

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 17, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2013-0633 to 2013-0645
ORDINANCES – 2013-0809 to 2013-0850
RESOLUTION - None

2013-0632-1

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Pennington

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 2013-0633 – Procedural motion

Motion 2013-0634 – Procedural motion

Motion 2013-0635 – Procedural motion

Motion 2013-0636 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

TUESDAY - SEPTEMBER 17, 2013 - 6:00 P. M.

HEARING - 6:00 P.M.

1. Motion 2013-0637 – Close hearing

PUBLIC HEARING relating to the Proposed 2013 Tax Rate of \$.63875/\$100 of value

RECONVENE

WEDNESDAY - SEPTEMBER 18, 2013 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 31

MISCELLANEOUS - NUMBERS 2 through 4

2. Motion 2013-0638

REQUEST from Mayor for confirmation of the appointment of the following to the **ELECTRICAL BOARD**:
ELIOT L. DOUCET, appointment, to serve as Chair
Position Five - **REGINALD W. COMFORT**, for an unexpired term ending 1/2/2015

3. Motion 2013-0639

REQUEST from Mayor for confirmation of the appointment of the following to the **INDEPENDENT POLICE OVERSIGHT BOARD**:
Panel B4 - **BERTHA BROWN**, for an unexpired term ending 3/28/2014
Panel D1 - **CAROLINA WOLK**, for an unexpired term ending 10/26/2014

4. Motion 2013-0640

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire 6/1/2017:
Position Ten - **EILEEN J. MORRIS**, reappointment
Position Eleven - **JULIE FARR**, appointment
Position Twelve - **JOHN G. CASTILLO**, reappointment
Position Thirteen - **MARYLENE CHAN**, appointment
Position Fourteen - **WILLIAM R. (BILL) FRANKS**, reappointment and as Chair
Position Fifteen - **DEBRA A. MARTINE MCGAUGHEY**, appointment
Position Sixteen - **GARY W. NOBLE**, reappointment
Position Seventeen - **CHARLES WASHINGTON**, appointment

ACCEPT WORK – NUMBER 5

5. Motion 2013-0641

RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$3,279,208.06 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods 0.43% over the original contract amount and under 5% contingency amount (4257-108) - **DISTRICTS B - DAVIS, C - COHEN, D - ADAMS, G - PENNINGTON, I - RODRIGUEZ and J - LASTER**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 7

6. Motion 2013-0642

INTERNATIONAL BUSINESS MACHINES (IBM) CORPORATION for Purchase of Professional Information Technology Services and Maintenance from the State of Texas Building and Procurement Commission, Texas Multiple Award Schedule Contract for the Houston Police Department - \$68,289.04 - General Fund

7. Motion 2013-0643

LETCO GROUP, LLC - \$148,292.00, **RAY GARIETH DON, INC** - \$170,454.03, **HANSON AGGREGATES** - \$258,000.00, **THE GREEN SHOVEL, INC dba CHAMPION LANDSCAPE SUPPLIES** - \$71,000.00 for Top Soil, Bank Sand, Clay-Filled Dirt and Conditioners for Various Departments - \$647,746.03 - General, Parks Golf Special Fund and Enterprise Fund - 3 years with two one year options

ORDINANCES - NUMBERS 8 through 31

8. Ordinance 2013-0810

ORDINANCE authorizing issuance of City of Houston, Texas, subordinate Lien Hotel Occupancy Tax and Parking Revenue Flexible Rate Notes, Series A, in an aggregate principal amount not to exceed \$75,000,000; prescribing the terms and conditions thereof; providing for the payment thereof; approving and authorizing certain authorized officers and employees to act on behalf of the city in the selling and delivery of such flexible rate notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such flexible rate notes, including the approval of a paying agent/registrant agreement and a note purchase agreement; making other provisions regarding such flexible rate notes and matters incident thereto; authorizing a bond counsel agreement and declaring an emergency

