

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 27, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS - 2012-0794 to 2012-0819
ORDINANCES - 2012-1004 to 2012-1021
RESOLUTIONS – 2012-0035 to 2012-0035

2012-793-1

INVOCATION 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

NOTE: If a translator is required, please advise when reserving time to speak

Motion 2012-0794 – Procedural motion
Motion 2012-0795 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - NOVEMBER 28, 2012 - 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 2012-0801 – Close hearing**

PUBLIC HEARING relative to the amendment of Ordinance No. 2008-118, as amended by Ordinance No. 2008-359, relating to the City of Houston, Texas participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act

a. **Ordinance 2012-1004**

ORDINANCE amending Ordinance No. 2008-118, as amended by Ordinance No. 2008-359, relating to the City of Houston, Texas participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; expanding the list of additional local incentives offered

b. **Resolution 2012-0034**

RESOLUTION approving and authorizing the nomination of **GOODMAN MANUFACTURING COMPANY, L.P.**, to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICT C - COHEN**

HEARINGS - 9:00 A.M. - continued

c. Resolution 2012-0035

RESOLUTION approving and authorizing the nomination of **TH HEALTHCARE, LTD.**, to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICT D - ADAMS**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 39

MISCELLANEOUS - NUMBERS 2 through 6

Motion 2012-0796 – Suspend rules to consider Items 2, 3, 4 and 5 out of order

2. Motion 2012-0797

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to serve as **MUNICIPAL COURT ADJUDICATION HEARING OFFICERS**, for two year terms:
MANUEL BARRERA, JR., reappointment
JOSE R. LOPEZ, II, reappointment
MONTECELLA FLANIKEN, appointment
DON R. BYRNES, reappointment

3. Motion 2012-0798

REQUEST from Mayor for confirmation of the reappointment of the following as **FULL-TIME MUNICIPAL COURT JUDGES** for two year terms:

MARIA E. CASANOVA

MIHOA VO

IMELDA REYES-CASTILLO

GRANTHAM HARLAN COLEMAN

DAVID O. FRAGA

ESMERALDA PEÑA GARCIA

KATHY K. HAN

KIM R. TRUJILLO

GORDON G. MARCUM II

MEG AHERN OSWALD

LEIGH FAORO SAINT-GERMAIN

ADAM SILVERMAN

ELAINE MARSHALL

FRANCELIA "FRAN" TOTTY

4. Motion 2012-0799

REQUEST from Mayor for confirmation of the appointment or reappointment of the following as **MUNICIPAL COURT ASSOCIATE JUDGES** for two year terms:

WALTER A. SCHROEDER, reappointment

FAD WILSON, JR., reappointment

CATHERINE N. WYLIE, reappointment

ANDREW D. MARTIN, reappointment

WARREN FITZGERALD, JR., appointment

TAMMY SIMIEN ADAMS, appointment

URSULA A. HALL, reappointment

SHERRY LEE APPLEWHITE, reappointment

KERRI J. DORMAN, reappointment

OSWALD J. SCOTT, JR., reappointment

ROBERT V. ROSENBERG, reappointment

RAUL RODRIGUEZ, reappointment

JOELLEN SNOW, reappointment

NIKITA V. HARMON, reappointment

ARTURO D. DELEON, JR., reappointment

BURHAN NOMANI, reappointment

STEPHAN L. HONORÉ, reappointment

MARIO MADRID, reappointment

LYDIA D. JOHNSON, reappointment

WILLIAM A. ALLEN, reappointment

MIN UN LEE, reappointment

C. J. BROUSSARD-WHITE, reappointment

NILE B. COPELAND, reappointment

PHYLLIS RANDOLPH FRYE, reappointment

CHARLES A. SPAIN, JR., reappointment

MISCELLANEOUS - continued

5. Motion 2012-0800

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE) BOARD OF DIRECTORS**:

Position One - **WILLIAM E. MORFEY**, appointment, for a term to expire 12/7/2012

Position Two - **KAREN J. DORRIS**, reappointment, for a term to expire 12/7/2013, and to serve as Chair, for a term to expire 12/31/2012

Position Three - **MATTHEW K. ZEVE**, appointment, for a term to expire 12/7/2012

Position Four - **WILLIAM P. HADDOCK**, reappointment, for a term to expire 12/7/2013

Position Five - **ROBBI J. JONES**, reappointment, for a term to expire 12/7/2012

6. Motion 2012-0803

RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2013 (January 1, 2013 - December 31, 2013)

ACCEPT WORK - NUMBERS 7 through 12

7. Motion 2012-0804

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$603,600.00 and acceptance of work on contract with **DIVISIONONE CONSTRUCTION LP** for Miller Outdoor Theatre - AV Booth and Hill Seating Area - 4.75% over the original contract amount and under the 5% contingency - **DISTRICT D - ADAMS**

8. Motion 2012-0814

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,313,780.00 and acceptance of work on contract with **THE GONZALEZ GROUP, LP** for Glenbrook Park - 1.09% over the original contract amount and under the 5% contingency **DISTRICT I - RODRIGUEZ**

