

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 6, 2015 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2015-0677 to 2015-0694
ORDINANCES – 2015-0940 to 2015-0967
RESOLUTION – None

2015-0676-1

1:30 P. M. - PRESENTATIONS

2:00 P.M. - INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Laster

ROLL CALL AND 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 2015-0677 – Procedural motion
Motion 2015-0678 – Procedural motion
Motion 2015-0679 – Procedural motion
Motion 2015-0680 – Procedural motion
Motion 2015-0681 – Procedural motion
Motion 2015-0682

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 7, 2015 - 9:00 A. M.

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

HEARING - 9:00 A.M.

1. Motion 2015-0683 – Close hearing
PUBLIC HEARING relating to the Proposed 2015 Tax Rate of \$0.601120/\$100 of value

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 46

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2015-0684

CONFIRMATION of the appointment of **GUILLERMO LAMBARRI** to Position At-Large 1 of the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1, 2018

3. Council Members Laster, Green, Kubosh and Stardig tagged

RECOMMENDATION from the Mayor's Office of Cultural Affairs to adopt the Houston Arts and Cultural Plan

ACCEPT WORK - NUMBER 4

4. Council Members Green and Davis tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,768,700.04 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICE, L.P.** for Water Service Line Replacement - 9.77% under the original contract amount (WA 10983)

PROPERTY - NUMBER 5

5. Motion 2015-0685

RECOMMENDATION from Director General Services Department that City Council declare surplus the following properties:

Parcel SY16-001A	8000 Bretshire Dr., 77016	<u>DISTRICT B - DAVIS</u>
Parcel SY16-001B	8000 Bretshire Dr., 77016	<u>DISTRICT B - DAVIS</u>
Parcel H87-1	0 Hillsboro St. @ Freeport St. 77015	<u>DISTRICT E - MARTIN</u>
Parcel SY16-008	Caribbean Ln. @ Santa Monica Dr. 77089	<u>DISTRICT D - BOYKINS</u>

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 7

6. Ordinance 2015-0959

ORDINANCE appropriating \$249,976.00 out of Equipment Acquisition Consolidated Fund for Purchase of Two Booster Trucks for the Houston Fire Department

7. Motion 2015-0686

CHASTANG ENTERPRISES, INC d/b/a CHASTANG'S BAYOU CITY FORD for Two Fire Booster Trucks through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Houston Fire Department - \$249,976.00 - Equipment Acquisition Consolidated Fund

This item should only be considered after passage of Item 6 above

ORDINANCES - NUMBERS 8 through 46

Written motion by Council Member Bradford to amend Item 8 as follows:

~~“(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.~~

~~(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney; unless provided however, the permittee shall submit and the director may approve a route deviation as is a result of a road closure or construction on a route currently authorized for use by the permittee and its licensees.”~~

Council Members Davis, Laster, Martin and Stardig tagged

Written motion by Council Member Bradford to amend Item 8 as follows:

“(a) No licensee or permittee shall drive or operate or cause to be driven or operated any jitney that is more than ten years old. For purposes of this requirement, a jitney is considered to be ten years old on the 31st day of ~~May~~ December of the tenth year following the manufacturer's model year of the jitney, regardless of the date of its original purchase or the date it was first placed into service.

(b) A permittee or licensee may drive or cause to be driven a jitney beyond the age limitations prescribed in subsection (a) of this section provided:

(1) The licensee or permittee submits the jitney for inspection at a location authorized and identified by the director ~~prior to the expiration of the permit issued~~ authorizing the operation of the jitney; and

(2) The vehicle is determined to be in compliance with the provisions of Section 46-337 of this Code and any other conditions of operation prescribed by the director.”

Council Members Davis, Laster, Martin and Stardig tagged

ORDINANCES - continued

Written motion by Council Member Bradford to amend Item 8 as follows:

“Amend Section 46-513. Transportation network vehicles - Age and mechanical condition to read as follows:

Section 46-513. Transportation network vehicles – Age and mechanical condition.

