

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

with notes of action taken

MOTIONS – 2013-0456 to 2013-0479
ORDINANCES – 2013-0637 to 2013-0649
RESOLUTION – None

2013-0440-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Burks

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 2013-0456 – Procedural motion

Motion 2013-0457 – Procedural motion

Motion 2013-0458 – Procedural motion

Motion 2013-0459 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 10, 2013 - 9:00 A. M.

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

Motion 2013-0464 – 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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 16

MISCELLANEOUS - NUMBERS 1 through 3

Motion 2013-0460 – Suspend rules to consider Items 1, 2 and 3 prior to financial report

1. Motion 2013-0461

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **GREATER NORTHSIDE MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2017:

- Position Six - **FRUMENCIO REYES, JR.**
- Position Seven - **JEANETTE RASH**
- Position Eight - **JEFF PROCELL**
- Position Nine - **EDWARD (ED) REYES**
- Position Ten - **APRIL COHEN**

2. Motion 2013-0462

REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ARTS ALLIANCE BOARD OF DIRECTORS**, for a term to expire June 30, 2016:

- Position One - **ROLAND GARCIA**, appointment
- Position Two - **DAVID LADUCA**, reappointment

3. Motion 2013-0463

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:

- Position 1 - **PENNY H. BUTLER**, reappointment, for a term to expire 2/1/2015
- Position 2 - **J. HOWARD RAMBIN III**, reappointment, for a term to expire 2/1/2014
- Position 3 - **DONALD POARCH**, reappointment, for a term to expire 2/1/2015
- Position 4 - **RUTH R. HURST**, reappointment, for a term to expire 2/1/2014
- Position 5 - **KAREN BRACHT NORTH**, appointment, for a term to expire 2/1/2015
- Position 6 - **ALEXANDRIA “ALEX” GRIFFIN**, appointment, for a term to expire 2/1/2014
- Position 7 - **ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2015
- Position 8 - **NANCY BAILEY**, appointment, for a term to expire 2/1/2014
- Position 9 - **NATALI LACASA**, appointment, for a term to expire 2/1/2015
- Position 10 - **PATRICIA HERRERA**, appointment, for a term to expire 2/1/2014
- Position 11 - **JAMES D. TATES**, appointment, for a term to expire 2/1/2015
- Position 12 - **WALTER W. HAMBRICK, JR.**, reappointment, for a term to expire 2/1/2014
- Position 13 - **SHAVONNAH ROBERTS SCHREIBER**, appointment, for a term to expire 2/1/2015
- Position 14 - **DONALD J. SMITH**, reappointment, for a term to expire 2/1/2014
- Position 15 - **JAMES G. MATUJEC**, appointment, for a term to expire 2/1/2015
- Position 16 - **EMILY A. MESSA**, reappointment, for a term to expire 2/1/2014
- Position 17 - **CARLA LENÁ WYATT**, reappointment, for a term to expire 2/1/2015
- Position 18 - **JOSÉ F. GRIÑAN**, reappointment, for a term to expire 2/1/2014
- Position 19 - **DIANA DELACRUZ RIVERA**, appointment, for a term to expire 2/1/2015
- Position 20 - **ROBERT W. GIBBS JR.**, reappointment, for a term to expire 2/1/2014
- Position 21 - **HAI DUONG**, reappointment, for a term to expire 2/1/2015
- Position 22 - **ERIK RICHARD VIDOR**, appointment, for a term to expire 2/1/2014
- Position 23 - **KIRAN SHAH**, appointment, for a term to expire 2/1/2015
- Position 24 - **CHRIS K. WILMOT**, reappointment, for a term to expire 2/1/2014
- Position 25 - **DANIEL DEROZIER**, appointment, for a term to expire 2/1/2015
- Position 26 - **LORI CARPER**, appointment, for a term to expire 2/1/2014
- Position 27 - **MIRANDA MALDONADO**, reappointment, for a term to expire 2/1/2015
- Position 28 - **MARGARET ROBINSON**, appointment, for a term to expire 2/1/2014
- Position 29 - **PATRICK CASTILLO**, appointment, for a term to expire 2/1/2015
- Position 30 - **CHRISTOPHER R. PASSMORE**, reappointment, for a term to expire 2/1/2014
- Position 31 - **SUSAN J. CITA**, reappointment, for a term to expire 2/1/2015

