

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 29, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-1137 to 2005-1160
ORDINANCES – 2005-1302 to 2005-1318
RESOLUTION - None

2005-1136-1

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 2005-1137 to 2005-1138 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - NOVEMBER 30, 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 2005-1139 – Accept report

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

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBERS 1 and 2

1. **Motion 2005-1146**

REQUEST from Mayor for confirmation of the appointment of **MR. MIKE NICHOLS** to Position One on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and the **FIREFIGHTERS AND POLICE OFFICERS CIVIL SERVICE COMMISSION**, for a term expiring June 14, 2007

2. **Motion 2005-1140**

RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for **LAKESHA LIVING**

ACCEPT WORK - NUMBERS 3 through 5

3. **Council Member Khan tagged**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$983,503.36 and acceptance of work on contract with **PARALLAX BUILDERS, INC** (Contract 55773) for Alief Park, GFS F-504B-08-3 - 20.68% over the original contract amount
DISTRICT F - KHAN

4. **Motion 2005-1141**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$530,734.01 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Safe Sidewalk Program, GFS N-0610A-G6-3 (SB9007-1) 02.77% over the original contract amount - **DISTRICT H - GARCIA**

5. **Motion 2005-1147**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$10,302.50, final contract amount of \$255,208.78 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of Storm Sewer Improvements along Ward Street, GFS M-0242-08-3 (SM5045) - 12.99% over the original contract amount - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 10

6. **Ordinance 2005-1302**

ORDINANCE appropriating \$52,445.00 out of Special EDI Grant Fund for Emergency Demolition and Disposal Services at the Gregory Elementary School for the Building Services Department, CIP E-0144

a. **Motion 2005-1142**

ARC ABATEMENT, INC for Demolition Services at the Gregory Elementary School for Building Services Department

7. **Motion 2005-1143**

L-3 COMMUNICATIONS MOBILE-VISION, INC for Preventative Maintenance Agreement for Communications Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$45,750.00 - General Fund

8. **Motion 2005-1144**

HI-WAY EQUIPMENT COMPANY, INC - \$720,491.80 and **RUSH EQUIPMENT CENTERS OF TEXAS, INC** - \$558,848.88 for Excavators, Trailers and Trailer-Mounted Concrete Saw through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Equipment Acquisition Consolidated and Storm Water Funds

PURCHASING AND TABULATION OF BIDS - continued

9. Council Member Khan tagged

AMEND MOTION #2002-1414, 12/11/02, TO EXTEND expiration date from December 11, 2005 to December 10, 2007, and **TO INCREASE** spending authority, awarded to **DXI INDUSTRIES** by \$2,108,660.00 to \$2,635,825.00 and **ALTIVIA CORPORATION** by \$1,742,311.39 to \$2,177,889.24 for Chemical, Liquid Chlorine Contract for Department of Public Works & Engineering - Enterprise Fund

10. Motion 2005-1145

AMEND MOTION #2005-239, 3/16/05, TO PURCHASE additional Refuse Collection Trucks and Trailers for the Solid Waste Management Department to the following:

HOUSTON FREIGHTLINER, INC (Bid No. 4) - \$3,647,943.00

HOUSTON FREIGHTLINER, INC (Bid No. 3) - \$449,508.00

NICK'S DIESEL SERVICE, INC - \$573,300.00

ORDINANCES - NUMBERS 11 through 24

11. Ordinance 2005-1303

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Bolivia Street right-of-way from 485 feet south of De Soto Street to West Tidwell Road, containing 2.001 acre (87,174 square feet of land), more or less, located in the Samuel McClelland Survey, A-544 and the Ellis Benson Survey, A-110, Harris County, Texas, vacating and abandoning said tract of land to our Savior Lutheran Church of Houston Texas, the abutting owner, in consideration of owner's dedication of a full-width utility easement containing 2.001 acre (87,174 square feet of land), more or less, and payment of \$58,842.00, and other consideration to the City, Parcels SY5-045 and VY5-009 - **DISTRICT B - GALLOWAY**

