

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 5, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0155 to 2013-0164
ORDINANCES – 2013-0187 to 2013-0211
RESOLUTION – 2013-0007

2013-0154-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Bradford

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 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 2013-0156 – Close hearing

PUBLIC HEARING regarding the possible adoption of Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code

Motion 2013-0155 – Accept report

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 – none presented)

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBERS 2 through 7

2. **Motion 2013-0157**

REQUEST from Mayor for the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HOUSTON AMATEUR SPORTS PARK LGC, INC**, for terms to expire January 1, 2016:

Position Four - **LAWRENCE E. CHAMBERLAIN**

Position Five - **LES HAULBROOK**

3. **Motion 2013-0158**

REQUEST from Mayor for confirmation of the reappointment of **MARK E. WORSCHEH**, representing **Houston Independent School District**, to Position Three of the **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2014

4. **Motion 2013-0159**

REQUEST from Mayor for confirmation of the reappointment of **HOMER L. CLARK**, representing **Houston Independent School District**, to Position Eight of the **SOUTH POST OAK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2014

5. **Motion 2013-0160**

REQUEST from Mayor for confirmation of the reappointment of **KEITH EDWARD HAMM**, representing **Houston Independent School District**, to Position Six of the **DOWNTOWN REDEVELOPMENT AUTHORITY (a/k/a MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY)**, for a term to expire December 31, 2014

6. **Motion 2013-0161**

REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **OFFICE OF BUSINESS OPPORTUNITY ADVISORY BOARD**, for terms to expire January 2, 2015:

Position One - **LANA KAY COBLE**

Position Five - **ALICIA B. JIMERSON**, and to serve as Chair

Position Seven - **SAMUEL K. EATON, SR.**

Position Eleven - **MARIA RIOS**

Position Thirteen - **MARLON MITCHELL**

Position Fifteen - **CHERYL COLSON**

7. **Motion 2013-0162**

RECOMMENDATION from Director Finance Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 342**

ACCEPT WORK - NUMBER 8

8. **Motion 2013-0163**

RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,470,248.00 and acceptance of work on contract with **THE GONZALEZ GROUP, LP** for the Stanaker Neighborhood Library Renovation - 1.60% over the original contract amount and under the 10% contingency - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - NUMBERS 9 through 32

9. Resolution 2013-0007

RESOLUTION with respect to the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2014A and Combined Utility System First Lien Revenue Refunding Bonds, Taxable Series 2014B

10. Ordinance 2013-0200

ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299, supplementing the City of Houston, Texas Ordinance No. 2004-300, Ordinance No. 2008-052, and Ordinance No. 2010-215; authorizing the substitution of credit facilities, the execution and delivery of the Reimbursement Agreements, Bank Fee Letters, a Co-Bond Counsel Agreement, and a Reoffering Circular for the City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-2, Series 2004B-4 and Series 2004B-5; and declaring an emergency

11. Ordinance 2013-0201

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON HELP, INC**, providing up to \$311,067.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration and operation of a community residence, along with the provision of supportive services - **DISTRICT D - ADAMS**

12. Ordinance 2013-0202

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC**, providing up to \$2,361,658.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration of a Tenant-Based Rental Assistance Program and Short Term Rent, Mortgage and Utility Assistance Program, along with the provision of supportive services - **DISTRICT C - COHEN**

13. Ordinance 2013-0187

ORDINANCE making findings concerning the use of 2.1748 acres of land near Richmond Avenue and Eastside Street being a portion of Levy Park - **DISTRICT C - COHEN**

14. Ordinance 2013-0188

ORDINANCE approving and authorizing first amended restated and amended Hermann Park Golf Course Concession Agreement between the City of Houston and the **BSL GOLF CORP.** for operation and management of the Hermann Park Golf Course - **DISTRICT D - ADAMS**

