

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 9, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0211 to 2013-0242
ORDINANCES – 2013-0301 to 2013-0323
RESOLUTION – 2013-0018

2013-0210-1

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 2013-0211 – Procedural motion
Motion 2013-0212 – Procedural motion
Motion 2013-0213 – Procedural motion
Motion 2013-0214 – Procedural motion
Motion 2013-0215 – Procedural motion
Motion 2013-0216 – Procedural motion
Motion 2013-0217 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 10, 2013 - 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 2013-0220 – Close hearing

PUBLIC HEARING on proposals for the City of Houston to enter into separate Strategic Partnership Agreements with the below named Districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:

1. Harris County Municipal Utility District No. 120
2. Fort Bend County Municipal Utility District No. 194
3. White Oak Bend Municipal Utility District
4. Cinco Municipal Utility District No. 12
5. Harris County Municipal Utility District No. 345
6. Cornerstones Municipal Utility District
7. Harris County Water Control and Improvement District No. 109
8. Northwest Harris County Municipal Utility District No. 5
9. Dowdell Municipal Utility District

2. Motion 2013-0221 – Close hearing

PUBLIC HEARING regarding the designation of a **TAX ABATEMENT REINVESTMENT ZONE** for **CYRUS ONE, LLP (CYRUS ONE ZONE) - DISTRICT A - BROWN**

Motion 2013-0222 – Procedural motion

Motion 2013-0223 – Procedural motion

Motion 2013-0224 – Procedural motion

Motion 2013-0225 – Procedural motion

Motion 2013-0226 – Procedural motion

Motion 2013-0227 – Procedural motion

Motion 2013-0228 – Suspend rules to remain in session beyond the scheduled noon recess to complete the Agenda

3. Motion 2013-0229 – close hearing

PUBLIC HEARING to consider amendments to Chapter 42 of the Code of Ordinances, including portions of Article I, Article II (Divisions 1, 2 and 3) and Article III (Divisions 1, 2, 3, 4, 7 and 8)

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 34

MISCELLANEOUS - NUMBER 4

Motion 2013-0218 – Suspend rules to consider Item 4 out of order

4. Motion 2013-0219

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

- Position One - **J. ANDREW MACPHILLIMY**, appointment, for a term to expire 12/31/2014
- Position Two - **ANN LENTS**, reappointment, for a term to expire 12/31/2013, and appointment to serve as Chair, for a term to expire 12/31/2013
- Position Three - **BRYAN BROWN**, reappointment, for a term to expire 12/31/2014
- Position Five - **ALEJANDRO COLOM**, reappointment, for a term to expire 12/31/2014

ACCEPT WORK - NUMBERS 5 through 8

5. Motion 2013-0235

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$143,851.00 and acceptance of work on contract with **TRI-POINT CONSTRUCTION SERVICES INCORPORATED** for Edgewood Park Gym Demolition - 6.93% over the original contract amount and under the 10% contingency - **DISTRICT D - ADAMS**

6. Motion 2013-0231

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$765,370.70 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Project - 1.58% over the original contract amount and under the 5% contingency - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

7. Motion 2013-0232

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,364,709.50 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Bissonnet No. 2 and Belle Park No. 3 Lift Station Replacement - 7.68% under the original contract amount - **DISTRICTS F - HOANG and J - LASTER**

8. Motion 2013-0233

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,318,337.71 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Water Line Replacement in Janowski Area - 1.82% under the original contract amount - **DISTRICT H - GONZALEZ**

PROPERTY - NUMBER 9

9. Motion 2013-0234

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Hulsey, on behalf of Bulmaro Espinoza and L. McBride, declining the acceptance of, rejecting, and refusing the dedication of Charles Street, from Stabler Lane west to its terminus, located within the Mixon Place Subdivision, out of the H.&T.C.R.R. Survey, A-1016, Parcel SY13-004 - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBER 10

