

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 24, 2004 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2004-0921 to 2004-0943**  
**ORDINANCES – 2004-0867 to 2004-0890**  
**RESOLUTION – None**

**2004-0920-1**

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

**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 2004-0921 – Procedural motion**

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

**RECONVENE**

**WEDNESDAY - AUGUST 25, 2004 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 40**

**MISCELLANEOUS** - NUMBERS 1 through 10

**1. Motion 2004-0922**

CONFIRMATION of the appointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** to fill unexpired terms ending December 31, 2004:

**MR. WALTER GOFF** - Chairman  
Position 5 - **MR. CARLOS ALVARADO**

**MISCELLANEOUS** - continued

**2. Motion 2004-0923**

CONFIRMATION of the appointment or reappointment of the following to the **ETHICS COMMITTEE**, for two year terms to expire December 31, 2005:

Position 4 - **MRS. SHIRLEY ANN MALONSON**, reappointment

Position 5 - **MR. KRISTOPHER AHN**, reappointment

Position 6 - **MR. ANWAR I. QADEER**, appointment

Position 7 - **MR. BRIAN P. CWEREN**, appointment

**3. Motion 2004-0924**

REQUEST from Mayor on recommendation from the Houston Bar Association for confirmation of the appointment of **MR. ALEXIS J. GOMEZ** to Position One and the appointment by the Harris County Medical Society of **MR. EUGENE V. BOISAUBIN, M.D.** to Position Three of the **ETHICS COMMITTEE**, for terms to expire December 31, 2005

**4. Motion 2004-0925**

REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT L. SILVERS** (Harris County Appointee) to Position 3 of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, to fill an unexpired term ending December 31, 2004

**5. Motion 2004-0926**

REQUEST from Mayor for confirmation of the appointment of **MS. ALICE J. O'NEILL** as **SUBSTITUTE MUNICIPAL COURT JUDGE**, for a term to expire two years from date of appointment

**6. Motion 2004-0927**

REQUEST from Mayor for confirmation of the appointments or reappointments to the **HOUSTON COMMISSION ON DISABILITIES**, for terms to expire July 26, 2006:

Position Two - **MS. THELMA SCOTT**, reappointment

Position Four - **MR. MICHAEL Y. CHOU**, reappointment

Position Six - **MR. DAVID A. FOWLER**, appointment

Position Eight - **MR. AUTURO JACKSON**, reappointment

Position Ten - **MS. E. VERNELL JESSIE**, appointment

Position Twelve - **MS. DOROTHY MAHON**, appointment

Alternate Position Two - **MS. DIANNE G. FOUTCH**, reappointment

Alternate Position Four - **MR. RICHARD PEREZ**, appointment

**7. Motion 2004-0928**

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

Position Three - **MR. LARRY HAWKINS**, reappointment

Position Five - **MR. W. JACK FIELDS**, reappointment

Position Seven - **MR. BERNARD A. HARRIS, JR., M.D.**, appointment

Position Nine - **MS. DEBORAH CANNON**, appointment

Position Eleven - **MR. A. PHILIP AITSEBAOMO**, appointment

**8. Motion 2004-0936**

RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2004 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code

**MISCELLANEOUS** - continued

**9. Motion 2004-0929**

RECOMMENDATION from Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2005

**10. Council Member Garcia tagged**

RECOMMENDATION from Director Parks & Recreation Department for approval of a Memorial Park Master Plan - **DISTRICT G - HOLM**

**ACCEPT WORK** - NUMBERS 11 and 12

**11. Motion 2004-0930**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$77,672.42 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Renovation of the Bob Lanier Public Works Building, 611 Walker, 16th Floor and Basement B-2, GFS D-0106-03-3 - **DISTRICT I - ALVARADO**

**12. Motion 2004-0931**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,111,537.64 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Citywide Generic Overlay Project #3, GFS N-1037-38-3 (OL2238) - 03.81% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - HOLM and H - GARCIA**

**PROPERTY** - NUMBER 13

**13. Motion 2004-0932**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Metro National Corporation (James R. Jard, president), for abandonment and sale of a portion of a 20-foot-wide water line easement, out of the Isaac Bunker Survey, A-121 and the George L. Bellows Survey, A-3, in exchange for the conveyance to the City of a 20-foot-wide water line easement, out of a 1.592-and a 0.7496-acre tract in the Isaac Bunker Survey, A-121, Parcels SY5-001 and KY5-025 - **STAFF APPRAISERS - DISTRICT G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 20

