

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 3, 2004 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2004-0864 to 2004-0886**  
**ORDINANCES – 2004-0813 to 2004-0832**  
**RESOLUTION – None**

**2004-0863-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Green

**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

**Motion 2004-0864 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - AUGUST 4, 2004 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Principles of the 2005-2009 Capital Improvement Plan (CIP)

**Motion 2004-0865 – Accept reports**

**9:00 A.M.** - **REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

**CONSENT AGENDA NUMBERS 1 through 32**

**MISCELLANEOUS** - NUMBERS 1 through 4A

**1. Motion 2004-0879**

RECOMMENDATION from Director Planning & Development Department to accept the July 2004 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program

**a. Motion 2004-0880**

RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenue and interest generated by the Water and Wastewater Impact Fees in the amount of \$7,056,487.87 to Combined Utilities System Operating Fund (Fund #702) for Revenue Bond Debt Service as recommended in the July 2004 Semiannual Report of the Capital Improvements Advisory Committee (CIAC)

**2. Council Members Alvarado and Wiseman tagged**

RECOMMENDATION from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR INTERSTATE 69 TEXAS** - \$30,000.00 - General Fund

**3. Motion 2004-0870**

RECOMMENDATION from Director Office of Public Safety and Drug Policy for approval of Change Order in the amount of \$57,513.00 on contract awarded to **PRC PUBLIC SECTOR, INC (now NORTHROP GRUMMAN PUBLIC SAFETY INC)** for the Implementation of the Consolidated Dispatching System at the Houston Emergency Center - No additional funding

**4. Motion 2004-0881**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the establishment of minimum standards for honorary naming of City of Houston bridges

**a. Motion 2004-0882**

RECOMMENDATION from Director Department of Public Works & Engineering for the honorary naming of the future Central Ave. Grade Separation/Manchester Bridge in honor of Bernie Guerra, deceased - **DISTRICT I - ALVARADO**

**DAMAGES** - NUMBER 5

**5. Motion 2004-0871**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **DIMITRA KRITICOS v. City of Houston**; in the 270th Judicial District Court of Harris County, Texas, Cause No. 2003-36463 - \$36,000.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBERS 6 through 9

**6. Motion 2004-0872**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$175,947.17 and acceptance of work on contract with **ALL PLAY, INC** for Kingwood Skate Park, GFS F-0501-01-3 - 01.35% over the original contract amount - **DISTRICT E - WISEMAN**

**7. Motion 2004-0873**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,018,837.55 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC**, for Construction of NSR 430 and NSR 429A - Phase II, GFS N-0362-43-3 (SB9016 and N-0361-03) - 03.05% under the original contract amount - **DISTRICTS A - LAWRENCE and C - GOLDBERG**

**ACCEPT WORK** - continued

**8. Motion 2004-0874**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,528,910.76 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L. P.**, for Construction of 54-Inch Water Line along Ella Blvd., Wheatley, and W. Montgomery from W. 43rd to Dolly Wright, GFS S-0900-69-3 (WA10642) 02.37% under the original contract amount - **DISTRICTS A - LAWRENCE and B - GALLOWAY**

**9. Motion 2004-0883**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,640,129.51 and acceptance of work on contract with **INDUSTRIAL TX CORP.**, for Construction of Well Collection Line Tie-ins for Various Facilities, GFS S-1000-M1-3 (WA10693) - 02.02% under the original contract amount - **DISTRICTS B - GALLOWAY; F - KHAN and G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 16

**10. Council Member Quan tagged**

**LION APPAREL, INC** for Apparel, Uniforms for Houston Airport System - \$751,902.85 Enterprise Fund

**11. Ordinance 2004-0816**

ORDINANCE appropriating \$65,371.00 out of Series E Commercial Paper Fund for the Electronic Sign Retrofit at the George R. Brown Convention Center for Convention & Entertainment Facilities Department

