

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 27, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2004-0418 to 2004-0457
ORDINANCES – 2004-0343 to 2004-0383
RESOLUTIONS – 2004-0008 to 2004-0009

2004-0417-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Edwards

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

Motions 2004-0418 to 2004-0428 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 28, 2004 - 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 2004-0429 – Continue hearing to 9 am on May 5, 2004

City Council will conduct a review hearing under Section 370.002 of the Texas Local Government Code regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be abolished, continued or modified. Copies of the Curfew Ordinance, applicable State Law and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary

To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the hearing. Alternatively written comments may be submitted to the Office of the City Secretary.

a. Pulled-Not Considered

ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing finding and other provisions relating to the foregoing subject; providing for severability

MAYOR'S REPORT

AGENDA - APRIL 28, 2004 - PAGE 2
CONSENT AGENDA NUMBERS 2 through 53

MISCELLANEOUS - NUMBERS 2 through 6

2. Motion 2004-0430

REQUEST from Mayor for confirmation of the appointment of the following to the **CITY OF HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS**, for terms to expire three years from the date of appointment:

Position One - **MS. KAREN BECERRA**

Position Thirteen- **MS. MEERA KAPUR**

3. Motion 2004-0431

RECOMMENDATION from Acting Director Department of Public Health to confirm appointment of **DAVID E. PERSSE, M.D.** as Health Authority for the City of Houston

4. Motion 2004-0432

RECOMMENDATION from City Attorney for additional funding for Election Services provided by Fort Bend County in connection with November 2003 General Election and December 2003 Runoff Election - \$26,715.65 - General Fund

5. Motion 2004-0433

RECOMMENDATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports as required for FAA FAR 139 Airport certification - \$39,175.00 - Enterprise Fund

6. Motion 2004-0434

RECOMMENDATION from Director Human Resources to approve an twelfth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency

ACCEPT WORK - NUMBERS 7 through 13

7. Motion 2004-0435

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,172,457.99 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Frostwood East Drainage Improvements, GFS M-1001-02-3 (SM5008-01) - 06.06% under the original contract amount - **DISTRICT G - HOLM**

8. Council Member Goldberg tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,870,741.53 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Neighborhood Street Reconstruction No. 440, GFS N-0373-01-3 (N-0373-01) - 11.13% under the original contract amount - **DISTRICT C - GOLDBERG**

9. Motion 2004-0436

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,213,444.84 and acceptance of work on contract with **PM CONSTRUCTION AND REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-10-3 (4257-26) - 0.14% over the original contract amount **DISTRICTS B - GALLOWAY; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

ACCEPT WORK - continued

10. Motion 2004-0437

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,473,612.53 and acceptance of work of **FIDELITY AND GUARANTY INSURANCE UNDERWRITERS, INC** on contract awarded to **PATE & PATE ENTERPRISES, INC** for Sludge Force Main Enlargement from WCID #47 to Howard Drive Lift Station, GFS R-0523-02-3 (4718-2) - 18.43% under the original contract amount - **DISTRICT E - WISEMAN**

11. Motion 2004-0438

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,662,496.01 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Neighborhood Sewer Rehabilitation in Sims Bayou Service Area, Package II; GFS R-2011-26-3 (4764-2) - 17.78% under the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO**

12. Motion 2004-0439

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,092,931.32 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant III Administration Building Renovations, GFS S-0056-Y8-3 (10536-4) - 10.91% over the original contract amount

13. Motion 2004-0443

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,110,726.27 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 54-inch Water Main along Westview from Moritz to Campbell, Contract 47A-2, GFS S-0900-45-3 (WA10601) - 09.00% under the original contract amount - **DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 16

14. Motion 2004-0440

DUPONT QUALICON for One Pathogen Detection System for Health & Human Services Department - \$40,814.00 - Grant Fund

15. Motion 2004-0441

AAR INCORPORATED for Asbestos Abatement, Demolition and Site Clean-Up Services for Planning & Development Department - \$35,000.00 and contingencies for a total amount not to exceed \$36,750.00 - Dangerous Building Consolidated Fund

16. Motion 2004-0442

AMEND MOTION #2000-700, 5/31/00, as amended by #2003-373, 4/16/03, TO EXTEND expiration date from June 15, 2004 to June 14, 2005, for Wire Rope and Fittings for Public Works & Engineering and Solid Waste Management Departments, awarded to **SOUTHWEST WIRE ROPE, INC**