15. Ordinance 2013-0203

ORDINANCE approving and authorizing the Houston Police Department to apply for and accept a National Institute of Justice Grant for the third and final phase of a research project entitled Strategic Approaches to Sexual Assault Kit Evidence and approving and authorizing second amendments to contracts between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** and the **UNIVERSITY OF TEXAS AT AUSTIN** for Research Services pertaining to a National Institute of Justice Grant Award for a project titled Action Research to Enhance Investigations and Prosecutions of Sexual Assaults - \$515,000.00 - Grant Fund

16. Ordinance 2013-0204

ORDINANCE approving and authorizing submission of an application for grant assistance to the **STATE OF TEXAS THROUGH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION** for the Police Storefront Crisis Team Program FY 2014; 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

RESOLUTIONS AND ORDINANCES - continued

17. Ordinance 2013-0189

ORDINANCE appropriating \$1,610,795.00 out of HAS FAA Grants Fund and approving and authorizing a Letter Agreement by and between the City of Houston and **CONTINENTAL AIRLINES, INC**, in connection with the Baggage Screening Equipment Replacement Project at George Bush Intercontinental Airport/Houston (Project No. 689A) - **DISTRICT B - DAVIS**

18. Ordinance 2013-0190

ORDINANCE appropriating \$4,999,342.70 out of Transportation Security Administration Other Transaction Agreement Funds and approving and authorizing Amendment No. 2 to the Construction Management-At-Risk Agreement between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Advanced Surveillance Program at George Bush Intercontinental Airport/Houston and William P. Hobby Airport (Project No. 612V) - **DISTRICTS B - DAVIS and I - RODRIGUEZ**

19. Ordinance 2013-0191

ORDINANCE appropriating \$219,207.71 out of Equipment Acquisition Consolidated Fund for purchase or Capital Equipment for the Fleet Management Department

20. Ordinance 2013-0211

ORDINANCE awarding contract to **AT&T CORP.** for Telecommunication Circuit Services for the Houston Public Library; providing a maximum contract amount - 3 Years with two one-year options - \$869,467.00 - General Fund

21. Council Member Brown tagged

ORDINANCE awarding contract to **DRC EMERGENCY SERVICES, LLC** for Base Camp Services (Post Disaster) for the City of Houston - 5 Years

22. Ordinance 2013-0205

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing an aggregate of 3.6088 acres commonly known as 502 West 25th Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C - COHEN**

23. Ordinance 2013-0206

MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 5.2296 acres commonly known as 5858 South Gessner Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT F - HOANG**

24. Ordinance 2013-0207

ORDINANCE appropriating \$119,515.00 out of Parks Consolidated Construction Fund; awarding construction contract to **MILLIS DEVELOPMENT & CONSTRUCTION, INC**, for Sunnyside Park Trail; 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, construction management, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2013-0192 – Passed first reading

ORDINANCE granting to **CONROE CHEM CAN, INC dba TANKS A LOT, 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 - **FIRST READING**

26. Ordinance 2013-0193 – Passed first reading

ORDINANCE granting to **BAYOU CITY ENVIRONMENTAL SERVICES, L.P., A Texas Limited Partnership**, 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 **FIRST READING**

27. Ordinance 2013-0194 – Passed first reading

ORDINANCE granting to **SPRINT WASTE SERVICES, L.P., A Texas Limited Partnership**, 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 - **FIRST READING**

28. Ordinance 2013-0195 – Passed first reading

ORDINANCE granting to **BAYOU CITY WASTE SYSTEMS, L.P., A Texas Limited Partnership**, 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 - **FIRST READING**

29. Ordinance 2013-0196 – Passed first reading

ORDINANCE granting to **PUBLIC SANITARY WORKS, 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 - **FIRST READING**

30. Ordinance 2013-0197 – Passed first reading

ORDINANCE granting to **TEXAS OUTHOUSE, 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 - **FIRST READING**

31. Ordinance 2013-0198 – Passed first reading

ORDINANCE granting to **V. F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, 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 **FIRST READING**

