

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 29, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0065 to 2013-0083
ORDINANCES – 2013-0071 to 2013-0090
RESOLUTION – None

2013-0064-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Davis

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 2013-0065 – Procedural motion
Motion 2013-0066 – Procedural motion
Motion 2013-0067 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 30, 2013 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

Motion 2013-0068 – Accept report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

MAYOR'S REPORT

Motion 2013-0069 – Accept the SWAP Report presented verbally by the City Controller

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 through 3

1. Motion 2013-0070

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF PUBLIC TRUSTS**, for terms to expire March 22, 2014:

Position Two - **YVONNE M. CABRAL**
Position Four - **LENORA SOROLA-POHLMAN**
Position Six - **WILLIAM J. HILL**

2. Motion 2013-0071

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**:

Position One - **SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/14
Position Two - **MANISHA N. MEHTA**, appointment, for a term to expire 12/31/13
Position Three - **RAY HILL**, appointment, for a term to expire 12/31/14
Position Four - **PHAN DUY**, reappointment, for a term to expire 12/31/13
Position Five - **OVI GALVAN, JR.**, reappointment, for a term to expire 12/31/14
Position Six - **MARK L. MADRID**, appointment, for a term to expire 12/31/13
Position Seven - **J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/14
Position Eight - **NOËL BEZETTE**, appointment, for a term to expire 12/31/13
Position Nine - **KAREN S. NIEMEIER**, reappointment, for a term to expire 12/31/14
Position Ten - **AL VERA**, reappointment, for a term to expire 12/31/14
Position Eleven - **TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/14

Motion 2013-0072 – Suspend rules to consider Item 3 out of order

3. Motion 2013-0073

REQUEST from Mayor for confirmation of the reappointment of **ANN THOMAS GIVENS** to serve as Chair to the **REINVESTMENT ZONE NUMBER SEVENTEEN (MEMORIAL CITY), CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS**, for a term to expire December 31, 2013

ACCEPT WORK - NUMBERS 4 and 5

4. Motion 2013-0074

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$98,750.00 and acceptance of work on contract with **BOYER, INC** for Hermann Park - (Phase II 5KV Upgrades) - **DISTRICT D - ADAMS**

5. Motion 2013-0075

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$252,181.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Hermann Park Upgrade of Electrical Distribution System - 9.64% over the original contract amount and under the 10% contingency - **DISTRICT D - ADAMS**

PROPERTY - NUMBER 6

6. Motion 2013-0079

RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. 8700 Long Point, a Texas Limited Partnership, et al., Cause No. 996,353; for acquisition of Parcels AY9-417 and KY10-134; for the **LONG POINT PAVING AND DRAINAGE PROJECT: HEMPSTEAD HWY. to GESSNER, SUB-PROJECT II (Pech - Hollister)** - **DISTRICT A - BROWN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **Motion 2013-0076**
HOUSTON FREIGHTLINER, INC (BID NO. 1) for Truck-Mounted Boom Crane for Department of Public Works & Engineering - \$269,509.00 - Enterprise Fund
8. **Motion 2013-0077**
MANSCI INC for One Automated Titration System and Refurbishment of an existing system for the Department of Public Works & Engineering - \$59,397.74 - Enterprise Fund
9. **Motion 2013-0078**
ColorID, LLC - \$54,018.66 and **IdentiSYS, INC** - \$80,963.57 for Security Badging Equipment and Accessories for Various Departments - 3 Years with two one-year options - General and Enterprise Funds
10. **Motion 2013-0080**
J. TYLER SERVICES, INC - \$251,201.87 and **CONTRACT RESOURCE GROUP, LLC** - \$60,815.91 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments General, Enterprise and Other Funds

ORDINANCES - NUMBERS 11 through 31

11. **Council Member Hoang tagged**
ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to crafted precious metals
12. **Council Member Laster tagged**
ORDINANCE AMENDING SECTION 1-16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to correction of City ordinances and certain other records
13. **Ordinance 2013-0077**
ORDINANCE relating to ground transportation services for the 2013 National Basketball Association All-Star Game; suspending certain provisions of the Code of Ordinances, Houston, Texas, and adopting provisions authorizing the issuance of temporary limousine driver licenses
14. **Ordinance 2013-0078**
ORDINANCE authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc before the Public Utility Commission of Texas and the Federal Energy Regulatory Commission during 2013 - **DISTRICT E - MARTIN**
15. **Ordinance 2013-0079**
ORDINANCE de-obligating \$300,000.00 previously appropriated out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund pursuant to Ordinance No. 2009-1142, and appropriating \$6,000,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund, to be used for affordable single family and multi-family housing activities in connection with the Disaster Recovery Program Grant - Round 2
16. **Ordinance 2013-0080**
ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, to provide \$507,750.51 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of two community residences, along with the provision of supportive services - **DISTRICT G - PENNINGTON**

ORDINANCES - continued

17. Ordinance 2013-0081

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES, INC** to provide an additional \$123,335.00 in Community Development Block Grant Funds and extend the contract to continue the administration, implementation, oversight and delivery of an Engagement Services Program - **DISTRICT D - ADAMS**

