

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 2, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0720 to 2005-0752
ORDINANCES – 2005-0932 to 2005-0943
RESOLUTION – 2005-0013

2005-0686-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sekula-Gibbs

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 2005-0720 to 2005-0724 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 3, 2005 - 9:00 A. M.

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

MAYOR'S REPORT

Motion 2005-0725 – Accept reports

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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 29

MISCELLANEOUS - NUMBERS 1 through 3

Motion 2005-0726 – Suspend rules to consider Items 1, 2 and 10 out of order

1. Motion 2005-727

REQUEST from Mayor for confirmation of the appointment of **MR. PAUL HOBBY**, to Position 2 of the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS**, for a term to expire September 30, 2006

2. Motion 2005-0728

REQUEST from Mayor for confirmation of the appointment of **MR. ENRIQUE JAVIER LOYA**, to Position Twelve of the **HOUSTON PARKS BOARD**, for a term to expire January 1, 2008

3. Motion 2005-0729

RECOMMENDATION from Director Building Services Department for approval of Computer Image for dedication plaque for Burnett Bayland Park, GFS F-504B-00-3 - **DISTRICT F - KHAN**

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2005-0730

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$16,773,809.66 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Terminals A & B Exterior Upgrades at George Bush Intercontinental Airport/Houston, Project No. 495, CIP A-0125 and A-0422 - 02.55% under the original contract amount - **DISTRICT B - GALLOWAY**

5. Motion 2005-0731

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$582,027.00 and acceptance of work on contract with **BOYER, INC** for Treatment Recovery System at George Bush Intercontinental Airport/Houston, Project No. 605D, CIP A-0463 - 01.76% over the original contract amount - **DISTRICT B - GALLOWAY**

6. Motion 2005-0735

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$659,400.00 and acceptance of work on contract with **RESICOM, INC** for Parks Master Plan - Bid Package 7 Milroy Parking Lot, Brock Golf Course Bridge and Rosewood Park, GFS F-504C-16-3, F-504C-24-3 and F-504C-05-3 - 05.00% over the original contract amount **DISTRICTS B - GALLOWAY and H - GARCIA**

7. Motion 2005-0732

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$153,346.00 and acceptance of work on contract with **ROOFTOP SERVICE CO., INC** for Northwest Police Station Roof Replacement, GFS G-0066-06-3 - 01.50% under the original contract amount - **DISTRICT A - LAWRENCE**

8. Motion 2005-0736

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$449,173.74 and acceptance of work on contract with **RAGO, LTD.**, for Safe Sidewalk Program Work Order Contract B1 Project, GFS N-0610A-B1-3 (SB9113-01) 04.04% over the original contract amount

PROPERTY - NUMBERS 9 and 10

9. Motion 2005-0737

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY0-016, located at 1220 North Wayside Drive, owned by Armando Uriarte and Maria Uriarte, for the **MARKET STREET PAVING PROJECT from North Wayside Drive to Loop 610**, CIP N-0611A-34-2 - **DISTRICT B - GALLOWAY**

10. Council Members Edwards and Quan tagged

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-173 and AY2-173A, located in the 2300 block of Dixie Drive, owned by The Grocers Supply Company, Inc., a Texas corporation, Jim N. Arnold, Vice President Real Estate and Store Development, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-22-2 - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 16

11. Motion 2005-0733

CARRIER CORPORATION for HVAC Replacement at Fire Station No. 21 for Building Services Department - \$50,160.00 and contingencies for a total amount not to exceed \$52,668.00 - Fire Department Revolving Fund

12. Motion 2005-0738

CREATIVE COMPUTER APPLICATIONS, INC for Laboratory System Upgrade for Health & Human Services Department - \$149,973.00 - Grant Fund

13. Motion 2005-0739

ANALYTICAL COMPUTER SERVICES for Personal Computers and Monitors through the City's Master Agreement with the Texas Department of Information Resources, Contract No. C56844, for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code \$136,006.09 - Municipal Courts Technology Fund