**14. Motion 2004-0937**

**CARRUTH-DOGGETT INDUSTRIES** - \$123,070.81, **CLARK EQUIPMENT COMPANY, d.b.a. BOBCAT COMPANY** - \$39,058.30 - **TENNANT SALES AND SERVICE COMPANY** - \$53,845.10 for Earth Moving and Litter Vacuum Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - Enterprise Fund

**15. Motion 2004-0933**

**TUTTNAUER USA CO. LTD.** to Furnish, Deliver and Install One Steam Sterilizer for Health and Human Services Department - \$36,311.00 - Grant Fund

**16. Ordinance 2004-0883**

ORDINANCE appropriating \$210,000.00 out of Housing Replacement Insurance Fund for Construction Inspection and Valuation Services

**PURCHASING AND TABULATION OF BIDS** - continued

**a. Motion 2004-0938**

**BROWN'S INSPECTION SERVICE, L.L.C., MORTGAGE PROPERTY SERVICES, INC, DIVERSE VENTURES, INC and JARRETT'S REALTY & APPRAISAL** for Construction Inspection and Valuation Services for Housing and Community Development Department \$210,000.00

**17. Motion 2004-0934**

**TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Houston Police Department - \$25,900.00 - General Fund

**18. Motion 2004-0939**

**PLASTIC CARD SYSTEMS, INC (Bid Nos. 5, 2, 9 & 8) - \$44,446.33, NEWBART PRODUCTS, INC (Bid Nos. 7 & 12) - \$102,788.09 and LAMINATION SERVICE, INC (Bid Nos. 1 & 19) \$101,961.74** for Security Badging Equipment for Various Departments - \$256,903.26 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$249,196.16 - General and Enterprise Funds

**19. Motion 2004-0935**

**AMEND MOTION #2000-1434, 11/21/00, as amended by #2003-913, 7/23/03, TO EXTEND** expiration date from December 15, 2004 to December 14, 2005, for Auto, Chrysler Dodge OEM Replacement Parts and Repair Contract for Various Departments, awarded to **HOUSTON MAC HAIK DODGE CHRYSLER JEEP, LTD., (formerly GREENSPOINT DODGE OF HOUSTON, INC)**

**20. Motion 2004-0940**

**AMEND MOTION #2001-0990, 9/5/01, TO EXTEND** expiration date from September 5, 2004 to March 5, 2005, for Communication Security Equipment and Components Contract, Part 1 for Various Departments, awarded to **TEXAS TECHNICAL SERVICES, INC, INSTANT PHOTOS, INC dba IPI SECURITY and ACCESS VIDEO & INTEGRATION CORPORATION**

**ORDINANCES** - NUMBERS 21 through 40

**21. Ordinance 2004-0884**

ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE** by adopting a revised **CITY OF HOUSTON ELECTRICAL CODE**; containing other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

**22. Ordinance 2004-0867**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide easement comprising the eastern 5 feet of Lots 266 through 269 and the western 5 feet of Lots 298 through 301, and containing 2,550 square feet of land, more or less, Parcel SY4-009, vacating and abandoning said parcel to Omni-Tidwell 03, L.P., the abutting owner, in consideration of (i) owner's dedication of a 10-foot wide utility easement containing 1,590 square feet of land, more or less, out of Lot 298, Parcel VY4-004; both the abandonment and dedication parcels being out of Block 10 Barclay Place Addition, Section 1, Houston, Harris County, Texas; and (ii) owner's payment of \$624.00 and other consideration to the City - **DISTRICT B - GALLOWAY**

**ORDINANCES** - continued

**23. Ordinance 2004-0868**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Bering Street right of way, containing 4,052 square feet of land, more or less, Parcel SY2-047, located in Block 8, Electric Park Addition, S. M. Williams Survey, A-87, Houston, Harris County, Texas; vacating and abandoning said tract of land to Daniel and Edith Ripley Foundation, abutting owner, in consideration of owner's payment of \$12,656.00 and other consideration to the City - **DISTRICT H - GARCIA**

**24. Ordinance 2004-0869**

ORDINANCE approving and authorizing special warranty deed conveying to 9700 Westchase, Ltd., by and through its general partner, Westchase Partners, L.L.C. abutting owner, a parcel of land containing 12,789 square feet (0.2936 acre), more or less, being out of John D. Taylor Survey, A-72, in consideration of 9700 Westchase, Ltd.'s payment of \$108,707.00 and other consideration to the City - **DISTRICT G - HOLM**

