

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

**MOTIONS – 2004-1188 to 2004-1204**  
**ORDINANCES – 2004-1231 to 2004-1246**  
**RESOLUTION – 2004-0022**

**2004-1187-1**

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

**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

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

**RECONVENE**

**WEDNESDAY - DECEMBER 1, 2004 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**Motion 2004-1188 – Accept report**

**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

**CONSENT AGENDA NUMBERS 1 through 32**

**MISCELLANEOUS** - NUMBERS 1 through 6

**1. Motion 2004-1189**

REQUEST from Mayor for confirmation of the appointment of the following to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION:**

Position One - **MR. IKE ALLEN**, for a term to expire January 1, 2005

Position Two - **MR. ELIAS J. DE LA GARZA**, for a term to expire January 1, 2005

Position Three - **MS. IRIS CORREA-ALVAREZ**, for a term to expire January 1, 2006

Position Four - **MR. SEAN A. ROBERTS**, for a term to expire January 1, 2006

Position Five - **MS. MUNIRA S. PANJWANI-ZAHID**, for a term to expire January 1, 2006

**2. Motion 2004-1190**

RECOMMENDATION from Fire Chief for Extension of Injury on Duty Leave for Firefighter **JORGE MONTES**

**3. Motion 2004-1191**

RECOMMENDATION from Fire Chief for Extension of Injury Leave for Captain **ANTHONY SCHILLACI**

**4. Motion 2004-1192**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$161,080.50 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Permit Year 2004 accrual of Over-Conversion Credits - Enterprise Fund

**5. Motion 2004-1193**

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$855,268.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Permit Year 2005 Groundwater Withdrawal Fee and accrual of Over-Conversion Credits Enterprise Fund

**6. Motion 2004-1194**

RECOMMENDATION to approve annual funding for Basic Software Maintenance and Preventive Maintenance in the amount of \$687,072.77 for **PUBLIC SAFETY INCORPORATED, a subsidiary of NORTHROP GRUMMAN** for Houston Emergency Center's Consolidated Dispatch and Records Management Systems - Houston Emergency Center Fund

**ACCEPT WORK** - NUMBER 7

**7. Motion 2004-1195**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$85,566.52 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Construction of On-Call Emergency Water Main and Sanitary Sewer Replacements, GFS S-0035-P3-3 (WA 10660-01) - 91.44% under the original contract amount

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 12

**8. Motion 2004-1196**

**PAVEMENT TECHNOLOGIES INTERNATIONAL CORP (Bid No. 2)** for Asphalt Recycler with conveyer/loader for Houston Airport System - \$46,245.00 - Airport System Capital Outlay Fund

**9. Ordinance 2004-1231**

ORDINANCE appropriating \$88,462.50 out of Fire Consolidated Construction Fund for the construction of an ambulance bay at Fire Station No. 58 for the Building Services Department (CIP C-0142)

**PURCHASING AND TABULATION OF BIDS** - continued

**a. Motion 2004-1197**

**APACHE SERVICES, INC** for Construction of Ambulance Bay for Building Services Department \$84,250.00 and contingencies for a total amount not to exceed \$88,462.50

**10. Motion 2004-1198**

**LONE STAR CHEVROLET (Bid Nos. 1 and 1A)** - \$274,536.00 and **PHILPOTT MOTORS, LTD. (Bid Nos. 2 and 2A)** - \$69,418.00 for Medium and Heavy Duty Trucks for Public Works and Engineering Department - Enterprise Fund

**11. Motion 2004-1199**

**XL PARTS, LP (Bid No. 18)** for Automotive, Vehicle and Heavy Equipment Filters for Various Departments - \$645,081.32, minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$625,728.88 - General, Enterprise and Fleet Management Funds

**12. Motion 2004-1200**

**TURTLE AND HUGHES, INC** for Sport Lighting and Controls for Various Departments - \$279,000.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$273,420.00 - General Fund