14. Motion 2005-0740

NORTHWEST COMMUNICATIONS, INC for Motorola IR Quarter Intellirepeaters for Department of Public Works & Engineering - \$226,313.80 - Combined Utilities Systems General Purchasing Fund

15. Motion 2005-0734

CDP DIAMOND PRODUCTS, INC (Bid No. 3) for Concrete Saw Blades for Various Departments \$338,294.29 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$331,528.40 - Enterprise Fund

16. Motion 2005-0741

D. F. SALES (Bid No. 11) for Screw Fasteners Contract for Various Departments - \$118,370.70 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$116,003.29 - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 29

17. Resolution 2005-0013

RESOLUTION supporting the City of Houston's participation in a Waiver Request of Local Match Participation to the Texas Department of Transportation to Waive Local Match Participation for the Federal Off-System Bridge Program - **DISTRICTS B - GALLOWAY and H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2005-0935

ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Operation of Neighborhood Electric Vehicles and Motor Assisted Scooters

19. Ordinance 2005-0943

ORDINANCE amending the City of Houston Construction Code by adopting a revised City of Houston Electrical Code; containing other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

20. Ordinance 2005-0932

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide utility easement and the attendant aerial easements containing 0.038 acre (1,167.00 square foot) of land, more or less, being situated in the south five (5) feet of Lots 1 through 3 and the north five (5) feet of Lots 40 through 42 of Block 2, South Park Addition, Section 3, as recorded at Volume 38, Page 51 of the Map Records of Harris County, Texas; vacating and abandoning said easements to Van Fleet Greater New Testament Baptist Church, the owner of the fee interest in said tract of land, in consideration of owner's conveyance to the City of a 10-foot-wide utility easement containing 0.022 acre (950.00 square foot) of land, more or less, and payment to the City of \$300.00, and other good and valuable consideration - **DISTRICT D - EDWARDS**

21. Omitted

22. Council Members Wiseman and Lawrence tagged

ORDINANCE approving and authorizing an interlocal Agreement between the City of Houston and Harris County for support of the **JOINT CITY-COUNTY COMMISSION ON CHILDREN**; providing a maximum contract amount - 5 years - \$400,000.00 - General Fund

Motion to amend Item 23 to add a provision for an opportunity to study the effects of smoking – **TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**

23. Council Member Sekula-Gibbs tagged

ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Environmental Public Health Services; providing a maximum contract amount \$253,998.00 - Grant Fund

24. Ordinance 2005-0936

ORDINANCE approving and authorizing contract between the City and **O'BRIEN OIL POLLUTION SERVICE, INC** for Bioterrorism Exercise Consulting Services for Health and Human Services Department; providing a maximum contract amount - \$300,000.00 - Grant Fund

25. Ordinance 2005-0937

ORDINANCE approving and authorizing amendment No. 1 to the agreement between the City of Houston and **VERIZON SELECT SERVICES, INC formerly GTE COMMUNICATIONS CORPORATION** for Telecommunications Equipment Maintenance Services for the Houston Airport System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field - 1 Year - \$1,868,901.50 - Enterprise Fund

26. Ordinance 2005-0933

ORDINANCE appropriating \$146,533.50 out of Parks Consolidated Construction Fund for purchase of Playground Equipment for Building Services Department, CIP F-0504 - **DISTRICTS C - GOLDBERG and H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

27. Council Members Green, Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing contract between the City of Houston and **BERG & ANDROPHY** for Legal Services in connection with representing the City in Litigation concerning violations of Clean Air requirements and related matters providing a maximum contract amount \$100,000.00 - Property and Casualty Fund

28. Ordinance 2005-0934

ORDINANCE appropriating \$556,952.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **PATE ENGINEERING, INC** for Turkey Creek WWTP Improvements, GFS R-0265-11-3 (WW4760-9) - **DISTRICT G - HOLM**

29. Ordinance 2005-0938

ORDINANCE appropriating \$1,662,708.21 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0035-V3-3 (WA10864); 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 30 and 31

PROPERTY

30. Motion 2005-0742

RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcels S98-062, S83-087, S83-088, S84-084, S84-091, S85-036, S87-016, S88-024, S85-005, SY5-037, S87-029, S98-046A and B and SY5-057 and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount and authorize staff appraisal for Parcel S87-029 located in **DISTRICT G - HOLM** - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