12. Ordinance 2005-1304

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Stafford Drive and Strickland Drive right-of-way, together with a 10-foot-wide utility easement, all from Rothermel Road North to their terminus, and all within Langley Road Place Subdivision, Houston, Harris County, Texas; vacating and abandoning said street rights of way and said utility easement to Ocires 1 Limited, the abutting owner, in consideration of its payment of \$51,020.00 and other consideration to the City; Parcels SY5-002A, SY5-002B and SY5-002C, respectively - **DISTRICT B - GALLOWAY**

13. Ordinance 2005-1305

ORDINANCE consenting to the addition of 2.8527 acres of land to **RENN ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES**, for inclusion in its district

Motion 2005-1159 – Call the question on Item 14

Motion 2005-1160 – Refer Item 14 back to the Administration – “FAILED”

14. Council Members Lawrence, Sekula-Gibbs and Wiseman tagged

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

15. Ordinance 2005-1306

ORDINANCE approving and authorizing second amendment and supplemental agreement No. 1 to contract between the City of Houston and **CGI-AMS, INC (Formerly AMERICAN MANAGEMENT SYSTEMS, INC)** for Software License and Support Services - \$500,000.00 General Fund

ORDINANCES - continued

16. Ordinance 2005-1307

ORDINANCE approving and authorizing agreement between the City of Houston and **IBN SINA FOUNDATION, INC** to provide \$500,000.00 in Community Development Block Grant Funds for partial funding of the construction of a Community Clinic located at 11226 S. Wilcrest Dr. **DISTRICT F - KHAN**

17. Ordinance 2005-1308

ORDINANCE awarding contract to **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,979,858.50 - Enterprise Fund

18. Ordinance 2005-1309

ORDINANCE approving and authorizing sole source contract for Flight Information Display Systems between the City of Houston and **INFAX, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$3,000,000.00 - Enterprise Fund **DISTRICTS B - GALLOWAY and I - ALVARADO**

19. Ordinance 2005-1310

ORDINANCE appropriating \$6,998,468.00 out of Airports Improvement Fund and awarding construction contract to **EAS CONTRACTING, L.P.** for Miscellaneous Airfield Lighting Improvements, Generators & Generator Buildings at Ellington Field, CIP A-0428, Project 588; 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 E - WISEMAN**

20. Ordinance 2005-1311

ORDINANCE appropriating \$1,050,000.00 out of Airport System Subordinate Lien Revenue Bond Series 1998B (AMT) Construction Fund and approving and authorizing Amendment No. 6 to contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Professional Architectural, Engineering, Construction Management, and Program Management Services for Special Airfield Improvement Projects at George Bush Intercontinental Airport/Houston (Project No. 569; CIP A-0396) - **DISTRICT B - GALLOWAY**

21. Ordinance 2005-1312

ORDINANCE appropriating \$6,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 4 to contract between the City and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Professional Architectural and Engineering Services at William P. Hobby Airport (Project 417E; CIP A-0141) - **DISTRICT I - ALVARADO**

22. Council Member Green tagged

ORDINANCE approving and authorizing amendment to Professional Environmental Consulting Services Contract between the City and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** for Professional Environmental Consulting Services for Various Issues Encountered on City property or in the City right-of-way, GFS R-0019-07-2

23. Council Member Quan tagged

ORDINANCE approving and authorizing Project Management Services Agreement between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.**; providing a maximum contract amount - 1 year - \$100,000.00 - Building Inspection and CDBG Funds

ORDINANCES - continued

24. Ordinance 2005-1313

ORDINANCE appropriating \$5,282,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for approximately 2,200 LF of 54" Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station, GFS S-0900-A9-3 (WA10448-11); 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, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 25 and 26