In addition to the provisions of section 46-514 of this Code, no licensee or permittee shall drive or cause to be driven upon the streets of the city any transportation network vehicle that is more than seven years old ~~or has been driven more than 150,000 actual miles, whichever occurs first. Actual mileage shall be determined from the odometer and title records~~ except as otherwise provided in subsections (b) and (c). For purposes of this requirement, a transportation network vehicle will be considered to be seven years old on July 31st of the seventh year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

Section 46-513. Transportation network vehicles - Age and mechanical condition.

- (a) In addition to the provisions of section 46-514 of this Code, no licensee or permittee shall drive or cause to be driven upon the streets of the city any transportation network vehicle that is more than seven years old. For purposes of this requirement, a transportation network vehicle will be considered to be seven years old on July 31st of the seventh year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.
- (b) A licensee or permittee may drive or cause to be driven, a transportation network vehicle for an additional three-year period beyond the age limitations described in subsection (a), if the licensee or permittee submits the vehicle for a third party Automotive Service Excellence (ASE) certified general conditions inspection each year at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the transportation network vehicle.
- (c) If the vehicle passes the inspection, the director is authorized to issue a certification decal for the vehicle. The transportation network vehicle is subject to the other provisions of Chapter 46 of this Code.

Council Members Davis, Laster, Martin and Stardig tagged

ORDINANCES - continued

Written motion by Council Member Martin to amend Item 8 as follows:

“Written motion by Council Member Martin deleting the 30 day provisional licensing provisions:
Sec. 46-7. Criminal history check.

- (a) Upon initial application for a license and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each designated as a driver in an application for a license to be researched. Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.
- (b) ~~An applicant who has met the other requirements of this chapter may be provisionally authorized to drive for a permittee if the permittee has caused the criminal history of the applicant to be researched by a company approved by the director, and such search discloses that the applicant has no convictions of any applicable offense listed in section 1-10 of this Code. Such a search shall include a national criminal history database and a national sex offender database. Drivers provisionally authorized pursuant to this subsection shall be required to comply with the requirements of section 46-6 (c) within 30 days of being provisionally authorized by the permittee.”~~

Council Members Davis, Laster, Martin and Stardig tagged

8. Council Members Davis, Laster, Martin and Stardig tagged

ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to regulation of Vehicles for Hire; modifying licensee appearance requirements; amending regulations that pertain to physician’s certificates of medical examination; modifying permit installment payment due dates; amending Transportation Network Company Insurance requirements; declaring certain conduct unlawful and providing penalties therefore

9. Council Members Davis and Stardig tagged

ORDINANCE adding a new **ARTICLE X TO CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to provision of Vehicle for Hire Service to Persons with Disabilities, especially those requiring wheelchairs

Written motion by Council Member Boykins to amend Item 10 as follows:

“An ordinance relating to the issuance of taxicab permits and substitute it with the attached language. This amendment will create a program to encourage the growth of small businesses and will allocate 25 permits, distributed in five (5) lots of five (5) permits, to small taxicab companies.”

Council Members Laster and Davis tagged

10. Council Members Laster and Davis tagged

ORDINANCE relating to the issuance of taxicab permits; addressing the allocation method for 205 permits originally intended to be distributed in 2014-2015; delaying the distribution of 180 permits until 2017; distributing 25 permits pursuant to the taxicab permit issuance process

ORDINANCES - continued

11. Ordinance 2015-0960

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Chenevert Street, from Capitol Avenue to Texas Avenue, located within the South Side Buffalo Bayou Addition, out of the J.S. Holman Survey, A-323, Houston, Texas; vacating and abandoning said parcel to City of Houston, the abutting owner - **DISTRICT I - GALLEGOS**

12. Ordinance 2015-0940

ORDINANCE approving submission of grant application to **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for the City's Women, Infant and Children Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Health and Human Services Department to act as the City's representative in the application process; authorizing the Director to accept the grant and expend the grant funds, as awarded, and to apply for and accept any subsequent awards, if any, pertaining to the grant

