

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 8, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0200 to 2005-0224
ORDINANCES – 2005-0194 to 2005-0245
RESOLUTION – None

2005-0199-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Edwards

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 - MARCH 9, 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 54A

MISCELLANEOUS - NUMBER 1

1. Motion 2005-0208

RECOMMENDATION from Director Houston Emergency Center for approval of previously funded Change Order in the amount of \$120,629.00 on contract with **PRC PUBLIC SECTOR, INC (PRC) now PUBLIC SAFETY INCORPORATED (PSI), a subsidiary of NORTHRUP GRUMMAN**, for Software upgrades in the Computer Aided Dispatch System and Records Management System

DAMAGES - NUMBER 2

2. Motion 2005-0200

RECOMMENDATION from City Attorney for settlement of lawsuit titled **MARY MOORE, Individually and as next friend of Devon**; Moore v. City of Houston and J. Thornburg; in the 129th Judicial District Court of Harris County, TX - \$95,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 3 through 5

3. Motion 2005-0224

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,180,149.34 and acceptance of work on contract with **STEWART-MATL, LTD** for HAS Administration Building Renovation, Expansion and Addition at George Bush Intercontinental Airport/Houston; Project No. 562B; CIP A-0390 and A-0422 - 07.60% over the original contract amount - **DISTRICT B - GALLOWAY**

4. Motion 2005-0201

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$719,476.16 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Eldridge Parkway Lift Station, GFS R-0267-71-3 (4276-31) - 01.27% over the original contract amount - **DISTRICT G - HOLM**

5. Motion 2005-0202

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$886,234.98 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Architectural Renovations to Groundwater Pumping Stations, GFS S-1000-FS-3 (WA10619) - 06.44% under the original contract amount - **DISTRICTS A - LAWRENCE; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN and G - HOLM**

PROPERTY - NUMBERS 6 through 9

6. Motion 2005-0203

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court in connection with eminent domain proceeding styled City of Houston v. George B. Keiller, et al., Cause No. 779,945, for acquisition of Parcel AY1-045; for the **BRITTMOORE ROAD DETENTION POND PROJECT**; GFS/CIP N-0596-01-2 \$831,185.70 - **DISTRICT A - LAWRENCE**

7. Motion 2005-0209

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott P. Greer of R. G. Miller Engineers, Inc., on behalf of Holly Hall Inc., a Charitable Corporation (Margaret Humphries, president) for abandonment and sale of a portion of a 10-foot-wide water line easement and a fire hydrant easement in exchange for the conveyance to the City of a 10-foot-wide water line easement and a fire hydrant easement, all located within the Holly Hall Home for the Retired, Replat No. 2, Parcels SY5-005A, SY5-005B, KY5-054A and KY5-054B - **STAFF APPRAISERS DISTRICT D - EDWARDS**

PROPERTY - continued

8. Motion 2005-0204

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from M. Christopher Rogers, CEI Engineering Associates, Inc., on behalf of Baybrook Mall, L.P., a Delaware limited partnership [General Growth Baybrook Mall, Inc. (Ronald L. Gern, vice president), general partner], for abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, located within Restricted Reserve M, Baybrook Mall, Section One, Parcels SY5-043 and KY5-151 - **STAFF APPRAISERS - DISTRICT E - WISEMAN**

9. Motion 2005-0205

RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel DY4-008, located in the 500 block of Greens Road, owned by The May Department Stores Company, a New York corporation, R. Dean Wolfe, Executive Vice President, for the **NORTHBOROUGH CONVEYANCE SYSTEM WWTP ABANDONMENT PROJECT**, CIP R-0536-02-3 - \$33,345.00 - **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 16

10. Motion 2005-0210

CRASH RESCUE EQUIPMENT SERVICE, INC Aircraft Rescue Fire Fighting Body and Associated Equipment for Houston Airport System - \$38,023.00 - Enterprise Fund

11. Motion 2005-0211

TEXAS FIRE RESCUE dba FIRE APPARATUS SPECIALISTS, INC for Equipment, Hale Fire Pump Parts and Repair Contract for Fire Department - \$207,500.00 - General Fund

12. Motion 2005-0212

AMEND MOTION #2002-0922, 8/7/02, TO INCREASE spending authority from \$143,169.75 to \$198,050.75, on award to **CHEMGUARD, INC** for Polar Solvent/Aqueous Film for Houston Airport System and Fire Departments - General Fund

13. Motion 2005-0213

AAR, INC Asbestos Abatement, Demolition and Site Clean-up for Houston Police Department - \$75,413.00 and contingencies for a total amount not to exceed \$79,183.65 - Dangerous Building Consolidated Fund - **DISTRICT A - LAWRENCE**

