

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 25, 2004 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2004-0560 to 2004-0620**  
**ORDINANCES – 2004-0496 to 2004-0526**  
**RESOLUTION – None**

**2004-0559-1**

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

**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 2004-0560 to 2004-0566 – Procedural motions**

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

**RECONVENE**

**WEDNESDAY - MAY 26, 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 2004-0569 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **FALLBROOK 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 **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas

**2. Motion 2004-0570 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **FAULKEY GULLY 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 **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas

**HEARINGS** - continued

**3. Motion 2004-0571 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52**, in Harris County, Texas

**4. Motion 2004-0572 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102**, in Harris County, Texas

**5. Motion 2004-0573 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147**, in Harris County, Texas

**6. Motion 2004-0574 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150**, in Harris County, Texas

**7. Motion 2004-0575 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 211** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 211**, in Harris County, Texas

**8. Motion 2004-0576 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, in Harris County, Texas

**9. Motion 2004-0577 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, in Harris County, Texas

**10. Motion 2004-0578 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116**, in Harris County, Texas

**HEARINGS** - continued

**11. Motion 2004-0579 – Close hearing**

PUBLIC HEARING 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

**12. Motion 2004-0580 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20**, in Harris County, Texas

**13. Motion 2004-0581 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas

**14. Motion 2004-0582 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas

**15. Motion 2004-0583 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas

**16. Motion 2004-0584 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** and certain territory located in the vicinity of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, in Fort Bend County, Texas

**17. Motion 2004-0585 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, in Fort Bend County, Texas

**18. Motion 2004-0586 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **GRAND LAKES WATER CONTROL AND IMPROVEMENT 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 **GRAND LAKES WATER CONTROL AND IMPROVEMENT DISTRICT**, in Fort Bend County, Texas

**HEARINGS** - continued

**19. Motion 2004-0587 – Close hearing**

PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**, in Harris County, Texas

**Presented -**

**MAYOR'S REPORT** - Briefing on **HOUSTON GALVESTON AREA COUNCIL 2025 TRANSPORTATION PLAN**

Dr. Carol A. Lewis, Associate Professor of Transportation Studies, Texas Southern University  
Alan Clark, Transportation Department Director, HGAC Metropolitan Planning Organization

**CONSENT AGENDA NUMBERS 20 through 56**

**MISCELLANEOUS** - NUMBERS 20 through 23

**20. Motion 2004-0609**

CONFIRMATION of the appointment of the following to the **CIVIC ART COMMITTEE**, with terms to expire on January 1, 2006:

Position Six - **MS. SUSAN YOUNG**

Position Seven- **MR. CHRIS HAGENEY**

**Motion 2004-0567 – Suspend rules to consider Items 21 out of order**

**21. Motion 2004-0568**

REQUEST from Mayor for confirmation of the appointment of **MR. PHIL BORISKIE** as City of Houston Fire Chief

**22. Motion 2004-0610**

RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Fire Station 27, CIP C-0072-01-3 - **DISTRICT H - GARCIA**

**23. Motion 2004-0614**

RECOMMENDATION from Chief of Police for Injury on Duty Status for Police Officer **JULIO BUTRON**

**ACCEPT WORK** - NUMBERS 24 and 25

**24. Motion 2004-0615**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$845,972.00 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Renovation of Mecom Fountain, GFS D-0113-03-3 - 02.06% over the original contract amount **DISTRICT D - EDWARDS**

**Motion 2004-0616 – Suspend rules to remain in session to 1:15 pm**

**ACCEPT WORK** - continued

**25. Council Member Goldberg tagged**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,146,968.56 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Bid Package 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - 07.78% over the original contract amount - **DISTRICTS A - LAWRENCE and C - GOLDBERG**

**PROPERTY** - NUMBER 26

**26. Motion 2004-0611**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-145, located at 10131 Tanner Road, owned by Svabic Vejislav, for the **TANNER ROAD PAVING PROJECT from Gessner Road to Campbell Road**, CIP N-0589-02-1 **DISTRICT A - LAWRENCE**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 27 through 29