9. Motion 2012-0805

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$11,059,238.91 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Kirkwood Dr. (Briar Forest) Drainage and Paving 2.07% under the original contract amount - **DISTRICT G - PENNINGTON**

10. Motion 2012-0806

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$933,821.61 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Intersection Pavement Improvements - 2.69% under the original contract amount - **DISTRICTS D - ADAMS; G - PENNINGTON; I - RODRIGUEZ and J - LASTER**

11. Motion 2012-0807

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,078,731.58 and acceptance of work on contract with **E. P. BRADY, LTD.**, for Riverwood Estates No. 2 Lift Station Diversion - 0.87% over the original contract amount and under the 5% contingency - **DISTRICT B - DAVIS**

12. Motion 2012-0808

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,585,642.00 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Jim Lee Park Area - 2.85% over the original contract amount and under the 5% contingency - **DISTRICT A - BROWN**

PROPERTY - NUMBER 13

13. Motion 2012-0809

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from S. Matthew Feil, Levinson Alcoser Associates, L.P., on behalf of Bridgewood-Heights, L.P. [Bridgewood Property Company (James D. Gray, President) General Partner], for abandonment and sale of a 10-foot-wide prescriptive sanitary sewer easement, in exchange for the conveyance to the City of a 10-foot-wide access easement, both located within the Studewood View Subdivision, out of John Austin Survey, A-1, Parcels SY13-023 and AY13-088 - **DISTRICT C - COHEN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 19

14. Motion 2012-0815

E CONTRACTORS USA, LLC to Fabricate and Install a Galvanized Steel Stairway for the General Services Department at Fire Department Val Jahnke Training Center - \$51,699.10 and contingencies for a total amount not to exceed \$56,869.01 - Revolving Fund

15. Motion 2012-0810

RINCON AIR & HEAT COMPANY, LLC to Remove, Furnish and Install Heating Ventilation and Air Conditioning Systems and Associated Equipment for the General Services Department \$198,026.00 and contingencies for a total amount not to exceed \$217,828.60 - Revolving Fund

16. Motion 2012-0811

HANSEN INFORMATION TECHNOLOGIES for Purchase of Infor Enterprise Asset Management Software, Training and Software Maintenance Support from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Police Department - \$286,972.16 - General Fund

17. Motion 2012-0816

ALTIVIA CORPORATION for Chemical, Liquid Ammonium Sulfate for the Department of Public Works & Engineering - 5 Years - \$1,512,292.56 - Enterprise Fund

18. Motion 2012-0812

CENTRAL TURF FARMS, INC for St. Augustine Sod Blocks for the Department of Public Works & Engineering - 3 Years with two one-year options - \$765,957.12 - Enterprise Fund

19. Motion 2012-0813

BADGER METER INC for Badger Meter Proprietary Replacement Parts for the Department of Public Works & Engineering - 1 Year - \$1,500,000.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 39

20. Council Member Burkes tagged

RESOLUTION designating the **GERMANTOWN AREA** of the City of Houston as a historic district **DISTRICT H - GONZALEZ**

21. Pulled - Not Considered

RESOLUTION designating certain properties within the City of Houston as historic landmarks **DISTRICTS G - PENNINGTON and I - RODRIGUEZ**

22. Pulled - Not Considered

RESOLUTION designating certain properties within the City of Houston as historic landmarks **DISTRICT G - PENNINGTON**

RESOLUTIONS AND ORDINANCES - continued

23. Council Member Davis tagged

ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration Grant offers up to \$65,000,000.00 for projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring this City's eligibility for such grants **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ**

Motion 2012-0802 – Suspend rules to consider Item 24 out of order

24. Ordinance 2012-1005

ORDINANCE approving and authorizing the acceptance of the 2011 National Senior Games Cauldron Artwork to be located at Houston Amateur Sports Park into the City Art Collection **DISTRICT D - ADAMS**

25. Ordinance 2012-1011

ORDINANCE approving and authorizing sixth amendment to the CDBG - Disaster Recovery Grant Contract, GLO Contract No. 09-6852-000-5275, formerly referred to as the Texas Department of Housing and Community Affairs Community Development Program Contract No. 70090001, between the City of Houston and the **TEXAS GENERAL LAND OFFICE** for Hurricane Ike/Dolly Funding under the Consolidated Security Disaster Assistance and Continuing Appropriations Act of 2009

26. Ordinance 2012-1012

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON**, providing up to \$122,824.00 in Community Development Block Grant Funds for the continuing administration and operation of Project Access

27. Ordinance 2012-1013

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$1,640,822.00 in Housing Opportunities for Persons With AIDS for the continuing administration and operation of multiple rental assistance programs with supportive services - **DISTRICT C - COHEN**

28. Ordinance 2012-1014

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC**, providing up to \$247,296.00 in Community Development Block Grant Funds for the continuing administration and operation of the H.E.A.R.T. Program - **DISTRICT H - GONZALEZ**