ACCEPT WORK - NUMBER 4

4. Motion 2013-0465

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$812,733.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Briarmeadow Park - 3.24% over the original contract amount and under the 5% contingency **DISTRICT F - HOANG**

PROPERTY - NUMBER 5

5. Motion 2013-0466

RECOMMENDATION from City Attorney to purchase Parcels AY11-152 & LY11-047 from **BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, a Delaware limited liability corporation**, for the Holmes Road Paving & Drainage Project (Main Street - Kirby Drive) - **DISTRICT K - GREEN**

ORDINANCES - NUMBERS 6 through 16

6. Council Member Laster tagged

ORDINANCE **AMENDING CHAPTERS 1 AND 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to boarding homes (group homes)

7. Ordinance 2013-0637

ORDINANCE approving the amended Certificate of Formation for **MIDTOWN REDEVELOPMENT AUTHORITY** and the amended bylaws of the Midtown Redevelopment Authority - **DISTRICTS C - COHEN; D - ADAMS and I - RODRIGUEZ**

8. Ordinance 2013-0638

ORDINANCE approving the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** - **DISTRICTS C - COHEN; D - ADAMS and I - RODRIGUEZ**

9. Council Member Burks tagged

ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas and **COSTCO WHOLESALE CORPORATION** for the development of a Wholesale and Retail General Merchandise Facility and related improvements - **DISTRICT F - HOANG**

10. Ordinance 2013-0639

ORDINANCE approving and authorizing submission of a joint application for grant assistance from the **BUREAU OF JUSTICE ASSISTANCE** to fund the FY2013 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** as joint applicants for such 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 application

11. Ordinance 2013-0640

ORDINANCE appropriating \$400,000.00 out of Fire Consolidated Construction Fund for Equipment Replacement at Fire Station No. 29 for the Houston Fire Department - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

12. Ordinance 2013-0641

ORDINANCE amending Ordinance No. 2009-1100 (Passed November 10, 2009) to increase the maximum contract amount to the Environmental and Demolition Services Contract between the City of Houston and **INLAND ENVIRONMENTS, LTD.** for various City Departments; and appropriating \$200,000.00 out of Parks Consolidated Construction Fund and \$66,000.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation

13. Ordinance 2013-0643

ORDINANCE appropriating \$190,000.00 out of Parks & Recreation Dedication Fund as an additional appropriation; approving and authorizing first amendment to Construction Contract between the City of Houston and **J.E. DUNN CONSTRUCTION COMPANY** (Approved by Ordinance No. 2012-0518) for additional improvements at Bethel Park - **DISTRICT C - COHEN**

14. Ordinance 2013-0644

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 13.5143 acres commonly known as 10516 Old Katy Road, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT A - BROWN**

15. Ordinance 2013-0642

ORDINANCE approving and authorizing Comprehensive Agreement between the City of Houston and **TRINITY RIVER AUTHORITY** and the **EAST TEXAS ELECTRIC COOPERATIVE** for development, ownership, operation and maintenance of the Lake Livingston Hydroelectric Project

16. Ordinance 2013-0645

ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Grounds Maintenance Services for Drinking Water Operations and Wastewater Facilities for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$15,632,360.52 - Enterprise Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 17 through 25

MISCELLANEOUS

17. Motion 2013-0467

SET A PUBLIC HEARING DATE on the re-adoption of Article XII Chapter 32, Code of Ordinances, Houston, Texas, regarding Standards of Care for the Houston Parks and Recreation Department Youth Recreation Programs

HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 17, 2013

NON CONSENT – continued

MISCELLANEOUS – continued

18. Motion 2013-0468

SET A PUBLIC HEARING DATE regarding the designation of a Tax Abatement Reinvestment Zone for **CHEVRON U.S.A. INC (CHEVRON ZONE) - DISTRICT I - RODRIGUEZ**
HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 24, 2013

19. Motion 2013-0469

SET A PUBLIC HEARING DATE regarding the creation of **REINVESTMENT ZONE NUMBER TWENTY-FIVE, CITY OF HOUSTON, TEXAS (FONDREN GARDENS ZONE)**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 31, 2013

20. Motion 2013-0470

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for appointments to Position 4, 6, 7, 8, & 9 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS**, for the remainder of the designated two year term

21. Motion 2013-0471

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for Positions 11 and 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2015

22. Motion 2013-0472

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for Positions 18 and 20 of the **HOUSTON CENTER FOR LITERACY BOARD OF DIRECTORS**, for the remainder of the two year term that will end February 2, 2014