**25. Ordinance 2004-0870**

ORDINANCE approving and authorizing special warranty deed conveying to Li-Ming Chen a parcel of land containing 10,009 square feet, more or less, being Lots 9 and 10, Block 688, South Side Buffalo Bayou, Henry Tierwester Survey, Harris County, Texas (the former Fire Station No. 24, located at 1503 Palmer); and in consideration of Li-Ming Chen's payment of \$81,000.00, and other consideration to the City - **DISTRICT I - ALVARADO**

**26. Pulled-Not Considered**

ORDINANCE approving and authorizing the sale to **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** of a terminable easement containing ±1,256.64 square feet of land, located within Lake Houston, David Harris Survey, A-26; Parcel SY3-065; in consideration of the payment of \$300,000.00 and other consideration to the City - **DISTRICT E - WISEMAN**

**27. Ordinance 2004-0871**

ORDINANCE consenting to the addition of 5.000 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238**, for inclusion in its district

**28. Ordinance 2004-0872**

ORDINANCE consenting to the addition of 30.412 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district

**29. Ordinance 2004-0873**

ORDINANCE consenting to the addition of 2.7963 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district

**30. Ordinance 2004-0874**

ORDINANCE establishing the east and west sides of the 500 block of Arlington 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**

**31. Ordinance 2004-0875**

ORDINANCE establishing the east and west sides of the 500 block of Frasier Street and the west side of the 500 block of Granberry 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**

**ORDINANCES** - continued

**32. Ordinance 2004-0876**

ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2004 Supplemental Urban Area Security Initiative (UASI) Grant Program - \$8,211,741.00

**33. Ordinance 2004-0885**

ORDINANCE approving and authorizing Grant Agreement between the City of Houston and **NEW VISION COMMUNITY DEVELOPMENT** to provide \$509,338.00 in HOME Investment Partnerships Funds to be used for the acquisition and construction of a seventy-one (71) Unit Elderly Housing Complex located at 1580 Greensmark - **DISTRICT B - GALLOWAY**

**34. Ordinance 2004-0877**

ORDINANCE approving and adopting an updated ongoing Service and Assessment Plan for and on behalf of the **SHARPSTOWN PUBLIC IMPROVEMENT DISTRICT** covering the period 2005 through 2009 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT F - KHAN**

**a. Ordinance 2004-0878**

ORDINANCE approving the Fiscal Year 2005 Budget for the Sharpstown Economic Development Authority on behalf of the Sharpstown Public Improvement District pursuant to Ordinance No. 2002-1077; appropriating \$470,000.00 out of Fund 928 (Sharpstown Public Improvement District Fund) for payment to the Sharpstown Economic development authority for expenditures consistent therewith - **DISTRICT F - KHAN**

**35. Ordinance 2004-0879**

ORDINANCE appropriating \$4,995.00 out of Water & Sewer System Consolidated Construction Fund (755); approving Longitudinal Pipeline Encroachment Agreement with **UNION PACIFIC RAILROAD COMPANY** for the Sims Bayou Sanitary Sewer Relief Line GFS R-0294-04-3 (WW4770-02); making various findings and provisions related thereto - **DISTRICT I - ALVARADO**

**36. Ordinance 2004-0880**

ORDINANCE appropriating \$147,300.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing Construction Management and Inspection Services contract between the City of Houston and **CARTER & BURGESS, INC** for the Bertner Bridge and Paving Package II, GFS N-0722-02-3 (SB9089-2) - **DISTRICT D - EDWARDS**

**37. Ordinance 2004-0881**

ORDINANCE appropriating \$241,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **BURK-KLEINPETER, INC** for Clinton Park Wastewater Treatment Plant Improvements, CIP R-0265-26-3 (WW4760-6) - **DISTRICT I - ALVARADO**

**38. Ordinance 2004-0882**

ORDINANCE appropriating \$346,254.47 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **PIERCE, GOODWIN, ALEXANDER AND LINVILLE (PGAL), INC** for Fresh Water Supply District #23 Wastewater Treatment Plant Improvements, CIP R-0265-27-3 (4760-7) **DISTRICT B - GALLOWAY**

**ORDINANCES** - continued

**39. Council Member Galloway tagged**

ORDINANCE awarding contract to **TROY CONSTRUCTION, L.L.P.**, for On-Call Drainage System Repair (Work Order Contract), GFS M-0243-01-3 (SM5050); providing funding for contingencies and engineering and testing services relating to repair of facilities financed by the Storm Water Fund - \$1,189,000.00 - Storm Water Fund