PROPERTY

25. Motion 2005-1148

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dr. Joe W. Hightower, on behalf of Human Resources Development Foundation (Dr. Joe Hightower, president), for abandonment and sale of a portion of a 15-foot-wide alley, adjacent to Lots 11 through 16, Blocks 21 and 22, Institute Addition, Parcel SY6-007 - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER (John Chambless and George Coleman, Jr. – Sheila Stewart, Alternate) - DISTRICT D – EDWARDS**

26. Motion 2005-1149

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jose L. Pruneda, on behalf of U. R. Properties I LP [URVR, L.L.C. (Vinod Kewalramani, Chief Executive Officer/President), General Partner], for abandonment and sale of the remaining portion of a 12-foot-wide alley adjacent to Lots 5 through 9, Block 3, located within the Settegast & Dodge Addition, and the 12-foot-wide alley along the east property line of Tract 12, Block 1, Parcels SY5-069, SY6-033 and SY6-034 **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER (Tom Kvinta and George Sims – Alan Dominy, Alternate) - DISTRICT G - HOLM**

MATTERS HELD - NUMBERS 27 through 37

27. Motion 2005-1150 – Refer back to the Administration

CONSIDERATION of the recommendation for removal of School Speed Zones on Bellaire Blvd., east and west of Pella - **DISTRICT F - KHAN**
POSTPONED BY MOTION #2005-1108, 11/16/05

Motion 2005-1157 – Reconsider Item 28

28. Motion 2005-1158 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR I-69 TEXAS** \$30,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 2 on Agenda of November 22, 2005

MATTERS HELD – continued

29. Motion 2005-1152 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Houston Airport System for approval of final contract amount of \$21,918,914.18 and acceptance of work on contract with **J. D. ABRAMS, L. P.** for APM Guideway Extension, Roadways and Site Utilities at George Bush Intercontinental Airport/Houston; Project No. 536A, CIP A-0203 and A-0354 - 13.73% over the original contract amount - **DISTRICT B - GALLOWAY**

TAGGED BY COUNCIL MEMBERS GREEN, KHAN and GALLOWAY

This was Item 4 on Agenda of November 22, 2005

30. Motion 2005-1153 – Adopt

MOTION by Council Member Alvarado/Seconded by Council Member Khan to adopt recommendation from Director Finance & Administration to award to **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$1,080,453.00 and **UNDERGROUND, INC d.b.a. UNDERGROUND MARKETING** - \$877,291.59 for Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Storm Water Fund

TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-GIBBS

This was Item 9 on Agenda of November 22, 2005

31. Ordinance 2005-1314

ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the City Treasurer

TAGGED BY COUNCIL MEMBERS EDWARDS, WISEMAN, QUAN, LAWRENCE and GREEN

This was Item 14 on Agenda of November 22, 2005

Written motion by Council Member Berry to amend Item 32 (proposed ordinance amending Article V of Chapter 36 of the Code of Ordinances relating to Solicitation of Funds for Charitable purposes as follows:

“In Section 1, which amends Article V of Chapter 36 of the Code of Ordinances, Houston, Texas, by:

1. Deleting the definition of *qualified minor* in Sec. 36-71.
2. Amending Sec. 36-72 to:
 - A. Revise Item (8) to read: “For any person to employ, suffer or permit a minor to solicit funds.”
 - B. Delete Item (9) and renumber Item (10) as Item (9).
 - C. Revise the renumbered Item (9) to read: “For any person to use or expose any animal or person to hazardous conditions to solicit funds.”
3. Amending Sec. 36-73 to:
 - A. Add a new Item (2) to read: “Stating that the solicitor represents an organization when such statement is false.”
 - B. Renumber the remaining items as appropriate.
4. Amending Sec. 36-74 to:
 - A. Amend Items (4) and (5) to read, respectively, as follows:
 - “(4) Does not enter the roadway to solicit or retrieve funds.
 - “(5) Does not obstruct traffic or create a hazard to traffic or any other person.”
 - B. Delete Item (6)
5. Amending Sec. 3
...this Ordinance shall take effect at 12:01 am on the 90th day next following date of its passage and approval by the Mayor.

