

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 3, 2005 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2005-0380 to 2005-0403**

**2005-0343-1**

**ORDINANCES – 2005-0448 to 2005-0582 (0450 thru 0549 not used in error)**

**RESOLUTION – None**

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

**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 2005-0380 to 2005-0382 – Procedural motions**

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

**RECONVENE**

**WEDNESDAY - MAY 4, 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 2005-0383 – Accept reports**

**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 and a Quarterly Investment Report by the City Controller

**CONSENT AGENDA NUMBERS 1 through 53**

**MISCELLANEOUS** - NUMBERS 1 and 2

**1. Motion 2005-0399**

RECOMMENDATION from the Mayor's Office for approval of Articles of amendments to the Articles of Incorporation of the **HOUSTON PARKS BOARD**

**MISCELLANEOUS** - continued

**2. Motion 2005-0387**

RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for various employees assigned to the Houston Police Department

**ACCEPT WORK** - NUMBERS 3 through 5

**3. Motion 2005-0388**

RECOMMENDATION from Director Building Services Department to **AMEND MOTION #2005-3, 1/5/05, TO REFLECT** the correct final contract amount of \$1,040,999.00 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**

**4. Motion 2005-0389**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$708,843.36 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC** for Roark No. 2 Lift Station Rehabilitation and Roark No 4 Lift Station Diversion, GFS R-0267-A3-3 (4728-3) - 01.11% over the original contract amount - **DISTRICT F - KHAN**

**5. Motion 2005-0390**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,340,028.96 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Ridgecrest Subdivision, GFS S-0035-96-3 (WA10737) - 01.08% over the original contract amount - **DISTRICT A - LAWRENCE**

**PROPERTY** - NUMBERS 6 through 9

**6. Motion 2005-0391**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the transfer of funds in the amount of \$96,455.00 from the Water & Sewer System Consolidated Construction Fund 755 to the Airport Revenue Fund 501 for the establishment of a waterline utility corridor, owned by the City of Houston, a Municipal corporation, for the **GREENSPPOINT WATERLINE EASEMENTS PROJECT from Aldine Westfield to Vickery Drive**, CIP S-0900-A1-3 - **DISTRICT B - GALLOWAY**

**7. Motion 2005-0392**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels AY4-019, AY4-020, AY4-021, AY4-023 and CY4-013, located in the 1700 block of South Street, owned by the Tuffli Company, Inc., a California corporation, Don Tuffli, President, for the **MYRTLE LIFT STATION PROJECT**, CIP R-0267-60-3 - **DISTRICT H - GARCIA**

**8. Motion 2005-0393**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-037, located along the south line of Highway 6 and Grisby Road, owned by Katy Independent School District, Joe Kimmel, Board President, for the **IH-10 AT HIGHWAY 6 WATERLINE EASEMENTS PROJECT from Barkers Point Lane to Grisby Road**, CIP S-0900-96-2 - \$122,980.00 - Enterprise Fund - **DISTRICT G - HOLM**

**PROPERTY** – continued

**9. Motion 2005-0394**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-148, located at 2644 Greens Road, owned by Jack A. Farr, Jr., Individually and Jack A. Farr, Jr., Trustee of the Jack A. Farr, Jr. Children's Trust; Eddie N. Farr, Individually and Eddie N. Farr, Trustee of the Eddie N. Farr Children's Trust, for the **GREENSPPOINT WATERLINE EASEMENTS PROJECT from Aldine Westfield Road to Vickery Drive**, CIP S-0900-A1-3 \$40,686.00 - Enterprise Fund - **DISTRICT B - GALLOWAY**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 15

**10. Council Member Berry tagged**

**TURF EQUIPMENT & SUPPLIES, INC** for Riding Mowers for Parks & Recreation Department \$243,980.00 - General Fund

**11. Motion 2005-0400**

**R. B. EVERETT & COMPANY** for Asphalt Pavers for Department of Public Works & Engineering \$974,840.00 minus a commission fee (2% for Internet-based Reverse Auction Services) for a net award amount of \$955,343.20 - Equipment Acquisition Consolidated Fund

**12. Motion 2005-0395**

**PARADYM SOLUTIONS** for Meter, Electromagnetic Flow Measuring Systems for Department of Public Works & Engineering - \$128,928.00 - Enterprise Fund