13. Ordinance 2015-0961

ORDINANCE approving and authorizing contract between the City of Houston and **DEPARTMENT OF STATE HEALTH SERVICES** for Regional and Local Services System / Local Public Health Services (RLSS/LPHS) Grant (DSHS Contract No. 2016-001186-00)

14. Ordinance 2015-0941

ORDINANCE appropriating \$6,900,000.00 out of Airport Improvement Fund; approving and authorizing Purchase and Sale Agreement to acquire an Aerospace Engineering Facility and Land adjacent to Ellington Airport from **FIRST BOSTON/TEXAS, L.P.** and **BOEING BLDG/TEXAS, L.P.** - **DISTRICT E - MARTIN**

15. Council Member Kubosh tagged

ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** - **DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**

16. Council Member Kubosh tagged

ORDINANCE related to **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** approving the sixth amended Project Plan and Reinvestment Zone Financing Plan for the Zone; authorizing the City Secretary to distribute such plans; extending the duration of the Zone to December 31, 2040 - **DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS**

This item should only be considered after passage of Item 15 above

17. Council Member Kubosh tagged

ORDINANCE approving the issuance of bonds by **MIDTOWN REDEVELOPMENT AUTHORITY**

DISTRICTS C - COHEN; D - BOYKINS and I - GALLEGOS

This item should only be considered after passage of Items 15 and 16 above

18. Ordinance 2015-0942

E enlarging boundaries of **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)** - **DISTRICT K - GREEN**

19. Ordinance 2015-0943

An ORDINANCE approving second amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)**; authorizing the City Secretary to distribute such plans; extending duration of Zone to December 31, 2045 - **DISTRICT K - GREEN**

This item should only be considered after passage of Item 18 above

ORDINANCES - continued

20. Not Received - Not Considered

ORDINANCE approving first amendment to agreement for Professional Services, Contract No. C56949, between the City of Houston and **CLARENCE A. WEST**, Attorney At Law; providing a maximum contract amount - \$80,000.00 - General Fund

21. Council Member Laster tagged

ORDINANCE appropriating \$3,000,000.00 out of Dangerous Building Consolidated Fund for demolition of dangerous buildings

22. Pulled-Not Considered

ORDINANCE appropriating \$118,000.00 out of Health Special Revenue Fund as an additional appropriation for Contract No. 4600011886 with **GRANICUS INC, Formally known as AMERICAN CADASTRE, LLC** for Vital Statistics Imaging and Retrieval Information System (Approved by Ordinance No. 2013-410) for Houston Health Department

23. Pulled-Not Considered

ORDINANCE approving and authorizing amendment to contract between the City of Houston and **T2 SYSTEMS CANADA INC** (Contract No. 4600011446, originally approved by Ordinance No. 2012-0096) for Parking Products and Associated Software, Licenses, Installation, and Maintenance Services for Administrative and Regulatory Affairs Department; appropriating \$160,990.00 out of Parking Management Operating Fund (Fund 8700) as an additional appropriation for Contract No. 4600011446; appropriating \$2,000,000.00 out of Fund 1850 (reimbursable) as an additional appropriation for Contract No. 4600011446

24. Ordinance 2015-0962

ORDINANCE appropriating \$2,690,000.00 out of Fire Consolidated Construction Fund and \$1,154,230.00 out of Police Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovations for the Houston Fire Department Fire Stations and HVAC Equipment Replacement at the Houston Police Department Training Academy during FY2016 - **DISTRICTS B - DAVIS; C - COHEN; G - PENNINGTON and J - LASTER**

25. Ordinance 2015-0963

ORDINANCE appropriating \$427,831.00 out of Reimbursements of Equipment/Projects Fund and \$15,000.00 out of Parks Consolidated Construction Fund to Task Order Contracting Program for FY2015 Council District Service Budget Projects for Houston Parks and Recreation Department - **DISTRICTS B - DAVIS; C - COHEN; E - MARTIN; G - PENNINGTON; H - GONZALEZ; I - GALLEGOS and J - LASTER**

