

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 4, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0261 to 2006-0286
ORDINANCES – 2006-0299 to 2006-0321
RESOLUTION – None

2006-0260-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Brown

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

Motion 2006-0261 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 5, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - Consumer Choice Initiative

Motion 2006-0262 – 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 38

MISCELLANEOUS - NUMBERS 1 through 3

Motion 2006-0263 – Suspend rules to consider Items 1 and 2 out of order

1. Motion 2006-0264

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD AREA) BOARD OF DIRECTORS:**

Position 3 - **MR. CLAUDE ANELLO**, appointment, and as Chair, for a term to expire 12/31/2006

Position 4 - **MR. STEVEN KIRKLAND**, reappointment, for a term to expire 12/31/2006

Position 5 - **MS. CYNTHIA CARD**, appointment, for a term to expire 12/31/2006

Position 6 - **MS. ANN GUERCIO**, appointment, for a term to expire 12/31/2007

Position 7 - **MR. ROLAND TAMEZ**, reappointment, for a term to expire 12/31/2007

2. Motion 2006-0265

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE OLD SIXTH WARD REDEVELOPMENT AUTHORITY:**

Position 2 - **MS. LARISSA LINDSAY** (State Representative Appointee), reappointment, for a term to expire 12/31/2006

Position 3 - **MR. CLAUDE ANELLO**, appointment, and as Chair, for a term to expire 12/31/2006

Position 8 - **MS. PAULETTE SIMMONS** (HISD Appointee), for a term to expire 12/31/2007

Position 9 - **MS. ALICE VALDEZ** (Harris County Appointee), for a term to expire 12/31/2007

3. Motion 2006-0270

RECOMMENDATION from Director Department of Health & Human Services to renew the appointment of **DAVID E. PERSSE, M.D.** as Health Authority for the City of Houston

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2006-0266

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,996,768.83 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Neighborhood Street Reconstruction Project No. 441A (NSR 441A), and authorize final payment to the Surety, **AMERICAN MOTORISTS INSURANCE COMPANY (AMIC)**, GFS N-0374-02-3 (SB9054) - 02.77% under the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO**

5. Motion 2006-0271

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,366,401.91 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-12-3 (4258-7) - 01.15% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN and H - GARCIA**

6. Motion 2006-0272

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,621,833.65 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Braeburn Gardens Sanitary Sewer System; GFS R-0801-06-3 (4815-1R) - 05.58% under the original contract amount - **DISTRICT C - CLUTTERBUCK**

ACCEPT WORK - continued

7. Motion 2006-0267

RECOMMENDATION from the Director Department of Public Works & Engineering for approval of final contract amount of \$3,664,732.19 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Scott No. 3 Lift Station Pump Improvements and Leitrim Sanitary Sewer Relief; GFS R-2011-34-3 (4853-1) - 03.42% over the original contract amount **DISTRICT D - EDWARDS**

8. Motion 2006-0273

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,446,954.36 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal Contract, (WA10633-03) - 01.07% under the original contract amount

PROPERTY - NUMBERS 9 through 11

9. Motion 2006-0274

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower, Brown & Gay Engineers, Inc., on behalf of Primeway Federal Credit Union (Mary Kay Brammer, Vice President), for abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for the conveyance to the city of a 20-foot-wide sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union, Parcels SY6-075 and DY6-029 - **STAFF APPRAISERS - DISTRICT H - GARCIA**

10. Motion 2006-0275

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels AY5-190 and AY5-193, located east of Landmark, north of W. Orem and south of Knotty Oaks, owned by Brentwood Baptist Church, Paul E. Jefferson, Church Business Administrator, for the **BUFFALO SPEEDWAY PAVING EXTENSION PROJECT from W. Orem Dr. to W. Airport Blvd.**, CIP N-0619-01-2 - \$79,798.00 - **DISTRICT D - EDWARDS**

11. Motion 2006-0276

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY6-005, located north of Memorial and east of Levin Lane, owned by CenterPoint Energy Houston Electric, LLC Glenda Briggs-Senior Right of Way Agent, for the **WILCHESTER MEMORIAL WAY AND MEMORIAL TRAILS SUBDIVISION STORM SEWER IMPROVEMENT PROJECT**, CIP M-0248-01-2 - **DISTRICT G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