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 53

17. Resolution 2004-0008

RESOLUTION designating certain property located at 407 Heights Boulevard (Samuel H. Webber House) in the City of Houston as a historic landmark - **DISTRICT H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2004-0343

ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a lease agreement between the **BROWN FOUNDATION, INC**, as landlord, and the City of Houston, Texas, as tenant, for land out of Humble Road Gardens Addition, Houston, Harris County, Texas for use as the Site of the Patrick Milton Park - **DISTRICT H - GARCIA**

19. Ordinance 2004-0344

ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a lease agreement between the **BROWN FOUNDATION, INC**, as landlord, and the City of Houston, Texas, as tenant, for land out of Block 87, W. R. Baker Addition, South Side of Buffalo Bayou, Houston, Harris County, Texas for use as the Site of the James M. Wiley Park **DISTRICT I - ALVARADO**

20. Ordinance 2004-0368

ORDINANCE supplementing City of Houston Ordinance No. 2004-299 authorizing issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series A, in an aggregate principal amount not to exceed \$900,000,000; 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 Commercial Paper 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 Commercial Paper Notes, including the approval of an Issuing and Paying Agency Agreement, Revolving Credit Agreement and Dealer Agreement; approving the use of an Offering Memorandum in connection with said sale; making other provisions regarding such Commercial Paper Notes and matters incident thereto; authorizing a Co-Bond Counsel Agreement; and declaring an emergency

21. Ordinance 2004-0369

ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2004 pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2004 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof; containing findings and other provisions relating to the foregoing subject; providing for severability

22. Ordinance 2004-0345

ORDINANCE approving and authorizing contract between the City and **THE INSTITUTE FOR REHABILITATION AND RESEARCH FOUNDATION** for Aquatic Services for the Elderly; providing a maximum contract amount - Through September 30, 2004 with 3 one year renewal terms - \$400,050.00 - Grant Fund

23. Ordinance 2004-0346

ORDINANCE approving and authorizing contract between the City of Houston and **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION**, to provide \$43,000.00 in Community Development Block Grant Funds to facilitate the selection, design and placement of an Art Project at the Acres Homes Multi-Service Center located at 6119 West Montgomery Road **DISTRICT B - GALLOWAY**

24. Ordinance 2004-0347

ORDINANCE approving and authorizing fifth amendment to contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY** to extend the term and provide up to an additional \$121,000.00 of Community Development Block Grant Funds for the Operation of a Homeless Services Database and provision of other homeless related information services, which amount includes a limitation on additional funding in the amount of \$101,942.00

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2004-0348

ORDINANCE establishing the north and south sides of the 2500 block of White Oak Drive and the north side of the 1000 block of Usener Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **DISTRICT H - GARCIA**

26. Ordinance 2004-0349

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 404**

27. Ordinance 2004-0350

ORDINANCE consenting to the addition of 58.56 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 355**; for inclusion in its district - **DISTRICT G - HOLM**

28. Ordinance 2004-0351

ORDINANCE consenting to the addition of 10.202 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 355**; for inclusion in its district - **DISTRICT G - HOLM**

29. Ordinance 2004-0352

ORDINANCE approving and authorizing second amendment to the Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 355** - **DISTRICT G - HOLM**

30. Ordinance 2004-0353

Ordinance calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT**, in Harris County and Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

31. Ordinance 2004-0354

ORDINANCE making certain findings and approving the permanent use by the Harris County Flood Control District of 111.8969 acres of land out of Keith-Wiess Park for Flood Control and Mitigation purposes and approving the permanent use of two parcels of land totaling 4.3357 acres out of Keith-Wiess Park for temporary construction access, converting to permanent park access and parking facilities; said findings made after a public hearing held at 9:00 a.m. on Wednesday, February 18, 2004, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto - **DISTRICT B - GALLOWAY**

32. Ordinance 2004-0370

ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and voting precincts for the City of Houston Special Election to be held on May 15, 2004; prescribing the maximum number of election clerks for each voting precinct

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2004-0371

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON AUTO AUCTION, INC** for Auctioneering Services on Surplus Vehicles for the Finance & Administration Department (as approved by Ordinance No. 99-770) - Revenue

34. Ordinance 2004-0355

ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Click-It or Ticket Selective Traffic Enforcement Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

35. Ordinance 2004-0356

ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Impaired Driving Mobilization Selective Traffic Enforcement Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

