

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 5, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2013-0084 to 2013-0111
ORDINANCES – 2013-0091 to 2013-0113
RESOLUTION – None

2013-0083-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Brown

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 2013-0084 – Procedural motion
Motion 2013-0085 – Procedural motion
Motion 2013-0086 – Procedural motion
Motion 2013-0087 – Procedural motion
Motion 2013-0088 – Procedural motion
Motion 2013-0089 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 6, 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 2013-0090 – Close hearing
PUBLIC HEARING relative to the second amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST HOUSTON ZONE)** - **DISTRICTS F - HOANG and J - LASTER**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 26

MISCELLANEOUS - NUMBERS 2 through 4

2. Motion 2013-0092

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **ELECTRICAL BOARD**:

- Position One - **CHRIS J. FAHRENTHOLD**, reappointment, for a term to expire 1/2/2015
- Position Two - **ELIOT L. DOUCET**, reappointment, for a term to expire 1/2/2014
- Position Three - **ROBERT A. JONES**, appointment, for a term to expire 1/2/2015
- Position Four - **JIMMIE M. STALLONES, JR.**, appointment, for a term to expire 1/2/2014
- Position Five - **LARRY S. NEAL**, reappointment, for a term to expire 1/2/2015, and to serve as Chair
- Position Six - **CHAL W. SHRADER**, appointment, for a term to expire 1/2/2014
- Position Seven - **R. BRAD HIBBETTS**, appointment, for a term to expire 1/2/2015
- Position Eight - **NOLAN R. NEATHERY**, appointment, for a term to expire 1/2/2014
- Position Nine - **CHARLES S. PRICHARD**, reappointment, for a term to expire 1/2/2015
- Position Ten - **JAVIER M. RAMOS**, reappointment, for a term to expire 1/2/2014

Motion 2013-0091 – Suspend rules to consider Items 3 and 4 after Item 2

3. Motion 2013-0093

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for terms to expire August 31, 2014:

- Position One - **PHILAMENA BAIRD**, reappointment
- Position Two - **CHAU NGUYEN TODD**, appointment

4. Motion 2013-0094

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF CITY OF HOUSTON REINVESTMENT ZONE NUMBER TWENTY-TWO (LELAND WOODS ZONE)**:

- Position One - **LORNIA ANN PARKER**, appointment, for a term to expire 12/31/13
- Position Two - **SENFRONIA THOMPSON**, reappointment, for a term to expire 12/31/14
- Position Three - **GWENETTE E. FERGUSON**, appointment, for a term to expire 12/31/13
- Position Four - **J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/14 and to serve as Chair, for a term to expire 12/31/13
- Position Five - **SAMUEL EATON**, reappointment, for a term to expire 12/31/13

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 7A

5. Motion 2013-0095

GLOBE ELECTRIC COMPANY to Furnish Oil Cooled Transformer Radiators for the Department of Public Works Engineering - \$62,139.00 - Enterprise Fund

6. Ordinance 2013-0099

ORDINANCE appropriating \$174,824.67 out of Equipment Acquisition Consolidated Fund for purchase of Light-duty Pickup Trucks for Various Departments - \$1,980,784.75 - Enterprise Fund

a. Motion 2013-0096

PHILPOTT MOTORS LTD., d/b/a PHILPOTT FORD for Light-Duty Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with BuyBoard

PURCHASING AND TABULATION OF BIDS - continued

7. Ordinance 2013-0100

ORDINANCE appropriating \$1,156,441.00 out of Equipment Acquisition Consolidated Fund for the purchase of Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments

a. Motion 2013-0097

RON CARTER AUTOLAND - \$235,832.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC, d/b/a CALDWELL COUNTRY FORD** - \$2,373,273.00, **TOMBALL DODGE, INC** - \$1,020,546.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** \$285,652.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments - \$3,962,299.00 - General, Enterprise and Other Funds

ORDINANCES - NUMBERS 8 through 26

8. Ordinance 2013-0101

ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) **DISTRICTS B - DAVIS; H - GONZALEZ and I - RODRIGUEZ**

9. Ordinance 2013-0102

ORDINANCE approving the creation of the Essential Public Health Services Fund (the "Fund"); establishing the revenue sources of the Fund and the purposes of the Fund to offset costs associated with the administration of Medicaid Transformation Waiver Program ("Program") and other essential Public Health Services as defined in Chapter 121 of the Texas Health and Safety Code; authorizing the deposit into the Fund of 58% of Reimbursement Funds received from the Centers for Medicare and Medicaid Services pursuant to the Program

