWART G. MASTERSON, JR.**, for a term to expire 6/1/2015
- Position Four - **MR. KYLE R. SEARS**, for a term to expire 6/1/2015
- Position Six - **MR. ASHTON L. TAYLOR**, for a term to expire 6/1/2013

3. Motion 2012-0177

REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON CENTER FOR LITERACY (Formerly HOUSTON READ COMMISSION)**, for terms to expire January 1, 2015:

- Position Four - **MS. LEISA HOLLAND-NELSON**
- Position Seven - **MS. LISA PREWITT LANGSTON**

4. Motion 2012-0180

RECOMMENDATION from Director General Services Department for approval of Pre-qualified Asbestos/Lead Abatement, Mold and Soil Remediation, Demolition and Petroleum Storage Tank Removal Contractors for environmental purposes only and rescind Motion #09-0928

5. Motion 2012-0181

RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Account for **TEXAS CHILDREN'S HOSPITAL** - \$224,030.41 Enterprise Fund

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 10

6. Motion 2012-0182

FEDERAL RESOURCES SUPPLY COMPANY for Personal Protective Equipment from General Services Administration Schedule 84 Contract for the Houston Police Department - \$249,942.24 Grant Fund

7. Motion 2012-0178

GOWAN, INC for Exhaust /Supply Fan Replacements and Associated Equipment for Department of Public Works & Engineering - \$137,396.00 and contingencies for a total amount not to exceed \$144,265.80 - Enterprise Fund

8. Motion 2012-0183

AMEND MOTION #2007-259, 3/7/07, TO EXTEND the term from April 18, 2012 to April 17, 2015, for Chemicals, Inorganic Metal Salt Coagulants (Aluminum Sulfates) for the Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION**

9. Motion 2012-0179

T. CONSTRUCTION, LLC for Emergency Sanitary Sewer Line Repairs for Department of Public Works & Engineering - \$147,000.00 - Enterprise Fund - **DISTRICT C - COHEN**

10. Motion 2012-0184

J. TYLER SERVICES, INC for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$220,444.51 - General, Enterprise and Other Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 48

11. Resolution 2012-0008

RESOLUTION supporting and approving the proposed construction of the **JUSTICE PARK SENIOR VILLAS**, a Multi-Family Affordable Housing Development for seniors, to be located at Justice Park Drive, north of W. 43rd Street, in Houston, Texas, and authorizing the allocation of 2012 Low Income Housing Tax Credits to such development by the Texas Department of Housing and Community Affairs - **DISTRICT C - COHEN**

12. Council Member Pennington tagged

RESOLUTION supporting and approving the proposed construction of the **CAMPANILE ON BRIAR FOREST**, a Multi-Family Affordable Housing Development, to be located at the northeast corner of Briar Forest and Highway 6 in Houston, Texas and authorizing the allocation of 2012 Low Income Housing Tax Credits to such development by the Texas Department of Housing and Community Affairs - **DISTRICT G - PENNINGTON**

13. Resolution 2012-0007

RESOLUTION supporting and approving the proposed construction of the **HAMILTON**, a Multi-Family Affordable Housing Development for seniors, to be located in the 1800 block of St. Joseph Parkway in Houston, Texas and authorizing the allocation of 2012 Low Income Housing Tax Credits to such development by the Texas Department of Housing and Community Affairs **DISTRICT I - RODRIGUEZ**

14. Resolution 2012-0009

RESOLUTION supporting and approving the proposed reconstruction of the **GULF COAST ARMS**, a Multi-Family Affordable Housing Development, located at 6603 Hirsch Road, Houston, Texas, and authorizing the allocation of 2012 Low Income Housing Tax Credits to such development by the Texas Department of Housing and Community Affairs - **DISTRICT B - DAVIS**

15. Council Member Adams tagged

RESOLUTION supporting and approving the proposed construction of the **ZION BAYOU**, a Multi-Family Affordable Housing Development, to be located at 5200-5300 Airport Boulevard in Houston, Texas, and authorizing the allocation of 2012 Low Income Housing Tax Credits to such development by the Texas Department of Housing and Community Affairs - **DISTRICT D - ADAMS**

16. Resolution 2012-0010

RESOLUTION proclaiming April 2012 as "Fair Housing Month" in the City of Houston, Texas

17. Ordinance 2012-0236

ORDINANCE **AMENDING SECTION 3-3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the public consumption or possession of an open container of alcohol in the Central Business District

