

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 13, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-1191 to 2005-1215
ORDINANCES – 2005-1348 to 2005-1376
RESOLUTION – 2005-0024

2005-1190-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Ellis

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 2005-1191 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 14, 2005 - 9:00 A. M.

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

MAYOR'S REPORT - Project Houston Hope Update

CONSENT AGENDA NUMBERS 1 through 44

MISCELLANEOUS - NUMBERS 1 through 8

1. Motion 2005-1200

Motion to Suspend the Council Rules for the purpose of rescheduling presentation of the Monthly Financial and Operations Report from January 4, 2006 to January 11, 2006

2. Motion 2005-1192

RECOMMENDATION from Director Planning & Development Department for approval of Fiscal Year 2006 Budget for **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY (TIRZ NO. 20) - DISTRICT F - KHAN**

MISCELLANEOUS - continued

3. Motion 2005-1201

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2006 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITIES PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$2,720,624.00 - Enterprise Fund

4. Motion 2005-1202

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2006 Operations and Maintenance Budget for the **TRINITY RIVER WATER CONVEYANCE PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$14,953,209.00 Enterprise Fund

5. Motion 2005-1203

RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$136,462.11 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2006 Water System Fees - Enterprise Fund

6. Motion 2005-1204

RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** - 1 Year \$87,191.00 - Enterprise Fund

7. Motion 2005-1205

RECOMMENDATION from Director Finance & Administration for membership renewal in the United States Conference of Mayors - \$41,702.00 - General Fund

8. Motion 2005-1193

RECOMMENDATION from Director Department of Public Works & Engineering to expend funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$178,500.00 General Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS and I - ALVARADO**

PROPERTY - NUMBER 9

9. Motion 2005-1194

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels A97-200, A97-204, A97-204A and A97-205, owned by ARCO Pipeline Company, for the **HERMAN BROWN PARK TRAIL-PHASE II**, CIP N-0420-15A-2 - **DISTRICT I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 19

10. Ordinance 2005-1357

ORDINANCE appropriating \$36,893.27 out of General Improvement Consolidated Construction Fund for Construction of a Reception Desk at City Hall for Building Services Department, CIP D-0113

a. Motion 2005-1206

FOUR SEASONS DEVELOPMENT COMPANY, INC for Construction of a Reception Desk at City Hall for Building Services Department - \$35,136.45 and contingencies for a total amount not to exceed \$36,893.27

PURCHASING AND TABULATION OF BIDS - continued

11. Motion 2005-1207

AMEND MOTION #2004-333, 3/31/04, TO INCREASE spending authority from \$230,375.00 to \$287,968.75 for Arts, Crafts and Games Contract for Parks & Recreation Departments, awarded to **S&S WORLDWIDE** - \$57,593.75 - General Fund

12. Motion 2005-1195

MD HELICOPTERS, INC for MD Helicopter Professional Training Services for Police Department \$123,200.00 - Police Special Services Fund

13. Motion 2005-1208

SHI-GOVERNMENT SOLUTIONS, INC for Maintenance and Support Agreement for Novell Software through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Police Department \$296,404.49 - General Fund

14. Motion 2005-1209

PUBLIC SAFETY CONSULTANTS, INC for Professional Services through the City's Master Agreement with the Texas Procurement Center for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Police Department - \$170,400.00 Equipment Acquisition Fund

15. Motion 2005-1210

DLT SOLUTIONS, INC for Oracle Software Licenses through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Department of Public Works & Engineering - \$157,657.50 - Enterprise Fund

16. Motion 2005-1196

W. W. GRAINGER, INC for Spending authority to Purchase Maintenance, Repair and Operating Supplies from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$3,847,385.74 General, Enterprise and Other Funds

17. Motion 2005-1197

RUSH TRUCK CENTERS OF TEXAS, L.P. - \$1,182,781.00, **UNDERGROUND, INC d.b.a. UNDERGROUND MARKETING** - \$188,854.50, **LONE STAR TRUCK CENTER** - \$190,390.00 and **VACTOR MANUFACTURING, INC** - \$361,630.00 for Medium and Heavy Duty Cabs & Chassis and Truck Bodies, and a Trailer-Mounted Sewer Cleaner for Various Departments \$1,923,655.50 - Enterprise and Equipment Acquisition Funds

18. Motion 2005-1198

BISON BUILDING MATERIALS, LTD. - \$940,285.74 and **BIG Z LUMBER COMPANY** - \$464,561.30 for Lumber for Various Departments - General and Enterprise Funds

19. Motion 2005-1199

TEXAS ELECTRIC INSULATED CABLE CORPORATION for Computers, Monitors, Laptops and Services through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Various Departments \$1,927,155.00 - Equipment Acquisition Consolidated Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 44

Motion 2005-1211 – Amend Item 20 to delete the following:

“1. The minimum US Treasury allocation is increased from 0% to 15%”, as revision.”