**13. Motion 2005-0396**

**TEXAS UNDERGROUND, INC** - \$350,000.00 and **KINLOCH EQUIPMENT & SUPPLY, INC** - \$299,600.00 for Sewer Cleaning Equipment Replacement Parts for Department of Public Works & Engineering - General, Enterprise and Fleet Management Funds

**14. Motion 2005-0397**

**J.A.M. EQUIPMENT SALES & SERVICES** for Lift System, Mobile, Electric Truck for the Solid Waste Management Department - \$25,975.00 - Solid Waste Consolidated Construction Fund

**15. Motion 2005-0398**

**NORTH SHORE SUPPLY COMPANY, INC** for Pipe, Black and Galvanized Contract for Various Departments - \$132,178.30 - General and Enterprise Funds

**ORDINANCES** - NUMBERS 16 through 53

**16. Ordinance 2005-0568**

ORDINANCE declaring the results of the City Charter Amendment Election held on November 2, 2004, pursuant to Section 9.005 (b) of the Texas Local Government Code

**17. Ordinance 2005-0564**

ORDINANCE relating to the Aldine Community Improvement District; consenting to its creation; approving the issuance of the district's bonds for certain improvements; approving the plans and specifications of certain district improvements

**18. Ordinance 2005-0565**

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2004-1014 by adding one hundred forty-eight (148) Fire Fighter Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance

**ORDINANCES** - continued

**19. Pulled-Not Considered**

ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2005A (AMT) and such other Series or Subseries as designated herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, interest rate period, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of certain Outstanding Airport System Bonds; approving the sale of the bonds and authorizing the execution and delivery of the Bond Purchase Agreement; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, a Tender Agent Agreement, a Remarketing Agreement, and a Standby Bond Purchase Agreement and other related and necessary agreements pertaining to Variable Rate Demand and Auction Rate Obligations; and declaring an emergency

**20. Council Member Wiseman tagged**

ORDINANCE authorizing publication of notice of intention to issue City of Houston, Texas Certificates of Obligation, Series 2005D, in a principal amount not to exceed \$60,000,000 for the purchase of materials, supplies, equipment, machinery, buildings, and land for authorized needs and purposes and for payment of contractual obligations for professional services in connection therewith; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto; and declaring an emergency

**21. Ordinance 2005-566**

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** Titled Intergovernmental Agreement and special contract provisions for the City of Houston to receive payment for courses provided through the Regional Law Enforcement Training Contract for the Houston Police Department - \$31,197.00 Revenue

**22. Pulled-Not Considered**

ORDINANCE approving and authorizing first amended Section 457 Eligible Deferred Compensation Plan for all City Employees

**23. Ordinance 2005-0550**

ORDINANCE amending Ordinance No. 2005-270, relating to the approval and authorization of the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**

**a. Ordinance 2005-0551**

ORDINANCE amending Ordinance No. 2005-271, relating to the annexation for limited purposes of a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**, in Harris County, Texas

**24. Ordinance 2005-0567**

ORDINANCE appropriating \$670,000.00 out of General Improvements Consolidated Construction Fund (441); authorizing the purchase of land and improvements thereon out of the H. A. Cobb Survey, A-210, Houston, Harris County, Texas, as the site for a Public Health Care Facility; CIP D-0113-01-1; approving a Purchase and Sale Agreement with the owner of the land (Metropolitan Transit Authority of Harris County, Texas) - **DISTRICT F - KHAN**

**ORDINANCES** - continued

**25. Council Members Wiseman and Lawrence tagged**

ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law for Legal Services in connection with Access Line Fee Payments Verification Reviews of XO Communications, Time Warner Communications, Logix and Birch and other matters relating to right-of-way use conditions in the City of Houston - \$160,000.00 General Fund

**26. Council Member Wiseman tagged**

ORDINANCE approving and authorizing contract between the City and **SOUTHWESTERN BELL TELEPHONE, L.P.** for a Video Arraignment and Tele-Conference System for the Municipal Courts Department; providing a maximum contract amount - Not to exceed five years and six months - \$415,000.00 - Building Security Fund

**27. Ordinance 2005-0569**

ORDINANCE awarding contract to **SCOTT TECHNOLOGIES, INC., D/B/A SCOTT HEALTH & SAFETY** for Portable Thermal Imaging Cameras and associated accessories for the Houston Fire Department and the Houston Airport System; providing a maximum contract amount \$1,163,755.50 - Enterprise, Grant and Equipment Acquisition Consolidated Funds