10. Motion 2013-0236

CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD for Medium-Duty Cab & Chassis and Aerial Bucket Lift Truck Body for the Department of Public Works & Engineering - \$72,745.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 34

11. Resolution 2013-0018

RESOLUTION declaring members of the Technical Advisory Group of Houston Forensic Science LGC, Inc, to be "covered persons" within the meaning of Chapter 2, Article X, of the Code of Ordinances, City of Houston, Texas

Motion 2013-0230 – Council recess for five (5) minutes

Motion 2013-0237 – Call the question on motion to postpone two (2) weeks

Motion 2013-0238 - Postpone amendment and main item two (2) weeks – “FAILED”

Motion 2013-0239 – Call the question on Council Member Pennington’s amendment

Motion 2013-0240 – Council Member Pennington to Item 12 – “FAILED”

RESOLUTIONS AND ORDINANCES - continued

12. Council Member Green tagged

ORDINANCE **AMENDING SECTION 39-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to disturbing or removing contents of garbage containers; containing other provisions relating to the foregoing subject; providing for severability

13. Ordinance 2013-0313

ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue and Refunding Bonds, Series 2013B in one or more series or subseries as may be further designated; 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 including the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and engagement of an Escrow Agent; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, and other related documents; making other provisions regarding such bonds; and declaring emergency

14. Ordinance 2013-0301

ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability

15. Ordinance 2013-0314

ORDINANCE approving and authorizing an agreement for Behavioral Surveillance Services between the City of Houston and **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**; establishing a maximum contract amount - \$1,500,000.00 - Grant Fund

16. Ordinance 2013-0315

ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Tuberculosis Physician Services; providing a maximum contract amount - \$78,000.00 - Grant Fund

17. Ordinance 2013-0316

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, to extend the original contract and provide an additional \$322,060.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program, and the provision of supportive services

18. Ordinance 2013-0317

ORDINANCE approving and authorizing agreement between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** to provide a \$1,100,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition of property located at 2920 Fannin Street, Houston, Texas, to be used as the site for a community facility which will serve low- and moderate-income persons - **DISTRICT D - ADAMS**

19. Ordinance 2013-0302

ORDINANCE appropriating \$1,140,640.00 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department

RESOLUTIONS AND ORDINANCES - continued

20. Ordinance 2013-0303

ORDINANCE appropriating \$150,000.00 out of Equipment Acquisition Consolidated Fund for the Active Directory and Exchange Program (Approved by Ordinance No. 2012-0608)

21. Not Received - Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON PARKS BOARD** for the provision and acceptance of Local Funds for the construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICTS A - BROWN; C - COHEN; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

22. Ordinance 2013-0323

ORDINANCE approving and authorizing contract between the City of Houston and **BUFFALO BAYOU PARTNERSHIP** for the provision and acceptance of Local Funds for the construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICT I - RODRIGUEZ**

23. Not Received - Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and the **GREATER EAST END MANAGEMENT DISTRICT** for the provision and acceptance of Local Funds for the design and construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

24. Ordinance 2013-0304

ORDINANCE awarding contract to **SUPERIOR BUILDING SERVICES, INC** for Window and Building Surface Cleaning Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$1,060,664.45 - Enterprise Fund

25. Ordinance 2013-0305

ORDINANCE approving and authorizing the Concession Agreement between the City of Houston and **MARK LATIGUE dba MARK LATIGUE CATERING CO.** for Operation of the Concession Services at the Houston Permitting Center - (\$15,000.00 - Building Inspection Fund for build out) Revenue - **DISTRICT H - GONZALEZ**

26. Ordinance 2013-0306

ORDINANCE consenting to the addition of 3.60 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

27. Ordinance 2013-0307

ORDINANCE consenting to the addition of 8.8557 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

28. Ordinance 2013-0308

ORDINANCE consenting to the addition of 12.949 acres of land to **REMINGTON MUNICIPAL UTILITY DISTRICT NO. 1, OF HARRIS COUNTY, TEXAS**, for inclusion in its district

