

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

**MOTIONS 2005-0663 to 2005-0686**  
**ORDINANCES – 2005-0889 to 2005-0901**  
**RESOLUTION – 2005-0012**

**2005-0662-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Holm

**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 2005-0663 to 2005-0665 – Procedural motions**

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

**RECONVENE**

**WEDNESDAY - JULY 13, 2005 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 31**

**MISCELLANEOUS** - NUMBERS 1 through 4

1. **Motion 2005-0677**  
REQUEST from Mayor for confirmation of the appointment of **MS. NICOLE C. WEST**, to Position Three of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION BOARD OF DIRECTORS**, for a term to expire December 31, 2005
2. **Motion 2005-0666**  
REQUEST from Mayor for confirmation of the appointment of **MR. TIMOTHY P. DOUGLASS** as a **SEXUALLY ORIENTED BUSINESS HEARING OFFICER**

**MISCELLANEOUS** - continued

**3. Motion 2005-0680**

REQUEST from Mayor for confirmation of the appointment of **MR. DOUG DYESS** as a **SEXUALLY ORIENTED BUSINESS HEARING OFFICER**

**4. Motion 2005-0667**

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

**DAMAGES** - NUMBER 5

**5. Motion 2005-0682**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **SWB TELEPHONE** vs. City of Houston; in the County Civil Court at Law No. Four (4) of Harris County, Texas; Cause No. 788,899 - \$50,000.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBER 6

**6. Motion 2005-0668**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,334,595.96 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-17-3 (4258-9) - 05.16% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 16

**7. Motion 2005-0669**

**SUNGARD AVAILABILITY SERVICES LP** for Citywide Disaster Recovery Plan through the City's Master Agreement with the Texas Procurement Center (TPC), Contract #C51399, for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code - \$203,385.00 Grant Fund

**8. Motion 2005-0670**

**PHILPOTT MOTORS, LTD.** for Pickup Trucks and a Command and Support Vehicle through the Texas Local Government Purchasing Cooperative for Fire Department - \$298,030.10 - Grant Fund

**9. Motion 2005-0671**

**TION #2005-176, 2/23/05, TO INCREASE** award to purchase nineteen additional utility vehicles for Fire and Police Departments, awarded to **PHILPOTT MOTORS, LTD.** for a total increase of \$445,058.00 - Grant and Fire Department Consolidated Construction Funds

**10. Motion 2005-0672**

**GALLS, INC** for Duty Gear for Houston Police Department - \$194,415.00 - Grant Fund

**11. Motion 2005-0673**

**SUR-TEC, INC** for Surveillance Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$106,798.33 - Grant Fund

**PURCHASING AND TABULATION OF BIDS** - continued

**12. Motion 2005-0672**

**ABHE & SVOBODA, INC** for Repair of Communication Towers for Police Department \$223,770.00 and contingencies for a total amount not to exceed \$234,958.50 - General Fund

**13. Motion 2005-0683**

**KEMIRON COMPANIES, INC** for Chemical, Inorganic Metal Salt Coagulants Contract for Department of Public Works & Engineering - \$12,735,525.00 - Enterprise Fund

**14. Pulled-Not Considered**

**TOTER INCORPORATED** for Automated Refuse Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$42,060.00 - Equipment Acquisition Consolidated Fund

**15. Motion 2005-0675**

**FISHER SCIENTIFIC, LLC** for Laboratory Equipment for Various Departments - \$83,800.00 Enterprise Fund

**16. Motion 2005-0676**

**TURTLE AND HUGHES, INC** - \$729,344.72 and **VOSS LIGHTING** - \$494,488.63 for Electrical Lighting, Parts and Fixtures for Various Departments - General and Enterprise Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 31

**Motion 2005-0678 – Suspend rules to consider Item 17 out of order**

**Motion 2005-0679 – Amend Item 17 as follows:**

“WHEREAS, if the NCAA accepts the Sports Authority’s proposal to hold the 2008 NCAA Division II National Championships Festival in the City, final definitive agreements will remain to be negotiated between the parties thereto, such agreements will, among other matters, provide that all reimbursement monies paid to the Parks and Recreation Department for lost revenue will be allocated to Memorial Park (except that reimbursements for Park Department employee costs will be allocated to the appropriate Department funds), and all such agreements to which the City is a part will be subject to approval by City Council; and”

**17. Resolution 2005-0012 – Adopt as amended**

RESOLUTION in support of using Memorial Park as a Sports Events Venue in the bid proposal for the 2008 NCAA Division II National Championships Festival - **DISTRICT G - HOLM**

**18. Ordinance 2005-0894**

ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of up to approximately 6.676 acres of land out of Mason Park and up to approximately 9.327 acres of land out of Gus Wortham Park and Golf Course by Harris County Flood Control District for Flood Control and Drainage purposes; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto  
**DISTRICT I - ALVARADO**

**RESOLUTIONS AND ORDINANCES** - continued

**19. Ordinance 2005-0895**

ORDINANCE approving and authorizing the execution of an application to a Federal Agency to apply for a matching grant for the acquisition of approximately 12 to 14 acres of land along the Buffalo Bayou-Lockwood Corridor between Turkey Bend and Jensen Drive; declaring the city's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the city's representative in the application process, with the authority to execute the grant agreement with the National Oceanic and Atmospheric Administration Coastal Estuarine Land Conservation Program, if the grant application is awarded to the City, and to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**20. Ordinance 2005-0889**

ORDINANCE renaming **NORTHMONT PLAZA DRIVE** to **JUSTICE PARK DRIVE** between Retton Drive and W. 43rd - **DISTRICT A - LAWRENCE**

**21. Ordinance 2005-0896**

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for use of property for the purpose of Fire Protection Training Programs