12. Motion 2006-0268

RUSH TRUCK CENTERS OF TEXAS, L.P. - \$47,608.00 and **TEXAS WASTE EQUIPMENT, INC d.b.a. HEIL OF TEXAS** - \$45,589.90 for Cab & Chassis and Grapple Truck Body through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department - General Fund

13. Motion 2006-0269

CSB MATERIALS PARTNERSHIP, LTD/ D.B.A. CSB MATERIALS, INC - \$534,595.25 and **NATURE'S WAY RESOURCES** - \$106,325.00 for Topsoil, Bank Sand, Clay-Filled Dirt and Compost for Various Departments - General, Enterprise and Storm Water Utility Funds

ORDINANCES - NUMBERS 14 through 38

Motion 2006-0277 – Suspend rules to hear from Mr. Richard Lewis on Item 14

14. Ordinance 2006-0301

ORDINANCE appropriating \$7,049,625.00 out of Series E Commercial Paper Fund; approving and authorizing contract between the City and **ACS STATE AND LOCAL SOLUTIONS, INC** for Parking Meter Purchase, Implementation and Management and for Wireless Network for the Downtown Area; providing a maximum contract amount - Not to exceed \$14,788,897.00

15. Ordinance 2006-0302

ORDINANCE **AMENDING SECTION 45-175 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Revenues generated from the uses of Parking Meters

16. Ordinance 2006-0303

ORDINANCE authorizing the creation of the Series E Commercial Paper West 11th Street Park Fund (the "Fund"); appropriating \$4,100,000.00 out of the Fund; and approving and authorizing Interlocal Option Agreement for purchase of real property between the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and the City of Houston granting the City an option to purchase approximately 20 acres of land located in the 2600 block of West 11th Street to be used as a public City park; approving necessary documents related thereto - **DISTRICT A - LAWRENCE**

17. Ordinance 2006-0304

ORDINANCE approving and authorizing sixth amendment to the contract between the City of Houston, the **ALIEF INDEPENDENT SCHOOL DISTRICT** and SPARK, to provide \$60,000.00 and continue the program for the development of neighborhood parks on public school grounds under the SPARK Program - **DISTRICT F - KHAN**

18. Ordinance 2006-0305

ORDINANCE consenting to the addition of 492.67 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district

19. Ordinance 2006-0306

ORDINANCE consenting to the addition of 118.513 acres of land to **GREENWOOD UTILITY DISTRICT**, for inclusion in its district

20. Ordinance 2006-0307

ORDINANCE consenting to the addition of 31.5329 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364**, for inclusion in its district

21. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 424**

22. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 425**

23. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 426**

24. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 427**

ORDINANCES - continued

25. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 428**

26. Council Member Johnson tagged

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 429**

27. Ordinance 2006-0308

ORDINANCE consenting to the addition of 0.671 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district

28. Ordinance 2006-0309

ORDINANCE consenting to the addition of 11.790 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district

29. Ordinance 2006-0310

ORDINANCE consenting to the addition of 1.756 acres of land to **HARRIS COUNTY UTILITY DISTRICT NO. 6**, for inclusion in its district

30. Ordinance 2006-0311

ORDINANCE consenting to the addition of 205.9333 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

31. Ordinance 2006-0312

ORDINANCE consenting to the addition of 0.6771 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district

32. Council Members Khan and Wiseman tagged

ORDINANCE approving and authorizing engagement letter between the City of Houston and **RICHARD K. SIMON, ESQ.** for Legal Services regarding Aircraft Noise Impacts at the City's Airports; providing a maximum contract amount - \$600,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

33. Ordinance 2006-0313

ORDINANCE approving and authorizing Groundwater Reduction Plan Agreement between the City of Houston and **MITCHELL MARTIN AND MICHAEL MARTIN, dba CONSUMERS WATER COMPANY** - Revenue

34. Ordinance 2006-0314

ORDINANCE appropriating \$513,870.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for Design of the Waterline Replacement in First Ward I, First Ward II, Willow Run North, Northwood Manor, Parker Road and Hillwood (approved by Ordinance No. 05-0266), GFS S-0035-F1-2 (WA10858) - **DISTRICTS B - JOHNSON; D - EDWARDS and H - GARCIA**

ORDINANCES - continued

35. Ordinance 2006-0315

ORDINANCE appropriating \$5,583,714.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-F5-3 (WW4258-24); 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, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