9. Ordinance 2013-0843

ORDINANCE appropriating \$2,142,133.00 out of Homeless & Housing Consolidated Bond Fund; approving and authorizing a grant agreement and a loan agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide, respectively, the appropriated funds and \$1,475,600.00 of Federal "HOME" Funds to assist with the rehabilitation of a single room occupancy facility, located in the vicinity of 320 Hamilton Street in Houston, Texas, that provides affordable housing to low and very low income households **DISTRICT I - RODRIGUEZ**

10. Ordinance 2013-0844

ORDINANCE approving and authorizing a lease agreement between **UCM/GP-1301 FANNIN, L.P.** as Landlord and the City of Houston, Texas as Tenant, at 1301 Fannin Street, Houston, Texas for Ten Years; for use by City of Houston Information Technology Services - ten-years with option for renewals - **DISTRICT I - RODRIGUEZ**

11. Pulled-Not Considered

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **NATIONAL INSTITUTE OF JUSTICE**, pursuant to the FY2013 DNA Backlog Reduction Program, to fund training, technical review and technology to build capacity in the area of DNA testing; 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

12. Ordinance 2013-0845

ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Motor Vehicle 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

13. Ordinance 2013-0846

ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Commercial Motor Vehicle 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

14. Ordinance 2013-0847

ORDINANCE approving and authorizing various contracts between the City and the **DEPARTMENT OF STATE HEALTH SERVICES** for 11 Various Health & Human Services Programs for Fiscal Year 2014; approving the acceptance and disbursement of funds thereunder

ORDINANCES - continued

15. Ordinance 2013-0811

ORDINANCE approving and authorizing amendment three to a contract between the City of Houston and the **TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES (DADS)** to extend the DADS Area Plan approved under Ordinance No. 2010-558 through FY 2014 on behalf of the Harris County Area Agency on Aging ("HCAAA"); Declaring HCAAA's eligibility for the plan funding for FY 2011-2014; authorizing the Director of the Health & Human Services Department of the City of Houston ("The Director") to act as the HCAAA's Representative for purposes of the DADS Area Plan for FY 2011-2014; authorizing the Director to apply for, accept and expend the DADS Area FY 2011-2014 Plan funds, if awarded, and to apply for, accept and expend all subsequent DADS area plan awards, if any, pertaining to the above DADS area plan

16. Ordinance 2013-0812

ORDINANCE approving and authorizing revised Mutual Aid Agreement between the City of Houston and local government entities within the Gulf Coast State Planning Region through the Houston-Galveston Area Council

17. Ordinance 2013-0813

ORDINANCE approving and authorizing second amendment to an agreement for the Support, Advancement and Promotion of the Arts between the City and **HOUSTON ARTS ALLIANCE, THE HOUSTON MUSEUM DISTRICT ASSOCIATION, MILLER THEATRE ADVISORY BOARD, INC., AND THEATER DISTRICT IMPROVEMENT, INC**

18. Ordinance 2013-0814

ORDINANCE approving and authorizing contract between the City and **DEARBORN NATIONAL LIFE INSURANCE COMPANY** for Professional Services, premium payments and administration of Employee Group Life Insurance Coverage; providing a maximum contract amount - \$3,904,218.00 - 3 years with two one-year options - Health Benefit Fund

19. Ordinance 2013-0815

ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Station and Voting Precincts for the City of Houston General Election to be held on November 5, 2013, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct

Motion 2013-0644 – Suspend rules to consider Items 20 and 22 out of order

20. Ordinance 2013-0809

ORDINANCE approving and authorizing an agreement for legal services between the City of Houston and **SUSMAN GODFREY L.L.P.** for Representation of the City in Pending Litigation against Xerox State and Local Solutions, Inc. A/K/A and F/N/A ACS State and Local Solutions, Inc. in the United States District Court for the Southern District of Texas Case No. 4:13-CV-026532; providing a maximum contract amount - \$475,000.00 - General Fund

