

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 23, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0257 to 2013-0282
ORDINANCES – 2013-0343 to 2013-0364
RESOLUTION – None

2013-0256-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Noriega

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 2013-0257 – Procedural motion
Motion 2013-0258 – Procedural motion
Motion 2013-0259 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 24, 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 2013-0270 – Close hearing

PUBLIC HEARING 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**

Motion 2013-0269 – Procedural motion

MAYOR'S REPORT - Homelessness

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBERS 2 through 9

Motion 2013-0260 – Suspend rules to consider Items 2 thru 9 out of order

2. Motion 2013-0261

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **HOUSTON PARKS BOARD LGC, INC:**

- Position One - **DON STEPHEN ARON**, for a term to expire 1/1/2016
- Position Two - **JOHN ODAM**, for a term to expire 1/1/2016
- Position Three - **DINA ALSOWAYEL**, for a term to expire 1/1/2016
- Position Four - **DAVID D. FITCH**, for a term to expire 1/1/2015
- Position Five - **JILL JEWETT**, for a term to expire 1/1/2015
- Position Six - **S. REED MORIAN**, for a term to expire 1/1/2015
- Position Ten - **HERMAN LUIS STUDE**, for a term to expire 1/1/2016
- Position Eleven - **ANN LENTS**, for a term to expire 1/1/2015
- Position Thirteen - **ALEX MARTINEZ**, for a term to expire 1/1/2016
- Position Fourteen - **KAREN GARCIA**, for a term to expire 1/1/2015
- Position Sixteen - **VIVIAN R. KING**, for a term to expire 1/1/2016
- Position Seventeen - **BENITO GUERRIER**, for a term to expire 1/1/2015
- Position Nineteen - **W. CHARLES "CHUCK" CARLBERG**, for a term to expire 1/1/2016
- Position Twenty - **THOMAS G. BACON**, for a term to expire 1/1/2015

3. Motion 2013-0262

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **HOUSTON ZOO DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, for terms to expire June 30, 2015:

- Position One - **DEANNA PENA GARCIA**
- Position Four - **BARBARA (BOBBI) G. SAMUELS**
- Position Eight - **E. WILLIAM BARNETT**

4. Motion 2013-0263

REQUEST from Mayor for confirmation of the appointment of **WINELL HERRON** to Position Five to the **HOUSTON ZOO, INC BOARD OF DIRECTORS**, for a term to expire June 30, 2015

5. Motion 2013-0264

REQUEST from Mayor for confirmation of the reappointment of **SYLVIA G. CASTILLO** to serve as **MUNICIPAL COURT ADJUDICATION HEARING OFFICER**, for a two year term

6. Motion 2013-0265

REQUEST from Mayor for confirmation of the reappointment of the following individuals as **Municipal Court Judges** for two year terms:

- | | |
|-------------------------------|------------------------------|
| SHERILYN DAVIS EDWARDS | MIMI BERKOWITZ |
| MARGARET MUNOZ HARKINS | KIMBERLY MAURA GAMBLE |

7. Motion 2013-0266

REQUEST from Mayor for confirmation of the reappointment of the following as **Municipal Court Associate Judges** for two year terms:

- | | |
|----------------------------|------------------------------|
| TRACIE J. JACKSON | NJERI MATHIS RUTLEDGE |
| TOLA ORESUSI | ANTONIA INGVERSEN |
| GERARDO S. MONTALVO | JOE VILLARREAL |
| KATHRYN DIAZ GARCIA | |

MISCELLANEOUS - continued

8. Motion 2013-0267

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**:

Position One - **F. XAVIER PEÑA**, reappointment, for a term to expire 12/31/2013, and to serve as Chair

Position Two - **CURTIS V. FLOWERS**, reappointment, for a term to expire 12/31/2014

Position Three - **MICHELE J. SABINO**, reappointment, for a term to expire 12/31/2013

Position Four - **DEBORAH KEYSER**, reappointment, for a term to expire 12/31/2014

Position Five - **MICHAEL J. MOORE**, appointment, for a term to expire 12/31/2014

Position Eight - **HAROLD A. "AL" ODOM, III**, reappointment, for a term to expire 12/31/2014

Position Nine - **BARRY MANDEL**, reappointment, for a term to expire 12/31/2013

9. Motion 2013-0268

REQUEST from Mayor for confirmation of the appointment of **VICTORIA CROSS** to Position Two of the **BOARD OF DIRECTORS OF CITY OF HOUSTON REINVESTMENT ZONE NUMBER TWENTY-TWO (LELAND WOODS ZONE)**, for an unexpired term ending December 31, 2014