**27. Council Member Wiseman tagged**

**TASER INTERNATIONAL, INC** for 15 Taser Stun Guns and Associated Supplies for Houston Police Department - \$42,027.75 - Police Special Services Fund

**28. Motion 2004-0612**

**AMEND MOTION #2001-579, 6/6/01, TO EXTEND** expiration date from June 6, 2004 to June 5, 2005, for Laboratory Equipment for Police and Public Works & Engineering Departments, awarded to **HACH**

**29. Motion 2004-0613**

**MUSTANG CAT, LTD.** - \$113,320.00 and **CRESCENT MACHINERY COMPANY** - \$127,744.00 for Loaders and Excavators for Various Departments - Enterprise and Equipment Acquisition Consolidated Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 30 through 56-22

**Motion 2004-0595 – Suspend rules to hear from Ms. Connie Acosta on Item 30**

**30. Council Members Wiseman and Galloway tagged**

RESOLUTION establishing the policy of the City of Houston to prohibit retaliation against any employee for Good Faith Report of a violation of law to an appropriate law enforcement authority and requesting the Mayor to adopt related procedures

**31. Ordinance 2004-0505**

ORDINANCE canvassing the returns of the City of Houston Special Election held on May 15, 2004, for the purpose of submitting to the qualified voters of the City of Houston, Texas a proposition to exempt the City of Houston and the Pension Systems funded by the City from certain provisions of the Texas Constitution relating to benefits provided by such Pension Systems; making various findings and provisions related to the subject; counting the votes cast; declaring the official results of the Special Election; and declaring an emergency

**32. Council Member Goldberg tagged**

ORDINANCE approving and authorizing supplemental Agreement No. 1 to Park and Recreation Lease No. DACW64-1-82-60, Cullen Park, Buffalo Bayou and Tributaries Flood Control Project, Addicks Dam between the **SECRETARY OF THE ARMY**, as owner, and the City of Houston, as lessee, deleting 2,264.46 acres, more or less, from the leased area; containing findings and other provisions related to the subject - **DISTRICT A - LAWRENCE**

**RESOLUTIONS AND ORDINANCES** – continued

**33. Ordinance 2004-0506**

ORDINANCE consenting to the addition of 6.0285 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**; for inclusion in its district

**34. Ordinance 2004-0507**

ORDINANCE establishing the north and south sides of the 1000 Block of East 7th ½ Street, the north side of the 1100 Block of East 7th ½ Street, and the north and south sides of the 1000 Block of East 7th 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**

**35. Ordinance 2004-0518**

ORDINANCE establishing the north and south sides of the 600, 700 and 900 Blocks and the south side of the 800 Block of West Temple 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**

**36. Ordinance 2004-0508**

ORDINANCE establishing the north and south sides of the 800 and 900 Blocks of West Cottage 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**

**37. Ordinance 2004-0519**

ORDINANCE establishing the east and west sides of the 1800 Block of Columbia 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**

**38. Ordinance 2004-0509**

ORDINANCE approving and authorizing lease agreement between the City of Houston and **EXPRESSJET AIRLINES, INC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

**39. Ordinance 2004-0510**

ORDINANCE approving and authorizing lease agreement between the City of Houston and **WATERBURY PROPERTIES, L.L.C.** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

**40. Ordinance 2004-0501**

ORDINANCE approving and authorizing interlocal agreements with the **METROPOLITAN TRANSIT AUTHORITY** and **WALLER COUNTY**, and contract between the City of Houston and **MONTGOMERY COUNTY FIRE CHIEF'S ASSOCIATION** for Projects associated with the Houston Interoperability Initiative - \$390,562.00 - Grant Fund

**41. Ordinance 2004-0502**

ORDINANCE appropriating \$75,000.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **RCC CONSULTANTS, INC** for the Project Management and Engineering Services associated with the Houston Interoperability Initiative - \$225,000.00 - Grant Fund