18. Ordinance 2012-0217

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a water main easement in Lot 1, Block 13, Sunset Terrace Addition, Section 12, A. C. Reynolds Survey, A-61, Harris County, Texas; abandoning the easement to Daniel E. Rowsey, abutting owner, in consideration of his payment to the City of \$9,933.00 and other consideration - **DISTRICT C - COHEN**

19. Ordinance 2012-0237

ORDINANCE accepting the proposal from **UNDERWRITERS AT LLOYDS**, approving and authorizing the purchase of Terrorism Insurance for the proposed City-wide Insurance Policy for all scheduled City of Houston locations

RESOLUTIONS AND ORDINANCES - continued

20. Ordinance 2012-0238

ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, UNDERWRITERS AT LLOYDS, AXIS SURPLUS INSURANCE COMPANY, ARCH SPECIALTY INSURANCE COMPANY, RSUI INDEMNITY COMPANY, EVANSTON INSURANCE COMPANY, SWISS RE INTERNATIONAL SE, GREAT LAKES REINSURANCE (UK) PLC, LIBERTY MUTUAL FIRE INSURANCE COMPANY**, which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy

21. Council Member Brown tagged

ORDINANCE relating to the Retail Electric Rates of Entergy Texas, Inc within the City of Houston, Texas; ordering reimbursement of all rate case expenses incurred on behalf of all Entergy Texas, Inc ratepayers within the City of Houston, Texas; denying rate increase request and maintaining the current Entergy Texas, Inc rates in effect - **DISTRICT E - SULLIVAN**

22. Ordinance 2012-0218

ORDINANCE amending Ordinance No. 2008-453 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **HARMONY HOUSE, INC** for residential facilities for Tuberculosis Patients for the Health and Human Services Department - \$272,000.00 - General and Grant Funds

23. Ordinance 2012-0219

ORDINANCE approving and authorizing submission of an application for grant assistance to the State of Texas through the Office of the Governor's Criminal Justice Division for the Police Storefront Crisis Team Program FY 2013; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police 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

24. Ordinance 2012-0239

ORDINANCE approving and authorizing submission of an application for grant assistance to the State of Texas through the Office of the Governor's Criminal Justice Division to fund the Paroled Offenders Initiative; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police 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

25. Ordinance 2012-0240

ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 5, TOMASA COMPEAN, AUSTRABERTA RODRIGUEZ**, and their attorney Jonathan Weissglass of Altshuler Berzon; to settle a lawsuit - \$117,000.00 - Property & Casualty Fund

26. Ordinance 2012-0241

ORDINANCE amending Ordinance No. 2009-570, as amended, to increase the maximum contract amount for contract between the City of Houston and **ROGERS, MORRIS & GROVER, L.L.P.** for Legal Services for representation of the City in Civil Action No. H-06-2650; George Rodriguez v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division - \$110,000.00 - Property & Casualty Fund

RESOLUTIONS AND ORDINANCES - continued

27. Ordinance 2012-0242

ORDINANCE approving first amendment to Lease Agreement with **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** at City Hall, 901 Bagby Street, Houston, Texas
DISTRICT I - RODRIGUEZ

28. Ordinance 2012-0243

ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as Landlord, and **FIFTH WARD REDEVELOPMENT CORPORATION, as Tenant**, for approximately 2,500 square feet of space at 3301, 3303 and 3305 Lyons Avenue, Houston, Texas
DISTRICT B - DAVIS

29. Ordinance 2012-0244

ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as Landlord, and **TEXAS SOUTHERN UNIVERSITY, as Tenant**, for approximately 8,500 square feet of space at 3301, 3303 and 3305 Lyons Avenue, Houston, Texas -
DISTRICT B - DAVIS

30. Ordinance 2012-0220

ORDINANCE appropriating \$4,346.00 out of Parks Special Fund; approving and authorizing first supplemental agreement to Professional Landscape Architectural and Engineering Services Contract between the City of Houston and **TALLEY LANDSCAPE ARCHITECTS, INC fka TALLEY-POPE AND ASSOCIATES, INC** for Scottcrest and Alief Parks Trail Improvements Project (Approved by Ordinance No. 2009-1133) - **DISTRICTS D - ADAMS and F - HOANG**

31. Ordinance 2012-0221

ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential lots in the **PINE VALLEY SUBDIVISION, SECTIONS 1 and 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**

