

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 12, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0328 to 2005-0343
ORDINANCES – 2005-0352 to 2005-0375
RESOLUTION – 2005-0005

2005-0327-1

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 2005-0328 to 2005-0329 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 13, 2005 - 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 29

ACCEPT WORK - NUMBERS 1 through 4

1. Motion 2005-0330

RECOMMENDATION from Houston Airport System for approval of final contract amount of \$33,699,724.68 and acceptance of work on contract with **MANHATTAN CONSTRUCTION CO.** for ISEP FIS Parking Complex at George Bush Intercontinental Airport/Houston; Project No. 500E; CIP A-0203 and A-0422 - 04.24% over the original contract amount - **DISTRICT B - GALLOWAY**

ACCEPT WORK - continued

2. **Council Members Quan, Galloway and Khan tagged**
ORDINANCE appropriating \$54,766.50 out of Street & Bridge Consolidated Construction Fund No. 437, and approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim by **AUSTIN FILTER SYSTEMS, INC**
- a. **Council Members Khan, Quan and Galloway tagged**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,185,005.81 and acceptance of work on contract with **AUSTIN FILTER SYSTEMS, INC** for Construction of Buffalo Bayou Trail North of Buffalo Bayou, GFS N-0420-28-3 18.59% over the original contract amount - **DISTRICT I - ALVARADO**
3. **Council Member Galloway tagged**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,334,085.80 and acceptance of work on contract with **TROY CONSTRUCTION, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P1-3 (4235-15) - 00.62% under the original contract amount
4. **Motion 2005-0331**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$899,261.97 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Replacement Sewers in the Navigation Subdivision Area, GFS R-2011-31-3 (WW4762-01) - 03.50% under the original contract amount - **DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 8

5. **Motion 2005-0333**
FLIGHT LIGHT, INC for Lighted Runway Closure Markers for Houston Airport System \$33,600.00 - Enterprise Fund
6. **Motion 2005-0334**
AMEND MOTION #2002-863, 7/17/02, TO INCREASE spending authority from \$4,000,000.00 to \$4,530,000.00, for Fuel, Diesel Low Emission Contract for Finance & Administration Department, awarded to **KING FUELS, INC**
7. **Motion 2005-0335**
INGERSOLL RAND EQUIPMENT & SERVICES for Trailer-Mounted Air Compressors for Department of Public Works & Engineering - \$123,136.00 - Enterprise Fund
8. **Motion 2005-0336**
CHASTANG'S BAYOU CITY FORD for Automotive, Caterpillar Diesel Replacement Parts and Service for Various Departments - \$127,400.00 - General, Enterprise and Fleet Management Funds

ORDINANCES - NUMBERS 9 through 29

9. **Ordinance 2005-0357**
ORDINANCE appropriating \$56,250.00 out of Water & Sewer System Consolidated Construction Fund to contract between the City and **COASTAL SECURITIES** for Financial Advisory Services; appropriating \$25,000.00 out of Street & Bridge Consolidated Construction Fund to contract with **FIRST SOUTHWEST COMPANY** for Financial Advisory Services; allocating certain other funds to the Financial Advisory contracts - \$47,500.00 - Enterprise Fund

ORDINANCES - continued

10. Ordinance 2005-0374

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BOMASADA FLIGHT OPERATIONS, LLC**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN**

11. Ordinance 2005-0375

ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BK AIRPORT PROPERTIES, LP**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN**

12. Council Member Goldberg tagged

ORDINANCE approving and authorizing option agreement for Purchase of Real Property at Ellington Field by and between the City of Houston, Texas and the Board of Regents of the **UNIVERSITY OF TEXAS SYSTEM - DISTRICT E - WISEMAN**

13. Ordinance 2005-0358

ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services; providing a maximum contract amount - 1 Year with three one-year options - \$208,000.00 - Grant Fund

14. Ordinance 2005-0359

ORDINANCE approving and authorizing Reclaimed Water Supply Contract between the City and **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 96** for Revenue Contract for Reclaimed Water

