

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 19, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2004-1084 to 2004-1100
ORDINANCES – 2004-1066 to 2004-1095
RESOLUTION – None

2004-1083-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Goldberg

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 2004-1084 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 20, 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 42

MISCELLANEOUS - NUMBERS 1 and 2

Motion 2004-1088 – Suspend rules to consider Items 1, 2, 14, 15, 15a, 15b, 17, 20 and 43 out of order

1. Motion 2004-1092

CONFIRMATION of the reappointment of **MS. JANIECE M. LONGORIA** to Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two year term

MISCELLANEOUS - continued

2. Motion 2004-1093

CONFIRMATION of the reappointment of the following to the **ANIMAL SHELTER ADVISORY COMMITTEE** to complete the terms to expire December 31, 2005:

- Position One - **MR. MIKE MARK**
- Position Two - **MR. RAYMOND HARRIS**
- Position Three- **MS. KAPPY MUENZER**
- Position Four - **MR. SEAN HAWKINS**

DAMAGES - NUMBER 3

3. Motion 2004-1085

RECOMMENDATION from City Attorney for settlement of lawsuit styled **MICHAEL MANESS v. City of Houston, et al**, in the 55th Judicial District Court of Harris County, Texas, Cause No. 2002-57177 - \$69,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBER 4

4. Motion 2004-1086

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,482,613.55 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of West Little York Road Improvements from North Shepherd to Wheatley, CIP N-0687-01-3 (N-0687-01) - 00.39% under the original contract amount
DISTRICT B - GALLOWAY

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 10

5. Motion 2004-1089

ALVIN EQUIPMENT COMPANY, INC - \$213,191.00, **BROOKSIDE EQUIPMENT SALES, INC** (Bid No. 1) - \$25,095.00 and **FINISHLINE SUPPLY, INC** - \$31,722.00 for Grounds Keeping Equipment for Houston Airport System - Enterprise Fund

6. Motion 2004-1095

AMEND MOTION #2000-1339, 11/1/00, as amended by Motion #2003-1078, 9/3/03, **TO EXTEND** expiration date from November 2, 2004 to November 1, 2005, for Waterous Pump Replacement Parts Contract for Fire Department, awarded to **FIRE APPARATUS SPECIALIST, INC**

7. Motion 2004-1090

TURF MERCHANTS, INC for Perennial Rye Grass Seed for Parks & Recreation Department \$48,120.50 - General and Parks Special Revenue Funds

8. Council Member Wiseman tagged

AMEND MOTION #2000-1503, 12/13/00, as amended by Motion 2003-1422, 11/25/03, **TO EXTEND** expiration date from December 13, 2004 to December 12, 2005, for Turbine and Magnetic Type Water Meters Contract for Department of Public Works & Engineering, awarded to **NEPTUNE TECHNOLOGY GROUP, INC** (formerly **SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC**)

9. Council Member Wiseman tagged

AMEND MOTION #2003-252, 3/5/03, TO INCREASE spending authority from \$462,500.00 to \$647,500.00, for Equipment, Special Truck and Body, Part II, Contract for Solid Waste Management Department, awarded to **MCNEILUS COMPANIES** - \$185,000.00 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

10. Motion 2004-1091

CAMPBELL CONCRETE & MATERIALS, L.P. dba GULF COAST STABILIZED MATERIALS \$459,341.56 and **CSB MATERIALS PARTNERSHIP, LTD dba CSB MATERIALS, INC** \$28,517.71 for Sand, Washed Gravel and Stabilized Cement for Various Departments \$502,947.70 minus a commission fee (3% or Internet-based reverse auction services) for a net award amount not to exceed \$487,859.27 - General, Enterprise, Storm Water Utility and Parks Special Revenue Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 42

11. Pulled-Not Considered

ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Sale of Alcohol within the City

12. Ordinance 2004-1075

ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to transferring the Neighborhood Protection Division and its functions and budget authorization to the Police Department

13. Ordinance 2004-1076

ORDINANCE AMENDING SECTION 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to enforcement of Solid Waste Regulations; containing other provisions relating to the foregoing subject; providing for severability