32. Ordinance 2012-0245

ORDINANCE approving and authorizing Affordable Homes Energy Leakage Test Reimbursement Program for three years (FY 2012–2014) to provide reimbursement for money spent on energy leakage tests for affordable new single family homes; the provision of funding up to \$60,000.00 for such program out of the Building Inspection Fund (Fund 2301); and the de-obligation of \$727,750.00 from Fund 2301 and return of such amount to the TIRZ Affordable Housing Fund (Fund 2409)

33. Ordinance 2012-0222

ORDINANCE consenting to the addition of 19.677 acres of land to **GRAND MISSION MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY, TEXAS**, for inclusion in its district

34. Ordinance 2012-0223

ORDINANCE consenting to the addition of 5.9658 acres of land to **MEADOWHILL REGIONAL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

35. Ordinance 2012-0224

ORDINANCE appropriating \$725,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HALFF ASSOCIATES, INC** for Negotiated Work Orders for Pre-Engineering of Storm Water Drainage Improvements; providing funding for construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

RESOLUTIONS AND ORDINANCES - continued

36. Ordinance 2012-0225

ORDINANCE appropriating \$725,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVIL TECH ENGINEERING, INC** for Negotiated Work Orders for Pre-Engineering of Storm Water Drainage Improvements; providing funding for construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

37. Ordinance 2012-0226

ORDINANCE appropriating \$725,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Negotiated Work Orders for Pre-Engineering of Storm Water Drainage Improvements; providing funding for construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

38. Ordinance 2012-0227

ORDINANCE appropriating \$460,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LJA ENGINEERING, INC** for Local Drainage Project Negotiated Design Work Orders; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

39. Ordinance 2012-0228

ORDINANCE appropriating \$460,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Local Drainage Project Negotiated Design Work Orders; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

40. Ordinance 2012-0229

ORDINANCE appropriating \$575,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **GUNDA CORPORATION, LLC** for Negotiated Work Orders for Pre-Engineering of Storm Water Drainage Improvements; providing funding for construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

41. Ordinance 2012-0246

ORDINANCE appropriating \$575,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Negotiated Work Orders for Pre-Engineering of Street & Paving Improvements; providing funding for construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

42. Council Member Brown tagged

ORDINANCE appropriating \$2,195,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHESTER ENGINEERS, INC** for Design of Southeast Water Purification Plant Sedimentation Basins A & B Improvements (Treatment Module 1), Flocculators Rehabilitation Basins A & B (Treatment Module 1), Rehabilitation of Transfer and Distribution Pumps & Motors and Miscellaneous Engineering Services; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

RESOLUTIONS AND ORDINANCES - continued

43. Ordinance 2012-0230 – Passed first reading

ORDINANCE granting to **MTI SERVICES, LLC dba ENERGY CLEAN A Texas Limited Liability 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 - **FIRST READING**

44. Ordinance 2012-0231 – Passed first reading

ORDINANCE granting to **ANDERSON POLLUTION CONTROL, INC, 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 - **FIRST READING**

45. Ordinance 2012-0232 – Passed first reading

ORDINANCE granting to **CONSOLIDATED WASTE LLC dba LIQUID WASTE SOLUTIONS A Texas Limited Liability 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 - **FIRST READING**

46. Ordinance 2012-0233 – Passed first reading

ORDINANCE granting to **SET ENVIRONMENTAL, INC, An Illinois 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 - **FIRST READING**

47. Ordinance 2012-0234 – Passed first reading

ORDINANCE granting to **ENVIROWASTE SERVICES GROUP, INC, A Florida 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 - **FIRST READING**

48. Ordinance 2012-0235 – Passed first reading

ORDINANCE granting to **CLEANER EARTH GROUP, LLC A Texas Limited Liability 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 **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 49 through 51A

49. Motion 2012-0185 – Adopt

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** - TAGGED BY COUNCIL MEMBER HOANG

This was Item 1 on Agenda of March 7, 2012

50. Motion 2012-0186 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Sullivan to adopt 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** - TAGGED BY COUNCIL MEMBER HOANG

This was Item 2 on Agenda of March 7, 2012

51. Motion 2012-0187 – Tabled

MOTION by Council Member Hoang/Seconded by Council Member Pennington to amend Item 51A 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

a. Motion 2012-0188 – Substitute revised ordinance and postpone two (2) weeks

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

TAGGED BY COUNCIL MEMBERS PENNINGTON, SULLIVAN and ADAMS

This was Item 10 on Agenda of March 7, 2012

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

3/20/2012 - Council Member Costello absent on City business

Council Member Burks absent due to being ill

3/21/2012 - All Present