

**AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 4, 2005 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

with notes of action taken

**MOTIONS 2005-0001 to 2005-0024**

**2005-0000-0**

**ORDINANCES – 2005-0001 to 2005-0015**

**RESOLUTIONS - None**

**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

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

**RECONVENE**

**WEDNESDAY - JANUARY 5, 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 2005-0001 - Accept report**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 1 through 35**

**MISCELLANEOUS** - NUMBERS 1 through 6

1. **Motion 2005-0012**  
REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY) BOARD OF DIRECTORS:**  
**MR. CHARLES S. TURET, JR.**, reappointment as Chair, for a term to expire 12/31/2005  
Position 2 - **MR. KENNETH E. ARNOLD**, appointment, for a term to expire 7/20/2006  
Position 4 - **MR. MARK A. ANAWATY**, appointment, for a term to expire 7/20/2006
2. **Motion 2005-0013**  
REQUEST from Mayor for confirmation of the reappointment of **MR. CHARLES S. TURET, JR.**, as Chair, to the **MEMORIAL CITY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending 12/31/2005
3. **Motion 2005-0014**  
REQUEST from Mayor for confirmation of the appointment of **MR. ETAN MIRWIS**, to Position Thirteen of the **PLANNING COMMISSION**, for an unexpired term ending March 31, 2005
4. **Motion 2005-0015**  
RECOMMENDATION from Director Building Services Department for Supplemental Allocation of \$25,675.00 for Professional Design Services Contract with **ASPEN CIVIL DESIGN, LLC** for Smith Branch Public Library Parking Lot Expansion, GFS E-0078-02-2 - CDBG Funds **DISTRICT D - EDWARDS**
5. **Motion 2005-0002**  
RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** for fifty-one (51) Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 7 as well as the Sheriff of Harris County
6. **Motion 2005-0016**  
RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account of United States Gypsum Co. - \$433,649.08 - Enterprise Water & Sewer Fund

**ACCEPT WORK** - NUMBERS 7 through 11

7. **Motion 2005-0017**  
RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$231,600.00 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for City Hall Annex Garage (Margaret J. Westerman Building) Flood Damage Repair, GFS D-0113-03-3 - 04.58% over the original contract amount - **DISTRICT I - ALVARADO**
8. **Motion 2005-0003**  
RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,040,499.00 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION COMPANY** for Park Place Regional Branch Library Repair, GFS E-0127-01-3 - 03.804% over the original contract amount - **DISTRICT I - ALVARADO**
9. **Motion 2005-0018**  
RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$86,950.00 and acceptance of work on contract with **CST ENVIRONMENTAL, INC** for Riverside Health Clinic, GFS H-0052-01-5 - 04.95% over the original contract amount **DISTRICT I - ALVARADO**

**ACCEPT WORK** - continued

**10. Motion 2005-0019**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,028,384.75 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Construction of Neighborhoods to Standard, Tier IX Overlay, GFS N-1037-02-3 (OL2039) - 39.99% over the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - GARCIA and I - ALVARADO**

**11. Motion 2005-0004**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,767,869.80 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Ashford Park Subdivision, GFS S-0035-82-3 (WA10668) - 06.72% under the original contract amount - **DISTRICT G - HOLM**

**PROPERTY** - NUMBERS 12 and 12A

**12. Ordinance 2005-0001**

ORDINANCE appropriating \$287,451.00 out of Fire Consolidated Construction Fund Number 413 to Supplement the Funds needed to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Catherine L. Coats, et al., to acquire Parcel Number HY2-002 for the **FIRE STATION NO. 37 RELOCATION PROJECT**; GFS/CIP C-0147-01-3 - **DISTRICT C - GOLDBERG**

**a. Motion 2005-0005**

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court and file objections to the Award in connection with eminent domain proceeding styled City of Houston v. Catherine L. Coats, et al, Cause No. 803,907, for acquisition of Parcel HY2-002; for the **FIRE STATION NO. 37 RELOCATION PROJECT**; GFS/CIP C-0147-01-3 - \$1,509,701.00 - **DISTRICT C - GOLDBERG**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 21

**13. Motion 2005-0006**

**TYMCO INTERNATIONAL, LTD.** for Street Sweepers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System \$340,684.75 - Enterprise Fund

**14. Motion 2005-0007**

**THE MALLORY COMPANY** for Fire Hose Dryers for Building Services Department \$40,250.00 - Fire Department Revolving Fund