**ORDINANCES** - NUMBERS 13 through 32

**13. Council Members Wiseman and Edwards tagged**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 14-foot-wide utility easement, Parcel SY4-023, and its attendant aerial easement, both located within the D.W.C. Harris Survey, A-325, Harris County, Texas; vacating and abandoning both said easements to **URBAN LOFTS VII, LTD.**, the abutting owner, in consideration of its payment of \$26,333.00 and other consideration to the City - **DISTRICT D - EDWARDS**

**14. Ordinance 2004-1232**

ORDINANCE establishing the east and west sides of the 1200 block of Cortlandt Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

**15. Ordinance 2004-1233**

ORDINANCE approving and authorizing lease agreement between the City of Houston and **TEXAS MEDICAL CENTER** for Certain Space in the New Federal Inspection Services Building at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

**16. Council Member Ellis tagged**

ORDINANCE approving and authorizing first amendment to agreement between the City and **500 TEXAS AVENUE LIMITED PARTNERSHIP** for Lease and Development of Property formerly known as Albert Thomas Convention Center - **DISTRICT I - ALVARADO**

**17. Council Members Quan, Holm and Edwards tagged**

ORDINANCE approving and authorizing: (1) second amendment and Modification Agreement between the City of Houston ("City") and **LEISURE LIFE SENIOR APARTMENT HOUSING, LTD.** ("borrower") to reinstate and extend term of City's loan conditioned upon new Senior Financing; and (2) Subordination and Modification Agreement between the City, borrower and **GREYSTONE SERVICING CORPORATION, INC** - **DISTRICT F - KHAN**

**ORDINANCES** - continued

**18. Ordinance 2004-1234**

ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY**, providing up to \$75,000.00 in Community Development Block Grant Funds to conduct an Enumeration of the Homeless, a Comprehensive Needs Assessment, and to Develop a Strategic Plan to end Chronic Homelessness

**19. Ordinance 2004-1235**

ORDINANCE approving and authorizing the submission of a grant application, acceptance of the award, and an intergovernmental agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for participation in the FY2005 Solid Waste Management Grant Program to target illegal dumping by Expanded Video Camera Surveillance

**20. Ordinance 2004-1236**

ORDINANCE approving and authorizing submission of a grant application, acceptance of the award, and an intergovernmental agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for participation in the FY2005 Solid Waste Management Grant Program to target illegal dumping by Educating and Training the Public

**21. Ordinance 2004-1241**

ORDINANCE approving and authorizing contract between the City of Houston and **COATS ROSE YALE RYMAN & LEE, P.C.** for Legal Services to resolve construction disputes in connection with the close out of the Construction Contract for the Expansion of the George R. Brown Convention Center - \$75,000.00 - Enterprise Fund - **DISTRICT I - ALVARADO**

**22. Ordinance 2004-1242**

ORDINANCE approving contracts with towing company operators and authorizing the Chief Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC., UNIFIED AUTO WORKS, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC., MILAM STREET AUTO STORAGE, INC., KTL ENTERPRISES, INC., WESTSIDE WRECKER SERVICE, INC.** and **CORPORATE AUTO SERVICES, INC.** for Major Freeway Tow Agreements

**23. Ordinance 2004-1237**

ORDINANCE authorizing and approving settlement agreement between the City of Houston and the **DEPARTMENT OF STATE HEALTH SERVICES** to settle a claim - \$140,907.40 - Enterprise Fund

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

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE, L.P.** for Jail Inmate Telephone and Security/Surveillance Systems for the Houston Police Department to add a concession for commissions on local and long distance calls on public pay telephones at non-jail locations - Revenue

**25. Ordinance 2004-1238**

ORDINANCE appropriating \$60,000.00 out of Parks Consolidated Construction Fund; \$50,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund; and \$45,000.00 out of C & E Reserve Fund as an additional appropriation for Professional Consulting Services, CIP F-0509-15-5, under contract with **ENVIRONMENTAL CONSULTING SERVICES, INC** (approved by Ordinance No. 01-0814)