36. Ordinance 2004-0357

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY ("ATPA")** for the Major Accessory Shop Enforcement/13 Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

37. Council Member Quan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **FRANKLIN & WILSON AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY**

38. Council Member Quan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY**

39. Council Member Quan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **CBR INCORPORATED** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY**

40. Ordinance 2004-0358

ORDINANCE approving and authorizing lease agreement between the City of Houston and **CENTRAL HELICOPTER SERVICE, INC** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

Motion 2004-0444 – Suspend rules to hear from Mr. Eric Potts relative it Item 41

41. Ordinance 2004-0372

ORDINANCE appropriating \$335,500.00 out of Airport System 2000 AMT Consolidated Construction Fund; authorizing the purchase of certain tracts of land and improvements thereon out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-28.1; approving purchase and sale agreements with the owners of the land (Thomas Lee Allen; Sherry Bienek; and Ronald Martin Camp and Larita Ann Camp) - **DISTRICT B - GALLOWAY**

42. Council Members Quan and Khan tagged

ORDINANCE appropriating \$10,300,000.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund as an additional appropriation for professional services contract between the City of Houston and **PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC** for professional architectural, engineering, construction management and program management services in connection with the International Services Expansion Program at George Bush Intercontinental Airport/Houston (IAH) (Project No. 500A); CIP A-0203 and A-0422; originally approved and authorized under City of Houston Ordinance No. 99-1267 as amended by City of Houston Ordinance No. 2000-1063 - \$1,100,000.00 - Airports Improvement Fund

43. Ordinance 2004-0359

ORDINANCE approving and authorizing pipeline easement agreement allowing **NEW CENTURY EXPLORATION, INC**, to construct, maintain and operate a natural gas pipeline within City of Houston property across, along, under and upon that certain 154.4 tract of land, situated in the Talcott Patching Survey, Abstract No. 619, Harris County, Texas

44. Ordinance 2004-0360

ORDINANCE appropriating \$257,395.88 out of Police Consolidated Construction Fund as an additional appropriation for professional engineering consulting services, CIP G-0071-05-2; under professional engineering consulting services contract with **J. F. THOMPSON, INC** for Tropical Storm Allison Flood Damage Repairs and Mitigation 61 and 62 Riesner Street (approved by Ordinance No. 03-0638); providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT H - GARCIA**

45. Ordinance 2004-0361

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **CLEAR CREEK INDEPENDENT SCHOOL DISTRICT** for Improvements along El Dorado Boulevard, CIP M-0712-01-2 (SB9170-01) - **DISTRICT E - WISEMAN**

46. Ordinance 2004-0362

ORDINANCE appropriating \$394,271.41 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing two Utility Funding Agreements between **HARRIS COUNTY** and the City of Houston for construction of Underground Utilities for Phase 1A and Phase 1B of the Orem Drive Project (approved by Ordinance No. 92-1120), CIP S-0521-12-3, S-0521-14-3 and R-0521-12-3 (SB9145-01 and SB9145-02); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**

47. Ordinance 2004-0363

ORDINANCE approving and authorizing a Sanitary Sewer Service contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 182**

RESOLUTIONS AND ORDINANCES - continued

48. Ordinance 2004-0364

ORDINANCE appropriating \$109,786.00 out of Water & Sewer System Consolidated Construction Fund and \$189,556.00 out of the Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **K B HOME LONE STAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Sky View Subdivision, CIP S-0800-D3-03 and R-0800-D3-03 - **DISTRICT D - EDWARDS**

49. Council Member Lawrence tagged

ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Dominion Estates Subdivision; approving and authorizing an assignment of the construction contract to **DOMINION COMMUNITY DEVELOPMENT CORPORATION**, CIP S-0800-81-03 and R-0800-81-03 (DPC-34) - **DISTRICT A - LAWRENCE**

50. Ordinance 2004-0365

ORDINANCE appropriating \$51,498.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing professional construction management and Inspection Services Contract between the City and **TSC ENGINEERING COMPANY**, CIP N-0644G-01-3 (SB9009-02) **DISTRICT E - WISEMAN**

51. Ordinance 2004-0366

ORDINANCE appropriating \$55,629.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services under contract with **BOVAY ENGINEERS, INC**, CIP N-0618-01-2 (SB9084), (approved by Ordinance No. 02-0254); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS**