32. Ordinance 2013-0199 – Passed first reading

ORDINANCE granting to **NATIONAL CONSTRUCTION RENTALS, INC, A California 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 **FIRST READING**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 33 through 35

Motion 2013-0164 – Adopted

Written motion by Council Member Noriega to substitute the following motion for Item 33, as follows:

I move to substitute the following motion for Item 33:

I move to amend Item 33a by:

- (1) Removing Section 4 of the Ordinance and renumbering the subsequent Sections accordingly;
- (2) Amending Exhibit "A" to the Ordinance by adding a new Section 26-503 to read as follows:

**“Sec. 26-503. Reduced parking space requirement
for transit-oriented developments.**

The total number of parking spaces required by this article for a use classification shall be reduced by 20 percent if:

- (1) The building complies with the optional performance standards provided in article IV of chapter 42 of this Code;
- (2) In addition to the minimum number of bicycle spaces required by section 26-496 of this Code, the applicant provides enough bicycle parking spaces to qualify for a five percent reduction in the number of required parking spaces under section 26-497 of this Code;
- (3) The reduction in the number of required parking spaces is not for a class 2 use classification under section 26-492 of this Code, except for a hotel or motel; and
- (4) The applicant does not receive an additional reduction in the total number of required parking spaces as provided for by section 26-497 or 26-498 of this Code.”

and

- (3) Amending Exhibit “A” to the Ordinance by adding the information for the new Section 26-503 to the Table of Contents at the beginning of the Exhibit.

MATTERS HELD - continued

33. Motion 2013-0164 – Adopt substitute motion for Item 33

WRITTEN Motion by Council Member Noriega to amend Item 33A below as follows:
I move to amend Item 33A by replacing Section 26-497 with the following:

Sec. 26-497. Reduced parking space requirement for additional bicycle spaces or proximity to a Metro Rail Station

(a) Additional Bicycle Space

- a. An applicant who provides bicycle spaces in addition to the minimum number of bicycles spaces required by section 26-496 of this Code shall receive a reduction of one parking space for every four additional bicycle spaces to the number of parking spaces required by section 26-492 of this Code.
- b. The maximum reduction in the number of parking spaces under this section shall be 10 percent of the number of parking spaces required by section 26-492 of this Code.
- c. A reduction of parking spaces under this section is available for all use classifications except single-family residential.
- d. Each additional bicycle space shall conform to the standards of section 26-583 of this Code.

(b) Proximity to a Metro Rail Station

- a. An applicant who is located within ¼ of a mile of a Metro Rail station shall receive a reduction of 20 percent of the number of parking spaces required by section 26-492 of this Code.
- b. A reduction of parking spaces under this section is available for all use classifications except single-family residential.

(c) The reduced parking space requirement is not cumulative. An applicant may utilize the reduction for only section (a) or section (b) not both.

TAGGED BY COUNCIL MEMBERS BRADFORD, NORIEGA, ADAMS and PENNINGTON

a. Ordinance 2013-0208 – Adopt as amended

ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to off street parking and loading facilities in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause

TAGGED BY COUNCIL MEMBERS BRADFORD, NORIEGA, ADAMS and PENNINGTON

This was Item 13 on Agenda of February 27, 2013

34. Ordinance 2013-0209

ORDINANCE appropriating \$202,500.00 out of Street & Traffic Control and Storm Drainage DDSRF and \$17,500.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **HALFF ASSOCIATES, INC** for Pleasantville and Glendale Area Drainage and Paving (Sub-Project 1) (Approved by Ordinance No. 2011-0596); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT B - DAVIS** - **TAGGED BY COUNCIL MEMBER DAVIS**

This was Item 27 on Agenda of February 27, 2013

35. Ordinance 2013-0210

ORDINANCE appropriating \$14,453,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Services associated with the Surface Water Transmission Program; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER DAVIS**

This was Item 36 on Agenda of February 27, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Adams 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

3/5/2013 - Council Members Adams and Burks absent on personal business

3/6/2013 - Council Member Burks absent on personal business