

AGENDA - COUNCIL MEETING - TUESDAY - MAY 24, 2005 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0450 to 2005-0461
ORDINANCES – 2005-0640 to 2005-0668
RESOLUTION – None

2005-0449-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Goldberg

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 2-1

1. Motion 2005-0452

REQUEST from Mayor for confirmation of the appointment of **MR. B. J. WALTER**, to Position Fourteen of the **PLANNING COMMISSION**, to fill an unexpired term ending September 30, 2005

2. Motion 2005-0454

RECOMMENDATION by Director Solid Waste Management to extend contract with **REPUBLIC WASTE SERVICES OF TEXAS, LTD** from July 1, 2005 to June 30, 2006

2-1 Motion 2005-0459

RECOMMENDATION from the Mayor's Office for acceptance of Phase 1 Report on Houston/Harris County Ten Year Plan to end Chronic Homelessness

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 7

3. Motion 2005-0455

AMEND MOTION #2004-380, 4/14/04, as amended by **MOTION #2004-876, 8/4/04, #2004-972, 9/8/04** and **#2005-20, 1/5/05, TO INCREASE** spending authority from \$2,788,000.00 to \$9,388,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY**

PURCHASING AND TABULATION OF BIDS - continued

4. Motion 2005-0456

FISHER SCIENTIFIC for Purchase of equipment and supplies through the Interlocal agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Houston Fire Department - \$444,651.55 - Urban Area Security Initiative (UASI) Funds

5. Motion 2005-0457

J.T.B. SERVICES, INC - \$41,620.00, **AAA DEMOLISHING COMPANY** - \$41,620.00, **CHERRY MOVING COMPANY, INC dba CHERRY DEMOLITION** - \$41,620.00, **HOUSTON G & G DEMOLISHING SERVICES, INC** - \$41,620.00, **CST ENVIRONMENTAL, INC** - \$41,620.00, **RECOVERY CONTRACTORS, INC** - \$41,620.00 and **WILLIS DEMOLISHING** - \$41,620.00 for Site Clean-Up Services for Police Department - \$291,340.00 - General Fund

6. Motion 2005-0458

AMEND MOTION #2000-1513, 12/13/00, TO INCREASE spending authority from \$3,510,405.64 to \$3,939,837.80, for Paper and Supplies Contract for Various Departments, awarded to **UNISOURCE WORLDWIDE, INC** - General and Enterprise Funds

7. Motion 2005-0453

COLONIAL HARDWARE CORPORATION - \$270,844.00 and **GROVES INDUSTRIAL SUPPLY** \$74,976.00 for Hand, Electric and Pneumatic Tools and Accessories Contract for Various Departments - General and Enterprise Funds

ORDINANCES - NUMBERS 8 through 35

8. Ordinance 2005-0647

ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; 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; authorizing the defeasance of certain outstanding obligations, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the obligations to be defeased; authorizing Escrow Verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency

9. Ordinance 2005-0648

ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Taxable Refunding Bonds, Series 2005B; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; 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; authorizing the refunding of a certain outstanding obligation; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency

ORDINANCES - continued

10. Ordinance 2005-0649

ORDINANCE authorizing the issuance of City of Houston, Texas, Certificates of Obligation, Series 2005C; prescribing the terms and form thereof; providing for the payment of principal and interest thereon; awarding the sale of the certificates and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; 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 certificates; making other provisions regarding such certificates and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency

11. Ordinance 2005-0650

ORDINANCE approving and authorizing Supplemental Lease Agreement No. 1 to lease GS-07B-15237 at William P. Hobby Airport by and between the City of Houston and the **UNITED STATES OF AMERICA - DISTRICT I - ALVARADO**

12. Ordinance 2005-0642

ORDINANCE consenting to the addition of 77.0424 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district

13. Ordinance 2005-0651

ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** for Delivery and Enhancement of HIV Ambulatory Health and Support Services pursuant to the Federal Grant Program established under the Ryan White Comprehensive AIDS Resources Emergency Act and a first amendment to such contract - Revenue

14. Ordinance 2005-0652

ORDINANCE appropriating \$500,000.00 out of Low Income Housing Fund 872; amending Ordinance No. 2004-964 to substitute the \$500,000.00 of funds appropriated herein for \$500,000.00 of Federal "HOME" Funds as the funding source in connection with the development of the Jefferson Davis Hospital Building as Affordable Rental Housing - **DISTRICT H - GARCIA**

