

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 25, 2005 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0048 to 2005-0065
ORDINANCES – 2005-0073 to 2005-0091
RESOLUTION – None

2005-0047-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Berry

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. 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

MAYOR'S REPORTS - Status report on HOME Program

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBERS 1 and 2

Motion 2005-0048 – Suspend rules to consider Item 1 out of order

1. Motion 2005-0049

CONFIRMATION of the appointment of the **MS. MARIBEL H. BARRERA** to Position 18 of **HOUSTON READ COMMISSION**, with a three-year term from the date of appointment

2. Council Members Quan, Wiseman and Sekula-Gibbs tagged

Director Houston Emergency Center for supplemental allocation of funds for contract with the **MITRE CORPORATION**, a not-for-profit company, for the purpose of expediting the reliability performance process of the Consolidated Computer-Aided Dispatch and Records Management Systems located at the Houston Emergency Center (HEC) - \$29,000.00 General Fund

Motion 2005-0050 – Suspend rules to hear from Mr. William R. Morris, Mr. Kipp Quist and Ms. Anne O’Ryan

Motion 2005-0051 – Suspend rules to consider Items 31 and 31a out of order

Motion 2005-0052 – Suspend rules to return back to public session

Motion 2005-0053 – Suspend rules to proceed with the Agenda

Motion 2005-0054 – Suspend rules to consider Item 32 out of order

Motion 2005-0055 – Suspend rules to go back into the public session

ACCEPT WORK - NUMBERS 3 through 5

3. Council Members Khan, Galloway and Green tagged

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$3,857,807.18 and acceptance of work on contract with **THYSSEN STEARNS, INC** for Passenger Loading Bridges at William P. Hobby Airport; Project No. 417C; CIP A-0141 - 35.85% under the original contract amount - **DISTRICT I - ALVARADO**

4. Motion 2005-0059

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,962,863.29 and acceptance of work on contract with **E. P. BRADY, INC** for East Lake Houston Unserved Areas, Package II; GFS R-0801-08-3; (4744-2) - 03.42% under the original contract amount - **DISTRICT E - WISEMAN**

5. Motion 2005-0060

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,701,908.18 and acceptance of work on contract with **BEARDEN CONTRACTING COMPANY** for Construction of Water Line Grid Extension Package II at Various Locations, GFS S-0700-55-3 (WA10676) - 02.52% under the original contract amount **DISTRICT D - EDWARDS**

PROPERTY - NUMBERS 6 and 7

6. Motion 2005-0058

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jamila C. Johnson of Brewer & Escalante, on behalf of ExxonMobil Corporation (Van H. Rankin, Construction Project Coordinator), for abandonment and sale of a ±68.41-foot long portion of a 5-foot-wide utility easement and the attendant aerial easement, located within Unrestricted Reserve A, Block 1, Exxon Westheimer Subdivision, Parcel SY5-041 - **STAFF APPRAISERS - DISTRICT G - HOLM**

7. Motion 2005-0061

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels AY4-042A and AY4-042B, located at 1911 Holcombe Boulevard, owned by LYME/HOUSTON Development I, L. P. a Delaware limited partnership, David Clem-Directing Manager, for the **CAMBRIDGE PAVING PROJECT (from Old Spanish Trail to MacGregor Drive)**, CIP S-0900-98-2 - \$77,740.00 - Enterprise Fund - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 10A

8. Motion 2005-0062

ENVIROTECH MECHANICAL, L.L.P. for Mechanical Equipment Replacement for Health & Human Services Department - \$132,585.00 and contingencies for a total amount not to exceed \$139,214.25 - Public Health Consolidated Construction Fund

9. Motion 2005-0063

PATTERSON DENTAL for Dental Supplies (Just-In-Time) for the Health & Human Services Department - \$765,000.00 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

10. Ordinance 2005-0079

ORDINANCE appropriating \$664,000.00 out of Water & Sewer System Consolidated Construction Fund for Spending Authority to address the Emergency Repair of the 8-inch Force Main at the Buckingham Lift Station for the Public Works & Engineering Department, CIP R-0266

a. Motion 2005-0064

RECOMMENDATION from Finance & Administration Department for approval of spending authority in an amount not to exceed \$664,000.00 to address the Emergency Repair of the 8-inch Force Main at the Buckingham Lift Station for the Public Works & Engineering Department, and to issue purchase orders to **BRH-GARVER CONSTRUCTION, L.P.**