15. Ordinance 2005-0352

ORDINANCE awarding contract to **ROAR, LLC d/b/a TEXAS LANDSCAPE COMPANY** for Tree Planting and Maintenance Services for the Parks & Recreation Department; providing a maximum contract amount - \$113,514.87 - Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and D - EDWARDS**

16. Omitted

17. Ordinance 2005-0360

ORDINANCE appropriating \$235,121.79 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **VOGT ENGINEERING, L.P.** for Design of the Construction of Munn Street Extension from Gellhorn Drive to Demaree Lane in Pleasantville Subdivision (approved by Ordinance No. 95-0599), GFS N-0370-01-2 (N-0370); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B - GALLOWAY**

18. Council Member Quan tagged

ORDINANCE appropriating \$64,251.12 out of Series E Commercial Paper Metro Project Fund and approving and authorizing an amendment to increase the amount of contingency and approval of Change Order No. 3 on Construction Contract No. C55873 between the City of Houston and **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive (GFS N-0644G-01-3) - **DISTRICT E - WISEMAN**

ORDINANCES - continued

19. Ordinance 2005-0361

ORDINANCE appropriating \$1,650,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Engineering Services associated with the Design of Southwest Wastewater Treatment Plant Renewal/Replacement; GFS R-0265-38-2 (WW4884); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

20. Ordinance 2005-0362

ORDINANCE appropriating \$849,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Lift Station Renewal/Replacement; GFS R-0267-86-2 (WW4887); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; E - WISEMAN; G - HOLM and I - ALVARADO**

21. Ordinance 2005-0363

ORDINANCE appropriating \$2,200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Engineering Services associated with the Design of 69th Street Wastewater Treatment Plant Improvements; GFS R-0509-10-2 (WW4891); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO**

22. Ordinance 2005-0364

ORDINANCE appropriating \$594,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Engineering Services associated with the Design of Neighborhood Sewer System Improvements; GFS R-2011-45-2 (WW4889); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO**

Motion 2005-0332 – Suspend rules to consider Items 23, 39 and 40 out of order

23. Ordinance 2005-0354

ORDINANCE appropriating \$73,600.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PE SERVICE CONSULTING ENGINEERS, LTD.** for Denver Harbor Community Center Structural Evaluation, GFS D-0077-04-2 - **DISTRICT I - ALVARADO**

24. Ordinance 2005-0353

ORDINANCE appropriating \$45,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund and approving and authorizing Amendment No. 1 to contract for Professional Engineering Services between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston, Project No. 603; CIP A-0451 - **DISTRICT B - GALLOWAY**

ORDINANCES - continued

25. Ordinance 2005-0365

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement between City of Houston and Clear Brook City Municipal Utility District and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Clear Brook City Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

26. Ordinance 2005-0366

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO.1** to enter into an amendment to the strategic partnership agreement between the City of Houston and Mission Bend Municipal Utility District No.1 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Mission Bend Municipal Utility District No.1 and certain additional territory located in the vicinity of Mission Bend Municipal Utility District No.1; and to impose regulations on certain territory in the vicinity of Mission Bend Municipal Utility District No.1, in Harris County and Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

27. Ordinance 2005-0367

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Water Control and Improvement District No. 110 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Harris County Water Control and Improvement District No. 110; and to impose regulations on certain territory in the vicinity of Harris County Water Control and Improvement District No. 110, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

28. Ordinance 2005-0368

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Municipal Utility District No. 63; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

29. Ordinance 2005-0369

ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WESTON UTILITY DISTRICT IN HARRIS COUNTY** to enter into an amendment to the strategic partnership agreement between the City of Houston and Weston Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 30

MISCELLANEOUS

30. Motion 2005-0337

REVIEW of the record and make determination of the appeal filed by Diana Jackson on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 5021 South Acres, Houston, Texas - **DISTRICT D - EDWARDS**

MATTERS HELD - NUMBERS 31 through 42

31. Motion 2005-0338 – Adopt

Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **PMO LINK** for phase two development of Comprehensive Process Management System for building permit and land development processes - \$183,400.00 - Building Inspection Fund