**15. Motion 2005-0020**

**AMEND MOTION #2005-380, 4/14/04, as amended by Motion #2005-876, 8/4/04 and #2005-972, 9/8/04, TO INCREASE** spending authority from \$1,288,000.00 to \$2,788,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY** \$1,500,000.00 - Central Service Revolving Fund

**PURCHASING AND TABULATION OF BIDS** - continued

**16. Motion 2005-0021**

FIND **CUSTOM PLAYGROUND DESIGNS, INC** in default and declare them non-responsible for two years due to failure to deliver complete shipments on award for Replacement Playground Equipment for Parks & Recreation Department

**17. Motion 2005-0008**

**FLIR SYSTEMS, INC** for Airborne Dual Sensor Thermal Imaging System Repair Services for Houston Police Department - \$35,069.00 - General Fund

**18. Motion 2005-0009**

**RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$515,326.00, **UNDERGROUND MARKETING** \$190,450.00, **HOUSTON FREIGHTLINER, INC** - \$87,614.00 and **VECTOR MANUFACTURING, INC** - \$181,015.00 for Medium and Heavy Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$974,405.00 Enterprise Fund

**19. Motion 2005-0022**

**ALTIVIA CORPORATION, INC** for Chemical, Inorganic Metal Salt Coagulants Contract for Department of Public Works & Engineering - \$19,031,082.40 - Enterprise Fund

**20. Motion 2005-0010**

**MUSTANG MACHINERY COMPANY, LTD., dba MUSTANG CAT** for Equipment, Caterpillar Tractor Parts and Service for Various Departments - \$321,678.10 - General, Enterprise and Fleet Management Funds

**21. Motion 2005-0011**

**FORMS WORLD, INC (Bid No. 3)** for Continuous Forms for Various Departments - \$435,008.18 minus a commission fee (2% for Internet based reverse auction services) for a net award amount not to exceed \$426,308.02 - General, Enterprise and Central Service Revolving Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 22 through 35

**22. Council Members Wiseman and Sekula-Gibbs tagged**

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Variable Rate Demand Multifamily Housing Revenue Bonds, Series 2005 (Fairlake Cove Apartments) and approving the Official Statement with respect to such bonds - **DISTRICT E - WISEMAN**

**23. Ordinance 2005-0004**

ORDINANCE **AMENDING SECTION 2-52 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the authority of the Director of the Finance & Administration Department to Destroy, Dispose, Donate or Sell Surplus City Personal Property

**24. Ordinance 2005-0002**

ORDINANCE consenting to the addition of 29.1273 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

**25. Ordinance 2005-0003**

ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 168**

**RESOLUTIONS AND ORDINANCES** - continued

**26. Ordinance 2005-0005**

ORDINANCE approving and authorizing the Development Agreement between the City and **PNE DEVELOPMENT, LTD.**

**a. Ordinance 2005-0006**

ORDINANCE disannexing a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas

**b. Ordinance 2005-0007**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412**

**27. Ordinance 2005-0008**

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY JUVENILE BOARD (HCJBD)** for HCJBD to supply the services of a Juvenile Probation Officer to assist the City in implementing the Gang Free Schools and Communities Project - \$58,073.00 - Grant Fund - **DISTRICT I - ALVARADO**

**28. Ordinance 2005-0009**

ORDINANCE allowing **ENTERGY GULF STATES, INC** to withdraw statement of intent to increase base rates filed by Entergy Gulf States, Inc., ordering reimbursement of rate case expenses incurred on behalf of all Entergy Gulf States, Inc. ratepayers within the City of Houston, Texas, maintaining current rates in effect and denying rate increase request - **DISTRICT E - WISEMAN**

**29. Council Member Wiseman tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, for Advice and Counsel to the City of Houston relating to Cable Television Franchise Renewal, Future Community Needs Assessment and Performance Review of Time Warner; providing a maximum contract amount - \$160,000.00 Maximum contract amount General Fund

**30. Ordinance 2005-0010**

ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 3 to Construction Contract No. 53811 between the City of Houston and **CLARK/MISSION, a Joint Venture**, for ISEP FIS Building Superstructure/APM Station & Platform at George Bush Intercontinental Airport/Houston; Project No. 500F/536C, CIP A-0203 **DISTRICT B - GALLOWAY**

**31. Ordinance 2005-0011**

ORDINANCE appropriating \$300,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Construction Contract No. 56290 between the City of Houston and **STEWART-MATL, LTD.**, for Terminal E/FIS EDS Interim In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston; Project No. 612B, CIP A-0486 **DISTRICT B - GALLOWAY**