**ORDINANCES** - continued

**26. Pulled-Not Considered**

ORDINANCE appropriating \$268,946,000.00 out of Fire Consolidated Construction Fund, approving and authorizing professional architectural services contract between the City of Houston and **HERMES ARCHITECTS, INC** for Renovation and Expansion of the Fire Training Academy Master Plan; CIP C-0068-01-2; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN**

**27. Ordinance 2004-1239**

ORDINANCE awarding construction to **REDDY ENGINEERS AND CONTRACTORS, LTD.**, for Construction of Theater District Flood Doors and Flood Gates Phases 2A & 2B, GFS B-0074-01-3; setting a deadline for the bidder's execution of the contract and delivery of all Bonds, Insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the Convention & Entertainment Enterprise Fund - \$1,148,828.00 - Enterprise Fund - **DISTRICT I - ALVARADO**

**28. Ordinance 2004-1216 – Passed second reading**

ORDINANCE No. 2004-1216, passed first reading November 23, 2004

ORDINANCE granting to **DARLING INTERNATIONAL, INC**, a Delaware Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING**

**29. Ordinance 2004-1217 – Passed second reading**

ORDINANCE No. 2004-1217, passed first reading November 23, 2004

ORDINANCE granting to **FRANK J. GAMBOA**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING**

**30. Ordinance 2004-1224 – Passed second reading**

ORDINANCE No. 2004-1224, passed first reading November 23, 2004

ORDINANCE granting to **LONE STAR DISPOSAL, L.P.**, a Texas Limited Partnership, 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 - **SECOND READING**

**31. Ordinance 2004-1218 – Passed second reading**

ORDINANCE No. 2004-1218, passed first reading November 23, 2004

ORDINANCE granting to **ROSE METAL PROCESSING, LTD.**, a Texas Limited Partnership, 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 - **SECOND READING**

**32. Ordinance 2004-1219 – Passed second reading**

ORDINANCE No. 2004-1219, passed first reading November 23, 2004

ORDINANCE granting to **SNEADS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBERS 33 through 36

**PROPERTY**

**33. Council Member Alvarado tagged**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Cameron Armstrong, on behalf of Earhart Interests, L.L.C., A Texas limited liability company (Cecily Horton, owner-manager), for abandonment and sale of a portion of Colquitt Street, from ±40 feet west of Ferndale Street to its dead-end, in exchange for the conveyance to the City of two 5-foot wide utility easements, located within the Second Replat of David Crockett Subdivision or Forrester Addition, Parcels SY3-040, SY5-027, VY3-009 and VY5-003 - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT C - GOLDBERG**

**34. Motion 2004-1202**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kleber J. Denny of Terra Associates, Inc., on behalf of Feagan Shepherd Ltd. [Ghozali Interests, L.L.C. (Helen Ghozali, manager), general partner], for abandonment and sale of a 15-foot wide utility easement, from Durham Drive to North Shepherd Drive, located in Block 11, Brunner Addition, Parcel SY5-023 – **(Tom Kvinta and George Sims appointed, Alan Dominy appointed alternate) - TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT G - HOLM**

**35. Motion 2004-1203**

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 2221 West Dallas Partners, Ltd., [2221 WDGP, LLC (Jonathan Farb, president), general partner], for the abandonment and sale of portions of two prescriptive sanitary sewer easements in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, out of a 5.738-acre tract, located within Tract 3, Unrestricted Reserve A, Obedience Smith Survey, Abstract 696, Parcel SY5-024A, SY5-024B and DY5-006 – **(George Coleman and Jasmine Quinerly appointed and Samuel Stewart appointed alternate) - TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT D - EDWARDS**