10. Ordinance 2013-0091

ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY on behalf of Harris County Protective Services for Children and Adults** for Kashmere School-Based Wraparound Project

11. Ordinance 2013-0103

ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks and Wildlife Department Recreational Trails Grant Program for the Trail Project at Brewster Park; declaring the city's eligibility for such grant; authorizing the Director of the Parks and Recreation 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 - **DISTRICT B - DAVIS**

12. Ordinance 2013-0092

ORDINANCE approving and authorizing the acceptance of artworks located at Market Square Park into the City Art Collection - **DISTRICT I - RODRIGUEZ**

13. Ordinance 2013-0104

ORDINANCE approving and authorizing two Professional Weatherization Home Inspection Contracts between the City of Houston and **YOUR HOME CHECK, L.P.** and **HOLSTON INSPECTIONS INC** for the General Services Department Residential Energy Efficiency Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 1 Year with 1 one-year renewal option - \$75,000.00 per contract - Residential Energy Efficiency Program Fund

ORDINANCES - continued

14. Ordinance 2013-0105

ORDINANCE awarding four Job Order Contracts between the City of Houston and **HORIZON INTERNATIONAL GROUP, LLC, BROWN STERLING BUILDERS, INC, PAYLESS INSULATION, INC** and **PMG PROJECT MANAGEMENT GROUP, LLC** for the General Services Department Residential Energy Efficiency Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 1 Year with 1 one-year renewal option - \$600,000.00 per contract - Residential Energy Efficiency Program Fund

15. Ordinance 2013-0106

ORDINANCE appropriating \$221,636.60 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos/Lead Abatement and Demolition at Department of Public Works and Engineering Water Plants; 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 project management and construction oversight and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; D - ADAMS; E - MARTIN; H - GONZALEZ; I - RODRIGUEZ and J - LASTER**

16. Ordinance 2013-0093

ORDINANCE appropriating \$500,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **EPIC TRANSPORTATION GROUP, LP** for Traffic Signal Management Program / Intelligent Transportation Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF

17. Ordinance 2013-0094

ORDINANCE appropriating \$1,572,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ATKINS NORTH AMERICA, INC** for Keegans Bayou Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT J - LASTER**

18. Ordinance 2013-0095

ORDINANCE appropriating \$1,087,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **FRESE AND NICHOLS, INC** for Metro Central, Upper Braes, White Oak, and Kingwood West Wastewater Treatment Plants Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; E - MARTIN and F - HOANG**

19. Ordinance 2013-0096

ORDINANCE appropriating \$793,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** for Willowbrook Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - BROWN**

ORDINANCES - continued

20. Ordinance 2013-0107

ORDINANCE appropriating \$1,235,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC** for Lift Station Renewal and Replacement - Will Clayton, Interwood, John F. Kennedy, M.U.D. #266 and Vickery Lift Station; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS**

21. Ordinance 2013-0097

ORDINANCE appropriating \$5,860,000.00 out of Federal State Local Fund PWE Pass Through DDSRF, \$1,555,841.00 out of Metro Projects Construction DDSRF, \$817,202.00 out of Water & Sewer System Consolidated Construction Fund, \$925,457.00 out of Street & Traffic Control and Storm Drainage DDSRF awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD.** for Beechnut Rehabilitation from Wilcrest to Kirkwood Street; 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 Federal State Local PWE Pass Through DDSRF, Metro Projects Construction DDSRF, Water & Sewer System Consolidated Construction Fund, Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT F - HOANG**

22. Ordinance 2013-0108

ORDINANCE appropriating \$260,000.00 out of Contribution for Capital Projects Fund and \$237,745.02 from Woodland Regional Participation Fund; awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Museum District/Main Street Corridor Improvement 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 Contribution for Capital Projects Fund and Woodland Regional Participation Fund - \$2,333,591.87 - Grant Fund - **DISTRICTS C - COHEN and D - ADAMS**

23. Ordinance 2013-0098

ORDINANCE appropriating \$4,615,361.00 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 (4257-132)

24. Ordinance 2013-0109

ORDINANCE appropriating \$9,201,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for Pump Repair and Replacement at the East Water Purification Plant; 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 E - MARTIN**

ORDINANCES - continued

25. Ordinance 2013-0054 – Passed third and final reading

ORDINANCE No. 2013-0054, passed second reading January 30, 2013

ORDINANCE granting to **UNITED SITE SERVICES OF TEXAS, 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 - **THIRD AND FINAL READING**