Council Members Berry and Sekula-Gibbs tagged

MATTERS HELD – continued

32. Motion 2005-1154 – Postpone one (1) week

ORDINANCE AMENDING ARTICLE V OF CHAPTER 36 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Solicitation of Funds for Charitable purposes
TAGGED BY COUNCIL MEMBER SEKULA-GIBBS
This was Item 15 on Agenda of November 22, 2005

33. Motion 2005-1155 – Adopt

WRITTEN by Council Member Lawrence to amend Item 33A below as follows:

Section 1. That Section 45-2 of the Code of Ordinances, Houston, Texas is hereby amended by adding, in the appropriate alphabetical order, the following definitions:

“Esplanade has the meaning ascribed in section 33-101 of this code.”

“Median Strip means the dividing area, either landscaped or paved, between opposing highway traffic lanes.”

“Traffic island means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes.”

“Animal has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animate being that is not human and has the power of voluntary action.”

“Livestock has the meaning ascribed in Texas Agricultural Code 1.003 means cattle, horses, mules, asses, sheep, goats, and hogs, unless otherwise defined.”

Section 2. That Chapter 45 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 45-135, which reads as follows:

“Sec. 45-135 Use of esplanade, median strip or traffic island.

- (a) It shall be unlawful for any person to ride, operate, leave unattended any animal and/or livestock or park any vehicle on, over or across any esplanade, median strip or traffic island,
- (b) In addition to any applicable fine or penalty, any animal and/or livestock left unattended or vehicle parked upon an esplanade, median strip or traffic island in violation of this section shall be subject to being removed or towed at the direction of any law enforcement office or parking enforcement officer.
- (c) The provisions of this section shall not apply to any city employee, city contractor or employee thereof, or any person whose duty it is to maintain the esplanade, median strip or traffic island or any equipment thereon.”

TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and KHAN

a. Ordinance 2005-1315 – Adopt as amended

ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to use of Esplanades
TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and KHAN
This was Item 16 on Agenda of November 22, 2005

34. Ordinance 2005-1316

ORDINANCE approving and authorizing third amendment to Meet and Confer Agreement between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM (‘HMEPS’)** pertaining to certain Phase Down/Drop issues
TAGGED BY COUNCIL MEMBER GARCIA
This was Item 19 on Agenda of November 22, 2005

35. Ordinance 2005-1317

ORDINANCE approving and authorizing fourth amendment to Meet and Confer Agreement between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**
TAGGED BY COUNCIL MEMBER GARCIA
This was Item 20 on Agenda of November 22, 2005

MATTERS HELD – continued

36. Ordinance 2005-1318

ORDINANCE awarding contract to **INFRASTRUCTURE SERVICES, INC** for Concrete Pavement Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 1 Year with two one-year options - \$6,252,510.00 - General Fund

TAGGED BY COUNCIL MEMBER KHAN

This was Item 37 on Agenda of November 22, 2005

Motion 2005-1156 – Substitute new ordinance in its entirety for Item 37

Written motion by Council Member Wiseman to amend Item 37 as follows:

“45-235. Permit application generally; issuance, etc.

(g) the number of parade permits that may be issued shall be subject to the following limitations:

(1) only one permit shall be issued for a parade to be conducted in the downtown area on the same day;

~~(2) Only two permits may be issued for parades to be conducted on the same calendar day in the city limits; and~~

~~(3) Permits may not be issued for conflicting times. For purposes of this provisions, parades are considered to be conflicting if their starting times are less than four hours apart.~~

37. Council Member Ellis tagged

ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parades (Revised Ordinance)

POSTPONED BY MOTION #2005-1123, 11/22/05

This was Item 46A on Agenda of November 22, 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

**11/29/2005 – Council Member Goldberg out of the City on City business
Council Member Sekula-Gibbs absent on City business**

11/30/2005 – Council Member Goldberg out of the City on City business