**42. Ordinance 2004-0511**

ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)** for DPS' participation in the Major Accessory Shop Enforcement/13 Grant Program

**RESOLUTIONS AND ORDINANCES** – continued

**43. Ordinance 2004-0520**

ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of Arbitrage Rebates of no more than \$107,095.00 relating to the General Obligation Commercial Paper Series B, issued January 20, 2000

**44. Council Member Wiseman tagged**

ORDINANCE approving and authorizing Professional Litigation Support Services Contract between the City of Houston and **RYDER SCOTT COMPANY, L.P.** for Professional Litigation Support Services Contract - \$100,000.00 - Enterprise Fund

**45. Ordinance 2004-0521**

ORDINANCE approving and authorizing first amendment to agreement between the City and **KPMG, LLP** for Professional Auditing Services

**46. Ordinance 2004-0522**

ORDINANCE awarding contract to **SCHINDLER ELEVATOR CORPORATION** for Elevator and Escalator Maintenance Services for Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,886,181.47 - Enterprise Fund **DISTRICT I - ALVARADO**

**47. Ordinance 2004-0512**

ORDINANCE appropriating \$171,300.86 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GATEWAY LAND DEVELOPMENT/COURT RD., L.P.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight of the Ridgemont Subdivision, CIP S-0800-D1-03 and R-0800-D1-03 - **DISTRICT D - EDWARDS**

**48. Ordinance 2004-0513**

ORDINANCE appropriating \$19,235.60 out of Water & Sewer System Consolidated Construction fund and approving and authorizing developer participation contract between the City of Houston and **FAIRBANKS BUSINESS PARK, LTD** for Construction of Water Lines to Serve their development along Highway 290 Frontage Road; CIP S-0802-21-03 - **DISTRICT A - LAWRENCE**

**49. Ordinance 2004-0523**

ORDINANCE appropriating \$258,611.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for the Project Management Services contract with **SUNLAND ENGINEERING COMPANY** (approved by Ordinance No. 03-0331), CIP D-0113-01-5 3 Years with two one-year options - \$2,886,181.47

**50. Ordinance 2004-0503**

ORDINANCE approving and authorizing interlocal agreement between the City and **HARRIS COUNTY** for funding related to the Construction of Cambridge Street Bridge over Brays Bayou from Holcombe Boulevard to North Braeswood Boulevard and accepting \$3,400,000.00 from Harris County and depositing such funds into the Harris County Construction Fund; CIP N-0720-01-2 ( SB9172) - **DISTRICT D - EDWARDS**

**RESOLUTIONS AND ORDINANCES** – continued

**a. Ordinance 2004-0504**

ORDINANCE appropriating \$735,071.00 out of Harris County Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC D/B/A SCIENTECH** for Design of Cambridge Street Bridge and Paving from Holcombe Boulevard to North Braeswood Boulevard, CIP N-0720-01-2; providing funding for contingencies relating to the construction of facilities financed by the Harris County Construction Fund - **DISTRICT D - EDWARDS**

**51. Ordinance 2004-0524**

ORDINANCE appropriating \$3,798,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a fifth amendment to an Engineering and Program Management Services Contract between the City and **LOCKWOOD ANDREW & NEWNAM, INC** for the Surface Transmission Program (SWTP); CIP S-0900-01-02 (WA10448) **DISTRICTS B - GALLOWAY; D - EDWARDS and F - KHAN**

**52. Ordinance 2004-0514**

ORDINANCE appropriating \$5,000,000.00 out of Series E Commercial Paper Metro Projects Fund, \$3,000,000.00 out of Storm Sewer Consolidated Construction Fund, \$1,155,186.27 out of Street & Bridge Consolidated Construction Fund and \$1,518,361.22 from Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Ella Boulevard from Pinemont to West Little York Road; GFS N-0546-01-3 (SB9046); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund, the Storm Water Consolidated Construction Fund, the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - GALLOWAY**