17-1 Ordinance 2013-0082

ORDINANCE approving and authorizing a Neighborhood Stabilization Program ("NSP") Developer Loan Agreement between the City of Houston and **MAYBERRY HOMES, INC**, to provide a Performance-Based Loan of Federal NSP Funds in an amount not to exceed \$2,051,035.00 for eligible costs to acquire land and develop 14 to 20 affordable single-family homes in NSP 3 target areas - **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; E - MARTIN; F - HOANG; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K - GREEN**

18. Ordinance 2013-0083

ORDINANCE relating to the conveyance of a 30-foot-wide pipeline easement across Lake Houston Wilderness Park (the "Park") to Texas Express Pipeline LLC (the "Project"); making findings and approving the use of a portion of the park for the project; authorizing a Deed Modification Agreement between the City of Houston and the **TEXAS PARKS AND WILDLIFE DEPARTMENT**; authorizing an easement conveyance from the City to Texas Express Pipeline LLC; authorizing a Surface Use Agreement between the City and **TEXAS EXPRESS PIPELINE LLC - DISTRICT E - MARTIN**

19. Council Member Davis tagged

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**

20. Ordinance 2013-0084

ORDINANCE approving and authorizing sole source contract between the City of Houston and **QUESTMARK INFORMATION MANAGEMENT, INC** for Jury Notice Tracking System and Services for the Houston Municipal Courts Department; providing a maximum contract amount 3 Years with two one-year options - \$403,100.00 - General Fund

21. Ordinance 2013-0071

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CENTURY ASPHALT, LTD.** for sale of Street Millings for the Public Works & Engineering Department - 5 years - Revenue

22. Ordinance 2013-0072

ORDINANCE consenting to the addition of 25.32 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98**, for inclusion in its district

23. Ordinance 2013-0085

ORDINANCE releasing certain territory consisting of approximately 252 acres in Waller County in the vicinity of the City of Waller, Texas near Waller Tomball Road and Binford Road, from the extraterritorial jurisdiction of the City of Houston

ORDINANCES - continued

24. Ordinance 2013-0073

ORDINANCE appropriating \$539,446.70 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Widening and Reconstruction of US 290 from West of FM 529 to east of West Little York; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - BROWN**

25. Ordinance 2013-0086

ORDINANCE appropriating \$989,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDS ENGINEERING GROUP, INC** for Lift Station Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN and E - MARTIN**

26. Ordinance 2013-0074

ORDINANCE appropriating \$675,716.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HALFF ASSOCIATES, INC** for North Corridor Plant Consolidation - Package 1B; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS**

27. Ordinance 2013-0075

ORDINANCE appropriating \$575,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for the Design of On-Call Small Diameter Water Line Extensions (Approved by Ordinance No. 2011-0737); providing funding for CIP Salary Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

28. Ordinance 2013-0076

ORDINANCE appropriating \$1,775,000.00 out of Street & Traffic Control and Storm Drainage DDSRF, awarding contract to **JERDON ENTERPRISE, LP.** for FY2013 Flood Gauge and Flood Warning System Negotiated Construction Work Orders; 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 CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF

29. Ordinance 2013-0054 – Passed second reading

ORDINANCE No. 2013-0054, passed first reading January 23, 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 - **SECOND READING**

ORDINANCES - continued

30. Ordinance 2013-0055 – Passed second reading

ORDINANCE No. 2013-0055, passed first reading January 23, 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 **SECOND READING**

Motion 2013-0081 – Motion to substitute an amended ordinance for second reading for Item 31

31. Ordinance 2013-0060 – Passed second reading – Adopted as amended

ORDINANCE No. 2013-0060, passed first reading January 23, 2013

ORDINANCE adopting Land Use Assumptions and a Capital Improvement Plan (Internally known as the “Drainage Impact Fee Improvement Plan”) for the possible adoption of Impact Fees for drainage, appointing Planning Commission as the Capital Improvements Advisory Committee, and calling a public hearing at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to adopt Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code - **SECOND READING**

HEARING DATE - 9:00 A.M. - WEDNESDAY - MARCH 6, 2013

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 32

MISCELLANEOUS

Motion 2013-0082 – Call the question on Item 32 – “FAILED”

32. Motion 2013-0083 – Postpone one (1) week and an item be placed on the agenda by the Administration next week for Position 11 so that nominations can be received

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

MATTERS HELD - NUMBERS 33 through 36

33. Ordinance 2013-0087

ORDINANCE amending, restating and ratifying Ordinance No. 2011-932 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series G; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

TAGGED BY COUNCIL MEMBER BROWN

This was Item 14 on Agenda of January 23, 2013

MATTERS HELD - continued

34. Ordinance 2013-0088

ORDINANCE amending, restating and ratifying Ordinance No. 2009-48 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series H-2; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

TAGGED BY COUNCIL MEMBER BROWN

This was Item 15 on Agenda of January 23, 2013

35. Ordinance 2013-0089

ORDINANCE amending, restating and ratifying Ordinance No. 2010-0327 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series J; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

TAGGED BY COUNCIL MEMBER BROWN

This was Item 16 on Agenda of January 23, 2013

36. Ordinance 2013-0090

ORDINANCE approving and authorizing agreement between the City of Houston and **WASTE MANAGEMENT OF TEXAS, INC**, for Processing Services for Residential Drop-Off and Curbside Single Stream Commingled Recyclable Materials for the Solid Waste Department - 3 Years with 2 two-year options - Revenue - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 25 on Agenda of January 23, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Laster 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

1/29/2013 - Council Member Burks absent on personal business
1/30/2013 - All Present