**28. Ordinance 2005-0570**

ORDINANCE appropriating \$1,950,000.00 out of Airports Improvement Fund; CIP A-0138.31.6, Project 409F; approving and authorizing Amendment No. 1 to contract for Professional Consulting Services by and between the City of Houston and **DEREK CONSULTING GROUP, INC** for Information Technology Services for the Houston Airport System; providing a maximum contract amount - \$3,450,000.00 - Enterprise Fund

**29. Ordinance 2005-0571**

ORDINANCE deappropriating \$11,990,000.00 out of Airports Improvement Fund appropriated under Ordinance 2004-1120 for Projects 566/566B (CIP A-0385); and appropriating \$2,811,000.00 out of Airport System Bonds 1998C NON-AMT Construction Fund and appropriating \$9,179,000.00 out of Airport System Bonds 2000B NON-AMT Construction Fund for Projects 566/566B between the City of Houston and **W. W. WEBBER, INC** for SMGCS/Civil Site Landing Work for Instrument Landing Systems (ILS) Category III and Airfield Pavement Rehabilitation at William P. Hobby Airport, CIP A-0385 - **DISTRICTS E - WISEMAN and I - ALVARADO**

**30. Ordinance 2005-0552**

ORDINANCE appropriating \$370,650.00 out of Airport System Consolidated 2001 AMT Construction Fund and awarding construction contract to **NORTHEAST NOISE ABATEMENT CORPORATION** for Greenbriar Townhomes Residential Sound Insulation near George Bush Intercontinental Airport/Houston, CIP A-0476, Project 617B; 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 contingencies relating to construction of facilities financed by such fund - **DISTRICT B - GALLOWAY**

**31. Ordinance 2005-0572**

ORDINANCE appropriating \$2,165,530.66 out of Fire Consolidated Construction Fund for Renovation and Reconstruction of various CIP Fire Department Facilities Projects; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund

**ORDINANCES** - continued

**32. Ordinance 2005-0573**

ORDINANCE appropriating \$70,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Comprehensive Professional Environmental Consulting Services under Construction Contract with **GROUND TECHNOLOGY** (approved by Ordinance No. 2001-798); providing funding for contingencies relating to construction of facilities financed by the PIB Petroleum Storage Tank Reimbursement Fund - **DISTRICT I - ALVARADO**

**33. Ordinance 2005-0574**

ORDINANCE appropriating \$138,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Roofing Consultant Services Contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Roof Replacement of the Bob Lanier Building, GFS R-0268-43-2 - **DISTRICT I - ALVARADO**

**34. Ordinance 2005-0575**

ORDINANCE amending Ordinance No. 2002-0809 to substitute a Revised Advanced Funding Agreement for the previously approved Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Keegans Bayou Trail (Approved by Ordinance No. 2002-0809), GFS N-0420-25-2 (SB9158-01) - **DISTRICTS C - GOLDBERG and F - KHAN**

**Motion 2005-0384 – Suspend rules to consider Items 35, 39 and 45 out of order**

**35. Pulled-Not Considered**

ORDINANCE approving and authorizing an interlocal agreement between the City, **FORT BEND TOLL ROAD AUTHORITY**, and **FORT BEND COUNTY** for the Reconstruction of Hillcroft Street from Beltway 8 to Fuqua and accepting \$275,000.00 from Fort Bend Toll Road Authority and \$100,000.00 from Fort Bend County and depositing such funds into the Harris County Construction Fund; GFS N-0792-01-2 (SB9206) - **DISTRICTS C - GOLDBERG and D - EDWARDS**

**36. Ordinance 2005-0553**

ORDINANCE approving and authorizing Treated Surface Water Supply Contract between the City of Houston and **BEAZER HOMES** on behalf of the proposed Harris County Municipal Utility District No. 420 - Revenue

**37. Ordinance 2005-0554**

ORDINANCE appropriating \$263,000.00 out of Water & Sewer System Consolidated Construction Fund and \$237,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LP WOODLAND LAKES ESTATES, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Woodland Lakes Estates Subdivision; CIP S-0800-E3 and R-0800-E3 - **DISTRICT E- WISEMAN**

**38. Ordinance 2005-0555**

ORDINANCE appropriating \$196,195.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LP WOODLAND LAKES ESTATES, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Woodland Lakes Estates Subdivision; CIP S-0800-E4 and R-0800-E4 - **DISTRICT E- WISEMAN**