52. Ordinance 2004-0373

ORDINANCE appropriating \$3,425,750.00 out of Storm Sewer Consolidated Construction Fund and \$10,277,250.00 from Series E Commercial Paper Metro Projects Fund, awarding contract to **OSCAR RENDA CONTRACTING, INC** for North MacGregor Storm Sewer Relief Project between Brays Bayou and Fannin Street, GFS M-0260-04-3 (SM5043-04); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund and from Series E Commercial Paper Metro Projects Fund - **DISTRICT D - EDWARDS**

53. Ordinance 2004-0367

ORDINANCE appropriating \$994,524.98 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive, GFS N-0644G-01-3 (SB9009-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - **DISTRICT E - WISEMAN**

NOTE: This Item is posted as an alternate for Item 55 listed under Matters Held

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 54

PROPERTY

54. Motion 2004-0445

RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2004-95, 1/28/04**, which authorized abandonment and sale of Cedar Post Lane from Blalock Drive to its dead end at the Harris County Flood District drainage easement, in exchange for the conveyance to the City of a full-width utility easement, all located within Blalock Woods Apartments Replat No. 1 and Cedar Post Lane, Parcels SY4-003 and VY4-005, **TO APPOINT** one replacement independent real estate appraiser for said parcels – **(Michael Brubaker, Appointed) - APPRAISER - DISTRICT A - LAWRENCE**

MATTERS HELD - NUMBERS 55 through 73

55. Motion 2004-0446 – Refer back to the Administration

NOTE: The following item may be moot upon passage of Item 53

ORDINANCE appropriating \$964,524.98 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive, GFS N-0644G-01-3 (SB9009-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - **DISTRICT E - WISEMAN**

POSTPONED BY MOTION #2004-386, 4/14/04

This was Item 44 on Agenda of April 14, 2004

56. Motion 2004-0447 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,023,531.81 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 54-inch Water Main along Victory, West Little York, Langfield, and West Tidwell from Antoine to Hollister - Contract 54B-1, GFS S-0900-61-3 (WA10634) - 03.79% over the original contract amount - **DISTRICT A - LAWRENCE**

POSTPONED BY MOTION #2004-384, 4/14/04

This was Item 37 on Agenda of April 14, 2004

57. Motion 2004-0448 – Adopt

MOTION by Council Member Green/Seconded by Council Member Sekula-Gibbs to adopt recommendation from City Attorney for settlement of lawsuit styled **WILLIAM G. STANLEY vs. City of Houston, et al.**; in the 295th Judicial District Court of Harris County, Texas; Cause No. 2003-16068 - \$45,000.00 - Property and Casualty Fund

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 6 on Agenda of April 21, 2004

58. Motion 2004-0449 – Postpone one (1) week

ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public Works & Engineering Department - **DISTRICT C - GOLDBERG**

a. Motion 2004-0449 – Postpone one (1) week

INSITUFORM TECHNOLOGIES, INC for Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public Works & Engineering Department

TAGGED BY COUNCIL MEMBER GALLOWAY

These were Items 9 and 9A on Agenda of April 21, 2004

MATTERS HELD – continued

59. Ordinance 2004-0374

ORDINANCE appropriating \$1,050,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 66-inch Sanitary Sewer Line at 655 Maxey Road for the Public Works & Engineering Department **DISTRICT I - ALVARADO**

a. **Motion 2004-0450**

INSITUFORM TECHNOLOGIES, INC for Emergency Repair of the 66-inch Sanitary Sewer Line at 655 Maxey Road for the Public Works & Engineering Department
TAGGED BY COUNCIL MEMBER GALLOWAY
These were Items 10 and 10A on Agenda of April 21, 2004

60. Ordinance 2004-0375

ORDINANCE appropriating \$950,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 48-inch Sanitary Sewer Line at N. Braeswood and Loop 610 for the Public Works & Engineering Department - **DISTRICT C - GOLDBERG**
TAGGED BY COUNCIL MEMBERS GALLOWAY and GOLDBERG

a. **Motion 2004-0451**

INSITUFORM TECHNOLOGIES, INC for Emergency Repair of the 48-inch Sanitary Sewer Line at N. Braeswood and Loop 610 for the Public Works & Engineering Department
TAGGED BY COUNCIL MEMBER GALLOWAY
These were Items 11 and 11A on Agenda of April 21, 2004

61. Motion 2004-0452

DECLARE **L & N UNIFORM SUPPLY CO.** in default and hold them non-responsible for one year due to failure to deliver complete shipments on award for Apparel Uniforms for Various Departments - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 13 on Agenda of April 21, 2004