District A – Gary Meyer and Sheila Stewart – John Chambless (Alternate)
District B – George Wyche and Travis Cooper – Jasmine Quinerly (Alternate)
District D – Sheila Stewart and Jasmine Quinerly – Samuel Stewart (Alternate)
District E – Jimmy Payton and Arthur Shackelford – Michael Copland (Alternate)
District G – Postpone one (1) week
District H – Frank Flores and John Fox – Patrick O'Connor (Alternate)

31. Motion 2005-0743

RECOMMENDATION from Director Department of Public Works & Engineering, **TO APPOINT** a third independent real estate appraiser in connection with the abandonment and sale of Cedar Post Lane from Blalock Drive to its dead end at the Harris County Flood Control District drainage easement, in exchange for the conveyance to the City of a full-width utility easement, all located within Blalock Woods Apartments Replat No. 1 and Cedar Post Lane, authorized by Motion #2004-95, 1/28/04 as amended by Motion #2004-445, 4/28/04, Parcels SY4-003 and VY4-005 – **(Gary Meyer appointed) - APPRAISER - DISTRICT A - LAWRENCE**

MATTERS HELD - NUMBERS 32 through 39

32. Motion 2005-0744 – Adopted

WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 32A below as follows:

Renumber Sections 6 and 7 as Sections 7 and 8, respectively, and add a new Section 6, as follows:

Section 6. That Chapter 4 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 4-19, to read as follows:

“Sec. 4-19. Disposition of certain fees.

All fees collected under Sections 4-3 and 4-16 of this Code shall be allocated to the health and human services department to fund the inspection of ambulances and permitting of ambulance operators as required by this chapter.”

Motion 2005-0745 – Written motion by Council Member Garcia to amend Item 32a as follows:

“Amend Sec. 4-16, as set forth in Section 4 of the Ordinance, to read as follows:

The fee for the ambulance operator’s permit required pursuant to section 4-15 of this Code shall be \$500, and all permits under this chapter shall be valid for one year from the date of issuance. Such permits may be renewed after the termination date of the initial permit and during that same year by paying a permit fee of \$200. The charge for decals required pursuant to section 4-8 of this Code shall be \$160 per pair of decals for each pair issued, renewed or replaced. Decals expire concurrently with the ambulance operator’s permit under which they are issued. Such fees and charges shall be collected by the department of health and transferred to the finance and administration department, together with an accounting of the permits and pairs of decals for which same were collected.” - **Adopted**

a. Ordinance 2005-0939 – Adopted as amended

ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to ambulance fees, drivers, inspections and penalties

POSTPONED BY MOTION #2005-686, 7/13/05

These were Items 35 and 35A on Agenda of July 13, 2005

33. Motion 2005-0746 – Postpone one (1) week

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,425,465.80 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Westbury West Subdivision, GFS S-0035-98-3 (WA10739) - 00.39% over the original contract amount - **DISTRICT C - GOLDBERG** - **TAGGED BY COUNCIL MEMBERS GREEN, GALLOWAY and KHAN**

This was Item 11 on Agenda of July 27, 2005

34. Motion 2005-0747 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to purchase Parcel A97-235, located at 8181 Fannin Street, owned by Monadock Texas, L.P., a Texas limited partnership, [Texas GP Properties LLC, a Delaware limited liability company, its sole General Partner, (Monadock Property Trust, LLC, a Delaware limited liability company, its sole member, Archstone-Smith Operating Trust, a Maryland real estate investment trust, Managing Member)] for the **TMC, GREENWAY PLAZA, GALLERIA AREA HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-14-2 - \$155,523.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 17 on Agenda of July 27, 2005

MATTERS HELD – continued

35. Motion 2005-0748

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department, on award to **APPLIED BIOSYSTEMS** for Reagent Kits, Software and Software Training for Genetic Analyzers for the Houston Police Department - \$204,460.00 - General Fund

TAGGED BY COUNCIL MEMBER SEKULA-GIBBS

This was Item 24 on Agenda of July 27, 2005

Motion 2005-0749 – Suspend rules to reconsider vote on Item 36

Motion 2005-0750 – Motion by Council Member Goldberg to amend Item 36 as follows:

“1. Delete Section 15 of the Ordinance and add new Sections 15 and 16 that read as follows:

Section 15. (a) With the exception of Section 4 and Sections 8 through 12, all provisions of this Ordinance shall take effect upon the date of its passage and approval by the Mayor. Section 4 shall become effective on January 1, 2006. Sections 8 through 12 shall become effective on September 1, 2005.