**53. Ordinance 2004-0515**

ORDINANCE appropriating \$2,156,000.00 out of Airports Improvement Fund, CIP A-0141, awarding construction contract to the **GONZALEZ GROUP LLC** for Interim Security Offices at William P. Hobby Airport/Houston (HOU), Project No. 417L; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT I - ALVARADO**

**54. Ordinance 2004-0516**

ORDINANCE appropriating \$630,000.00 out of Airports Improvement Fund, CIP A-0402, awarding construction contract to **PARALLAX BUILDERS, INC** for ADA Renovations at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport/Houston (HOU), and Ellington Field (EFD), Project No. 454; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

**55. Ordinance 2004-0517**

ORDINANCE appropriating \$2,021,453.00 out of Airports Improvement Fund, CIP A-0489, awarding construction contract to **W. W. WEBBER INC** for Wright Road Extension and Miscellaneous Work for USPS Building at George Bush Intercontinental Airport/Houston (IAH), (Project No. 610); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

**RESOLUTIONS AND ORDINANCES** - continued

**56. Ordinances 2004-0432 to 2004-0453 – Passed third and final reading**

ORDINANCE Nos. 2004-432 through 2004-453 passed second reading May 19, 2004  
ORDINANCES (22 separate ordinances) granting 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, to the following: - **THIRD AND FINAL READING**

- |   |   |
|---|---|
| 1 <b>2004-432</b> Affordable Environmental Services     | 12 <b>2004-443</b> GTM Services, Inc                |
| 2 <b>2004-433</b> All Star Roll-Offs, L.P.              | 13 <b>2004-444</b> Intergulf Corporation            |
| 3 <b>2004-434</b> 3CI Complete Compliance Corporation   | 14 <b>2004-445</b> January Transport, Inc           |
| 4 <b>2004-435</b> Cherry Industrial Services, Inc       | 15 <b>2004-446</b> Jefferson Trash Service          |
| 5 <b>2004-436</b> Chief Consulting Services             | 16 <b>2004-447</b> NP Vacuum Service                |
| 6 <b>2004-437</b> Clean Harbors Environmental Services, | 17 <b>2004-448</b> Public Sanitary Works, Inc       |
| 7 <b>2004-438</b> Coal City Cob Company                 | 18 <b>2004-449</b> Rowell Investments, Inc          |
| 8 <b>2004-439</b> Columbia Environmental Services, Inc  | 19 <b>2004-450</b> Texas Contract Construction, Inc |
| 9 <b>2004-440</b> Commercial Care Services, Inc         | 20 <b>2004-451</b> The Groce Company, Inc           |
| 10 <b>2004-441</b> D'HAWK Grease Trap Company           | 21 <b>2004-452</b> Tommy Miles Garbage Service      |
| 11 <b>2004-442</b> Empire Waste, Inc                    | 22 <b>2004-453</b> XKLEN Corporation                |

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 57

**PROPERTY**

**57. Motion 2004-0617**

RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2004-98, 1/28/04** and **#2004-100, 1/28/04, TO APPOINT** two replacement appraisers and one alternate real estate appraiser for the following parcels: - **APPRAISERS**

Parcel SY4-023	Parcel SY3-019
Utility Easement	Excess Scott Street right of way
2400 block Charleston	1800 Scott Street
<b><u>DISTRICT D - EDWARDS</u></b>	<b><u>DISTRICT I – ALVARADO</u></b>
<b>John Chambless and Sheila</b>	<b>Lynette Fornerette and Vanessa</b>
<b>Stewart, George Coleman (Alt)</b>	<b>Hendrickson, Julie Nagel (Alt)</b>
<b>Appointed</b>	<b>Appointed</b>