14. Motion 2005-0206

KINLOCH EQUIPMENT & SUPPLY, INC - \$372,011.86 and **HI-WAY EQUIPMENT CO., INC** - \$28,063.00 for Sweeper Miscellaneous Replacement Parts for Department of Public Works & Engineering - Fleet Management Fund

15. Ordinance 2005-0194

ORDINANCE appropriating \$178,972.76 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of the 48-inch Force Main at the Almeda Sims Wastewater Treatment Plant for Public Works & Engineering Department, CIP R-0267-F2-3

a. Motion 2005-0207

BRH-GARVER CONSTRUCTION, LTD, for Emergency Repair of the 48-inch Force Main at the Almeda Sims Wastewater Treatment Plant for Department of Public Works & Engineering \$178,972.76 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

16. Council Members Khan and Sekula-Gibbs tagged

AMEND MOTION #2000-0435, 3/22/00, TO EXTEND expiration date from March 26, 2005 to March 26, 2010, and **TO INCREASE** spending authority from \$13,900,000.00 to \$25,700,000.00, on award to **MOTOROLA, INC** for Motorola Wireless Data Communications Devices for Various Departments - Equipment Acquisition Consolidated Fund

ORDINANCES - NUMBERS 17 through 54A

17. Ordinance 2005-0235

ORDINANCE authorizing issuance of City of Houston, Texas Taxable General Obligation Pension Bonds, Series 2005; prescribing the terms and form thereof; providing for the payment thereof; authorizing the redemption and refunding of the refunded Note; appropriating sufficient funds for the payment of interest; authorizing the execution of a purchase contract; authorizing the purchase of a Financial Guaranty Policy; awarding the sale of the bonds; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; making other findings and provisions relating to the subject and matters incident thereto; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Supplemental Financial Advisor Agreement, Co-Bond Counsel Agreement, Co-Disclosure Counsel Agreement, and Special Counsel Agreement; and declaring an emergency

18. Council Member Garcia tagged

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Freeman Street, Everett Street, and Chestnut Street containing an aggregate of 80,000 square feet of land, more or less, Parcels SY0-055A, SY0-055B and SY0-055C; all three parcels of land being located in the Mrs. C. M. Allen's Addition, Houston, Harris County, Texas, vacating and abandoning Parcels SY0-055A, SY0-055B and SY0-055C to Houston Independent School District, abutting owner in consideration of owner's payment of \$4,900.00 plus \$235,106.00 to be deducted from owner's Credit Account, established by interlocal agreement and other consideration to the City - **DISTRICT H - GARCIA**

19. Ordinance 2005-0195

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Tasco Street right of way containing 6,000 square feet of land, more or less, Parcel SY1-056, being located in the S. S. Smith Survey, Abstract Number 1049, Harris County, Texas, vacating and abandoning Parcel SY1-056 to Lap Thanh Chau and Ngoc Kim Lam, abutting owners in consideration of owner's payment of \$21,000.00 and other consideration to the City - **DISTRICT G - HOLM**

20. Ordinance 2005-0196

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a sanitary sewer easement and two storm sewer easements containing an aggregate of 26,497 square feet of land, more or less, vacating and abandoning Parcels S98-070B, S98-070C and S98-070D to North Harris Montgomery Community College District; the abutting owner, in consideration of owner's dedication of two drainage easements containing an aggregate of 3,716 square feet of land, more or less, Parcels L98-033A and L98-033B, all out of Kingwood Place, Section 12, William Massey Survey, A-342, Montgomery County, Texas; and owner's payment of \$11,441.00 and other consideration to the City - **DISTRICT E - WISEMAN**

ORDINANCES - continued

21. Ordinance 2005-0197

ORDINANCE finding no special benefit to the abutting owner of property described as Tract 20A out of David Henson Survey, Abstract No. 328, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-1460, passed November 17, 1993, for the Initiation of a Paving Project for the Permanent Improvement of a portion of Mangum Road in the City of Houston, Texas - **DISTRICT A - LAWRENCE**

22. Ordinance 2005-0236

ORDINANCE approving and authorizing lease agreement between the City of Houston and **HCC SERVICE COMPANY, LTD.** at William P. Hobby Airport - **DISTRICT I - ALVARADO**

23. Ordinance 2005-0237

ORDINANCE appropriating \$245,736.00 out of Airport System Consolidated 2000 AMT Construction Fund and \$2,316,642.00 out of Airport System Bonds 2000B NON-AMT Construction Fund, and approving and authorizing lease agreement between the City of Houston and **AERO HOUSTON CENTRAL, L.P.**, for Certain premises at George Bush Intercontinental Airport/Houston; CIP A-0392