14. Council Members Wiseman, Edwards and Holm tagged

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

15. Council Members Wiseman, Edwards and Holm tagged

ORDINANCE authorizing issuance of City of Houston, Texas Tax Notes, Series 2004C; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the Mayor and City Controller to accept and execute the winning bid for the Notes, approve the amounts, interest rates, prices and terms of such Notes and certain other matters related thereto; ratifying the use of a Preliminary Official Statement and Official Notice of Sale and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the Notes; making other provisions regarding such Notes and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

a. Council Members Wiseman and Edwards tagged

RESOLUTION of the City Council of the City of Houston, Texas declaring intention to Reimburse Project Expenditures

b. Council Members Wiseman and Edwards tagged

ORDINANCE approving and authorizing contract between the City of Houston and **TASER INTERNATIONAL, INC** and **GT DISTRIBUTORS, INC** for Taser Devices and Associated Equipment for Houston Police Department; providing a maximum contract amount - 5 Years \$4,679,855.55

16. Ordinance 2004-1077

ORDINANCE authorizing the issuance of a Collateralized Pension Obligation Note; prescribing the terms and form thereof; providing for the payment of the principal thereof and the payment or deferral of interest thereon; authorizing Collateral and Collateral Documents; authorizing the issuance and delivery of Deferred Interest Certificates and Assignable Certificates; authorizing an amendment to the interlocal agreement with Houston Convention Center Hotel Corporation; making other findings and provisions relating to the subject and matters incident thereto

17. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE authorizing an Interim Borrowing from the Street & Bridge Construction Fund (Fund 405) by the General Fund of an amount not to exceed \$30 Million dollars; declaring an intent to Reimburse Fund 405

18. Not Received-Not Considered

ORDNANCE approving and authorizing agreement between the City and **VALIC RETIREMENT SERVICES COMPANY** for Police Deferred Compensation Plan Administration Services; approving and authorizing agreement with AIG Federal Savings Bank for Section 457 Police Custodial Account Services; approving and authorizing Police Deferred Compensation Plan

19. Ordinance 2004-1078

ORDINANCE approving and authorizing Special Warranty Deed Conveying to Martha Martinez, a parcel of land containing 13,187 square feet (0.3027 acres), more or less, being out of Tracts 1, 2 and 3, Block 64, Cragin Parkhill Subdivision and out of Section 4, Block 1, H.T. & C.R.R. Company Survey, A-429, Harris County, Texas (the former Eastex Oaks Water/Sewer Plant, located at 11018 Bauman Road); and in consideration of Martha Martinez's payment of \$28,001.00, and other consideration to the City - **DISTRICT H - GARCIA**

20. Ordinance 2004-1095

ORDINANCE approving application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Tuberculosis Program; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2005 through December 31, 2009 period, to accept and expend subsequent awards, if any, during the project period - 4 Years - \$14,665,927.00 - Grant Fund

21. Ordinance 2004-1066

ORDINANCE approving and authorizing contract between the City of Houston and **STAR OF HOPE MISSION** to provide \$500,000.00 in Community Development Block Grant Funds to provide partial funding for Repairs to The Women & Family Emergency Shelter located at 419 Dowling Street - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

Motion 2004-1087 – Suspend rules to consider Items 22 and 31 out of order

22. Ordinance 2004-1073

ORDINANCE appropriating \$1,500,000.00 out of Low Income Housing Fund 872; approving and authorizing Development Agreement between the City of Houston and **BUILDERS' COMMUNITY DEVELOPMENT CORPORATION** to provide a grant of \$1,500,000.00 to pay acquisition or other eligible costs to develop and sell 300 Affordable Single-Family Homes within the Leland Woods Subdivision - **DISTRICT B - GALLOWAY**

23. Council Member Wiseman tagged

ORDINANCE approving and authorizing first amendment to contract between the City of Houston, Texas, and **MERCER HUMAN RESOURCES CONSULTING, INC** for Actuarial Valuation and Consulting Services originally passed by City Council Ordinance No. 2004-0208 \$234,996.00 - General, Enterprise, Building Inspection and Storm Water Funds

24. Ordinance 2004-1079

ORDINANCE approving and authorizing contract between the City of Houston and **MAXIMUS, INC** for Development of Annual Cost Allocation Plans in Compliance with OMB Circular A-87; providing a maximum contract amount - 5 Years - \$270,600.00 - General Fund

25. Ordinance 2004-1080

ORDINANCE approving and authorizing a first amendment to a contract between the City of Houston, Texas, and **PATTON BOGGS LLP.** for Federal Representation originally passed by City Council Ordinance No. 2001-1027