**MATTERS HELD** - NUMBERS 58 through 70

**58. Motion 2004-0618 – Postpone one (1) week**

MOTION by Council Member Quan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,131,166.55 and acceptance of work on contract with **SILVA, INC** for Construction of Generic Overlay Program (Package I), GFS N-1037-22-3 (OL2022) - 04.18% under the original contract amount - **DISTRICT C - GOLDBERG**

**TAGGED BY COUNCIL MEMBER GOLDBERG**

**This was Item 23 on Agenda of May 19, 2004**

**MATTERS HELD** - continued

**Motion 2004-0593 – Suspend rules to hear from Ms. Velma Moore on Item 59**

**59. Motion 2004-0594 – Postpone one (1) week**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,480,149.13 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-18-3 (4257-28) - 02.55% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO**  
**TAGGED BY COUNCIL MEMBERS GREEN and EDWARDS**  
This was Item 24 on Agenda of May 19, 2004

**60. Motion 2004-0592 – Postpone one (1) week**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,268,163.26 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-25-3 (4235-13) - 04.89% over the original contract amount  
**TAGGED BY COUNCIL MEMBERS GALLOWAY, GREEN, EDWARDS, QUAN and KHAN**  
This was Item 25 on Agenda of May 19, 2004

**61. Motion 2004-0619**

**HOUSTON TURF EQUIPMENT** for Mowers for Parks & Recreation Department - \$63,750.00  
Equipment Acquisition Consolidated and Parks Special Revenue Funds  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 27 on Agenda of May 19, 2004

**62. Motion 2004-0620**

**HOUSTON-GALVESTON AREA COUNCIL** for Tractors through the Interlocal Agreement for Cooperative Purchasing for Parks & Recreation Department - \$69,241.08 - Equipment Acquisition Consolidated Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 28 on Agenda of May 19, 2004

**63. Motion 2004-0596 – TABLED**

WRITTEN Motion presented by Council Member Green to amend Section 8-117 (b) of Item 63A below as follows:

- (b) Once a towing request has been solicited via police dispatch to a wrecker, the tow service shall be deemed a non-consent tow and services shall remain a non-consent tow under the auspices of the authorizing agency, regardless of the consent of the automobile owner, who is solicited by a wrecker to tow his or her vehicle at the scene

**TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN, ELLIS and GALLOWAY**

**MATTERS HELD** – continued

**Motion 2004-0597 – Call the question on Item 63a – “FAILED”**

**Motion 2004-0598 – Suspend rules to remain in session beyond the scheduled noon recess to 12:45 pm to complete the Agenda**

**Motion 2004-0599 – Call the question on motion to amend Item 63a**

**Motion 2004-0600 – Written motion by Council Member Galloway to amend Item 63a as follows:**

**“Render exempt and/or waive any and all costs associated with the non-consent towing of a disabled vehicle that has been caused to and or rests within the geographic region classified as “the service lane” area of the freeway. Exemption from and/or waiving of said fees shall include but not be limited to exemption from and/or waiver of all fines, fees, penalties and/or any other similar costs associated with the non-consent towing and/or storage of the disabled vehicle in the service lane.” – “FAILED”**

**Motion 2004-0601 – Call the question on second motion to amend Item 63a**

**Motion 2004-0602 – Written motion by Council Member Galloway to amend Item 63a as follows:**

**“Whenever a motor vehicle registered with the State of Texas has been towed without the consent of the vehicle owner but upon authorization of a law enforcement officer acting in his official capacity, the responsible law enforcement agency must ~~shall endeavor~~ give notice by certified ~~regular~~ mail to the last known registered owner within 24 ~~48~~ hours of the time the vehicle was towed. The notice shall inform the vehicle owner of the name and address of the storage lot where the vehicle is being held.” – “FAILED”**

**Motion 2004-0603 – Motion to call the question on Item 63a**

**a. Ordinance 2004-0497 – Adopted**

**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 WISEMAN, EDWARDS, QUAN, ALVARADO, GALLOWAY, HOLM, GARCIA and LAWRENCE**