26. Ordinance 2013-0055 – Passed third and final reading

ORDINANCE No. 2013-0055, passed second reading January 30, 2013

ORDINANCE granting to **FRANK LEYVA FELIX dba PAYLESS PORTA JONS, 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 **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 27 and 27A

MISCELLANEOUS

27. Motion 2013-0098

MOTION to suspend the rules to receive nominations and consider appointment to Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**

Motion 2013-0099 – Close nominations for Position 11 of the Houston Municipal Employees Pension System Board of Trustees

Mr. Adrian Patrick Patterson nominated by Council Member Davis
Mr. Richard C. Badger nominated by Council Member Pennington
Dr. Bernard A. Harris, Jr nominated by Council Member Bradford

Motion 2013-0100 – Call the question on Item 27a

a. Motion 2013-0101

MOTION to confirm the appointment of an individual from nominees to Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term

Mr. Richard C. Badger confirmed to Position 11

MATTERS HELD - NUMBERS 28 through 32

28. Motion 2013-0102

SELECT AND CONFIRM the appointment of **ADRIAN PATRICK PATTERSON** or **DR. BERNARD A. HARRIS, JR.**, to Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term

POSTPONED BY MOTION #2013-83, 1/30/13

This was Item 32 on Agenda of January 30, 2013

Mr. Adrian Patrick Patterson confirmed

MATTERS HELD - continued

Motion 2013-0103 – Motion to amend Item 29 as follows:

“Written motion by Council Member Burks moved to amend Item 29 as shown below:

Sec. 45-114. – Cut-back curb sections for parking—Consent required to cut curb.

(a) It shall be unlawful for any person to cut back any curb in front of any place or establishment for the purpose of providing individual parking space or parking space for the use of customers of such person without the consent of the Director ~~city council~~.

(b) The Director shall notify the appropriate District Council Members and all At Large Council Members in writing of such request to cut back a curb within their districts within 14 days of application.

Sec. 45-115. – Same—Method of parking.

(a) As approved by the traffic engineer, ~~Within authorized cut-back curb sections,~~ parking may be at an angle to the curb, ~~but in no event shall any portion of a parked vehicle extend more than six feet into the roadway from the curb line as it would exist in the absence of such a cut back.~~

(b) The traffic engineer is authorized to prohibit angle parking in any curb cut-back when, upon the basis of an engineering and traffic investigation, it is determined that such practice is hazardous or dangerous to vehicular or pedestrian traffic.

(c) The traffic engineer shall notify the appropriate District Council Members and all At Large Council Members in writing of requests for angle parking within their districts within 14 days of application.

29. Ordinance 2013-0110 – Adopt as amended

ORDINANCE AMENDING SECTIONS 45-114 AND 45-115 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to angle parking on streets; containing findings and other provisions relating to the foregoing subject; providing for severability

POSTPONED BY MOTION #2013-64, 1/23/13

This was Item 39 on Agenda of January 23, 2013

Motion 2013-0104 - Call the question on discussion of Item 30 C. M. Brown Amendment #1

Motion 2013-0105 - C. M. Brown Item 30 - Amendment #1 – “FAILED”

Motion 2013-0106 - Call the question on the main item (Item 30) – “FAILED”

Motion 2013-0107 - C. M. Brown Item 30 Amendment #2 – “FAILED”

Motion 2013-0108 - Call the question on Item 30 C. M. Brown Amendment #3

Motion 2013-0109 - C. M. Brown Item 30 Amendment #3 – “FAILED”

Motion 2013-0110 - Call the question on Item 30 C. M. Brown Amendment #4

Motion 2013-0111 - C. M. Brown Item 30 - Amendment #4 – “FAILED”

30. Ordinance 2013-0111

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to crafted precious metals - **TAGGED BY COUNCIL MEMBER HOANG**

This was Item 11 on Agenda of January 30, 2013

31. Ordinance 2013-0112

ORDINANCE AMENDING SECTION 1-16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to correction of City ordinances and certain other records

TAGGED BY COUNCIL MEMBER LASTER

This was Item 12 on Agenda of January 30, 2013

MATTERS HELD - NUMBERS 28 through 32

32. Ordinance 2013-0113

ORDINANCE amending Ordinance No. 2007-1101 (Passed on October 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System \$700,000.00 - Enterprise Fund - **DISTRICT B - DAVIS**

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 19 on Agenda of January 30, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello 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

2/5/2013 - Council Member Noriega out of the City on personal business
2/6/2013 - Council Member Noriega out of the City on personal business