**32. Ordinance 2005-0012**

ORDINANCE appropriating \$1,036,000.00 out of Airport System Consolidated 2000 AMT Construction Fund (530); authorizing the purchase of land and improvements thereon out of Hartland Acres, W.C.R.R. Co. Survey Section One, A-935, and out of McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-09.1; Project 617; approving purchase and sale agreements with the owners of the land (Mary F. Turrigiano and Jimmy D. Ashley; Francisco I. Rubio and Coralia Rubio; and D. E. Holman and Deanna L. Holman) - **DISTRICT B - GALLOWAY**

**RESOLUTIONS AND ORDINANCES** - continued

**33. Ordinance 2005-0013**

ORDINANCE appropriating \$92,700.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of Wooded Acres, J. W. McGinnis Survey, A-587, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-56.1; Project 617; approving purchase and sale agreement with the owner of the land (Vivian Brown) - **DISTRICT B - GALLOWAY**

**34. Pulled-Not considered**

ORDINANCE de-appropriating \$400,000.00 from Convention and Entertainment Construction Fund appropriated under Ordinance No. 2002-0284, \$700,000.00 from Convention & Entertainment Development Fund appropriated under Ordinance No. 2001-0812, and \$500,000.00 from Convention & Entertainment CP2002 Series A Construction Fund appropriated under Ordinance No. 2002-1178; appropriating \$400,000.00 from Convention & Entertainment Construction Fund, \$700,000.00 from Convention & Entertainment Development Fund, \$500,000.00 from Convention & Entertainment CP2002 Series A Construction Fund and \$413,825.00 out of Civic Center Facility Revenue Fund, awarding construction contract to **DIVISIONONE CONSTRUCTION, LLC** for Construction of Wortham Center Orchestra Pit Enhancement, GFS B-0078-01-3, setting a deadline for 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 Convention & Entertainment Construction Fund, Convention & Entertainment Development Fund, Convention & Entertainment CP2002 Series A Construction Fund and Civic Center Facility Revenue Fund **DISTRICT I - ALVARADO**

**35. Council Members Garcia, Wiseman and Sekula-Gibbs tagged**

ORDINANCE deappropriating \$272,348.82 from the General Improvement Consolidated Construction Fund appropriated under Ordinance No. 97-1032 and \$703,073.28 from the Fire Consolidated Construction Fund appropriated under Ordinance Nos. 96-20, 99-230, 00-131, 01-279, 02-53, and 03-48 for the Renovation/Reconstruction of various Fire Department Facilities

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 36

**MISCELLANEOUS**

**36. Motion 2005-0023**

MOTION to set a date not less than seven (7) days from January 5, 2005, to receive nominations for Positions 17, 20 and 21 of **HOUSTON READ COMMISSION**, with three-year staggered terms from the date of appointment

**AGENDA - JANUARY 5, 2005 - PAGE 7**

**MATTERS HELD** - NUMBERS 37 and 38

**Motion 2005-0024 – Written motion by Council Member Galloway to amend Section 1 of Item 37 as follows:**

Amend the language of the proposed Section 33-14, Code of Ordinances, to delete the words “who served as chair for at least five consecutive years” from the end of the third sentence and to insert a new sentence between the third and fourth sentences to read as follows:

“In the event that the most recent former chair of the commission is unable or unwilling to serve as an ex officio member of the commission, any former member of the commission with five years experience on the commission may be appointed by the mayor, subject to confirmation by the city council, to serve in the former chair nonvoting ex officio position.”

**37. Ordinance 2005-0014 – Adopt as amended**

**ORDINANCE AMENDING ARTICLE II OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Planning Commission  
**TAGGED BY COUNCIL MEMBER GALLOWAY**  
This was Item 17 on Agenda of December 21, 2005

**38. Ordinance 2005-0015**

ORDINANCE approving and authorizing contract between the City and **HOWELL MIMS ASSOCIATES, L.L.C.** for Building Permit Reform Project - 1 Year - \$96,500.00 - Building Inspection Fund - **TAGGED BY COUNCIL MEMBER HOLM**  
This was Item 26 on Agenda of December 21, 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

**1/4/2005 – Council Member Lawrence absent on personal business**  
**Council Member Khan out of the City of Houston**  
**Council Member Green out of the City on City business**

**1/5/2005 – Council Member Lawrence absent on personal business**  
**Council Member Khan out of the City**