29. Ordinance 2012-1015

ORDINANCE approving and authorizing contract between the City of Houston and **COMFORT SYSTEMS, USA (SOUTH CENTRAL)** for Heating, Ventilating and Air Conditioning Operation and Maintenance Services for the Houston Airport System; providing a maximum contract amount 3 Years with two one-year options - \$30,358,135.62 - Enterprise Fund

30. Ordinance 2012-1006

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

RESOLUTIONS AND ORDINANCES - continued

31. Council Member Sullivan tagged

ORDINANCE disannexing approximately 71 acres of undeveloped land in East Houston in the vicinity of the intersection of Industrial Road and Federal Road located within the municipal boundaries of the City of Houston in Harris County, Texas - **DISTRICT E - SULLIVAN**

a. Council Member Sullivan tagged

ORDINANCE authorizing the creation and execution of a first amended and restated Industrial District Agreement by and between the City of Houston, Texas, and **GREENSPORT SHIP CHANNEL PARTNERS, LP, WATCO DOCK AND RAIL, LLC and WATCO DOCK AND RAIL II, LLC** for area in and around the Ship Channel Navigation District within the extraterritorial jurisdiction of the City

32. Ordinance 2012-1016

ORDINANCE appropriating \$2,732,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX CORP.** for Post Oak #1 Lift Station Replacement; 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 - **DISTRICT K - GREEN**

33. Ordinance 2012-1007

ORDINANCE appropriating \$2,780,031.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Wastewater Collection System Rehabilitation and Renewal; 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 (4235-61)

34. Ordinance 2012-1017

ORDINANCE appropriating \$5,221,841.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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 (4257-130)

35. Ordinance 2012-1018

ORDINANCE appropriating \$3,813,876.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; 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 (4258-53)

36. Ordinance 2012-1019 – Passed first reading

ORDINANCE granting to **SEWER AND STORM MAINTENANCE, L.L.C., A Texas 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 **FIRST READING**

RESOLUTIONS AND ORDINANCES - continued

37. Ordinance 2012-1008 – Passed first reading

ORDINANCE granting to **RDA JUNK, LLC, A Texas 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 - **FIRST READING**

38. Ordinance 2012-1009 – Passed first reading

ORDINANCE granting to **SORTO'S TRUCKING, 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**

39. Ordinance 2012-1010 – Passed first reading

ORDINANCE granting to **S & S PORTABLE SERVICES INC dba CAIN RENTALS, A Delaware 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

NON CONSENT AGENDA - NUMBER 40

MISCELLANEOUS

40. Motion 2012-0817

SETTING A HEARING DATE regarding the designation of **REINVESTMENT ZONE NUMBER TWENTY-FOUR, CITY OF HOUSTON, TEXAS (“GREATER HOUSTON ZONE”) - DISTRICTS D - ADAMS; H - GONZALEZ; I - RODRIGUEZ and K - GREEN**
HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 12, 2012
Set date of December 12, 2012

MATTERS HELD - NUMBERS 41 through 44

41. Motion 2012-0818 – Refer back to the Administration

ORDINANCE appropriating \$246,100.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **TRW ENGINEERS, INC dba TSC ENGINEERING** for Braesmont Dr. Area Drainage and Paving Improvements (Approved by Ordinance No. 2011-0506); providing funding for CIP Salary Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT C - COHEN**
POSTPONED BY MOTION #2012-772, 10/31/12
This was Item 26 on Agenda of October 31, 2012

MATTERS HELD - continued

42. Motion 2012-0819 – Postpone two (2) weeks

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SPRINT SOLUTIONS, INC** for Next Generation Wireless Devices and Services for the Houston Information Technology Services (Approved by Ordinance No. 2011-0627)

TAGGED BY COUNCIL MEMBERS ADAMS and BRADFORD

This was Item 15 on Agenda of November 14, 2012

43. Ordinance 2012-1020

ORDINANCE approving and authorizing contract between the City of Houston and **POLICE EXECUTIVE RESEARCH FORUM** for an Operational Staffing Model for the Houston Police Department; providing a maximum contract amount - \$97,919.00 - Police Special Services Fund

TAGGED BY COUNCIL MEMBER BRADFORD

This was Item 16 on Agenda of November 14, 2012

44. Ordinance 2012-1021

ORDINANCE authorizing Interlocal Agreement between the City of Houston, Texas, and **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** relating to construction of the Homestead Storm Detention Basin Project and Maintenance by HCFCD of two drainage easements and an outflow channel into Hunting Bayou, Harris and Wilson Two League Grant, Harris County, Texas; finding and determining that public convenience and necessity no longer require the continued use of Darien Street, from the northern property line of the expanded basin south to its terminus, and Bennington Street; vacating and abandoning the rights-of-way to HCFCD, abutting owner, upon the satisfaction of certain conditions -

DISTRICT B - DAVIS

TAGGED BY COUNCIL MEMBER COSTELLO

This was Item 20 on Agenda of November 14, 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

11/27/2012 - All Present

11/28/2012 - All Present