ORDINANCES - NUMBERS 11 through 28

11. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Bureau of Animal Regulation and Care

Motion 2005-0056 Suspend rules to consider Item 12 out of order

Motion 2005-0057 – Motion to override tag on Item 12

12. Ordinance 2005-0073

ORDINANCE **AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the use of certain Political Contributions by Candidates for City Elective Office

13. Ordinance 2005-0080

ORDINANCE approving and authorizing contract to Reimburse St. Anne Catholic School, and for payment of School Crossing Guards from the Child Safety Fund

14. Ordinance 2005-0081

ORDINANCE approving and authorizing contract between the City of Houston ("City") and the **ALDINE INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program ("ASAP") at Two (2) Selected Schools - \$40,000.00 - CDBG Funds - **DISTRICT B - GALLOWAY**

15. Ordinance 2005-0082

ORDINANCE approving and authorizing first amendment to agreement with the **CLEAR CREEK INDEPENDENT SCHOOL DISTRICT** to add Clear Lake Intermediate School as an additional After School Achievement Program ("ASAP") Site and to provide \$20,000.00 in additional funds CDBG Funds - **DISTRICT E - WISEMAN**

16. Ordinance 2005-0083

ORDINANCE approving and authorizing first amendment to agreement with the **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** to delete Buffalo Creek Elementary School and Landrum Middle School as After School Achievement Program ("ASAP") Sites and to reduce funding by \$40,000.00 - **DISTRICT A - LAWRENCE**

17. Ordinance 2005-0084

ORDINANCE amending Ordinance No. 2001-901 to increase the maximum contract amount; approving and authorizing service contract amendment between the City and the **DEPARTMENT OF STATE HEALTH SERVICES** (Contract #53203) for Women's Health Laboratory Services \$200,000.00 - General Fund

ORDINANCES - continued

18. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing contract between the City and **AKIN GUMP STRAUSS HAUER & FELD LLP** for Federal Representation; providing a maximum contract amount 2 Years - \$552,000.00 - General Fund

19. Ordinance 2005-0085

ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and the **TEXAS INVESTMENT AND DEVELOPMENT COMPANY, INC** on behalf of the proposed Harris County Municipal Utility District No. 409 - **DISTRICT D - EDWARDS**

20. Ordinance 2005-0086

ORDINANCE approving and authorizing contract between the City of Houston and **OCE' BUSINESS SERVICES** for Copier Equipment, Copier Services and Copier Software

21. Ordinance 2005-0074

ORDINANCE approving and authorizing interlocal agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Relocation of the City's Utilities along the IH-10 Corridor, GFS S-0900-96-2 (WA10624-06) - **DISTRICT A - LAWRENCE**

22. Ordinance 2005-0075

ORDINANCE appropriating \$2,488,327.71 out of Water & Sewer System Consolidated Construction Fund and \$1,003,636.41 from the Drainage Improvements Commercial Paper Series F Fund for Reimbursement to Metropolitan Transit Authority of Harris County, Texas (METRO) for the Transportation Improvement Agreement approved by Contract No. 050109, Ord. No. 93-274 for Construction of the City's Storm, Water and Sanitary Sewer Lines in Metro's Downtown/Midtown Transit Street Program - Travis Street between Pierce Street and Commerce Street, GFS R-0537-32-3, S-0443-32-3 and M-0672-02-3 (SB9037-16); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT I - ALVARADO**

23. Ordinance 2005-0076

ORDINANCE appropriating \$1,120,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Landside Roadway Repairs at George Bush Intercontinental Airport/Houston, Project No. 565; CIP A-0509 - **DISTRICT B - GALLOWAY**

24. Ordinance 2005-0087

ORDINANCE appropriating \$719,420.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **ESPA CORP.** for Design of Neighborhood Street Reconstruction Project; CIP N-0379-01-2 (SB9186); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

25. Ordinance 2005-0077

ORDINANCE approving and authorizing second amendment to professional engineering services contract between the City and **KLOTZ ASSOCIATES, INC** for Northeast Water Plant Well Collection Line and Flow Meters for Various Facilities; approved by Ordinance Number 2000-0079, (Co. No. 51482), CIP S-0936-04-2 (WA10605)

ORDINANCES - continued

26. Ordinance 2005-0088

ORDINANCE appropriating \$8,347,000.00 out of Police Consolidated Construction Fund, awarding Design/Build Contract to **SPAWGLASS CONSTRUCTION CORPORATION** for Repair of the Westside Command Station, GFS G-0020-05-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to design and construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT G - HOLM**

