

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 16, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0243 to 2013-0256
ORDINANCES – 2013-0324 to 2013-0342
RESOLUTION – None

2013-0242-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

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 2013-0243 – Procedural motion

Motion 2013-0244 – Procedural motion

Motion 2013-0245 – Procedural motion

Motion 2013-0246 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 17, 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 2013-0247 – Close hearing**

PUBLIC HEARING regarding the proposal to permanently take approximately 28,000 square feet of Shady Lane Park to widen and make other improvements to Parker Road adjacent to the Park as part of the rehabilitation and reconstruction of a portion of Parker Road from the Hardy Toll Road to U. S. Highway 59 - **DISTRICT B - DAVIS**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 27

PURCHASING AND TABULATION OF BIDS - NUMBERS 2 through 5

2. **Motion 2013-0248**

AMEND MOTION #2008-752, 10/8/08, TO INCREASE spending authority from \$1,019,007.00 to \$1,273,758.75, for Sewer Casting Products for the Department of Public Works & Engineering, awarded to **CPR SERVICES AND SUPPLIES, INC dba MDN ENTERPRISES**

3. **Motion 2013-0249**

DUBOSE INTERESTS, LLC dba PERFORMANCE GRADE ASPHALT, LLC for Asphalt Emulsion for Various Departments - \$924,050.00 - General and Enterprise Funds

4. **Ordinance 2013-0337**

ORDINANCE appropriating \$4,003.22 out of Equipment Acquisition Consolidated Fund for purchase of Grounds Maintenance Equipment for the Parks & Recreation Department

a. **Motion 2013-0251**

JOHN DEERE COMPANY - \$432,915.66 and **BROOKSIDE EQUIPMENT SALES, INC** - \$203,086.00 for Grounds Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Various Departments - Enterprise, Equipment Acquisition Consolidated and Storm Water Funds

5. **Motion 2013-0250**

APPROVE Spending Authority to purchase Industrial Supplies from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments, from **SID TOOL CO., INC dba MSC INDUSTRIAL SUPPLY COMPANY, INC** - \$2,419,858.24 - General, Enterprise and Other Funds

ORDINANCES - NUMBERS 6 through 27

Written motion by Council Member Laster to amend proposed Section 42-201 of Item 6 as follows:

“(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director will determine if owners of 55 percent of the lots in the proposed area support the designation of the special minimum lot size area. If so, the application will be considered complete. If the director is unable to make the determination, the director shall:

(1) Modify the boundaries of the proposed area by removing one or more blockfaces if the modification will result in boundaries where the owners of 55 percent of the lots support designation of the proposed area. If the director modifies the boundaries in a way that achieves 55 percent support, the application will be considered complete; or”

Council Member Laster tagged

ORDINANCES - continued

Item 6 - continued

Written motion by Council Member Laster to amend Section 5 of Item 6 to read as follows:

Section 5. Upon passage and approval of this Ordinance, the provisions of Sections 42-145, 42-146, and 42-147, relating to shared driveways, Sections 42-153, 42-154, and 42-157, relating to building lines, and Sections 42-181, 42-182, 42-184, and 42-185, relating to lots and reserves, as amended by this Ordinance, shall apply to a subdivision plat or development plat that includes land outside the boundaries of Interstate Highway 610, but within the corporate boundaries of the City, in accordance with the following:

1. A subdivision plat or development plat that includes one acre of land or more shall be treated as though it is located within the extra-territorial jurisdiction of the City if it is submitted before one year after the effective date of this Ordinance;
2. Except as provided in Item 3 below, a subdivision plat or development plat that includes less than one acre of land shall be treated as though it is located within the extra-territorial jurisdiction of the City if it is submitted before two years after the effective date of this Ordinance;
3. A subdivision plat or development plat that includes less than one acre of land shall be treated as though it is located within the City if it is submitted one year after the effective date of the Ordinance, and:
 - a. The property that is the subject of a subdivision plat or development plat is not in use for or restricted to single-family residential use on the effective date of this Ordinance; and
 - b. 51% or more of the combined area of the blockface and opposing blockface of the property, as those terms are defined in Chapter 42, is not in use for or restricted to single-family residential use on the effective date of this Ordinance; and
4. A subdivision plat or development plat shall not be treated as though it is located within extra-territorial jurisdiction of the City if it is filed two years after the effective date of this Ordinance and is located within the corporate boundaries of the City.

Council Member Laster tagged

Written motion by Council Member Brown to amend Item 6 – Exhibit “A” of Subsection 42-2 to read as follows:

“Sec. 42-2. Scope.

- (a) This chapter shall apply to all development and subdivision of land within the city and its extraterritorial jurisdiction. This chapter establishes the general rules and regulations governing plats, subdivisions and development of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals and general welfare of the city and the safe, orderly and healthful development of the city.
- (b) The rules and regulations of this chapter shall apply to all development and subdivision of land that is less than one acre in size within City Council District A, as established pursuant to Article V of the Charter of the City of Houston, Texas, as though City Council District A is part of the extraterritorial jurisdiction of the City.”