24. Council Member Galloway tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **KIPP, INC** to provide \$500,000.00 in Community Development Block Grant Funds for Partial Funding of Construction Costs in connection with a Public Charter High School Facility to be located at 10711 Kipp Way, Houston, Texas - **DISTRICT F - KHAN**

25. Council Members Wiseman, Sekula-Gibbs and Khan tagged

ORDINANCE amending Ordinance 2004-0770 to increase the maximum contract amount and approving amendments to extend termination date of contracts between the City of Houston and **A-1 PERSONNEL of HOUSTON, INC., ALLTECH SYSTEMS, INC., RUSHMORE CORPORATION d/b/a ALL TEMPS 1 PERSONNEL, ALSO TEMPS, INC., APPLE ONE TEXAS, INC., AT-TECH STAFFING SERVICES, INC., BERGAILA & ASSOCIATES, INC., CRINER-DANIELS & ASSOCIATES, INC., DATALOGIC CONSULTING, INC., ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM CORPORATION, PDS TECHNICAL SERVICES, INC., and SILVER & ASSOCIATES, INC.**, for temporary administrative/industrial and information technology staffing - \$12,000,000.00 - Central Services Revolving Fund

26. Ordinance 2005-0238

ORDINANCE authorizing Houston Airport System to Co-sponsor the International Air Cargo Conference and Exhibition scheduled in Houston May 17-19, 2005; authorizing expenditure of \$35,000.00 for the Conference - Enterprise Fund

27. Ordinance 2005-0239

ORDINANCE appropriating \$55,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Contribution Agreement between the City of Houston, **PORT OF HOUSTON OF HARRIS COUNTY**, and **HARRIS COUNTY** for Freight Rail Conflict Elimination Study, GFS N-0670-08-2 (SB9219)

28. Ordinance 2005-0198

ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **SCARSDALE, LTD., a Texas limited partnership**, on behalf of proposed Harris County Municipal Utility District No. 410 - **DISTRICT E - WISEMAN**

ORDINANCES - continued

29. Ordinance 2005-0240

ORDINANCE approving and authorizing Professional Structural Engineering Services Contract between the City of Houston and **POLYTECH, INC. D/B/A PTI, INC** for Structural Engineering Services - \$100,000.00 - Dangerous Building Consolidated Fund

30. Ordinance 2005-0241

ORDINANCE approving and authorizing Professional Energy Management Services Agreement between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Energy Management Services; providing a maximum contract amount - \$205,000.00 - Central Services Revolving Fund

31. Ordinance 2005-0242

ORDINANCE appropriating \$48,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Professional Environmental Consulting Services; GFS D-0073-03-2; under contract with **RAO ENVIRONMENTAL** (approved by Ordinance No. 01-0796) **DISTRICT I - ALVARADO**

32. Ordinance 2005-0199

ORDINANCE appropriating \$380,323.80 out of General Improvements Consolidated Construction Fund and \$450,351.81 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Architectural Services contract between the City of Houston and **AUTOARCH ARCHITECTS, LLC** for South Post Oak Multi-Service Center and Vinson Branch Library, CIP D-0081-01-2 and E-0138-01-2; providing funding for the Civic Art Program and Environmental Task Order Contract No. 55646 financed by the General Improvements Consolidated Construction Fund and the Public Library Consolidated Construction Fund **DISTRICT D - EDWARDS**

33. Ordinance 2005-0243

ORDINANCE appropriating \$1,723,769.44 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, for Water Distribution System Rehabilitation and Renewal, GFS S-0035-G4-3 (WA10817-01); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

34. Ordinance 2005-0200

ORDINANCE appropriating \$7,664,049.00 out of Water & Sewer Contributed Capital Fund, and \$5,781,651.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRH-GARVER CONSTRUCTION, LP.** for Construction of a 66-inch water line along Aldine-Westfield, Peyton Road, proposed easements, Morales Road, Milner Road, Double Tree Drive, John F. Kennedy Boulevard and World Houston Parkway from Greens Road to Vickery Drive., GFS S-0900-A1-3 (WA10448-04); 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 Water and Sewer Contributed Capital Fund, and the Water and Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

35. Ordinance 2005-0201

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1**; making various findings and provisions relating to the subject