21. Ordinance 2013-0816

ORDINANCE approving and authorizing 1) contract for Westlaw Computer-Assisted Legal Research Services and Clear Services and 2) Library Maintenance Agreement for Print Products, between the City of Houston and **WEST, A THOMSON REUTERS BUSINESS** for the Legal Department; providing a maximum contract amount - \$720,318.00 - 3 years - General and Property & Casualty Funds

22. Council Member Burks tagged

ORDINANCE appropriating \$13,500,000 out of Equipment Acquisition Consolidated Fund for the purpose of Professional Services and Equipment for the Houston Information Technology Services Department

ORDINANCES - continued

23. Ordinance 2013-0817

ORDINANCE approving and authorizing contract between the City and **OCHIN, INC**, for a Clinical Management Information System for the Health & Human Services Department; providing a maximum contract amount - \$1,647,303.50 - 3 years with two one-year options - Equipment Acquisition Fund

24. Ordinance 2013-0818

ORDINANCE approving and authorizing contract between the City of Houston and **NIGHTINGALE REHABILITATION, INC**, for Interpreter and Closed-Captioned Services for the Deaf and Hearing Impaired for the Houston Police Department and the Department of Neighborhoods; providing a maximum contract amount - \$440,900.00 - 3 years with two one-year options - General Fund

25. Ordinance 2013-0819

ORDINANCE appropriating \$2,790,000.00 out of General Improvement Consolidated Construction Fund; approving and authorizing first amendment to the Design Build Agreement between the City of Houston and **PIN OAK INTERESTS, LLC** (approved by Ord. No. 2013-0161) for Miller Outdoor Theater Structural Canopy and Other Improvements - **DISTRICT D – ADAMS**

26. Ordinance 2013-0848

ORDINANCE consenting to the addition of 3.77 acres of land to **FORT BEND COUNTY ASSISTANCE DISTRICT No. 2**

27. Ordinance 2013-0820

ORDINANCE consenting to the addition of 2.597 acres of land to **NORTH FOREST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

28. Ordinance 2013-0849

ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the public improvement project known as the Bringhurst Pedestrian Bridge over UPRR Project; authorizing the acquisition of fee simple title interest in or easement to 2 parcels of land required for the project and situated in the Darius Gregg Survey, Abstract No. 385 and being out of, and the remainder of, Lot 9, Block 33 of Chapman's 3rd Addition to the City of Houston, in Harris County, Texas, by gift, dedication, purchase and/or the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, appraisal fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of fee simple title interest in or easement to the 2 parcels of land required for the project - **DISTRICT B - DAVIS**

29. Ordinance 2013-0850

ORDINANCE appropriating \$1,431,037.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services contract between the City of Houston and **TEXAS AMERICAN ENGINEERING, LLC** for Engineering Services Associated with the Design of Water Line Replacements in Antoine Forest Area and Imperial Valley Area Package II; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN and B - DAVIS**

30. Council Members Green and Davis tagged

ORDINANCE appropriating \$45,538,562.92 out of Houston Airport Improvement Fund and awarding construction contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Reconstruction of Taxiway NB at George Bush Intercontinental Airport/Houston (Project No. 647); 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 contingencies relating to construction of facilities financed by such funds – **DISTRICT B - DAVIS**

ORDINANCES - continued

31. ORDINANCES granting to the following listed as A through V, 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 and making certain findings related thereto - **FIRST READING**