**a. Motion 2004-0875**

**MOMENTUM SIGNS, LLC** for Electronic Sign Retrofit at the George R. Brown Convention Center for Convention & Entertainment Facilities Department - \$65,371.00

**12. Motion 2004-0876**

**AMEND MOTION #2004-380, 4/14/04, TO INCREASE** spending authority from \$355,000.00 to \$588,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY** \$233,000.00 - Central Service Revolving Fund

**13. Motion 2004-0884**

**IRON AGE CORPORATION** for Safety Footwear for Various Departments - \$1,315,354.00 General, Enterprise and Fleet Management Funds

**14. Motion 2004-0877**

**GRAY'S WHOLESALE TIRE DISTRIBUTORS, INC** for Tires from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$1,610,000.00 - General, Enterprise and Fleet Management Funds

**15. Motion 2004-0885**

**RAY ALLOWAY SALES, INC dba U. S. WHOLESALE PRODUCTS** - \$31,619.25, **XPEDX, AN INTERNATIONAL PAPER COMPANY** - \$56,998.04 and **JOHNSON INTERNATIONAL MATERIALS, INC** - \$142,343.60 for Rags and Cleaning Towels for Various Departments and declare **RAGS AND TOWELS, INC** non-responsible for a period of 24 months - General and Enterprise Funds

**PURCHASING AND TABULATION OF BIDS** - continued

**16. Motion 2004-0878**

**AMEND MOTION #2000-1011, 8/16/00**, as amended by **MOTION #2003-495, 5/21/03, TO EXTEND** expiration date from August 16, 2004 to August 15, 2005, for Screw Fasteners Contract for Various Departments, awarded to **D. F. SALES**

**ORDINANCES** - NUMBERS 17 through 32

**17. Ordinance 2004-0825**

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Midtown as a designated area covered by such article; containing findings and other provisions relating to the foregoing subjects; providing an effective date; providing for severability - **DISTRICTS D - EDWARDS and I - ALVARADO**

**18. Ordinance 2004-0817**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 405**

**19. Ordinance 2004-0826**

ORDINANCE appropriating \$200,000.00 out of Affordable Housing Uptown 2002B Fund and approving and authorizing contract between the City of Houston and **CDI MANAGEMENT SERVICES, INC** for Implementation of the Water Intrusion Relief Service Program - **DISTRICT D - EDWARDS**

**20. Ordinance 2004-0815**

ORDINANCE authorizing payment to **ANTIOCH PROJECT REACH, INC, FOURTH WARD COMMUNITY COALITION, INC, MIRACLE OF HOPE** and **UPLIFT FOURTH WARD, INC** and/or their respective contractors for Eligible Water and Sewer connection costs in the City's Fourth Ward using up to \$174,615.00 of a previously awarded Federal Special Project Grant - **DISTRICT I - ALVARADO**

**Motion 2004-0866 – Suspend rules to consider Items 21, 22, 33, 34, 35, 38 and 20 out of order**

**21. Council Members Wiseman and Sekula-Gibbs tagged**

ORDINANCE altering and establishing maximum prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty

**22. Ordinance 2004-0813**

ORDINANCE approving and authorizing contract between the City of Houston and **VINSON & ELKINS, L.L.P.** for Legal Services to the City relating to Implementation of the Freeway Towing Ordinance; providing a maximum contract amount - \$25,000.00 - Police Special Services Fund

**23. Ordinance 2004-0818**

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HYSECO, INC** for Hydraulic Cylinder, Pump and Valve Repair Services for Various Departments (as approved by Ordinance No. 99-1001)

**ORDINANCES** - continued

**24. Ordinance 2004-0827**

ORDINANCE appropriating \$197,791.23 out of Water & Sewer System Consolidated Construction Fund and appropriating \$240,000.00 out of TIRZ Affordable Housing Uptown Fund approving and authorizing Developer Participation contract between the City of Houston and **NPSP, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Facilities to serve the Emnora Heights Subdivision, CIP S-0800-D6-03 and R-0800-D6-03 - **DISTRICT A - LAWRENCE**