26. Ordinance 2004-1094

ORDINANCE approving and authorizing contract between the City of Houston and **BARNES & THORNBURG, LLP** for Advice and Counsel to the City of Houston and representation of the City in proceedings relating to relief sought in connection with Union Pacific Railroad Company and the provision of Freight Rail Service in the City of Houston; providing a maximum contract amount \$200,000.00 - Enterprise Fund

27. Ordinance 2004-1081

ORDINANCE appropriating \$999,600.00 out of Houston Airport Systems Bonds 1998C NON-AMT Construction Fund No. 536, and approving and authorizing execution of a Compromise and Settlement Agreement between **MANHATTAN CONSTRUCTION COMPANY, INC** and the City of Houston to settle a claim - **DISTRICT B - GALLOWAY**

28. Ordinance 2004-1067

ORDINANCE appropriating \$99,687.63 out of Airports Improvement Fund and approving and authorizing purchase order between the City of Houston and **STRATUS TECHNOLOGIES, INCORPORATED** for Purchase of a Stratus Server Model 6600 System for Houston Airport System - Enterprise Fund

29. Ordinance 2004-1082

ORDINANCE approving and authorizing contract between the City of Houston and **AIR-TRANSPORT IT SERVICES, INC** for Revenue and Lease Management Software for Houston Airport System - 3 Years with two one-year options - \$925,281.00 - Enterprise Fund

30. Council Member Wiseman tagged

ORDINANCE approving and authorizing Airport Use and Lease Agreement for certain space in Terminal A at George Bush Intercontinental Airport/Houston by and between the City of Houston and **CONTINENTAL AIRLINES, INC** - **DISTRICT B - GALLOWAY**

RESOLUTIONS AND ORDINANCES - continued

31. Ordinance 2004-1074

ORDINANCE approving and authorizing Amendment No. 1 to Airport Use and Lease Agreement at George Bush Intercontinental Airport/Houston by and between the City of Houston and **UNITED AIRLINES, INC - DISTRICT B - GALLOWAY**

Motion 2004-1096 – Amend Item 32 to require Mayor and City Council approval – “FAILED**”**

32. Ordinance 2004-1083

ORDINANCE approving and authorizing amendment No. 1 to Technical Services Agreement by and between the City of Houston and **HAS DEVELOPMENT CORPORATION - DISTRICTS B- GALLOWAY; E - WISEMAN and I - ALVARADO**

33. Ordinance 2004-1084

ORDINANCE approving and authorizing Technical Services Agreement for the Quito, Ecuador Airport Project by and between the City of Houston, Texas and **HAS DEVELOPMENT CORPORATION**

34. Ordinance 2004-1068

ORDINANCE amending Ordinance 2003-1300 to authorize payments as required by the Federal Uniform Relocation Assistance Act to persons displaced from property acquired for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-01.01 - **DISTRICT B - GALLOWAY**

35. Ordinance 2004-1085

ORDINANCE appropriating \$305,250.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **ARCTEC ASSOCIATES, INC** for Professional Architectural/Engineering Services in connection with various job order contract work orders (Project No. 516A); CIP A-0138 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

36. Ordinance 2004-1086

ORDINANCE appropriating \$2,699,700.00 out of Airport System Consolidated 2001 AMT Construction Fund; \$6,749,250.00 from Federal Aviation Administration Grant Funds; \$2,300,000.00 out of Airports Improvement Fund (Temporary Funding); and \$157,483.00 out of Airports Improvement Fund; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal E/FIS EDS Interim In-line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; Project 612C; CIP A-0486 and A-0422; providing funding for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

37. Ordinance 2004-1069

ORDINANCE appropriating \$420,010.35 out of Street & Bridge Consolidated Construction Fund (437) for Removal or Relocation of Pipelines for El Dorado Boulevard Extension Project, GFS N-0172-01-3 (SB9170-01); approving a Reimbursement Agreement with **BP PIPELINES (NORTH AMERICA), INC - DISTRICT E - WISEMAN**

38. Ordinance 2004-1087

ORDINANCE awarding construction contract to **JAHO, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section Two of West Orem Place Subdivision; approving and authorizing assignment of construction contract to **S.S.M., L.P.**, CIP S-0800-71-03 and R-0800-71-03 (DPC-046) - **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