Council Member Brown tagged

ORDINANCES - continued

6. Council Member Laster tagged

ORDINANCE **AMENDING CHAPTERS 10 AND 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

7. Ordinance 2013-0338

ORDINANCE appropriating \$36,148.17 out of Fund 7556 (Gulfgate Fund) for payment to the Gulfgate Redevelopment Authority as a refund of excess payment made by the Authority on behalf of the City in connection with a Texas Department Of Transportation STEP Grant

8. Council Member Brown tagged

ORDINANCE approving and authorizing first amendment to Interlocal Agreement between the City of Houston and **HOUSTON SHIP CHANNEL SECURITY DISTRICT** to support the operational costs of the Houston Police Department's Helicopter Patrol Operations (Approved by Ordinance No. 2012-0339) - \$270,600.00 - Grant Fund

9. Council Members Rodriguez and Bradford tagged

ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston and **HOUSTON REDEVELOPMENT AUTHORITY** providing up to \$4,000,000.00 of Community Development Block Grant Funds for Economic Development Activities

10. Council Member Adams tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **LIL AUDREY'S SAFE PLACE FOUNDATION** to provide a \$975,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition of property located at 2505, 2505 A and 2507 Southmore, Houston, Texas, to be used as a Transitional Living Facility for Foster Care Alumni - **DISTRICT D - ADAMS**

11. Council Member Bradford tagged

ORDINANCE appropriating \$1,650,000.00 out of Equipment Acquisition Consolidated Fund for the Data Center Consolidation Project

12. Ordinance 2013-0324

ORDINANCE approving and authorizing additional right-of-way encroachments by CenterPoint Energy in the form of temporary March of Dimes Memorial Banners on a skybridge located at the intersection of Louisiana and Dallas Streets; making other findings and provisions related to the subject; and declaring an effective date - **DISTRICT I - RODRIGUEZ**

Motion 2013-0252 – Call the question on Item 13

13. Ordinance 2013-0339

ORDINANCE approving and authorizing Contingent Fee Agreement for Legal Services between the City of Houston and **JAN WOODWARD FOX, P.L.C., REICH & BINSTOCK, LLP** and **NORMAN JOLLY, P.C.** relating to the pursuit of damages associated with the Deepwater Horizon Oil Spill

14. Ordinance 2013-0340

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**

ORDINANCES - continued

15. 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**

16. Ordinance 2013-0325

ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices (Approved by Ordinance No. 2010-0353) - **DISTRICT C - COHEN**

17. Ordinance 2013-0326

ORDINANCE consenting to the addition of 42.42 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district; repealing Ordinance No. 2012-946

18. Ordinance 2013-0327

ORDINANCE consenting to the addition of 43.786 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district

19. Ordinance 2013-0328

ORDINANCE consenting to the addition of 5.70 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500**, for inclusion in its district

20. Ordinance 2013-0329

ORDINANCE appropriating \$690,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHESTER ENGINEERS, INC** for Design of New and Rehabilitation of existing Pump Stations and Flood Warning Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

21. Ordinance 2013-0330

ORDINANCE appropriating \$1,266,766.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Lift Stations Renewal and Replacement - East Park Ten, Maxey Road, Mesa Drive, Westmont and North Shore; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS E - MARTIN and I - RODRIGUEZ**

22. Ordinance 2013-0331

ORDINANCE appropriating \$2,753,695.00 out of Metro Projects Construction DDSRF, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** for City Wide Overlay / Rehabilitation Project Package #19 (Work Order Contract); 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 services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF

ORDINANCES - continued

23. Ordinance 2013-0322

ORDINANCE appropriating \$601,396.40 out of Metro Projects Construction DDSRF, awarding contract to **TIKON GROUP, INC** for Montrose Safe Sidewalk Project; 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 services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT C - COHEN**

24. Ordinance 2013-0323

ORDINANCE appropriating \$1,799,371.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Wastewater Collection System Rehabilitation and Renewal (Force Main); 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

25. Ordinance 2013-0324

ORDINANCE appropriating \$1,723,433.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CALCO CONTRACTING, LTD** for Wastewater Collection System Rehabilitation and Renewal (Force Main); 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

26. Ordinance 2013-0325

ORDINANCE appropriating \$4,197,948.00 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 (4257-135)

27. Ordinance 2013-0326

ORDINANCE appropriating \$680,006.00 out of Water & Sewer System Consolidated Construction Fund; awarding 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 contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4277-76)

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 28 and 28A

PURCHASING AND TABULATION OF BIDS

28. Ordinance 2013-0341

ORDINANCE appropriating \$147,746.00 out of Equipment Acquisition Consolidated Fund for purchase of additional Automobiles, Utility Vehicles and Vans for the Health & Human Services Department

Motion 2013-0253 – Procedural motion

Motion 2013-0254 – Procedural motion

a. Motion 2013-0255

AMEND MOTION #2013-97, 2/6/13, TO PURCHASE additional Vans and a Utility Vehicle and to award Item No. 1, Compact Sedans for the Health & Human Services Department as follows: **REQUIRES THREE MOTIONS**

McCALL-T, INC dba STERLING McCALL TOYOTA - \$68,265.00 - Award Item No. 1
3 Compact Sedans

TOMBALL DODGE, INC - \$17,351.00 - Item No. 7 - Purchase One Utility Vehicle

RON CARTER AUTOMOTIVE - \$62,130.00 - Item No. 13 - Correct vendor name from Ron Carter Autoland to Ron Carter Automotive and to purchase three additional Vans

MATTERS HELD - NUMBER 29

Motion 2013-0256 – Written motion by Council Member Laster to amend Item 29a() to read as follows:

(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb, or remove any contents of any bin, bag, or other container that has been placed for collection of garbage, trash or recyclable materials at the designated location for pickup by the department, or for pickup by any other public or private collection service. This subsection does not apply to trash receptacles that are clearly intended for the general public's use and are placed in City Parks or City rights-of-way.

- **Adopted**

29. Ordinance 2013-0342 – Adopt as amended

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

TAGGED BY COUNCIL MEMBER GREEN

This was Item 12 on Agenda of April 10, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Brown 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

4/16/2013 - All Present

4/17/2013 - Mayor Parker out of the City on City business