26. Ordinance 2015-0944

ORDINANCE appropriating \$240,000.00 out of Police Consolidated Construction Fund for Facility Paving Improvements for Houston Police Department - **DISTRICTS A - STARDIG and B - DAVIS**

27. Ordinance 2015-0945

ORDINANCE appropriating \$1,000,000.00 out of Parks Consolidated Construction Fund and \$147,163.45 out of Parks and Recreation Dedication Fund and \$218,000.00 out of Parks Special Fund; awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Hermann Park Japanese Garden; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering testing services and contingencies relating to construction of facilities financed by Parks and Recreation Dedication Fund - **DISTRICT D - BOYKINS**

ORDINANCES - continued

28. Ordinance 2015-0964

ORDINANCE approving and authorizing a development agreement between City of Houston and **MADISON/FOLEY, LLC** for Harris County Municipal Utility District No. 525 - **DISTRICT E - MARTIN**

29. Ordinance 2015-0946

ORDINANCE appropriating \$5,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and \$15,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** to fund the City of Houston Flood Plain Permit Fees for Westerland, Windfern, Hollister and Calhoun Bridges - **DISTRICTS A - STARDIG; D - BOYKINS and F - NGUYEN**

30. Ordinance 2015-0947

ORDINANCE approving and authorizing agreement for consent to partial assignment of rights to Groundwater Reduction Plan Agreement between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 231** - **DISTRICTS B - DAVIS and ETJ**

31. Ordinance 2015-0948

ORDINANCE approving and authorizing settlement agreement, mutual release of claims, and amendment to Sanitary Sewer Service Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** (Approved by Ordinance No. 2004-0309)

32. Ordinance 2015-0949

ORDINANCE approving and authorizing first amendment to contract for construction of and receipt of services in the City of Houston's Intercontinental Airport Regional Wastewater Treatment Plant between the City of Houston and **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1** and **INTERCONTINENTAL CROSSING MUNICIPAL UTILITY DISTRICT** (Approved by Ordinance No. 1986-1824) - **DISTRICT B - DAVIS**

33. Ordinance 2015-0950

ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **GENERATION PARK MANAGEMENT DISTRICT** - **DISTRICTS B - DAVIS and ETJ**

34. Ordinance 2015-0965

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 Clinton Drive Reconstruction Project (from Port of Houston Gate 8 to IH-610); authorizing the acquisition of fee simple title interest in or easement to seventeen parcels of land required for the project and situated in the John Brown Survey, A-8, in Harris County, Texas, said parcels of land being out of property located along the northerly and southerly lines of Clinton Road in Houston, Harris County, Texas, by gift, dedication, purchase and 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 seventeen parcels of land required for the project - **DISTRICTS B - DAVIS; H - GONZALEZ and I - GALLEGOS**

35. Ordinance 2015-0951

ORDINANCE consenting to addition of 35.096 acres of land into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130** for inclusion in its district

ORDINANCES - continued

36. Ordinance 2015-0952

ORDINANCE consenting to addition of 17.59 acres of land into **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** for inclusion in its district

37. Pulled-Not Considered

ORDINANCE appropriating \$143,623.00 out of Metro Projects Construction DDSRF as additional appropriation to construction contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for T.C. Jester Reconstruction from Washington Avenue to IH-10 (Approved by Ordinance No. 2014-0620); and as additional funding for CIP Cost Recovery relating to construction of facilities financed by Metro Projects Construction DDSRF - **DISTRICT C - COHEN**

38. Ordinance 2015-0953

ORDINANCE appropriating \$585,000.00 out of Metro Projects Construction DDSRF awarding contract to **ISI CONTRACTING, INC** for Work Order Bridge Rehabilitation/Replacement Citywide 2016; setting a deadline for bidder's execution of 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 deadlines; providing funding for engineering and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by Metro Projects Construction DDSRF