(b) Each taxicab permit holder shall cause the meter on each of his taxicabs to be reset and resealed to reflect the rates authorized in Section 46-31 of the Code of Ordinances as amended herein within 60 days following the effective date of this Ordinance. The resetting and resealing of the meters shall be performed in accordance with regulations issued by the Director of Finance and Administration for that purpose. The reset and resealed meters shall be subject to inspection and verification of accuracy by the Director or his designee as provided in the regulations. During the aforesaid 60 day period, the rates established in Section 46-31 as it read prior to amendment by this Ordinance shall continue to apply to trips conducted by any taxicab in which the meter has not been reset and resealed and the former provisions of Section 46-31 are saved for that limited purpose.

Section 16. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in Section 15, above.

2a. In Section 1 of the Ordinance, amend the paragraph following the table in Item (3) (of Subsection (a) of Section 46-31) to read as follows:

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates is on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

2a. In Section 1 of the Ordinance, amend the paragraph following the table in Item (4) (of Subsection (a) of Section 46-31) to read as follows:

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates is on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

MATTERS HELD – continued

Item 36 - continued

2c. Renumber Sections 15 and 16 as Sections 16 and 17, respectively, and add a new Section 15 that reads as follows:

Section 15. The City Council hereby approves the revised Houston Intercontinental Airport and William P. Hobby Airport flat rate zone maps that have been placed on file in the City Secretary's Office in connection with the adoption of this Ordinance. The revised maps shall supersede the maps previously filed. Upon annexation of additional territory into the city limits, the Director of Finance and Administration shall have prepared new maps to assign each newly annexed area to a zone and shall file such new maps with the City Secretary.

3. Amend Section 7 of the Ordinance to read as follows:

Section 7. That Subsection (a) of Section 46-242 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The minimum fare of \$70 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than \$15 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited." - **Adopted**

36. Ordinance 2005-0940

ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Vehicles for Hire; containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability - **TAGGED BY COUNCIL MEMBER QUAN**

This was Item 31 on Agenda of July 27, 2005

37. Motion 2005-0751 – Postpone one (1) week

ORDINANCE issuing permit to **GRAMERCY COURT, LTD.**, for using, occupying, operating, maintaining and repairing a waterline within the 2600 block of Gramercy Street, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - GOLDBERG**
TAGGED BY COUNCIL MEMBER ELLIS

This was Item 35 on Agenda of July 27, 2005

38. Ordinance 2005-0941

ORDINANCE altering and establishing maximum prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty

TAGGED BY COUNCIL MEMBERS QUAN and GARCIA

This was Item 45 on Agenda of July 27, 2005

MATTERS HELD – continued

Motion 2005-0752 – Written motion by Council Member Alvarado to amend Item 39 as follows:

“Motion to amend City of Houston Ordinance regarding American Medical Response by adding the following:

Section 1.a. Houston Fire Department (“HFD”) is hereby authorized to establish a Policy that requires an HFD employee to ride as a third person on all ambulance runs made by AMR pursuant to the contract, provided that a qualified HFD employee is reasonably available.” -

Adopted

39. Ordinance 2005-0942

ORDINANCE approving and authorizing contract between the City of Houston and **AMERICAN MEDICAL RESPONSE** for Emergency Medical Transportation Services for the Houston Fire Department - **TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 47 on Agenda of July 27, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Wiseman 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

8/2/2005 – Council Member Holm out of the City on personal business

8/3/2005 – Council Member Holm out of the City on personal business