29. Ordinance 2013-0318

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing an aggregate of 2.2587 acres commonly known as 1600 / 1714 / 1716 / 1720 Memorial Drive and 1708 State Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2013-0319

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 1.931 acres commonly known as 8600 Commerce Park Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT J - LASTER**

31. Ordinance 2013-0309

ORDINANCE appropriating \$347,303.00 out of Street & Traffic Control & Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Laura Koppe Road Paving & Drainage: Hirsch to Homestead; providing funding for contingencies relating to construction of facilities financed by the Street and Traffic Control & Storm Drainage DDSRF - **DISTRICT B - DAVIS**

32. Ordinance 2013-0310

ORDINANCE appropriating \$1,515,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **GUPTA & ASSOCIATES, INC** for Southwest Wastewater Treatment Plant Improvements (Package 3); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C - COHEN**

33. Ordinance 2013-031

ORDINANCE appropriating \$345,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **JONES & CARTER, INC** for the Design of On-Call Water Facility Projects (Approved by Ordinance No. 2009-0308); providing funding for CIP Cost Recovery relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund

34. Ordinance 2013-0312

ORDINANCE appropriating \$2,585,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CDM SMITH, INC** for Engineering Services associated with the Replacement and Rehabilitation of Valves, Control Devices and Rapid Mixers at Plants 1, 2 & 3 at the East Water Purification Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 35

MISCELLANEOUS

35. Motion 2013-0241

SET A PUBLIC HEARING DATE regarding the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER SIXTEEN (UPTOWN ZONE) - DISTRICTS C - COHEN; G - PENNINGTON and J - LASTER**
HEARING DATE - 9:00 A.M. - WEDNESDAY - APRIL 24, 2013

MATTERS HELD - NUMBERS 36 through 39

36. Ordinance 2013-0320

ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to City water service and water service charges; containing other provisions relating to the foregoing subject; providing for severability
TAGGED BY COUNCIL MEMBERS COHEN and BRADFORD
This was Item 9 on Agenda of April 3, 2013

37. Motion 2013-0242 – refer back to the Administration

ORDINANCE authorizing the issuance of the City of Houston, Texas Qualified Energy Conservation Tax Notes (QECB Direct Pay to Issuer), Series 2013Q; authorizing the Mayor, City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing and approving a Purchase Contract, Paying Agent/Registrar Agreement and other related Documents; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offerings; ratifying the designation of Bond Counsel and Special Disclosure Counsel; making certain findings and other provisions regarding such notes and matters incident thereto; and declaring an emergency - **TAGGED BY COUNCIL MEMBER PENNINGTON**
This was Item 12 on Agenda of April 3, 2013

38. Ordinance 2013-0321

ORDINANCE pursuant to and implementing the provisions of Ordinance No. 2012-685, appropriating \$1,800,000.00 of Section 108 HUD-Guaranteed Loan Funds; allocating \$5,550,000.00 of EDI Grant Funds; approving and authorizing the issuance of non-recourse City of Houston notes in the amount of \$1,800,000.00, a contract for loan guarantee assistance and related loan documents between the City of Houston and the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** and a Loan Agreement and related documents between the City of Houston and **806 MAIN, LLC** to provide a \$7,350,000.00 Second Lien Loan to finance acquisition, furniture and equipment costs related to the redevelopment of the building located at 806 Main Street, Houston, Texas - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 14 on Agenda of April 3, 2013

39. Ordinance 2013-0322

ORDINANCE approving and authorizing Revenue Contract between the City of Houston and **ELEMENT MARKETS, LLC** for Emission Credit Brokerage Services for the Public Works & Engineering Department - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 17 on Agenda of April 3, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Davis 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

4/9/2013 - Council Member Hoang absent on personal business
4/10/2013 - All Present