39. Ordinance 2015-0954

ORDINANCE appropriating \$7,601,376.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining, Pipe Bursting and Cured-In-Place Pipe 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 deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

40. Ordinance 2015-0955

ORDINANCE appropriating \$6,132,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING LTD** for Neighborhood Sewer Systems Improvements - Sunset Blvd., University Blvd. and Westheimer 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 deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - COHEN and G - PENNINGTON**

ORDINANCES - continued

41. Ordinance 2015-0956

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 24** and **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in **FORT BEND AND MONTGOMERY COUNTIES**; a proposed strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** and on a proposal to annex for limited purposes territory located within and in the vicinity of such district in **FORT BEND COUNTY**; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133, SPRING CREEK UTILITY DISTRICT, and WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Fort Bend, Montgomery, and Harris Counties; proposed amendments to strategic partnership agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO 142** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** and on proposals for The City of Houston to annex for limited purposes territory within and in the vicinity of such districts in **FORT BEND AND HARRIS COUNTIES**; proposals of the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings - **DISTRICTS A - STARDIG; B - DAVIS; E - MARTIN; F - NGUYEN and K - GREEN**

42. Ordinance 2015-0966 – Passed first reading

ORDINANCE granting to **HOUSTON DUMPSTERS INC, A Georgia 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**

43. Ordinance 2015-0957 – Passed first reading

ORDINANCE granting to **ICM MARTINEZ INTERPRISES, INC, dba BIN THERE DUMP THAT – HUMBLE, 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**

44. Ordinance 2015-0958 – Passed first reading

ORDINANCE granting to **KORDIE ENTERPRISES, INC dba BIN THERE DUMP THAT, 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**

45. Ordinance 2015-0919 – Passed second reading

ORDINANCE No. 2015-919, passed first reading September 30, 2015
ORDINANCE granting to **ROBERT H. MILLER, JR., dba MILLER & SONS DUMPSTER SERVICE, A Texas Sole Proprietorship**, 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

46. Ordinance 2015-0920 – Passed second reading

ORDINANCE No. 2015-920, passed first reading September 30, 2015

ORDINANCE granting to **SYNAGRO OF TEXAS-CDR, 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**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 47 through 49

MISCELLANEOUS

47. Motion 2015-0687

SET A PUBLIC HEARING DATE relating to the sixth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE) - DISTRICTS C - COHEN and H - GONZALEZ**
SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015

48. Motion 2015-0688

SET A PUBLIC HEARING DATE relating to the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE) - DISTRICTS C - COHEN and G - PENNINGTON**
SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015

49. Motion 2015-0689

SET A PUBLIC HEARING DATE relating to the third amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST ZONE) - DISTRICTS F - NGUYEN and J - LASTER**
SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 21, 2015

MATTERS HELD - NUMBERS 50 through 54

50. Motion 2015-0690 – Adopt

RECOMMENDATION from Director Parks & Recreation Department to adopt the Houston Parks & Recreation Department Parks Master Plan Phase II
TAGGED BY COUNCIL MEMBERS GREEN and LASTER
This was Item 7 on Agenda of September 30, 2015

Motion 2015-0691 – Adopted

Motion by Council Member Pennington/seconded by Council Member Stardig to amend Item 51(a) to provide for the Mayor to appoint a citizen representative and not an owner of a historic structure”

MATTERS HELD – continued

51. Motion 2015-0691 – Adopt as amended

WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:

"Sec. 33-253. Appeal.