ORDINANCES - continued

a. Ordinance 2005-0202

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

36. Ordinance 2005-0203

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 4**; making various findings and provisions relating to the subject

a. Ordinance 2005-0204

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 4** and certain territory located in the vicinity of Grand Lakes Municipal Utility District No. 4, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Grand Lakes Municipal Utility District No. 4; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 4 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

37. Ordinance 2005-0205

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2**; making various findings and provisions relating to the subject

a. Ordinance 2005-0206

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

38. Ordinance 2005-0207

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**; making various findings and provisions relating to the subject

a. Ordinance 2005-0208

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 35 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

ORDINANCES - continued

39. Ordinance 2005-0209

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**; making various findings and provisions relating to the subject

a. Ordinance 2005-0210

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 50, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 50; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 50 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

40. Ordinance 2005-0211

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **CINCO MUNICIPAL UTILITY DISTRICT NO. 12**; making various findings and provisions relating to the subject

a. Ordinance 2005-0212

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CINCO MUNICIPAL UTILITY DISTRICT NO. 12** and certain territory located in the vicinity of Cinco Municipal Utility District No. 12, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Cinco Municipal Utility District No. 12; imposing the sales and use tax of the City of Houston in the area within Cinco Municipal Utility District No. 12 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

41. Ordinance 2005-0213

ORDINANCE approving and authorizing the first amendment to the Strategic Partnership Agreement between the City and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject

a. Ordinance 2005-0214

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Charterwood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

42. Ordinance 2005-0215

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276**; making various findings and provisions relating to the subject

ORDINANCES - continued

a. Ordinance 2005-0216

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 276 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

43. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**; making various findings and provisions relating to the subject

a. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132** and certain territory located in the vicinity of Harris County Municipal Utility District No. 132, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 132; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 132 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

44. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**; making various findings and provisions relating to the subject

a. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109** and certain territory located in the vicinity of Harris County Municipal Utility District No. 109, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 109; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 109 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

45. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**; making various findings and provisions relating to the subject

a. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 153 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

ORDINANCES - continued

46. Ordinance 2005-0217

ORDINANCE approving and authorizing a first amendment to the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**; making various findings and provisions relating to the subject

a. Ordinance 2005-0218

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** and certain territory located in the vicinity of Harris County Municipal Utility District No. 120, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 120; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 120 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

47. Ordinance 2005-0219

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133**; making various findings and provisions relating to the subject

a. Ordinance 2005-0220

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133** and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 133, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control and Improvement District No. 133; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 133 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

48. Ordinance 2005-0221

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186**; making various findings and provisions relating to the subject

a. Ordinance 2005-0222

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186** and certain territory located in the vicinity of Harris County Municipal Utility District No. 186, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 186; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 186 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

ORDINANCES - continued

49. Ordinance 2005-0223

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**; making various findings and provisions relating to the subject

a. Ordinance 2005-0224

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 21 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

50. Ordinance 2005-0225

ORDINANCE approving and authorizing the first amendment to the Strategic Partnership Agreement between the City and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject

a. Ordinance 2005-0226

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fountainhead Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Fountainhead Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

51. Ordinance 2005-0227

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**; making various findings and provisions relating to the subject

a. Ordinance 2005-0228

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61** and certain territory located in the vicinity of Harris County Fresh Water Supply District No. 61, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Fresh Water Supply District No. 61; imposing the sales and use tax of the City of Houston in the area within Harris County Fresh Water Supply District No. 61 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

52. Ordinance 2005-0229

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29**; making various findings and provisions relating to the subject

ORDINANCES - continued

a. Ordinance 2005-0230

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 29 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

53. Ordinance 2005-0231

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTH PARK PUBLIC UTILITY DISTRICT**; making various findings and provisions relating to the subject

a. Ordinance 2005-0232

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH PARK PUBLIC UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within North Park Public Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

54. Ordinance 2005-0233

ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**; making various findings and provisions relating to the subject

a. Ordinance 2005-0234

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control and Improvement District No. 36; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 36 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 55 through 59D

55. Ordinance 2005-0244

ORDINANCE amending Ordinance No. 1996-0061 to increase the maximum contract amount for Professional Legal Services contract with **MLADENKA-FOWLER, ADAMS & ASSOCIATES (now MLADENKA-FOWLER & ASSOCIATES)** for Litigation relating to the City's Sexually Oriented Business Ordinance - \$10,000.00 - Property and Casualty Fund

POSTPONED BY CONSENT, 2/23/05

This was Item 44 on Agenda of February 23, 2005

MATTERS HELD – continued

56. Motion 2005-0214 – Postpone one (1) week

RECOMMENDATION from Director Planning & Development Department to accept the January 2005 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program - **TAGGED BY COUNCIL MEMBER WISEMAN**

a. Motion 2005-0215 – Postpone one (1) week

RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$8,440,931.80 to Combined System Operating Fund (Fund #702) for revenue bond debt service as recommended in the January 2005 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - **TAGGED BY COUNCIL MEMBER WISEMAN**