**ORDINANCES** - continued

**39. Ordinance 2005-0449**

ORDINANCE appropriating \$37,233.65 out of Drainage Improvements Commercial Paper Series F, reallocating \$370,766.35 from Contract No. 53794 and approving and authorizing engineering services contract including a provision for Compromise and Settlement of Pre-Contract Services between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Evaluation of Localized Flooding in the White Oak Bayou Watershed, GFS M-1002-02-2 (SM5018) - **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA**

**40. Ordinance 2005-0556**

ORDINANCE appropriating \$50,468.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services with **EARTH TECH, INC** for Reconstruction of Brittmoore Road from IH 10 to Hammerly (approved by Ordinance No. 99-1020); providing funding for contingencies relating to design of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

**41. Ordinance 2005-0557**

ORDINANCE appropriating \$585,700.00 out of Street & Bridge Consolidated Construction Fund and \$373,000.00 out of 49M-Series E Commercial Paper Metro Project Fund and approving and authorizing professional engineering services contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Monroe Road Paving Improvements from Fuqua to Beltway 8, GFS N-0711-01-2 (SB9200) and Mercury Drive Paving Improvements from IH-10 to Wallisville Road, GFS N-0625-01-2 (SB9199); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS E - WISEMAN and I - ALVARADO**

**42. Ordinance 2005-0576**

ORDINANCE appropriating \$616,000.00 out of Series E Commercial Paper Metro Project Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ZARINKELK ENGINEERING SERVICES, INC** for Design of Citywide Overlay Project; GFS N-1037-46-2 (OL2246); providing funding for contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Project Fund

**43. Ordinance 2005-0577**

ORDINANCE deappropriating \$87,202.02 from the Water & Sewer System Consolidated Construction Fund (for Professional Engineering Services Contract with **C/e CONSULTANTS, INC**; approved by Ordinance No. 2002-0233); and appropriating \$87,202.02 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ESOR CONSULTING ENGINEERS, INC** for Design of Water Line Replacement in the Houston Heights Subdivision; GFS S-0035-94-2 (WA10733); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA**

**44. Not Received-Not Considered**

ORDINANCE appropriating \$37,314.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to contract between the City of Houston and **CH2M HILL, INC** for Construction of the East Water Purification Plant; GFS S-0056-34-3 **DISTRICT E - WISEMAN**

**ORDINANCES** - continued

**45. Ordinance 2005-0448**

ORDINANCE appropriating \$3,895,632.92 out of Series E Commercial Paper Metro Projects Fund and \$398,591.13 from Water & Sewer Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for Chimney Rock Extension Project; GFS N-0665-01-3 (SB9380); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and from the Water & Sewer Consolidated Construction Fund - **DISTRICT D - EDWARDS**

**46. Ordinance 2005-0558**

ORDINANCE appropriating \$2,982,514.61 out of Series E Commercial Paper Metro Projects Fund and the Water & Sewer Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Chimney Rock Paving Project; GFS N-0737-01-3 (SB9044); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and the Water & Sewer Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

**47. Ordinance 2005-0559**

ORDINANCE appropriating \$1,872,270.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-E3-3 (WW4235-27); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**48. Ordinance 2005-0560**

ORDINANCE appropriating \$2,185,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells, GFS S-0200-15-3 (WA10562-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**49. Ordinance 2005-0561 – Passed first reading**

ORDINANCE granting to **ELITE WASTE INDUSTRIES, 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; and making certain findings related thereto - **FIRST READING**

**50. Ordinance 2005-0562 – Passed first reading**

ORDINANCE granting to **GULF COAST 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; and making certain findings related thereto - **FIRST READING**

**ORDINANCES** - continued

**51. Ordinance 2005-0578 – Passed first reading**

ORDINANCE granting to **MED-SHRED, 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; and making certain findings related thereto - **FIRST READING**

**52. Ordinance 2005-0579 – Passed first reading**

ORDINANCE granting to **M. SAUCEDO HAULING, a Texas Sole Proprietorship**, 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; and making certain findings related thereto - **FIRST READING**

**53. Ordinance 2005-0563 – Passed first reading**

ORDINANCE granting to **PSC INDUSTRIAL OUTSOURCING, 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; and making certain findings related thereto - **FIRST READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 54