20. Resolution 2005-0024 – Adopt as amended

RESOLUTION approving and adopting a revised Investment Policy for the City of Houston

21. Council Member Edwards tagged

ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to notification to Building Owners

22. Ordinance 2005-1358

ORDINANCE amending City of Houston Ordinance No. 2003-1034 relating to Special Event Temporary Information Signs

23. Ordinance 2005-1348

ORDINANCE consenting to the addition of 6.1048 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110**, for inclusion in its district

24. Ordinance 2005-1349

ORDINANCE finding no special benefit to the abutting owner of property described as Tracts 15E, 15E-2, and 15G out of the J. M. Bartlett Survey, Abstract No. 152, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 87-675, passed May 6, 1987, for the initiation of a paving project for the permanent improvement of a portion of South Gessner Road in the City of Houston, Texas - **DISTRICT C - GOLDBERG**

25. Ordinance 2005-1359

ORDINANCE authorizing the sale of 12.27 acres of land (8901 Boone Road; Parcel SY6-037) out of H. A. Cobb Survey, A-210, Houston, Harris County, Texas, and Improvements thereon, to the Harris County Hospital District for use as a site for a Health Clinic; approving purchase and sale agreement with Harris County Hospital District - **DISTRICT F - KHAN**

26. Ordinance 2005-1360

ORDINANCE repealing Ordinance Nos. 2004-971, 96-1210, 97-402, 2005-418, 2005-421, 2005-413 and 2005-422, rescinding authority set out therein to sell certain parcels to particular individuals for various reasons; declaring Parcel Numbers S95-055, S95-048, S97-028, S83-058, S71-049, S71-050 and S71-051 to be surplus property, and approving authorizing the sale of said parcels by sealed bid sale, subject to the City’s Billboard Restrictions, all easements, all public utilities, and the applicable covenants, conditions and restrictions - **DISTRICTS D - EDWARDS; F - KHAN and I - ALVARADO**

27. Ordinance 2005-1350

ORDINANCE approving and authorizing an Indemnity and Maintenance Agreement between the City and **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY** for Right-of-way Improvements on Bellaire Blvd. from US59 to Beltway 8 and on Fondren Road from US59 to Westpark - **DISTRICTS F - KHAN and G - HOLM**

28. Ordinance 2005-1351

ORDINANCE approving and authorizing acceptance of grant from the Department of **HOMELAND SECURITY**, Office of Domestic Preparedness for funding through Title XVII of the Fire Prevention and Control Act of a Fire Ground Survivability Program; authorizing the appropriation of matching funds from the Houston Fire Department’s FY06 Budget; authorizing the Chief, Houston Fire Department to accept such grant funds and to act as the City’s representative in all matters pertaining to the program - \$1,965,320.00 – Grant and Equipment Acquisition Funds

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2005-1352

ORDINANCE approving and authorizing contract between the City and **PEOPLE WITH AIDS COALITION HOUSTON, INC** for HIV/STD Services for the Houston Department of Health and Human Services; providing a maximum contract amount - 1 Year with 3 one-year renewal terms \$132,132.00 - General Fund

30. Ordinance 2005-1361

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA WOMEN'S CENTER** to pay all the interest and royalty from the John Battaglia Trust Account from January 1, 2006 to December 31, 2009

31. Ordinance 2005-1362

ORDINANCE appropriating \$500,000.00 out of TIRZ Affordable Housing Fund (Fund 872) to fund City's Homebuyer Assistance Program ("HAP") pursuant to first amended and restated Administrative Guidelines adopted under Ordinance No. 2005-1189

31-1 Ordinance 2005-1363

ORDINANCE appropriating \$500,000.00 out of TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing Reimbursement Agreement between the City of Houston, the Land Assemblage Redevelopment Authority ("LARA") and Stewart Title to facilitate the issuance of title insurance policies to qualified purchasers of affordable housing developed under certain of the City's Land Acquisition Programs