These were Items 5 and 5A on Agenda of March 2, 2005

57. Motion 2005-0216 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2005 through December 31, 2005 - \$184,199.00 Enterprise Fund - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 6 on Agenda of March 2, 2005

58. Motion 2005-0217 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to **AMEND MOTION #2001-747, 7/3/01, as amended by Motion #2004-650, 6/9/04, TO EXTEND** expiration date from July 12, 2005 to July 11, 2006, for Detroit Diesel Replacement Parts Contract for Various Departments, awarded to **STEWART & STEVENSON SERVICES, INC** - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 16 on Agenda of March 2, 2005

Motion 2005-0218 – Suspend rules to consider Items 59b and 59c at this time

59. Motion 2005-0222

WRITTEN Motion presented by Council Member Alvarado (as amended by Council Member Garcia) to amend Item 59D as follows:

Renumber Sections 3 and 4 as Sections 4 and 5, respectively, and add a new Section 3, as follows:

Section 3. That eighteen months after passage, the Mayor and City Council shall consider an ordinance containing provisions for a plan to further limit areas in which employees would be exposed to second-hand smoke; and

Independent 3rd party study to be conducted as agreed upon by stakeholders (namely health organizations and business interests) and presented to council in 18 months.

TAGGED BY COUNCIL MEMBER WISEMAN

MATTERS HELD – continued

Item 59 - continued

a. Motion 2005-0223 – Adopt

WRITTEN Motion presented by Council Member Alvarado to amend Item 59D as follows:

Add a new Section 3 to read as set forth below, and renumber the subsequent Sections as necessary.

Section 3. That the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 21-247 that reads as follows:

“Sec. 21-247. Violations; penalty.

Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$2,000. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.”

TAGGED BY COUNCIL MEMBER WISEMAN

Motion 2005-0219 – Substitute written motion by Council Member Quan for Item 59b

Motion 2005-0220 - Written motion by Council Member Quan replaced Item 59b as follows:

“I move that Section 21-237(c)(2) of Agenda Item 18 be amended to read as follows:

(2) Further, the following areas, or portions thereof, may be designated as exception areas:

- a. A lounge bar;
- b. A tobacco specialty retail shop;
- c. A convention center exhibit area;
- d. A room or hall being used for private functions;
- e. A room or area that is being used as a hospitality suite at a stadium; and
- f. A separately enclosed private individual office or work area or occupancy within a large multi-tenant building.

“FAILED”

b. Motion 2005-0220 – see motion above – “FAILED”

WRITTEN Motion presented by Council Member Sekula-Gibbs:

I move that Section 21-237(c)(2) of Agenda Item 59D be amended to read as follows:

(2) Further, the following areas, or portions thereof, may be designated as exception areas:

- a. A Tobacco specialty retail shop;
- b. A room or hall being used for private functions;
- c. A room or area that is being used as a hospitality suite at a stadium;
- d. A separately enclosed private individual office or work area or occupancy within a large multi-tenant building; and
- e. Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area

TAGGED BY COUNCIL MEMBER WISEMAN

MATTERS HELD – continued

Item 59 – continued

c. Motion 2005-0221 – Tabled

WRITTEN Motion presented by Council Member Quan to amend Sections 21-236 and 21-237 of the Code of Ordinances as attached to ban smoking in public places including:

- Large multi-tenant buildings
- Lounge bars
- Private function events in public buildings
- Covered parking garages
- Bingo Halls
- Pool Halls
- Sporting venues
- Restaurant bars
- Convention Center Exhibition Areas
- Lobbies
- Hospitality suites at stadiums

Accordingly, the following sections are to be deleted/modified under this amendment as outlined in the attached red-lined version. (red-lined version on file in the Office of the City Secretary)

This ban would include all public and work places except those otherwise allowed by Section 21-237. These exceptions are:

- An enclosed bed space area of a hospital or nursing home used to two or more patients
- A hotel or motel sleeping room rented to guests
- A tobacco retail store
- Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area.

TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE

d. Ordinance 2005-0245 – Adopt as amended

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Smoking in Public Places

TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE and GREEN

This was Item 18 on Agenda of March 2, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

3/8/2005 - Council Member Edwards absent due to being ill

**3/9/2005 – Council Member Goldberg absent on City business
Council Member Edwards absent due to being ill**