**25. Ordinance 2004-0819**

ORDINANCE appropriating \$750,400.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two, and R. F. Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-41.1; approving purchase and sale agreements with the owners of the land (Odilon Islas, Margarita E. Islas, Jaime Delgadillo and Dionisia Delgadillo; Rodolfo L. Guardado and Marie Nava Guardado; Britton Family Trust; and Sandra J. Haddox Living Trust) - **DISTRICT B - GALLOWAY**

**26. Ordinance 2004-0820**

ORDINANCE appropriating \$809,000.00 out of Airports Improvement Fund (561); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two and R. F. Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-42.1; approving purchase and sale agreements with the owners of the land (Axiom Construction Company, Inc.; Carlos Soria and Elizabeth Soria; and Jacquelyn T. Page) - **DISTRICT B - GALLOWAY**

**27. Ordinance 2004-0821**

ORDINANCE appropriating \$578,742.00 out of Airports Improvements Fund, CIP A-0153, \$600,000.00 out of Airports Improvement Fund as temporary funding, CIP A-0153, and \$3,665,373.00 from Federal Aviation Administration Grant Funds; awarding construction contract to **W. W. WEBBER, INC** for Miscellaneous Airfield Pavement Repairs at Ellington Field (EFD), Project No. 599; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT E - WISEMAN**

**28. Ordinance 2004-0822**

ORDINANCE appropriating \$55,000.00 out of Convention & Entertainment Construction Fund as an additional appropriation for Professional Program Management Services under professional services contract with **PARSONS INFRASTRUCTURE & TECHNOLOGY GROUP, INC** (approved by Ordinance No. 03-0828), GFS B-0064-01-5; providing funding for contingencies related to construction of facilities financed by the Convention & Entertainment Construction Fund **DISTRICT I - ALVARADO**

**29. Ordinance 2004-0823**

ORDINANCE appropriating \$315,585.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between City of Houston and **DAVID E. MILLER d/b/a MILLER & ASSOCIATES** for Design of Fuqua Road Paving from Telephone Road to Mykawa Road Grade Separation; CIP N-0490-01-2 (SB9077); providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT E - WISEMAN**

**ORDINANCES** - continued

**30. Ordinance 2004-0824**

ORDINANCE appropriating \$87,213.00 out of Public Health Consolidated Construction Fund 440 and \$90,000.00 out of FY01 Disaster Recovery Fund (FEMA), determining that the formal taking of competitive bids is not required for the work described herein; and awarding construction contract to **AAR INCORPORATED** for Braeswood Health Clinic Mechanical Room and Crawlspace Asbestos Abatement and Re-insulation Project, GFS H-0029-03-5; providing funding for project management, air monitoring and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and FY01 Disaster Recovery Fund (FEMA) - **DISTRICT D - EDWARDS**

**31. Ordinance 2004-0828**

ORDINANCE appropriating \$816,400.00 out of Public Library Consolidated Construction Fund, awarding construction contract to HAMILTON/LUMMUS, LTD for Scenic Woods Branch Library Renovation, GFS E-0013-01-3; providing funding for engineering testing services, funding for environmental air monitoring services, funding for Civic Art Program, funding for additional Professional Architectural Services and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and Community Development Block Grant Funds - \$281,600.00 CDB Grant Fund - **DISTRICTS B - GALLOWAY**

**32. Ordinance 2004-0829**

ORDINANCE appropriating \$20,793.58 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$524,761.57 out of Tax Increment Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$779,027.20 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$336,504.41 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) Tax Increment Fund (Fund 916); and \$90,505.14 out of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (Fund 924) for Administrative expenses, payment of project costs, payments to **THE HOUSTON INDEPENDENT SCHOOL DISTRICT** and certain redevelopment authorities as provided herein