62. Resolution 2004-0009

RESOLUTION relating to the Development of a Plan to end Homelessness
TAGGED BY COUNCIL MEMBER WISEMAN
This was Item 14 on Agenda of April 21, 2004

Motion 2004-0453 – Postpone Item 63 to the end of the Agenda

63. Ordinance 2004-0383

ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to flood prone areas - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 15 on Agenda of April 21, 2004

MATTERS HELD – continued

64. Ordinance 2004-0376

ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2004A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices and terms of such bonds, the bonds to be refunded thereby and certain other matters related thereto; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding bonds, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the bonds to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement; a Co-Bond Counsel Agreement and Special Disclosure Co-counsel Agreement; and declaring an emergency

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 16 on Agenda of April 21, 2004

65. Ordinance 2004-0377

ORDINANCE changing the name of Old Westheimer Road to West Houston Center Boulevard between Westheimer Road and Alief Clodine Road - **DISTRICT G - HOLM**

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 25 on Agenda of April 21, 2004

Motion 2004-0454 – Suspend rules to hear from Mr. Calvin Wells on Item 67

66. Ordinance 2004-0378

ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, PC** for Legal Services related to Centerpoint Energy's 2004 Stranded Costs True-up to be considered by the Public Utility Commission of Texas and other matters relating to the Electric Utility Rates of Centerpoint - \$1,500,000.00 Maximum contract - General Fund - **TAGGED BY COUNCIL MEMBERS ELLIS and WISEMAN**

This was Item 27 on Agenda of April 21, 2004

67. Ordinance 2004-0379

ORDINANCE amending Ordinance No. 99-521 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **CENTRAL LANDSCAPE MAINTENANCE** for Grounds Maintenance Services for the Health & Human Services Department - \$147,679.69 - General Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO**

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 28 on Agenda of April 21, 2004

68. Ordinance 2004-0380

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **J E SPECIALTIES, INC dba J & E ASSOCIATES** for Cleaning & Janitorial Services for the Health & Human Services Department (as approved by Ordinance No. 00-49) - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO**

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 29 on Agenda of April 21, 2004

MATTERS HELD – continued

69. Ordinance 2004-0381

ORDINANCE approving and authorizing contract between the City and **NOVUS WOOD GROUP, L.P.** for Residential Wood Waste Recycling; providing a maximum contract amount - 1 Year with four one-year renewals - \$250,000.00 - General Fund

TAGGED BY COUNCIL MEMBERS QUAN and SEKULA-GIBBS

This was Item 30 on Agenda of April 21, 2004

70. Ordinance 2004-0382

ORDINANCE appropriating \$234,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **EPSILON ENGINEERING, INC** for Two Neighborhood Depositories for Solid Waste Management, CIP L-0043-01-2; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund -

DISTRICTS B - GALLOWAY; H - GARCIA and I - ALVARADO

TAGGED BY COUNCIL MEMBERS HOLM and KHAN

This was Item 34 on Agenda of April 21, 2004

71. Motion 2004-0455 – Refer back to the Administration to be returned to Council in two (2) weeks

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Towing of Vehicles and the Operation of Auto Wreckers; authorizing the Chief of Police to enter into agreements for Police authorized Major Freeway Vehicle Tows, providing for procedures, fees, and other requirements for certain vehicle tows and containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful; providing for severability - **TAGGED BY COUNCIL MEMBERS HOLM, GARCIA, ALVARADO, WISEMAN, GALLOWAY, SEKULA-GIBBS, KHAN, QUAN, EDWARDS and GREEN**

This was Item 59 on Agenda of April 21, 2004

72. Motion 2004-0456 – Refer back to the Administration to be returned to Council in two (2) weeks

ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Truck Loading Zones; containing findings and other provisions relating to the foregoing subject; providing for severability - **TAGGED BY COUNCIL MEMBERS ALVARADO, GALLOWAY, QUAN, KHAN and SEKULA-GIBBS**

This was Item 61 on Agenda of April 21, 2004

73. Motion 2004-0457 – Refer back to the Administration to be returned to Council in two (2) weeks

ORDINANCE relating to Impairments and Obstructions of Roadways and Sidewalks; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability

TAGGED BY COUNCIL MEMBERS GARCIA and GALLOWAY

This was Item 62 on Agenda of April 21, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

4/27/2004 – Council Member Quan out of the City on City business

4/28/2004 – All Present