39. Ordinance 2004-1070

ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of Kingdom Come Place Subdivision; approving and authorizing assignment of construction contract to **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION**, CIP S-0800-55-03 and R-0800-55-03 (DPC-056) - **DISTRICT D - EDWARDS**

40. Ordinance 2004-1088

ORDINANCE awarding construction contract to **BIG STATE EXCAVATION, INC** for construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Autumn Glen Subdivision; approving and authorizing an assignment of the construction contract to **KB HOME LONESTAR, L.P.**; CIP S-0800-B2-3 and R-0800-B2-3 (DPC-58) - **DISTRICT D - EDWARDS**

41. Ordinance 2004-1071

ORDINANCE awarding construction contract to **MENENDEZ-DONNELL & ASSOCIATES INC** for construction of Water, Sanitary Sewer and Storm Drainage Systems to serve the Brentwood Place Subdivision; approving and authorizing an assignment of the construction contract to **WEST AIRPORT/GATEWAY 15.01, L.P.** CIP S-0800-D4-03 and R-0800-D4-03(DPC-067) **DISTRICT D - EDWARDS**

42. Ordinance 2004-1072

ORDINANCE appropriating \$759,362.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF SOLUTIONS, INC dba CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C9-3 (WW4277-26); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 43 and 44

PROPERTY

43. Motion 2004-1094

RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcel S97-032, S95-061, S85-052, S85-074, SY4-036, S83-034, SY4-044, S95-052, S84-071, S98-076, S83-058, SY2-016, S71-047, S71-048, S71-049, S71-050, S71-051, SY5-010 and SY5-012 and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount: **APPOINT INDEPENDENT APPRAISERS and ALTERNATE APPRAISERS DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

- | | | |
|-------------|--|--|
| District A | 1) S97-032 | 2 appraisers and 1 alternate
(John Chambless and Sheila Stewart, Appointed and Gary Meyer, Alternate) |
| District B | 1) S95-061
2) S85-052 and S85-074 | 2 appraisers and 1 alternate
2 appraisers and 1 alternate
(George Wyche and Travis Cooper, Appointed and Jasmine Quinerly, Alternate) |
| District D | 1) SY4-036
2) S83-034, SY4-044, S95-052 | 2 appraisers and 1 alternate
2 appraisers and 1 alternate
(Postponed to next meeting) |
| District E | 1) S84-071 | 2 appraisers and 1 alternate
(Tommie Crowell and Jimmy Payton, Appointed and Michael Copland, Alternate) |
| District H | 1) S98-076 | 2 appraisers and 1 alternate
(Patrick O'Connor and James Rohde, Appointed and Frank Flores, Alternate) |
| District I: | 1) S83-058
2) SY2-016
3) S71-047, S71-048, S71-049, S71-050, S71-0512 appraisers and 1 alternate
4) SY5-010 and SY5-012 | 2 appraisers and 1 alternate
2 appraisers and 1 alternate
2 appraisers and 1 alternate
2 appraisers and 1 alternate
(postponed to next meeting) |

44. Motion 2004-1097

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott P. Greer of R. G. Miller Engineers, Inc., on behalf of HD Development Properties, L. P. [Home Depot U.S.A., Inc. (Troy Rice, president, central division), general partner], authorizing (a) the disclaimer of a portion of a 30-foot-wide drainage easement; (b) abandonment and sale of a 10-foot-wide utility easement, a 15-foot-wide drainage easement, and the attendant aerial easements in exchange for the conveyance to the City of a 10-foot-wide utility easement and a 30-foot-wide drainage easement, all located within Block 1, Unrestricted Reserve A, Home Depot-North Loop Addition and/or Shady Acres Addition, Parcels SY5-004A, SY5-004B, SY5-004C, VY5-001 and LY5-001 **(Patrick O'Conner and Frank Flores, Appointed and Gary Meyer, Alternate) - APPRAISERS and one alternate APPRAISER - DISTRICT H - GARCIA**

MATTERS HELD - NUMBERS 45 through 51

45. Motion 2004-1098 – Adopt

RECOMMENDATION from Chief of Police to award to **BOOTH RESEARCH GROUP, INC** for Development of two supplemental Assessment Centers for Police Department - \$71,000.00 General Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 17 on Agenda of October 13, 2004