32. Ordinance 2005-1364

ORDINANCE approving and authorizing City of Houston to enter into contracts with each of two (2) Non-profit organizations [**3D ACADEMY, INC** and **ST. JAMES SCHOOL**] to administer an After School Achievement Program ("ASAP") - \$90,000.00 - General and Grant Funds **DISTRICTS B - GALLOWAY and D - EDWARDS**

33. Ordinance 2005-1365

ORDINANCE approving and authorizing City of Houston to enter into first contract amendment with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to Delete one school site, add eight school sites and to provide additional \$358,897.00 to administer an After School Achievement Program General and Grant Funds - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS and I - ALVARADO**

34. Ordinance 2005-1366

ORDINANCE amending Ordinance No. 2005-0959 to add a Fee Schedule to the previously approved agreement for Farrier Services between the City of Houston and **BOLTON'S FARRIER SERVICES** (approved by Ordinance No. 2005-0959)

35. Ordinance 2005-1353

ORDINANCE approving and authorizing Amendment No. 1 to the contract with **4B TECHNOLOGY GROUP L.L.C.**, for Information Technology and Telecommunications Infrastructure Field Inspection Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

36. Ordinance 2005-1354

ORDINANCE approving and authorizing first amendment to the Interlocal Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Construction on Brittmoore Road from Old Katy Road to Hammerly Blvd., GFS N-0596-01-2 - **DISTRICT A - LAWRENCE**

RESOLUTIONS AND ORDINANCES - continued

37. Ordinance 2005-1367

ORDINANCE approving and authorizing contract between the City of Houston and **FEMA LAW ASSOCIATES, PLLC**, for Professional Legal Services relating to Disaster Preparedness and Disaster Relief; providing a maximum contract amount - \$75,000.00 - Property and Casualty Fund

38. Ordinance 2005-1355

ORDINANCE appropriating \$93,652.88 out of Drainage Improvements Commercial Paper Series F Fund and \$1,101,481.10 from the Water & Sewer System Consolidated Construction Fund as an additional appropriation for the Metro Downtown/Midtown Transit Street Program GFS S-0443-04-3, R-0537-05-3, R-0537-08-3, M-0671-09-3, & M-0671-10-3 (SB9037-02), under Transportation Improvement Agreement with Metropolitan Transit Authority (approved by Ordinance No. 93-274); providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO**

39. Not Received-Not Considered

ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **BFI WASTE SYSTEMS OF NORTH AMERICA**, passed June 16, 1998, Ord. No. 98-053, Contract No. 39164 for Waste Disposal Services for the Solid Waste Department

40. Ordinance 2005-1356

ORDINANCE appropriating \$253,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for the Design of Forensic Services of Elevated Parking Garage Structure located at 4200 Leeland Street, Houston, Texas, GFS S-0955-02-2 (WA10878); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO**

41. Ordinance 2005-1368

ORDINANCE appropriating \$555,823.35 out of Parks Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Construction of Willow Park, GFS F-504C-09-3; 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; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

42. Ordinance 2005-1369

ORDINANCE appropriating \$2,431,500.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding construction contract to **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, GFS M-0241-02-3 (SM5048-01); 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 engineering, testing and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

43. Ordinance 2005-1370

ORDINANCE appropriating \$152,748.88 out of Water & Sewer System Consolidated Construction Fund; \$939,497.36 out of Series E Commercial Paper Metro Projects Fund; and \$250,000.00 from the Community Development Block Grant Fund; awarding construction contract to **ACM CONTRACTORS, INC** for Benson St. Reconstruction from Lyons Ave, to Noble St., GFS N-0782-01-3 (SB9189); 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 engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund; the Community Development Block Grant Fund, and the Series E Commercial Paper Metro Projects Fund - **DISTRICT B - GALLOWAY**

44. Ordinance 2005-1376

ORDINANCE appropriating \$2,146,370.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Nance Area Subdivision, GFS S-0035-C9-3 (WA10791); 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 engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 45

MISCELLANEOUS

45. Motion 2005-1212

MOTION to suspend the rules for the purpose of setting December 20, 2005 as the date to receive nominations and to confirm the appointment of the individual nominated to Position 4 on the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)**

MATTERS HELD - NUMBERS 46 through 51B

Written motion by Council Member Sekula-Gibbs to amend Item 46 as follows:

"The Houston Music Hall Foundation will conduct a needs assessment regarding services for the handicapped and the hearing impaired. Based on the needs assessment, the foundation will make a good faith effort to contract with a company or individual that offers these services." – **Council Member Alvarado tagged**

46. Motion 2005-1213 – Postpone one (1) week

ORDINANCE approving and authorizing first amendment to Lease Development and Grant Agreement for the Hobby Center for the Performing Arts between the City and the **HOUSTON MUSIC HALL FOUNDATION - TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**
This was Item 27 on Agenda of December 7, 2005

MATTERS HELD – continued

47. Ordinance 2005-1371

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY, TEXAS**, to continue to allow the Houston Airport System to access the SmartZone Regional Radio System - \$1,500,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 34 on Agenda of December 7, 2005

48. Ordinance 2005-1372

ORDINANCE approving and authorizing Agreement for Professional Services by and between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP** - 8 Months \$493,333.33 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 35 on Agenda of December 7, 2005

49. Ordinance 2005-1373

ORDINANCE appropriating \$678,108.00 out of Airport System Consolidated 2004 AMT Construction Fund, \$57,220,529.00 out of the Airport System Consolidated 2004 AMT Construction Fund, and \$799,322.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to construction manager at Risk Contract 57306 by and between the City of Houston and **CLARK CONSTRUCTION GROUP-TEXAS, LP** for Phase I construction of the Terminal and Central Concourse Expansion at William P. Hobby Airport, CIP A-0131, A-0141 and A-0422, Project 417F; providing funding for engineering testing services, and for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBERS QUAN, GREEN, GARCIA and KHAN

This was Item 37 on Agenda of December 7, 2005

50. Ordinance 2005-1374

ORDINANCE approving and authorizing Project Management Services Agreement between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.**; providing a maximum contract amount - 1 year - \$100,000.00 - Building Inspection and CDBG Funds

POSTPONED BY MOTION #2005-1185, 12/7/05

This was Item 51 on Agenda of December 7, 2005

51. Motion 2005-1214 – Adopt

WRITTEN Motion by Council Member Lawrence to amend Item 51B, Section 1 by amending the last sentence of Paragraph II(B)(7) of Exhibit G to read as follows:

“Subject to the review procedures set forth in Paragraph II(c), programs containing any Adult, Sexually Explicit, or Indecent material will play only between 12:01 a.m. and 5:59 a.m. Monday through Friday and between 1:01 a.m. and 5:59 a.m. on Saturday and Sunday and shall contain appropriate viewer advisories or warnings.”

a. Motion 2005-1215 – Adopt

WRITTEN Motion by Council Member Goldberg to amend Item 51B below and shown as Exhibit “A” attached.

b. Ordinance 2005-1375 – Adopt as amended

ORDINANCE approving and authorizing Contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 54 on Agenda of December 7, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lawrence 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

12/13/2005 – All Present

12/14/2005 – All Present

Motion 2005-1215 - Adopted

1. Amend Exhibits on page 3 as follows:
 - A. **MediaSource Rules and Procedures**
 - B. **Equal Employment Opportunity**
 - C. **MWBE Subcontract Terms**
 - D. **Drug Policy Compliance Agreement**
 - E. **Certifications of No Safety Impact Positions
Drug Policy Compliance Declaration**

HMS Programming Contract

2. Amend the definition of "Adult Programming" on page 6 to read as follows:
"Adult Programming" means language or material that includes Indecent, Sexually Explicit, and/or Profane Material or material that depicts graphic and persistent violence.
3. Amend the definition of "Indecent" on page 7 to read as follows:
"Indecent" means material, which includes a description or depiction of sexual or excretory activities or organs in a manner patently offensive as judged in context by contemporary community standards.
4. Amend III. B. Reports (1) Rules, regulations and policies. by deleting the word Director in the last sentence of III. B. (l) so it read as follows:
"Contractor shall not change the Rules and Procedures attached as Exhibit "A" without the consent of City Council.
5. Amend III. F. Insurance. (1) Risks and Limits of Liability. on page 15 to read as follows:

- (1) Risks and Limits of Liability. Contractor shall maintain the following coverages and limits of liability:

<u>(Coverage)</u>	<u>(Limit of Liability)</u>
Workers' Compensation	Statutory for Workers' Compensation
Employer's Liability	Bodily Injury by accident \$500,000 (each accident) Bodily Injury by Disease \$500,000 (policy limit) Bodily Injury by Disease \$500,000 (each employee)
Commercial General Liability \$2,000,000 aggregate for other than Including Broad Form Coverage	Products and Completed Operations;
Combined Single Limit for Bodily Injury and Property Damage,	\$1,000,000 Each Occurrence;
Personal Injury Protection, Combined Limits of	\$1,000,000 Each Occurrence
Products and Completed Operations	\$2,000,000 aggregate
Umbrella Liability Policy	\$2,000,000 Each Occurrence \$2,000,000 aggregate, Excess Underlying Coverage
Automobile Liability Insurance (for vehicles Contractor uses in performing under this Agreement, including Employer's Non-Owned and Hired Auto Coverage)	\$1,000,000 combined single limit Each Accident

Motion 2005-1215 – continued

Media Professional Liability Coverage

Defense costs are excluded from the face amount of the policy.
Aggregate Limits are per 12-month policy period
unless otherwise indicated.

6. a. Amend Exhibit "A" by moving Exhibit "A" to the end of Exhibit "G" as an addendum.
b. Amend Agreement by changing references to Exhibit "G" to Exhibit "A".
7. Amending Exhibit "G" by renaming it Exhibit "A" and making the following changes:
 - a. Attaching the Houston MediaSource cover sheet and Preamble to the beginning of the Rules and Procedures;
 - b. Add the following sentence to II. B. 7. as follows: "HMS may choose to make these time slots more restrictive."
8. a. Amend Exhibit "H" by renaming it Exhibit "G", **HMS PROGRAMMING CONTRACT**, and amending Exhibit "G" to read as follows:
Exhibit "H"

HMS PROGRAMMING CONTRACT

PLEASE FILL IN ALL BLANKS AND ANSWER ALL QUESTIONS.

Producer Name: _____ Producer ID: _____

Organization sponsor (if applicable) _____

Address _____

Evening Phone: _____ Daytime Phone: _____ Program Providers(s) _____

Who owns the tape? _____

Talent releases obtained, if needed? Yes No Copyright release(s) obtained if needed? Yes No

Project #: _____ Project Name: _____

Start Time Code
(HH:MM:SS:FF) _____

EndTime Code Length (HH:MM:SS):
(HH:MM:SS:FF) _____

Title of Show: _____

Episode Information: _____

AGENDA - DECEMBER 14, 2005 - PAGE 12

Was this a Class Assignment? Yes No If "Yes" which class and instructor? _____

Is this program taped/produced locally (Houston)? Yes No

If yes, which facility? HMS TBH Houston Art Institute
Other _____

Cablecast Date: Time:
(MM/DD/YY) _____ (am/pm) _____

For Taped Programs:

Was this tape mailed to you from outside Houston? Yes No

Is this your first access program? Yes No

Has this program played before? Yes No

If yes, when did the program last air?
(MM/DD/YY) _____

Does HMS have your permission to keep & use tape for promotional purposes? (initial)
HMS archives? (initial) _____

PROGRAM TYPE (Circle one)	PROGRAM FORMAT (Circle one)
----------------------------------	------------------------------------

- | | | | |
|--|---|--|--|
| <ul style="list-style-type: none"> 1. Art: Other 2. Art: Visual 3. Art: Performance 4. Art: Dance 5. Art: Poetry 6. Art: Video Art 7. TV: Drama 8. TV: Comedy 9. TV: Action/Adventure 10. TV: Horror 11. Folk/Tradition 12. Hobby 13. Music: Performance/Event 14. Music: Other-Montage/Doc/Exp 15. Other Entertainment | <ul style="list-style-type: none"> 16. News/Public Affairs-Local/State 17. News/Public Affairs-Ntl/Intntl 18. Foreign/Internati onal Interest 19. Political Candidate/Ballot Issue 20. Government-Assembly/Function 21. Social Service/Issue 22. Minority Issues 23. Public Health 24. Educational-Instruction or ITV 25. Exercise 26. Health-Personal 27. Alternative-New Age 28. Religion 29. Sports 30. Other-Experimental No Cat | <ul style="list-style-type: none"> A. Ceremony/Sermon B. Debate C. Event D. Foreign Language E. Game Show F. Educational/Child ren G. Documentary H. Lecture I. Stand-Up/Soapbox J. Talk/Interview | <ul style="list-style-type: none"> K. Variety L. Video-Montage M. Experimental N. Graphics-Gen. Video-Imagery O. PSA General P. PSA Event Q. PSA Educational R. Promo for Show S. Channel ID T. Live Show U. Live+Call-In V. Other-No Category |
|--|---|--|--|