**22. Ordinance 2005-0897**

ORDINANCE amending Ordinance No. 01-260 to increase the maximum contract amount to contract between the City of Houston and **LION APPAREL** for Fire Fighter Personal Protective Equipment for Houston Fire Department - \$1,917,880.30 - Equipment Acquisition Consolidated Fund

**23. Ordinance 2005-0898**

ORDINANCE amending Ordinance No. 01-260 to increase the maximum contract amount; and approving and authorizing first amendment to contract between the City of Houston and **MORNING PRIDE MANUFACTURING, LLC** for Fire Fighter Personal Protective Equipment for Houston Fire Department - \$1,016,309.40 - General Fund

**24. Ordinance 2005-0890**

ORDINANCE amending Ordinance No. 2005-0758 to reallocate the sum of \$20,000 for Design Services under contract (Contract #54045) with **ENGLISH + ASSOCIATES ARCHITECTS** for Renovations to the Lakewood, Flores, and Pleasantville Branch Libraries, GFS E-0057-01-3, E-0010-01-3 and E-0061-01-3 - **DISTRICTS B - GALLOWAY and H-GARCIA**

**25. Council Member Galloway tagged**

ORDINANCE appropriating \$1,400,840.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JERDON ENTERPRISE, L.P.** for Safe Sidewalk Program E1 Project, GFS N-0610A-E1-3 (SB9136-01); 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, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - EDWARDS; G - HOLM and H - GARCIA**

**RESOLUTIONS AND ORDINANCES** - continued

**26. Council Member Galloway tagged**

ORDINANCE appropriating \$1,786,100.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program 01 Project, GFS N-0646H-01-3 (SB9185-1); 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 Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA**

**27. Council Member Galloway tagged**

ORDINANCE appropriating \$1,473,313.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program 02 Project, GFS N-0646H-02-3 (SB9185-2); 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 Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA**

**28. Ordinance 2005-0891**

ORDINANCE awarding construction contract to **TOTAL SITE, INC** for Construction of Water, Wastewater and Drainage Facilities serving Section One of the Brentwood Village Subdivision; approving and authorizing assignment of contract to 4468 W. Airport I, LTD., CIP S-0800-E2-03 and R-0800-E2-03 (DPC-075) - **DISTRICT D - EDWARDS**

**29. Ordinance 2005-0892**

ORDINANCE appropriating \$550,000.00 out of General Improvement Consolidated Construction Fund, CIP D-0080-01-1, and approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for relocation costs, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the Magnolia Multi-Service Center Expansion Project **DISTRICT I - ALVARADO**

**30. Ordinance 2005-0885 – Passed second reading**

ORDINANCE No. 2005-885, passed first reading July 6, 2005

ORDINANCE granting to **O. P. ENTERPRISE WASTE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

**31. Ordinance 2005-0886 – Passed second reading**

ORDINANCE No. 2005-886, passed first reading July 6, 2005

ORDINANCE granting to **REPUBLIC WASTE SERVICES, L.P., a Texas limited partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 32 through 38

**32. Motion 2005-0684 – Postpone four (4) weeks**

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

**POSTPONED BY MOTION #2005-637, 6/29/05**

This was Item 61 on Agenda of June 29, 2005

**Motion 2005-0681 – Suspend rules consider Item 33 out of order**

**33. Ordinance 2005-0893**

ORDINANCE appropriating \$594,550.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds for Construction of Texas Department of Transportation (TxDOT) Bikeway Project Columbia Tap Rails to Trails, GFS N-0420-22-3 (SB9155-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO**

**POSTPONED BY MOTION #2005-621, 6/29/05**

This was Item 70 on Agenda of June 29, 2005

**34. Motion 2005-0685 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to authorize payment of a penalty in the amount of \$40,348.00 stipulated by Texas Commission on Environmental Quality for violations at the 69th Street Wastewater Treatment Plant and Sludge Drying Facility and the Alameda Sims Wastewater Treatment Plant and Sludge Drying Facility Enterprise Fund

**TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**

This was Item 4 on Agenda of July 6, 2005

**35. Motion 2005-0868 – Postpone three (3) weeks**

WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 35A below as follows:

Re-number 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.”

**TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN and QUAN**

**a. Motion 2005-0686 – Postpone three (3) weeks**

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

**TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN and QUAN**

This was Item 11 on Agenda of July 6, 2005

**MATTERS HELD** – continued

**36. Ordinance 2005-0899**

ORDINANCE approving and authorizing an application through the **US DEPARTMENT OF HOMELAND SECURITY** for assistance in hiring 60 additional firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant; declaring the city's eligibility for such grant; authorizing the Mayor to act as the city's representative in the application process; authorizing the Chief of the Houston Fire Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; providing a maximum matching grant fund amount - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 13 on Agenda of July 6, 2005

**37. Ordinance 2005-0900**

ORDINANCE appropriating \$550,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, and approving and authorizing amendment No. 1 to Construction Contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Terminal E/FIS EDS Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; Project 612C, CIP A-0486 & A-0422 - **DISTRICT B - GALLOWAY**  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 21 on Agenda of July 6, 2005

**38. Ordinance 2005-0901**

ORDINANCE approving and authorizing contract between the City of Houston and **BOOTH RESEARCH GROUP, INC** for Professional Services in connection with Developing and Delivering a Written Test and Assessment Center Process for promotion to the rank of Police Sergeant in the Houston Police Department - \$163,900.00 - General Fund  
**TAGGED BY COUNCIL MEMBERS WISEMAN and QUAN**  
This was Item 22 on Agenda of July 6, 2005

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Ellis 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

**7/12/2005 – Council Member Goldberg out of the City on City business**

**7/13/2005 – Council Member Lawrence out of the City on personal business**