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 33 through 40

**33. Motion 2004-0867 – Postpone one (1) week**

MOTION by Council Member Quan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department, to **AMEND MOTION #2001-0903, 8/8/01, TO EXTEND** expiration date from August 15, 2004 to August 14, 2006, for Tools, Lawn, Garden and Striking Contract for Various Departments, awarded to **GROVES INDUSTRIAL SUPPLY - TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 18 on Agenda of July 28, 2004

**MATTERS HELD** – continued

**34. Motion 2004-0868 – Postpone one (1) week**

MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration Department, to award to **W. W. GRAINGER, INC** for spending authority in an amount not to exceed \$1,025,205.33 to purchase Maintenance, Repair and Operating Supplies from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments General, Enterprise, Fleet Management, Parks Special Revenue and Building Inspection Funds **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 19 on Agenda of July 28, 2004

**35. Motion 2004-0869 – Postpone two (2) weeks**

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department, to award to **HALL'S LANDSCAPING AND MAINTENANCE LLP (Bids #1 and #2)** - \$388,025.18 and **BWI SCHULENBURG (Bid #14)** - \$94,948.47 for Landscape, Plants, Trees, Grass and Associated Materials for Various Departments - \$497,910.98 minus a commission fee (3% for Internet-based reverse action services) for a net award amount not to exceed \$482,973.65 - General, Enterprise and Parks Special Revenue Funds - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 20 on Agenda of July 28, 2004

**36. Ordinance 2004-0830**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Glenwyck Drive, from the south to the north boundary of Brentwood Place Apartment Subdivision, Parcel SY3-054A, and of a 10-by 20-foot fire hydrant easement, Parcel SY3-054B, vacating and abandoning said easements to Brentwood Way Developers, L.P., the abutting owner, in consideration of (i) its dedication of right of way to realign Glenwyck Drive, Parcel AY3-626, and (ii) its payment of \$600.00 and other consideration to the City; the two abandonment parcels and the dedication parcel all being located within Brentwood Place Apartment Subdivision - **DISTRICT D - EDWARDS**  
**TAGGED BY COUNCIL MEMBER EDWARDS**  
This was Item 22 on Agenda of July 28, 2004

**37. Ordinance 2004-0831**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, within the Samuel D. Smith Survey, A-737; vacating and abandoning said utility easement to JEC Texas, Ltd., by and through its general partner, JEC Development, Inc., the abutting owner, in consideration of the owner's payment of \$3,202.00 and other consideration to the City; Parcel SY4-013 - **DISTRICT E - WISEMAN**  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 23 on Agenda of July 28, 2004

**38. Ordinance 2004-0814**

ORDINANCE approving and authorizing lease agreement between the City of Houston and **ROCKETMAN AVIATION, LLC** at Ellington Field - Revenue - **DISTRICT E - WISEMAN**  
**TAGGED BY COUNCIL MEMBERS HOLM and WISEMAN**  
This was Item 29 on Agenda of July 28, 2004

**39. Ordinance 2004-08832**

ORDINANCE approving and authorizing contract between the City and the **TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORIES**, for Prenatal Screening Services  
**TAGGED BY COUNCIL MEMBER KHAN**  
This was Item 46 on Agenda of July 28, 2004

**MATTERS HELD** – continued

**40. Motion 2004-0886**

MOTION by Council Member Edwards/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, and to appoint Ms. Jasmine Quinerly and Mr. George Coleman, independent appraisers and Mr. Samuel Stewart, alternate appraiser, on request from Dr. L. James Bankston, pastor of Saint Paul's United Methodist Church, for abandonment and sale of Calumet Drive, from San Jacinto Street to Fannin Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, within Hermann Annex to the MacGregor and DeMeritt's Southmore Addition, Section 2, Parcels SY3-066, VY4-002 and AY4-053 - **DISTRICT D - EDWARDS**

**TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**

This was Item 56 on Agenda of July 28, 2004

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Sekula-Gibbs 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

**8/3/2004 – All Present**

**8/4/2004 – All Present**