ACCEPT WORK - NUMBER 10

10. Pulled-Not Considered

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,716,756.96 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sewer System Improvements - Sewer Improvements for AS087, Haskell Avenue and Rehabilitation of West Park Lift Station #3 - 13.90% under the original contract amount - **DISTRICTS D - ADAMS and G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 14

11. Motion 2013-0280

CONTRACT RESOURCE GROUP, LLC for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$123,603.43 - General Fund

12. Ordinance 2013-0344

ORDINANCE appropriating \$158,590.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Debris Removal and Disposal Services for the Public Works & Engineering Department - **DISTRICT C - COHEN**

a. Motion 2013-0278

BRH-GARVER CONSTRUCTION, L.P. for payment in the amount of \$158,590.00 for Emergency Debris Removal and Disposal Services for the Department of Public Works & Engineering **DISTRICT C - COHEN**

13. Motion 2013-0279

RIMAGE CORPORATION for Evidence Management System from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Police Department - \$46,391.54 - Grant Fund

PURCHASING AND TABULATION OF BIDS - continued

14. Motion 2013-0281

AERO CIRCA for Thermoplastic Pavement Marking Compound Materials for Department of Public Works & Engineering - \$1,363,500.00 - Enterprise Fund

ORDINANCES - NUMBERS 15 through 34

15. Ordinance 2013-0345

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement in Rossmoyne Addition, Harris County, Texas; vacating and abandoning the easement to Campanile South, LP, owner, in consideration of its conveyance to the City of Houston, Texas, of a 12-foot-wide sanitary sewer easement, payment to the City of \$300.00, and other consideration - **DISTRICT C - COHEN**

16. Council Member Rodriguez tagged

ORDINANCE designating the CyrusOne LLC Reinvestment Zone for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT A - BROWN**

a. Council Member Rodriguez tagged

ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas, and **CYRUSONE LLC** for certain property located within the CyrusOne LLC Reinvestment Zone - **DISTRICT A - BROWN**

17. Ordinance 2013-0352

ORDINANCE approving and authorizing Subgrantee Agreement between the City of Houston and **HARRIS COUNTY, TEXAS**, accepting a FY 2010 Port Security Award for enhancement of the Public Safety Video Project in the Port Security Area in accordance with the FY 2010 Port Security Grant Program Investment Justification; authorizing the Director of the Mayor's Office of Homeland Security to execute all subsequent related and necessary documents - **DISTRICTS E - MARTIN; H - GONZALEZ and I - RODRIGUEZ**

18. Ordinance 2013-0353

ORDINANCE approving and authorizing the City of Houston to submit the 2013 Annual Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2013 grant applications: 1) 39th Program Year Community Development Block Grant in the amount of \$22,002,465 (which amount includes \$197,721 in Program Income); 2) Home Investment Partnerships Grant in the amount of \$7,175,910 (which amount includes \$95,056 in Program Income); 3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,815,657; and 4) Emergency Solutions Grant, formerly known as the Emergency Shelter Grants, in the amount of \$2,131,015; to accept the aforementioned grant funds, if awarded; and to amend the Citizen Participation Plan

19. Ordinance 2013-0354

ORDINANCE approving and authorizing seventh 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

ORDINANCES - continued

20. Ordinance 2013-0355

ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and the **HOUSTON HOUSING AUTHORITY**, in an amount not to exceed \$30,292,591 of Community Development Block Grant - Disaster Recovery Program Round 2 Funds, to provide State required subsidized housing for low income residents

21. Ordinance 2013-0356

ORDINANCE approving and authorizing agreement between the City of Houston and **TEJANO CENTER FOR COMMUNITY CONCERNS, INC**, to provide a Performance-Based Loan of Federal Neighborhood Stabilization Program Funds in the amount not to exceed \$160,000.00 for eligible rehabilitation costs in connection with 6 affordable single-family homes in HUD Designated Neighborhood Stabilization Program - 3 Target Areas - **DISTRICTS B - DAVIS and I - RODRIGUEZ**

22. Pulled-Not Considered

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CAPITAL INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS, INC** to provide up to \$247,296.00 in Community Development Block Grant Funds for the continuing administration, implementation, oversight and delivery of a Workforce Development Program

23. Ordinance 2013-0357

ORDINANCE approving and authorizing agreement between the City of Houston and **4600 MAIN STREET HOUSING, LP** to provide a \$1,971,618.00 Loan of Federal Community Development Block Grant Funds for costs associated with the acquisition of property located at 4600 Main Street, Houston, Texas, to be renovated to provide affordable housing to low and moderate income persons, with a preference to veterans - **DISTRICT D - ADAMS**