- A. **Ordinance 2013-0821 - HERITAGE-CRYSTAL CLEAN, LLC**, an Indiana Limited Liability Company – Passed first reading
- B. **Ordinance 2013-0822 - LIQUID ENVIRONMENTAL SOLUTIONS OF TEXAS, LLC**, a Texas Limited Liability Company – Passed first reading
- C. **Ordinance 2013-0823 - INLAND ENVIRONMENTS LTD.**, a Texas Limited Liability Company – Passed first reading
- D. **Ordinance 2013-0824 - CONSOLIDATED WASTE LLC DBA LIQUID WASTE SOLUTIONS**, a Texas Limited Liability Company – Passed first reading
- E. **Ordinance 2013-0825 - TREE EXPERTS INC. DBA DEMOLITION EXPERTS**, A Texas Corporation – Passed first reading
- F. **Ordinance 2013-0826 - ANTONIO VALVERDE JR., DBA SOUTHERN DISCOUNT VACUUM SERVICE**, a Texas Sole Proprietorship – Passed first reading
- G. **Ordinance 2013-0827 - A. G. RADCLIFF DBA I.G.S. ENVIRONMENTAL**, a Texas Sole Proprietorship – Passed first reading
- H. **Ordinance 2013-0828 - PAMELA BUSSEY DBA 1ST CHOICE GREASE SERVICE**, a Texas Sole Proprietorship – Passed first reading
- I. **Ordinance 2013-0829 - CHIEF SOLUTIONS, INC.**, a Texas Corporation – Passed first reading
- J. **Ordinance 2013-0830 - HUFF & MITCHELL, INC.**, a Texas Corporation – Passed first reading
- K. **Ordinance 2013-0831 - POT-O-GOLD RENTALS, LLC**, a Louisiana Limited Liability Company – Passed first reading
- L. **Ordinance 2013-0832 - EZ WASTE INC.**, a Texas Corporation – Passed first reading
- M. **Ordinance 2013-0833 - SONJA BERTRAN DBA ANITA'S VACUUM SERVICE**, a Texas Sole Proprietorship – Passed first reading
- N. **Ordinance 2013-0834 - PORTLAND UTILITIES CONSTRUCTION COMPANY, LLC**, a Tennessee Limited Liability Company – Passed first reading
- O. **Ordinance 2013-0835 - TEXAS DISPOSAL SYSTEMS**, a Texas Corporation – Passed first reading
- P. **Ordinance 2013-0836 - CAMINO SERVICES, LLC**, a Texas Limited Liability Company – Passed first reading
- Q. **Ordinance 2013-0837 - WASTE MANAGEMENT OF TEXAS, INC.**, a Texas Corporation – Passed first reading
- R. **Ordinance 2013-0838 - SUPERIOR SEPTIC SERVICES, LLC**, a Texas Limited Liability Company – Passed first reading
- S. **Ordinance 2013-0839 - PROGRESSIVE ENVIRONMENTAL SERVICES, INC. D/B/A SWS ENVIRONMENTAL SERVICES**, a Texas Corporation – Passed first reading
- T. **Ordinance 2013-0840 - TEXAS GREASE ACQUISITIONS, LLC DBA A-AFFORDABLE VACUUM SERVICE**, a Texas Limited Liability Company – Passed first reading
- U. **Ordinance 2013-0841 - HOUSTON WASTE SOLUTIONS, LLC**, a Texas Limited Liability Company – Passed first reading
- V. **Ordinance 2013-0842 - EXCEL WASTE PARTNERS, LLC**, a Texas Limited Liability Company – Passed first reading

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA – NUMBER 32

32. Motion 2013-0645

SET A PUBLIC HEARING DATE on the proposal to take approximately 4,584 square feet of the Cullen Sculpture Garden for an underground vehicular and pedestrian crossing - **DISTRICT C - COHEN - SUGGESTED DATE, Wednesday 10/16/13 at 9:00 a.m. – Set date**

MATTERS HELD – NUMBER 33

33. Council Member Rodriguez tagged

ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2013-722 by adding one Deputy Chief position; adding three District Chief positions; adding four Senior Captain positions; adding one Assistant Arson Investigator position; and deleting four Captain positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance

TAGGED BY COUNCIL MEMBER HOANG

This was Item 15 on Agenda of September 11, 2013

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Bradford 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

9/17/2013 - All present

9/18/2013 - All present