**36. Motion 2004-1204**

RECOMMENDATION from Director Department of Public Works & Engineering, to declare surplus and authorize the sealed bid sale of ±2.32 acres of land and buildings located at 306 McGowen Street, Settegast and Upham Addition and Fairground Addition, Parcels SY5-025A, SY5-025B, SY5-025C – **(John Chambless and Sheila Stewart appointed and Samuel Stewart appointed alternate) - TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT D - EDWARDS**

**MATTERS HELD** - NUMBERS 37 through 42

**Motion 2004-1201 – Suspend rules to consider Items 37 and 38 out of order**

**37. Resolution 2004-0022 – Adopt**

RESOLUTION authorizing the creation of **HOUSTON DOWNTOWN PARK CORPORATION**, a Local Government Corporation; approving the Articles of Incorporation; appointing the initial Directors and Chair; and containing other provisions relating to the subject

**TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 10 on Agenda of November 23, 2004

**MATTERS HELD** – continued

**38. Ordinance 2004-1240 – Adopt**

ORDINANCE appropriating \$2,500,000.00 out of Disaster Recovery Fund (98D) and transferring such sum into the Convention & Entertainment Facilities Fund Balance (601), and further appropriating \$7,973,889.00 out of Convention & Entertainment Facilities Fund Balance (601) for the purchase of approximately 5.3 acres of land, being the remaining portions of Blocks 123 and 124 and all of Block 127, S.S.B.B., Houston, Harris County, Texas; approving a purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to acquire such land and all improvements thereon; approving a first amendment to (2002) purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to modify the City's option to purchase land out of Blocks 99 and 121, S.S.B.B.; approving a joint development agreement between **HOUSTON DOWNTOWN PARK CONSERVANCY, HOUSTON DOWNTOWN PARK CORPORATION** and the City; finding and determining that public convenience and necessity no longer require the continued use of a portion of Crawford Street public right of way between Lamar Avenue and McKinney Avenue, and vacating and abandoning such portion of the public right of way to the City, as owner of the abutting land; approving the sale of approximately 11.7 acres of land and improvements out of Blocks 122, 123, 124, 125, 126, 127, 248, 249, and 250, S.S.B.B., Houston, Harris County, Texas, to **HOUSTON DOWNTOWN PARK CONSERVANCY**, with retained easements and restrictions on the use of such property, in consideration of the payment of \$15,071,111.00 and other valuable consideration to the city, and finding and determining that such consideration is the fair market value of such property as restricted; approving necessary documents related thereto; making various findings and provisions related thereto

**TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, QUAN and HOLM**

This was Item 11 on Agenda of November 23, 2004

**39. Ordinance 2004-1243**

ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to authority of a Designated Deputy City Controller; containing other provisions relating to the foregoing subject; providing for severability - **TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY**

This was Item 12 on Agenda of November 23, 2004

**40. Ordinance 2004-1244**

ORDINANCE amending Division 3 of Article II of Chapter 2 of the Code of Ordinances, Houston, Texas, relating to Fidelity coverage for certain City Officials and Employees; containing other provisions relating thereto; providing for severability

**TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY**

This was Item 13 on Agenda of November 23, 2004

**41. Ordinance 2004-1245**

ORDINANCE amending Ordinance No. 97-1476 which authorized a legal services contract between the City and **ZUMMO, SCHIRRMEISTER & AJAMIE, L.L.P.**, now known as **ZUMMO, MITCHELL & PERRY, L.L.P.** by amending Section 4 of such Ordinance relating to the maximum contract amount - \$40,000.00 - Property and Casualty Fund

**TAGGED BY COUNCIL MEMBERS GOLDBERG and WISEMAN**

This was Item 21 on Agenda of November 23, 2004

**42. Ordinance 2004-1246**

ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to a contract between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$124,404.49 - General, Grant, Enterprise and Other Funds - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 22 on Agenda of November 23, 2004

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

**11/30/2004 – Council Members Galloway and Goldberg out of the City on City business**

**12/1/2004 – Council Members Galloway and Goldberg out of the City on City business**