27. Ordinance 2005-0089

ORDINANCE appropriating \$379,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contact to **JERDON ENTERPRISE, L.P.** for Wastewater Facilities Safety Improvements, GFS R-0302-07-3) (WW4827); 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 - **DISTRICTS D - EDWARDS; E - WISEMAN and H - GARCIA**

28. Ordinance 2005-0078

ORDINANCE appropriating \$7,523,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contact to **SER CONSTRUCTION PARTNERS, LTD.** for East Lake Houston Unserved Areas Project Package III, GFS R-0801-09-3; (WW4744-03); 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 **DISTRICT E - WISEMAN**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 29 through 34A

29. Council Member Edwards tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,400,666.87 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 441, GFS N-0374-01-3 (SB9042) - 01.55% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA** - **TAGGED BY COUNCIL MEMBERS GREEN and GARCIA**
This was Item 4 on Agenda of January 19, 2005

30. Council Member Edwards tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,521,636.50 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Fuqua from South Belt to Campden Hill, GFS N-0489-01-3 (N-0489-01) - 00.90% under the original contract amount - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER GREEN**
This was Item 5 on Agenda of January 19, 2005

MATTERS HELD - continued

Motion by Council Member Quan/Seconded by Council Member Garcia to substitute the following for Item 31:

“Credit towing contractors for towing vehicles to “safe drop” locations shall be the responsibility of the City where towing contractors have exclusive rights to provide freeway service.

TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN

Written Motion presented by Council Members Ellis and Lawrence to amend Item 31a:

“Delete the Initial Annual Estimate of \$300,000. No funding necessary.”

This amendment and restatement of the 29 Major Freeway Tow Agreements is intended to respond to concerns about the SafeClear Program

1. The Police Chief is being authorized to promulgate response times based on the time of day and nature of the incident, but not less than the six (6) minutes as stated in the current agreement;
2. **REVISED** - The City’s non-consent tow fee will be \$124.00 for all abandoned vehicles, accidents, and arrests while retaining the \$75.00 fee and creating a new \$35.00 fee for all other tows. The citizen has the choice of a \$75.00 fee for up to 5 miles with \$1.50 fee for every mile thereafter or a \$35.00 fee for up to one-mile or the nearest point of relief. For those individuals unable to pay at the time of the tow, the tow operator will issue an invoice and the individual will have 30 days to pay the fee or schedule an administrative hearing
3. **DELETE**
4. **REVISED** - The city will reimburse tow operators within 60 days for **invoiced** tows. Tow operators will invoice all vehicles owned or leased by the City.
5. The Amended and Restated Freeway Tow Agreement with Allied Collision Center for segment 18 also includes an amendment to Section 2.02 (4) to correct a typographical error.

TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and SEKULA-GIBBS

Written Motion by Council Member Holm to amend Item 31a to cap the amount of funding for the shoulder removal program at \$150,000.00 for six months (no more than \$75,000.00 per quarter) -

TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and SEKULA-GIBBS

Written Motion presented by Council Member Quan to amend Item 31a as follows:

- A. City Attorney shall be directed to prepare and present an ordinance amending the Houston Municipal Code relative to the Safe Clear program to provide the following:
 1. Clarify that the intent of the Safe Clear program is to improve safety and congestion relief by removing disabled vehicles from freeways and from the view of other drivers as rapidly as possible
 2. Specify that vehicles removed from any portion of a freeway under the Safe Clear program shall be, at the sole discretion of the vehicle’s driver or other person having control of the vehicle, either –
 - a. Towed to a proximate “safe drop” location at no charge to the driver, or
 - b. Towed to a storage, repair or service facility, or other location, designated by the driver, at the driver’s expense

Notwithstanding (a), any vehicle which is abandoned, disabled as a result of collision, or involved in a crime or arrest shall be deemed to be a “non-consent tow” subject to the standard towing fee.
3. Require the Police Department, in consultation with other agencies as appropriate, to designate a network of “safe drop” locations, which at a minimum shall be well-lit, have a public telephone, be accessible to the disabled, and be located in well-frequented public or commercial areas not more than tow miles from the vehicle disablement. These designated areas shall be the only locations utilized for “safe drop” tows unless specifically directed otherwise by a police officer.