(a) The Historic Preservation Appeals Board ("HPAB") is hereby created. The HPAB shall consist of 5 members and shall consist of two former members of the planning commission, two former members of the HAHC, and one citizen representative that has not served on either commission and who owns a historic landmark or contributing structure in a designated historic district designated pursuant to this division. Each member shall have extraordinary knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city. Members of the HPAB shall be appointed by the mayor, subject to confirmation by the city council. Each member shall serve for a term of two years and shall hold over until the member's successor is appointed. A member may be appointed to serve consecutive terms. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HPAB. Three members of the HPAB shall constitute a quorum; however, in the event of vacancies on the HPAB, a majority of the members of the HPAB shall constitute a quorum. The HPAB shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the HPAB and the mayor's office. The HPAB shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC.

(b) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the HPAB by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate of appropriateness by the HAHC as provided for in section 33-247(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the HPAB of the receipt of a notice of appeal and shall schedule a meeting of the HPAB to consider the appeal.

(c) The HPAB shall consider the appeal within 45 days after a notice of appeal is filed with the director. The HPAB shall consider the application, the findings of the HAHC, written comments from the public, and any evidence presented at the meeting at which the appeal is considered. The HPAB shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. If the HPAB does not make a decision on the appeal within 45 days after a notice of appeal is filed with the director, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.

(e) An applicant aggrieved by a decision of the HPAB may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the HPAB. The decision of the city council shall be final and exhaust the applicant's administrative remedies."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

MATTERS HELD – continued

52. Motion 2015-0692 – Substitute motion to replace Item 52 – “FAILED**”**

WRITTEN Motion by Council Member Gallegos that Item 53 below be amended to read as follows:

"Sec. 33-222.1

"(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director shall determine if response forms were returned for more than 50 percent of the tracts within the proposed district and also whether 67 percent of tracts for which response forms were returned indicate support the designation of the district in accordance with the following rules:

(1) If a tract of land is owned by more than one person, only the signature of one owner is required for determining public support by returned response forms in accordance with this section; and

(2) Tracts of publicly owned land, utility easements, and streets that are included within the boundaries of the proposed district shall not be counted toward determining support for or against the designation of an historic district.

(g) If the director is able to make the determination required by subsection (f) of this section, the application will be considered final and the boundaries of the proposed district shall be the boundaries of the proposed historic district. If the director is not able to make this determination, then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries of one or more historic districts containing one or more non-contiguous areas in which response forms were returned from owners of at least 50 percent of the tracts within the proposed district, and where response forms for owners representing 67 percent of the tracts for which response forms were returned indicated support for designation of a proposed historic district. If the director modifies the boundaries, the application shall be considered final, the boundaries of the reduced proposed district shall be the boundaries of the proposed historic districts, and any property excluded from the proposed district shall be ineligible for inclusion within a historic district for a period of one year from the date the director modifies the boundaries of the proposed district pursuant to this item; or

(2) Determine that the application fails and that no further action will be taken by the HAHC. If an application fails pursuant to this section, the director shall mail notice to the owners of all property within the proposed historic district that the application has failed and that no further action will be taken. Any property within the proposed district is ineligible for inclusion within a historic district for a period of one year from the date of the determination pursuant to this section."

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

Motion 2015-0693 – Suspend rules to hear from Mr. Patrick Walsh, Director of Planning and Development

53. Ordinance 2015-0967

ORDINANCE AMENDING CHAPTERS 10, 33, AND 44 OF THE CODE OF ORDINANCES relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability

TAGGED BY COUNCIL MEMBERS KUBOSH, LASTER, STARDIG and BRADFORD

This was Item 16 on Agenda of September 30, 2015

MATTERS HELD – continued

54. Motion 2015-0694 – Close nominations

MOTION to receive nominations for Position I on the **PUBLIC SAFETY ADVISORY COMMITTEE**, for a three-year staggered term ending July 1, 2018
DELAYED BY MOTION #2015-675, 9/30/2015

This was a portion of Item 57 on Agenda of September 30, 2015
Council Member Gallegos nominated Dr. Max Miller

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Pennington 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

**10/6/2015 - Mayor Parker out of the City on City business
Mayor Pro-tem Gonzalez presiding**
10/7/2015 - All present