24. Ordinance 2013-0358

ORDINANCE approving and authorizing submission of an application for grant assistance to the **GOVERNOR'S CRIMINAL JUSTICE DIVISION** for the **Juvenile Justice and Delinquency Prevention Program**; declaring the City's eligibility for such grant; authorizing the Director of Department of Neighborhoods 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 - \$33,420.00 - Grant Fund

25. Ordinance 2013-0346

ORDINANCE making findings concerning the permanent taking of approximately 28,000 square feet of Shady Lane Park to widen and make other improvements to Parker Road 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**

26. Ordinance 2013-0359

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY** for the Houston Auto Crimes Task Force/22 Grant; 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

27. Council Members Bradford and Brown tagged

ORDINANCE amending Ordinance No. 2009-1359, as amended, to increase the maximum contract amount for a contract between the City and **RON SMITH & ASSOCIATES, INC** (Contract #4600009345) for Latent Print Support Services - \$4,748,391.00 - General Fund

ORDINANCES - continued

28. Ordinance 2013-0360

ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **OILTANKING HOUSTON, LP** to supply untreated water to facility for industrial processes - Revenue

29. Ordinance 2013-0361

ORDINANCE consenting to the addition of land to **BRIDGELAND MANAGEMENT DISTRICT**, for inclusion in its district

30. Ordinance 2013-0347

ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MWH AMERICAS, INC** for Negotiated Work Orders for Wastewater System Capacity Improvements

31. Ordinance 2013-0348

ORDINANCE approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **IDS ENGINEERING GROUP, INC (Formerly PATE ENGINEERS, INC)** (Approved by Ord. No. 2011-0721) for Engineering Services associated with the Rehabilitation of Water Storage Tanks at various locations; appropriating \$2,370,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation; providing funding for CIP Cost Recovery relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; E - MARTIN; F - HOANG; G - PENNINGTON and K - GREEN**

32. Ordinance 2013-0349

ORDINANCE approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** (Approved by Ord. No. 2011-0688) for Engineering Services associated with the Southwest Pump Station Improvements; appropriating \$560,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation; providing funding for CIP Cost Recovery relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - COHEN and G - PENNINGTON**

33. Ordinance 2013-0350

ORDINANCE appropriating \$1,740,000.00 out of Street & Traffic Control and Storm Drainage DDSRF; awarding contract to **T CONSTRUCTION, LLC** for FY2013 Local Drainage Project Construction Work Orders #1; 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, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

34. Ordinance 2013-0351

ORDINANCE appropriating \$2,017,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **DN TANKS, INC** for Rehabilitation of Water Storage Tanks; 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 35 through 39

Motion 2013-0271 – Suspend rules to consider Items 35 thru 35c out of order

35. Motion 2013-0272 – Adopt

WRITTEN Motion by Council Member Laster to amend proposed Sec. 42-201 of Item 35C 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

TAGGED BY COUNCIL MEMBER LASTER

a. Motion 2013-0273 – Adopt

WRITTEN Motion by Council Member Laster to amend Section 5 of Item 35C 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.

TAGGED BY COUNCIL MEMBER LASTER

MATTERS HELD – continued

Item 35 – continued

Motion 2013-0274 – Call the question on Item 35b

b. Motion 2013-0275 – Substitute amendment – “FAILED**”**

WRITTEN Motion by Council Member Brown to amend Exhibit “A” of Subsection 42-2 of Item 35C 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 City.”

TAGGED BY COUNCIL MEMBER BROWN

Motion 2013-0276 – Refer Item 35c back to the Administration – “FAILED**”**

c. Ordinance 2013-0343 – Adopt as amended

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

TAGGED BY COUNCIL MEMBER LASTER

This was Item 6 on Agenda of April 17, 2013

Motion 2013-0277 – Suspend rules to remain in session beyond the scheduled recess to complete the Agenda

36. Ordinance 2013-0362

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

TAGGED BY COUNCIL MEMBER BROWN

This was Item 8 on Agenda of April 17, 2013

37. Ordinance 2013-0363

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

TAGGED BY COUNCIL MEMBERS RODRIGUEZ and BRADFORD

This was Item 9 on Agenda of April 17, 2013

38. Motion 2013-0282 – Refer back to the Administration

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**

TAGGED BY COUNCIL MEMBER ADAMS

This was Item 10 on Agenda of April 17, 2013

MATTERS HELD – continued

39. Ordinance 2013-0364

ORDINANCE appropriating \$1,650,000.00 out of Equipment Acquisition Consolidated Fund for the Data Center Consolidation Project - **TAGGED BY COUNCIL MEMBER BRADFORD**
This was Item 11 on Agenda of April 17, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Cohen 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

**4/23/2013 - Mayor Parker out of the City on City business
Mayor Pro-tem Gonzalez presiding**
4/24/2013 - All Present