Motion 2005-0450 – Suspend rules to consider Items 15 and 15a out of order

Motion 2005-0451 – Delete Section 4 of Item 15

15. Ordinance 2005-0640

ORDINANCE approving and authorizing contract between the City and **LINEBARGER GOGGAN BLAIR & SAMPSON, LLP** for the Collection of Delinquent Ad Valorem Taxes for the City of Houston. Texas;

a. Ordinance 2005-0641

ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2005 and on July 1 of succeeding tax years pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2005 and on or after June 1 of succeeding tax years pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof

ORDINANCES - continued

16. Ordinance 2005-0653

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES**, to fund the Laboratory Information Management System (LIMS); 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 Police Department to accept grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program

17. Ordinance 2005-0643

ORDINANCE approving and authorizing Advanced Funding Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Addicks Bikeway Project, GFS N-0420-19-3 - **DISTRICT A - LAWRENCE**

18. Ordinance 2005-0663

ORDINANCE approving and authorizing contract between the City of Houston and **MOTOROLA, INC** for Technical Support Services for Customer Service Request System Software on the City's 3-1-1 System for the Information Technology Department; providing a maximum contract amount \$264,750.00 - Central Service Revolving Fund

19. Ordinance 2005-0654

ORDINANCE appropriating \$222,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding a contract to **GE FANUC AUTOMATION AMERICAS, INC** in an amount not to exceed \$216,000.00 for the Human Machine Interface (HMI) Software for the East Water Purification Plant Supervisory Control and Data Acquisition System and \$6,000.00 to **IRON MOUNTAIN INTELLECTUAL PROPERTY MANAGEMENT, INC** to establish an Escrow Account for the HMI Software

20. Pulled-Not Considered

ORDINANCE awarding contract to **OCE' NORTH AMERICA, INC** for Lease of Two Wide-Format, Multifunction Copiers for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$511,839.60 - General and Enterprise Funds

21. Not Received-Not Considered

ORDINANCE awarding contract to **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Turnkey Parts for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$25,000,000.00 - Fleet Management Fund

22. Ordinance 2005-0655

ORDINANCE appropriating \$5,191,285.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **3D/INTERNATIONAL, INC** for Professional Architectural/Engineering Services at George Bush Intercontinental Airport/Houston, Project No. 490M; CIP A-0322 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund - **DISTRICT B - GALLOWAY**

23. Ordinance 2005-0656

ORDINANCE appropriating \$500,000.00 out of the Houston Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing Amendment No. 4 to Construction Management Services contract between the City of Houston and **PGAL/ACI** for the Terminal Expansion Program at George Bush Intercontinental Airport/Houston; Project No. 532; CIP A-0352 - **DISTRICT B - GALLOWAY**

ORDINANCES - continued

24. Ordinance 2005-0657

ORDINANCE approving and authorizing treated surface water supply contract between the City of Houston and **MARHABA PARTNERS LIMITED PARTNERSHIP** on behalf of the proposed Harris County Municipal Utility District No. 402

25. Ordinance 2005-0658

ORDINANCE approving and authorizing sanitary sewer service agreement between the City of Houston and the **WILLIAM CARLOSS MORRIS, III** and **SHARON KAY MORRIS, CHARITABLE REMAINDER UNITRUST** and **HOFFMAN & MORRIS TRUST** on behalf of the proposed Fort Bend County Municipal Utility District No. 168

26. Ordinance 2005-0659

ORDINANCE approving and authorizing an untreated water supply contract between the City of Houston and **TEXAS MOLECULAR LIMITED PARTNERSHIP**

27. Ordinance 2005-0644

ORDINANCE appropriating \$250,000.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing Professional Construction Management Services Contract between the City of Houston and **ESPA CORP. INC** for Construction Management and Inspection Services associated with the Kirkwood Paving from Bellaire Blvd to Alief Clodine Road, GFS N-0575-02-3 (SB9066) - **DISTRICT F - KHAN**

28. Ordinance 2005-0645

ORDINANCE appropriating \$138,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **EMPIRE CONSTRUCTION SERVICES, INC** for Construction Management and Inspection Services associated with the Dairy Ashford No. 3 Lift Station Diversion Sewer; GFS R-0267-86-3 (4861-05) - **DISTRICT F - KHAN**

29. Council Member Quan tagged

ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CARTER AND BURGESS, INC** for Safe Sidewalk Program, GFS N-0610A-H0-2 (SB9214); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