For Live Studio Programs:		
1. Have you confirmed your cablecast date with programming?	Yes	No

Motion 2005-1215 – continued

2. Have you <u>confirmed</u> your crew?	Yes	No
3. Have you <u>confirmed</u> all needed equipment?	Yes	No

If you answered **NO** to any item, please indicate when you plan to confirm these requirements
FAILURE TO COMPLETE THE ABOVE COULD DELAY PROCESSING OF YOUR APPLICATION

******* READ BACK PAGE AND SIGN IT*******

HMS PROGRAMMING CONTRACT

Please fill in all blanks and answer all questions as completely as possible on both sides of this contract.

You must check yes or no in response to these statements.

- | | | |
|---|-----|----|
| My program contains Adult material | YES | NO |
| My program contains Sexually Explicit material. | YES | NO |
| My program contains Indecent material. | YES | NO |

WARRANTY AGREEMENT:

I am familiar with the definitions of the above terms that are contained in the Contract between the City of Houston and Houston MediaSource and have used those definitions in making the representations and warranties above. In addition to the above representations and warranties, I warrant and represent to Houston MediaSource (HMS) that the above program submitted by me contains none of the following:

1. Any material which is in violation of Subchapter B: Obscenity, of Chapter 43 of the Texas Penal Code.
2. Any material contrary to local, state, or federal laws.
3. Any material that is libelous, slanderous, in defamation of character, or an unlawful invasion of privacy.
4. Any advertising or material that promotes any commercial product or service.
5. Any solicitation or appeal for funds.
6. Any unlawful use of copyrighted material.
7. Any material, which has a reasonable probability of inciting an immediate danger or damage to property, inciting an injury to person(s), or creating a public nuisance.

I am aware that Section 639 of the FCC Policy Act of 1984 provides that: **“Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined not more than \$10,000 or imprisoned not more than 2 years or both.”** I agree to be bound by all of the terms of the HMS Rules and Procedures. I further represent and warrant that, within the past year, I have completed HMS-sponsored training which included training on cablecasters’ legal obligations concerning obscene, adult, sexually explicit, and indecent programming material. I agree that HMS may cablecast viewer advisories or warnings alerting the viewers to adult, sexually explicit, or indecent programming material. I agree that a violation of this Programming Contract, including a violation of any warranty or representation, excuses HMS from performing any of its obligations under this Programming Contract. I agree that any suspension imposed for violation of this Programming Contract is effective immediately. **I AGREE, FURTHER, TO THE EXTENT ALLOWED BY LAW, TO INDEMNIFY AND SAVE HARMLESS HMS, THE CITY OF HOUSTON, HOUSTON’S FRANCHISED CABLE COMPANIES, AND ANY OF THEIR EMPLOYEES, OFFICERS, BOARD OF DIRECTORS, STOCKHOLDERS, ETC., FROM ANY**

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AND ALL CLAIMS, DEMANDS, DAMAGES OR OTHER LIABILITIES WHICH MAY BE MADE AGAINST OR ARISE OUT OF THE CABLECAST OF THE PROGRAM SUBMITTED BY ME WHETHER OR NOT THE PROGRAM HAS BEEN REVIEWED BY HMS PRIOR TO CABLECAST. Each and all of these warranties, representations, and agreements are made by me in order that this program be cablecast free of charge on Houston's Public Access Channels, and I understand that HMS has relied on these warranties, representations, and agreements.

INSTRUCTIONS FOR PROGRAM SUBMISSION:

1. Program **MUST** be accompanied by a signed Programming Contract and should be delivered to the Programming Department Office at least 10 days prior to the cablecast date, unless special arrangements are made with Programming Department staff.
2. Program must meet or exceed technical requirements and be properly labeled.
3. Final decisions regarding specific cablecast times are made by HMS programming staff, as per Rules and Procedures for Use of the Houston MediaSource.
4. Program may be retrieved by producer one week following its last cablecast.
5. In the event that HMS receives a complaint indicating that the Programming Contract has been violated, producer agrees to postpone playback until HMS can verify Programming Contract compliance.

Please fill out a **Promotion Form** if you want HMS to promote your show. (Forms are available on the Client Service desk.)

All of the information provided in this form is true and accurate.

Signature _____ Date _____

- b. Changes all references in Agreement to Exhibit "H" to read Exhibit "G".