MATTERS HELD - NUMBERS 29 through 34A

Item 31 – continued

4. Require the Police Department to develop and implement a service feedback and grievance procedure that will facilitate determining the level of satisfaction with service under this program and the resolution of service problems and complaints.

TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, SEKULA-GIBBS and KHAN

Written Motion by Council Member Sekula-Gibbs to rescind Item 31a as follows:

- (a) Ordinance No. 2004-498 relating to impairments and obstructions of roadways and sidewalks; amending the code of ordinances, Houston, Texas, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; and declaring an emergency.
- (b) Ordinance No. 2004-1228 approving contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the city and North Houston Motors, Inc, Unified Auto Works, T&T Motors, Cannino West, Inc, Milam Street Auto Storage, Inc, Allied Collision Center, Corporate Auto Services, Inc and Westside Wrecker Service, Inc for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency.
- (c) Ordinance No. 2004-1242 approving contracts with towing company operators and authorizing the Chief Police to enter into contracts between the city and North Houston Motors, Inc., Unified Auto Works, Fiesta Wrecker Service, National Auto Collision, Inc., Wrecker Service, Inc. and Corporate Auto Services, Inc. for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency.

TAGGED BY COUNCIL MEMBER EDWARDS

Written Motion presented by Council Member Wiseman to amend Item 31a to read:

“Amend Section 8-127 Major Tow Agreement Section (c) to read:

“(c) For purposes of this section, the term “major freeway” shall include those limited access roadways in the designated state highway system. Application of the agreement and the requirements of this section shall include moving lanes of traffic, excluding shoulders and frontage or service roads.””

TAGGED BY COUNCIL MEMBERS EDWARDS and ALVARADO

Written Motion presented by Council Member Wiseman to amend Item 31a as follows:

“The City of Houston will place a 6 month moratorium on Ordinance #2004-497, which was passed by Houston City Council on May 26, 2004.”

TAGGED BY COUNCIL MEMBERS EDWARDS and ALVARADO

31. Written Motion by Council Member Garcia to amend Item 31A below, the proposed ordinance authorizing amended and restated contract with towing company operators, etc.:

“The City of Houston will amend contracts between City of Houston and Safe Clear vendors to reflect credit for confirmed free tows against any amounts owed by the Safe Clear vendors to the City of Houston for their assigned segments. Such credit shall be reflected when the next payment by the Safe Clear vendors is due.”

TAGGED BY COUNCIL MEMBER QUAN

MATTERS HELD - NUMBERS 29 through 34A

a. Council Members Wiseman and Edwards tagged

ORDINANCE approving and authorizing amended and restated contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC,** for Major Freeway Tow Agreements and approving and authorizing a Major Freeway Tow Agreement between the City of Houston and **KTL ENTERPRISES, INC;** providing a maximum contract amount - **TAGGED BY COUNCIL MEMBERS HOLM and QUAN**
This was Item 12 on Agenda of January 19, 2005

32. Council Member Wiseman tagged

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$4,000,000.00 in Community Development Block Grant Funds to assist in the Design and Construction of the Aquatic Center-Natatorium - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBERS HOLM and ELLIS**
This was Item 14 on Agenda of January 19, 2005

33. Ordinance 2005-0090

ORDINANCE **AMENDING SECTION 14-182 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS,** relating to Removal. DeMotion and Suspension of Employees
POSTPONED BY MOTION #2005-46, 1/19/05
This was Item 23 on Agenda of January 19, 2005

34. Ordinance 2005-0065

Written Motion by Council Member Galloway to amend Sec. 2-277, Section 7, of Item 34A below, to add the following clause, which will serve the purpose of specifically identifying the divisions of the Mayor's office in the ordinance:

"...Department director. Each person appointed as a department director by the mayor and confirmed by the council to assume the administrative duties of the various departments of the city. For purposes of administering this article only, each person appointed by the mayor as the director or head of the division for each of the divisions of the mayor's office which is limited to each of the following (311, Citizens Assistance Office, Affirmative Action (including the Office of Disabilities and One Stop Business Center), 911/Houston Emergency Center) shall also be considered a "department director."

TAGGED BY COUNCIL MEMBERS ALVARADO and GALLOWAY

a. Ordinance 2005-0091 – Adopted as amended

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS,** relating to the term Department Director - **POSTPONED BY MOTION #2005-47, 1/19/05**
This was Item 24 on Agenda of January 19, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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

1/25/2005 – All Present