30. Council Member Garcia tagged

ORDINANCE approving and authorizing Professional Artist Services Agreement between the City of Houston and **SUZANNE SELLERS** to create a Mural for Fire Station 27 and accepting the mural into the City's Art Collection upon completion - **DISTRICT H - GARCIA**

31. Ordinance 2005-0646

ORDINANCE approving and authorizing professional materials engineering laboratory contracts between the City of Houston and **PROFESSIONAL SERVICE INDUSTRIES, INC; FUGRO CONSULTANTS LP; TERRACON, INC; HVJ ASSOCIATES, INC; ALLIANCE LABORATORIES, INC; RABA-KISTNER CONSULTANTS, INC; QC LABORATORIES, INC; GEOTEST ENGINEERING, INC; TOLUNAY-WONG ENGINEERS, INC; STORK SOUTHWESTERN LABORATORIES, INC** for Engineering Materials Testing Services for the Building Services Department

ORDINANCES - continued

32. Ordinance 2005-0660

ORDINANCE appropriating \$67,669.00 out of Parks Consolidated Construction Fund, awarding construction contract to **SUMCO, INC** for Construction of MacGregor Park Ballfield Lights, GFS F-504A-11-3; 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 Parks Consolidated Construction Fund - \$250,000.00 CDBG Fund - **DISTRICT D - EDWARDS**

33. Ordinance 2005-0661

ORDINANCE appropriating \$465,095.00 out of Parks Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** for Construction of Sylvan Rodriguez Park, GFS F-504B-05-3; 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 Parks Consolidated Construction Fund - **DISTRICT E - WISEMAN**

34. Ordinance 2005-0662

ORDINANCE appropriating \$443,380.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **SUMCO, INC** for Storm Water Pollution Control, GFS L-0028-01-3; 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 and testing services, and contingencies relating to the construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - GOLDBERG; H - GARCIA and I - ALVARADO**

35. Council Member Galloway tagged

ORDINANCE appropriating \$109,844.51 out of Fire Consolidated Construction Fund, \$173,245.25 out of Public Health Consolidated Construction Fund, \$329,711.72 out of Parks Consolidated Construction Fund, \$163,220.44 out of Police Consolidated Construction Fund, \$228,663.66 out of General Improvements Consolidated Construction Fund, \$23,064.24 out of Solid Waste Consolidated Construction Fund and \$363,051.03 out of Public Library Consolidated Construction Fund for Project Management Costs; providing funding for contingencies relating to construction of facilities financed by the above mentioned funds

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 36 through 39

36. Motion 2005-0460 – Tabled

Council Member Kahn moved to amend (a) and (b) of Item 36A as shown below:
“a child younger than 18 years of age shall not ride or operate, a minimotorbike, neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits.

MATTERS HELD – continued

Item 36 - continued

a. **Motion 2005-0461 – Refer back to the Committee with substitute amendment presented by Council Member Lawrence**

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

“Concerning Houston City Council Agenda Item 36B, 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 36B, 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.”

b. **Ordinance 2005-0664**

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 - **POSTPONED BY MOTION #2005-386, 5/4/05**

These were Items 56 and 56A on Agenda of May 4, 2005

37. **Ordinance 2005-0665**

ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced **TAGGED BY COUNCIL MEMBER LAWRENCE**

a. **Ordinance 2005-0666**

ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected - **TAGGED BY COUNCIL MEMBER LAWRENCE**

These were Items 27 and 27A on Agenda of May 18, 2005

38. **Ordinance 2005-0667**

ORDINANCE appropriating \$800,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **TX LAKE HOUSTON POINTE APARTMENTS, L.P.** to provide a grant to pay eligible land acquisition and/or construction costs for the Fairlake Cove Apartments to be located at the corner of FM 1960 and Fairlake Drive, Houston, Texas, to house low income residents - **DISTRICT E - WISEMAN**

TAGGED BY COUNCIL MEMBERS GREEN, BERRY and SEKULA-GIBBS

This was Item 28 on Agenda of May 18, 2005

MATTERS HELD – continued

39. Ordinance 2005-0668

ORDINANCE appropriating \$3,918,210.44 out of Street & Bridge Consolidated Construction Fund and \$471,154.61 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Scott Street Paving from South Acres to East Orem, GFS N-0618-01-3 (SB9084); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS - TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 38 on Agenda of May 18, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Garcia 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

5/24/2005 – All Present