46. Motion 2004-1099 – Adopt

RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #2000-515, 4/12/00, as amended by #2003-374, 4/16/03 and #2004-272, 3/10/04, TO INCREASE** spending authority from \$164,549.00 to \$230,368.60, for Automotive Refinishing Products Contract for Various Departments, awarded to **LUIS AUTO COLORS** - General Fund **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 20 on Agenda of October 13, 2004

47. Ordinance 2004-1089

ORDINANCE **AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Transportation and Treatment of certain wastes; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 22 on Agenda of October 13, 2004

48. Ordinance 2004-1090

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2004-204 by adding two hundred (200) Senior Police Officer positions, and by deleting two hundred forty-five (245) Police Officer Positions, Twenty-three (23) Police Sergeant Positions, Seven (7) Police Lieutenant Positions and one (1) Chief Criminalist Crime Laboratory Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 23 on Agenda of October 13, 2004

49. Ordinance 2004-1091

ORDINANCE appropriating \$10,980.00 out of Parks Special Fund and approving and authorizing Advance Funding Agreement between the City of Houston, the **TEXAS DEPARTMENT OF TRANSPORTATION** and a sponsorship contract between the City of Houston and the **HERMANN PARK CONSERVANCY** - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 29 on Agenda of October 13, 2004

MATTERS HELD - continued

Motion 2004-1100 – Written motion by Council Member Lawrence to amend Item 50 as follows:

"I move that Item 50 on the City Council Agenda of October 20, 2004, be amended as follows:

1) Substitute the "Exhibit A" attached hereto for the "Exhibit A" attached to the proposed agreement; and

2) Amend Article IV, Section A to read as follows:

A. Payment Terms

With respect to services provided under Article III, the Firm shall be paid by the City in accordance with the Fees Schedule ("Fee Schedule") attached and incorporated into this Agreement as Exhibit "A." In no event shall the firm's fees for services exceed \$30,000 in any month unless approved in advance by the City Attorney. In addition, the Firm shall be reimbursed by the City for its reasonable and actual out-of-pocket expenses ("Reimbursable Expenses") described below. Notwithstanding the foregoing, the Firm shall not be required to provide services in excess of, and City's obligation to pay for such services and such related Reimbursable Expenses shall not exceed, Two Hundred Thousand and No/100 Dollars (\$200,000.00).

EXHIBIT "A"

FEE SCHEDULE

ATTORNEY	HOURLY RATE
Barry Palmer, Director	\$ 295/hour
Nancy H. Hamren	\$ 250/hour
Debra M. Levy	\$ 250/hour
Associate & Of Counsel Attorneys	\$200 – 275/hour
Legal Assistants	\$100 – 140/hour

The foregoing hourly rates are subject to adjustment effective on January 1 annually during the term of this Contract, to the extent that Firm's standard hourly rates are adjusted, but in no event shall any such annual adjustment to the hourly rates set forth above exceed 5%, and in no event shall any of the hourly rates set forth above, as so adjusted, exceed \$375 per hour.

If other attorneys or legal assistants in the Firm are required to perform services under this Agreement, the Firm shall notify the City Attorney of the fees of the additional personnel, which shall not exceed the fees customarily charged for such services by the Firm to governmental clients for matters of similar complexity to the one subject to this Agreement. The Firm shall not permit the additional personnel to perform any services under this Agreement until notified verbally or in writing of the City Attorney's approval."

MATTERS HELD - continued

50. Ordinance 2004-1092

ORDINANCE approving and authorizing an agreement between the City of Houston and **COATS ROSE YALE RYMAN & LEE, P.C.** for Legal Services in connection with certain Non-Performing Loans secured by City-assisted Multi-family Affordable Housing Projects - \$200,000.00 - Grant Fund - **TAGGED BY COUNCIL MEMBERS HOLM, WISEMAN, LAWRENCE and GARCIA**

This was Item 33 on Agenda of October 13, 2004

51. Ordinance 2004-1093

ORDINANCE appropriating \$429,633.00 out of General Improvements Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 99-573) between the City and **BOVAY ENGINEERS, INC** for Modifications to various City Facilities, CIP D-9999-03-2 and D-0119-01-2

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 34 on Agenda of October 13, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Garcia 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

10/19/2004 – All Present

10/20/2004 – All Present