TAGGED BY COUNCIL MEMBERS LAWRENCE, EDWARDS and HOLM

This was Item 14 on Agenda of April 6, 2005

32. Motion 2005-0339 – Adopt

Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **CONTINENTAL AIRLINES, INC** to provide customer service training for Department of Public Works & Engineering, Planning & Development Services Division employees - \$85,000.00 Building Inspection Fund

TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE and EDWARDS

This was Item 15 on Agenda of April 6, 2005

33. Motion 2005-0340 – Adopt

Motion by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to award to **TEXAS TRANSPORTATION INSTITUTE** for Video Camera Equipment, Installation Design and Broadband Internet Services for Department of Public Works & Engineering - \$193,300.00 - Grant Fund

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 16 on Agenda of April 6, 2005

34. Motion 2005-0341 – Adopt

Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **LONE STAR FLAGS & FLAGPOLES, INC** for Flags and Banners for Various Departments \$615,016.50 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$596,566.00 - General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 24 on Agenda of April 6, 2005

Motion 2005-0342 – Written motion by Council Member Goldberg to amend Item 36 as follows:

“Amend Sec. 15-126(a)(8), as set forth in Section 2 of the Ordinance, to read as follows:

“(8) Property acquisitions, including the lease of any real property to or by the city, excluding any lease of city-owned property below fair market rental.”

MATTERS HELD – continued

35. Resolution 2005-0005

RESOLUTION consenting to the creation of the Fort Bend County Rural Transit District; appointing a representative to the Rural Public Transportation Conference for such district; providing for the selection of the governing body of such district

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 25 on Agenda of April 6, 2005

36. Ordinance 2005-0370 – Adopt as amended

ORDINANCE **AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulations governing the making, amendment, or extension of contracts with persons indebted to the city; containing other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and GOLDBERG

This was Item 26 on Agenda of April 6, 2005

37. Ordinance 2005-0371

ORDINANCE establishing a Utility Relocation Policy for the City of Houston; **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to set forth policies and procedures for the relocation of facilities located within public rights-of-way to accommodate Public Works Construction projects; creating a Utility Relocation Program and approving the terms and provisions thereof; appropriating the aggregate sum of \$9,000,000 therefor from certain Commercial Paper Programs

TAGGED BY COUNCIL MEMBERS GREEN, WISEMAN, KHAN, GARCIA and SEKULA-GIBBS

This was Item 28 on Agenda of April 6, 2005

38. Ordinance 2005-0372

ORDINANCE establishing a Budget Policy with regard to the Budgeting and Expenditure of increased Franchise Fee Revenues for Public Safety

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 30 on Agenda of April 6, 2005

39. Ordinance 2005-0355

ORDINANCE approving the issuance of bonds by the Midtown Redevelopment Authority; providing for continuing disclosure with respect to such bonds; containing other provisions relating to the foregoing subject; and declaring an emergency

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 33 on Agenda of April 6, 2005

40. Ordinance 2005-0356

ORDINANCE approving and authorizing an agreement between the City of Houston, Texas, the Midtown Redevelopment Authority and Reinvestment Zone Number, Two, City of Houston, Texas for Certain Public Infrastructure Improvements; appropriating \$457,844.40 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for payment to the Midtown Redevelopment Authority pursuant to the subject agreement - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 34 on Agenda of April 6, 2005

41. Ordinance 2005-0373

ORDINANCE awarding contract to **IDEAL FINISHES, INC** for Graffiti Eradication and Protective Coating Application Services for Various Departments; providing a maximum contract amount \$1,251,235.50 - General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER QUAN**

This was Item 37 on Agenda of April 6, 2005

MATTERS HELD – continued

42. Motion 2005-0343 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to **AMEND MOTION #2002-497, 4/24/02, TO EXTEND** expiration date from April 24, 2005 to April 23, 2006, for Paints, Solvents & Painting Supplies Contracts for Various Departments, awarded to **ICI DULUX, SHERWIN-WILLIAMS PAINT CO., INC, SOUTHWESTERN PAINT CO.** and **QUALITY PAINT & DÉCOR**
POSTPONED BY MOTION #2005-323, 4/6/05
This was Item 59 on Agenda of April 6, 2005

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

4/12/2005 – Council Member Green out of the City on City business

4/13/2005 – All Present