**PROPERTY**

**54. Motion 2005-0401**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce D. Owens, Owens Management Systems, on behalf of Tony Sazesh, (1) declining the acceptance of, rejecting, and refusing the dedication to the City of an alley, from Singer Street to Fairbanks-North Houston Road; (2) authorizing the abandonment and sale of an excess, fee-owned portion of West Tidwell Road right of way, consisting of the remainder of Lots 4 through 7; and (3) authorizing the abandonment and sale of a portion of the Reo Street right of way, adjacent to Lots 13 and 14, in exchange for the conveyance to the City of the entire Reo Street abandonment area as a utility easement, all located within Block 36, Third Subdivision of Fairbanks Suburban Townsite, Parcels SY5-051A, SY5-051B, SY5-055, VY5-010 and VY5-011 (Gary Meyer and Sheila Stewart, appointed – John Chambless, alternate) - **DISTRICT A - LAWRENCE**

**MATTERS HELD** - NUMBERS 55 through 59A

**55. Motion 2005-0402**

MOTION by Council Member Khan/Seconded by Council Member Lawrence to adopt recommendation from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize competitive sealed proposal method for Facility Construction Projects estimated to be \$1,000,000.00 or more

**TAGGED BY COUNCIL MEMBERS GALLOWAY and GREEN**

This was Item 3 on Agenda of April 27, 2005

**Motion 2005-0385 – Suspend rules to consider Item 56 and 56a out of order**

**56. Motion 2005-0386 – Postpone three (3) weeks**

Council Member Lawrence presented the following written motion to amend the proposed Ordinance amending Chapter 45 of the Code of Ordinance, Houston, Texas, relating to the operation of Mini motorbikes on Public Roadways and Parks:

“Concerning Houston City Council Agenda Item 13, I hereby provide a written motion to amend Article XX Section 45-501(5) in the following manner:

~~(5) — A neighborhood electric vehicle or a motor assisted scooter, as defined by Section 551.301 of the Transportation Code.~~

Concerning Houston City Council Agenda Item 13, I further motion to amend Article XX Section 45-502 in the following manner:

(a) A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate, a minimotorbikes on any public roadway, street, alley or sidewalk or city park within the City limits.

(b) A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate a neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits.”

**TAGGED BY COUNCIL MEMBER HOLM**

**Motion by Council Member Khan/Seconded by Council Member Alvarado to amend Item 56a and 56b to limit to 18 years or younger – Postponed three (3) weeks by Motion 2005-0386**

**a. Motion 2005-0386 – Postpone three (3) weeks**

**ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of Minimotorbikes on Public Roadways and Parks; providing for severability; and providing an effective date - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 13 on Agenda of April 27, 2005

**57. Ordinance 2005-0580**

ORDINANCE approving and authorizing compromise and settlement agreement between **COATS, ROSE, YALE, RYMAN & LEE** and the City of Houston to settle a claim in connection with Legal Representation of the City of Houston concerning certain non-performing loans \$43,571.70 - Grant Fund - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 38 on Agenda of April 27, 2005

**58. Ordinance 2005-0581**

ORDINANCE appropriating \$4,337,551.00 out of Airports Improvement Fund and awarding contract to **HONEYWELL INTERNATIONAL** for Access Control Modifications and Upgrades at the Houston Airport System, CIP A-0372, (Project 612Y); providing funding for contingencies relating to such fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 40 on Agenda of April 27, 2005

**MATTERS HELD** - continued

**59. Motion 2005-0403 – Adopt as amended**

Council Member Goldberg presented the following written motion to amend the proposed Ordinance granting to TVMAX Houston, L.P. a Texas Limited Partnership, the right privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas:

“Motion by Council Member Mark Goldberg that Item 53 on the City Council Agenda of April 27, 2005, be amended to require that:

If TVMAX merges with or is bought out by a company worth 500 million dollars or more or another tele-com that provides cable services then the agreement must then be renegotiated in good faith to serve the entire city on the basis of demonstrated community need.”

**TAGGED BY COUNCIL MEMBERS GOLDBERG, WISEMAN, GALLOWAY, GREEN, LAWRENCE, ALVARADO, KHAN and EDWARDS**

**a. Ordinance 2005-0582 – Passed first reading**

ORDINANCE granting to **TVMAX HOUSTON, L.P.** a Texas Limited Partnership, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **FIRST READING** - **TAGGED BY COUNCIL MEMBERS GOLDBERG, WISEMAN, GALLOWAY, GREEN, LAWRENCE, ALVARADO, KHAN and EDWARDS**

This was Item 53 on Agenda of April 27, 2005

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

**5/3/2005 – Council Member Galloway absent due to death in the family**

**5/4/2005 – Council Member Galloway absent due to death in the family**