**40. Ordinance 2004-0886**

ORDINANCE appropriating \$2,500,000.00 out of Water & Sewer System Consolidated Construction Fund, (\$2,400,000.00, Number R-0019-RE-1 and \$100,000.00, Number S-0019-RE-1); approving and authorizing the purchase of easements and other interests in real property and the payment of the costs of such purchases and/or condemnations of such real property and associated costs for appraisal fees, title policies/services, recording fees, court costs and expert witness fees for and in connection with and finding a public necessity for the wastewater and water capital improvement projects identified in the body of this ordinance; making various findings related to the subject

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 41 through 45

**Motion 2004-0941 – Motion to amend ballot language of Proposition 2 contained in proposed ordinance as follows:**

“The City Charter of the City of Houston shall be amended to require voter approval before the City may increase total revenues from all sources by more than the combined rates of inflation and population, without requiring any limit of any specific revenue source, including water and sewer revenues, property taxes, sales taxes, fees paid by utilities and developers, user fees, or any other sources of revenues.” – **ADOPTED**

**Motion 2004-0942 – Motion to amend proposed ordinance as follows:**

“1) For Proposition 1, the bracketed headings on pages 3 and 10 would be amended to make them more specific. (“Relating to Limits on Certain City Revenues” would be changed to “Relating to Limits on Annual Increases in City Property Taxes and Utility Rates”).

2) For Proposition 2, the bracketed heading on pages 5 would be amended to add the word “Combined” in order to match the correct bracketed heading on page 10. (Both would be “Related to Limits on All Combined City Revenues.”)

3) The ordinance caption (page 1) would be amended to reflect the amended headings for both Propositions.

4) The ordinance preamble (“whereas” section) would be amended to add 3 paragraphs to more fully describe the context for Propositions 1 and 3. – **ADOPTED**

**Motion 2004-0943 – Separate Item 41 to separate Proposition 2 from Propositions 1 and 3**

**41. Ordinance 2004-0887- Adopt as amended**

ORDINANCE ordering a Special Election to be held on November 2, 2004, jointly with other governmental entities, for the purpose of submitting to the qualified voters of the City of Houston, Texas, various propositions for the amendment of the City Charter relating to limits on future property tax revenues and water and sewer rates, limits on all future city revenues and the conduct of performance audits of city departments by the City Controller; containing findings and other provisions related to the foregoing subject; providing for a repealer; providing for severability **TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, GALLOWAY and QUAN**  
This was Item 12 on Agenda of August 18, 2004

**MATTERS HELD** - continued

**Written motion by Council Member Goldberg to amend Item 42 as follows:**

- (1) Members who wish to revoke a service conversion shall have six months from January 1, 2005 to transfer from Plan A to Plan B.
- (2) Members of Plan C who have vested shall return to a pre-1999 accrual formula. No members in Plan C, current or retired, shall receive 2 years of service credit for one, for service prior to 1999.

**Tagged by Council Members Sekula-Gibbs and Lawrence**

**42. Council Member Sekula-Gibbs tagged**

ORDINANCE approving and authorizing a Meet and Confer Agreement between the City and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**; containing provisions relating to the subject - **TAGGED BY COUNCIL MEMBERS ELLIS, QUAN, LAWRENCE, GREEN, KHAN, HOLM and EDWARDS**

This was Item 13 on Agenda of August 18, 2004

**43. Ordinance 2004-0888**

ORDINANCE approving and authorizing Amendment No. 1 to Parking Operations and Management Concession agreement between the City of Houston and **NEW SOUTH PARKING-TEXAS** for the Houston Airport System; providing a maximum contract amount **TAGGED BY COUNCIL MEMBER KHAN**

This was Item 17 on Agenda of August 18, 2004

**44. Ordinance 2004-0889**

ORDINANCE approving and authorizing contract between the City of Houston and **BONDRESOURCE PARTNERS, L.P.**, for Arbitrage Rebate Calculation and Consulting Services; providing a maximum contract amount - 3 Years with two one-year options - \$1,000,000.00 General and Enterprise Funds - **TAGGED BY COUNCIL MEMBERS KHAN and GARCIA**

This was Item 18 on Agenda of August 18, 2004

**45. Ordinance 2004-0890**

ORDINANCE establishing a maximum contract amount for contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** as originally approved by Ordinance No. 2004-378 - \$850,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER KHAN**

This was Item 19 on Agenda of August 18, 2004

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Berry 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**

**AGENDA - AUGUST 25, 2004 - PAGE 9**

**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

**8/24/2004 – Council Member Galloway absent due to being ill  
Council Member Sekula-Gibbs out of the City on personal business**

**8/25/2004 – All Present**