This was Item 35 on Agenda of May 19, 2004

**64. Ordinance 2004-0525 – Adopted**

**ORDINANCE** approving and authorizing contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for an Integrated Library System; providing a maximum contract amount 3 Years - \$1,048,806.00 - HALAN Fund

**TAGGED BY COUNCIL MEMBERS HOLM, BERRY and SEKULA-GIBBS**

This was Item 43 on Agenda of May 19, 2004

**MATTERS HELD** – continued

**65. Ordinance 2004-0526 – Adopted**

ORDINANCE approving and authorizing contract between the City of Houston and **ePLUS DOCUMENT SYSTEMS, INC** for Imaging Software License Upgrade, Support and Professional Services for the Planning & Development Department; providing a maximum contract amount \$385,592.50 - Building Inspection Funds

**TAGGED BY COUNCIL MEMBERS HOLM and GARCIA**

This was Item 44 on Agenda of May 19, 2004

**Motion 2004-0588 – Suspend rules to consider Items 66, 68, 60, 59, 30, 63 and 63a, 69 and 69a, 70, 27, 40, 41 and 51a out of order**

**Motion 2004-0589 – Amend Item 66 for one (1) year extension only**

**66. Ordinance 2004-0496 – Adopt as amended**

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **C. P. C. MAINTENANCE, INC** for Dry Pit Pump Parts & Repair Services for the Public Works & Engineering Department (as approved by Ordinance No. 99-612)

**TAGGED BY COUNCIL MEMBERS GALLOWAY, GARCIA and GREEN**

This was Item 45 on Agenda of May 19, 2004

**Motion 2004-0608 – Suspend rules to consider Item 67 out of order**

**67. Ordinance 2004-0500 – Adopted**

ORDINANCE approving and authorizing first amendment to joinder agreement between the City of Houston and **HOUSTON MCLANE COMPANY, INC** for the Major League Baseball All-Star Game - \$78,800.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBERS EDWARDS and GOLDBERG**

This was Item 47 on Agenda of May 19, 2004

**Motion 2004-0590 – Suspend rules to hear from Ms. Velma Laws on Item 68**

**68. Motion 2004-0591 – Postpone one (1) week**

ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, providing funding for engineering testing services and contingencies relating to the repair of facilities financed by the Water & Sewer System Operation Fund (WA10633-03) - \$1,600,100.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBERS GALLOWAY, GARCIA, GREEN, QUAN and KHAN**

This was Item 59 on Agenda of May 19, 2004

**MATTERS HELD** - continued

**Motion 2004-0604 – Motion to Amend Item 69, proposed substitute ordinance by deleting the fourth sentence of Section 40-371 in its entirety and substituting therefore the following sentence: If the fee is increased, it may be increased only by the documented additional cost to administer and enforce this program.**

**Motion 2004-0605 – Motion to amend Item 69, proposed substitute ordinance to amend Section 10 to provide that ordinance take effect 12:01 am on the 90<sup>th</sup> day next following date of passage**

**69. Motion 2004-0606**

MOTION by Council Member Berry/Seconded by Council Member Alvarado to substitute a revised ordinance for Item 69A below **(Revised Ordinance amended by Motions 2004-0604 and 0605)**

**a. Ordinance 2004-0498 – Amended revised substitute ordinance adopted**

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

**POSTPONED BY MOTION #2004-552, 5/19/04**

This was Item 67 on Agenda of May 19, 2004

**Motion 2004-0607 – Suspend rules to hear from Mr. Richard Lewis on Item 70**

**70. Ordinance 2004-0499**

ORDINANCE approving and authorizing second amendment to the Master Agreement for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** to allow the City to use DIR's GoDIRect Program to add products and services and to streamline the procurement process

**POSTPONED BY MOTION #2004-558, 5/19/04**

This was Item 75 on Agenda of May 19, 2004

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

**5/25/2004 – All Present**

**5/26/2004 – All Present**