23. Motion 2013-0473

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for Positions 6 and 7 of the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY**, for terms to expire two years from date of appointment

24. Motion 2013-0474

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for Positions One through Five for the **REBUILD HOUSTON OVERSIGHT COMMITTEE BOARD OF DIRECTORS**, for the remainder of the designated two year term

25. Motion 2013-0475

MOTION to set a date not less than seven days from July 10, 2013, to receive nominations for Positions 4 and 5 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for the remainder of the designated two year term

MATTERS HELD - NUMBERS 26 through 30

26. Motion 2013-0476 – Accept

MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to award to **GLOBE ELECTRIC CO. INC - \$2,318,400.00, TURTLE AND HUGHES, INC - \$633,700.00, LIBERTY AIRPORT SYSTEMS, INC - \$159,000.00 and SAFEGATE AIRPORT SYSTEMS, INC - \$68,000.00** for Airfield Lighting for the Houston Airport System - \$3,179,100.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBER DAVIS

This was Item 4 on Agenda of June 26, 2013

MATTERS HELD - continued

27. Ordinance 2013-0646

ORDINANCE appropriating \$2,511,161.40 out of Water & Sewer System Consolidated Construction Fund to Remove Existing Oil Circuit Breakers and associated equipment and furnish and install new Gas Circuit Breakers and associated equipment for the Public Works and Engineering Department - **TAGGED BY COUNCIL MEMBER GREEN**

a. Motion 2013-0477 – Adopt

MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to award to **POWERSECURE, INC** to Remove Existing Oil Circuit Breakers and associated equipment and furnish and install new Gas Circuit Breakers and associated equipment for the Department of Public Works & Engineering - \$2,282,874.00 and contingencies for a total amount not to exceed \$2,511,161.40 - **DISTRICTS E - MARTIN and H - GONZALEZ** - **TAGGED BY COUNCIL MEMBER GREEN**
These were Items 8 and 8A on Agenda of June 26, 2013

Motion 2013-0478 – Amend Section 4 of 28 to take effect immediately upon passage

28. Ordinance 2013-0647 – Adopt as amended

ORDINANCE **AMENDING SECTION 108.1 OF THE CITY OF HOUSTON FIRE CODE**, relating to duties of the Fire Code Board of Appeals - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 10 on Agenda of June 26, 2013

29. Ordinance 2013-0648 – Adopt

ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **WATERCREST AT KINGWOOD, L.P.** (“Borrower”) to increase the allowable Senior Loan, to allow future refinancing of Senior Loan upon payment of a fee to the City, and to accept the offer of Borrower to pay City \$1,600,000.00 if the project, located at 24109 Kingwood Place and 24119 Winford Square for senior citizen housing, is sold within 10 years after the expiration of the affordability period - **DISTRICT E - MARTIN**
TAGGED BY COUNCIL MEMBER MARTIN

This was Item 14 on Agenda of June 26, 2013

Motion 2013-0479 – Written motion by Council Member Davis to amend Item 30 to provide the following:

“I move that Item 30 be amended to authorize the City Attorney and Cohen Group, Inc. to make an amendment to the contract for On-Call Marketing and Media Buy Consulting Services (“Contract”) to provide for Cohen Group, Inc. to demolish buildings located at 9929 Hempstead Road or cause such building to be demolished in order to comply with the outstanding secure or demolish order issued by the City, as established in that certain real estate contract between Rejelama Family Partnership, Ltd. And AK Capital 6, LLC, dated July 9, 2013. The City Attorney and Cohen Group, Inc. shall make such amendment within ten days of the adoption of Item 30 and such amendment shall then become part of the contract as if contained therein at the time of adoption by Council.” - Adopted

30. Ordinance 2013-0649

ORDINANCE approving and authorizing contract between the City of Houston and **COHEN GROUP, INC** for On-Call Marketing and Media Buy Consulting Services for the Houston Airport System; providing a maximum contract amount \$5,250,000.00 - 5 years with 2 one year options Enterprise Funds - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**
POSTPONED BY MOTION #2013-455, 6/26/13

This was Item 40 on Agenda of June 26, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega 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

- 7/9/2013 - Council Members Martin, Hoang and Rodriguez absent on personal business
Council Member Bradford out of the City on personal business**
- 7/10/2013 - Council Member Rodriguez absent on personal business
Council Member Bradford out of the City on personal business**