36. Ordinance 2006-0299

ORDINANCE appropriating \$2,645,686.61 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **J. O. A. CONSTRUCTION CO., INC** for Teague Fleet Maintenance Facility, GFS R-0268-51-3; 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, construction administration and management services, project management and air monitoring services, Civic Art Program, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

37. Ordinance 2006-0300

ORDINANCE awarding construction contract to **AAR INCORPORATED** for Soil Remediation at Former Canal Street Health Center; 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, project management and construction oversight financed by Community Development Block Grant Funds \$94,414.25 - CDBG Funds - **DISTRICT I - ALVARADO**

Motion 2006-0278 – Suspend rules to consider Item 38 out of order

38. Ordinance 2006-0317

ORDINANCE appropriating \$900,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Uptown Fund (Fund 162) to Complete Repairs Mandated by the United States Department of Housing and Urban Development (HUD) under the Single Family Home Repair Program Guidelines, formerly known as the Emergency Home Repair Program Guidelines

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 39 through 46

39. Ordinance 2006-0316 – Adopt

ORDINANCE appropriating \$700,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) to complete repairs mandated by the United States Department of Housing and Urban Development (HUD) under the Single Family Home Repair Program Guidelines, formerly known as the Emergency Home Repair Program Guidelines

TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA and SEKULA-GIBBS

This was Item 27 on Agenda of March 29, 2006

MATTERS HELD - continued

40. Motion 2006-0279 – Adopt

RECOMMENDATION from Director Housing & Community Development Department to allow for the advance of up to \$4 million from the General Fund to appropriate housing grant funds for Emergency and Single Family Home Repair Program - **TAGGED BY COUNCIL MEMBERS LAWRENCE, GARCIA, WISEMAN, SEKULA-GIBBS, KHAN and CLUTTERBUCK**

This was Item 5 on Agenda of March 29, 2006

41. Motion 2006-0280 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado 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, 2006 through December 31, 2006 - \$173,596.00 Enterprise Fund -**TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 2 on Agenda of March 29, 2006

42. Motion 2006-0281 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Houston Airport System to allow two-year participation by the Houston Airport System in quarterly Customer Satisfaction surveys at Bush Intercontinental and William P. Hobby Airports - \$161,750.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 3 on Agenda of March 29, 2006

Motion 2006-0282 – Postpone Item 43 to the end of the Agenda

Motion 2006-0285 – Postpone Item 43 for fifteen (15) minutes

43. Motion 2006-0286 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Mayor's Office Director of Health Policy to approve a contribution of \$50,000.00 by the City of Houston as a founding member of the **HARRIS COUNTY HEALTH CARE ALLIANCE** - General Fund

TAGGED BY COUNCIL MEMBERS EDWARDS and GARCIA

This was Item 4 on Agenda of March 29, 2006

44. Ordinance 2006-0318

ORDINANCE appropriating \$518,130.00 out of Street & Bridge Consolidated Construction Fund for Construction and Installation of Speed Humps for the Public Works & Engineering Department, CIP N-0660-08-3; providing funding for project management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

a. Motion 2006-0283 – Tabled

RECOMMENDATION from Finance & Administration Department to award to **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps for Department of Public Works & Engineering - \$454,500.00

TAGGED BY COUNCIL MEMBERS LAWRENCE and WISEMAN

These were Items 17 and 17A on Agenda of March 29, 2006

b. NOTE: This Item is to replace Item 44A above and is not a Matter Held Ordinance 2006-0319

ORDINANCE awarding contract to **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps for Public Works & Engineering Department; providing a maximum contract amount

MATTERS HELD - continued

Motion 2006-0284 – Amend Item 45 as follows:

“Amend Article III. Scope of Services on page 5 of Agreement by adding the following sentence:

The Firm represents that funds allocated for this Agreement will not be used for activities that would require a member or agent of the Firm to register as a Lobbyist pursuant to Chapter 305 of the Texas Government Code, as amended or recodified nor shall the funds be used for marketing activities.”

45. Ordinance 2006-0320 – Adopt as amended

ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.**, for representation of the City in legislative, regulatory, right-of-way, franchise, contract and litigation-related matters including administrative proceedings before the Public Utility Commission of Texas and appeals therefrom, and other related dockets and proceedings addressing retail rates and customer service; providing a maximum contract amount - \$1,400,000.00 - General Fund

TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, KHAN and CLUTTERBUCK

This was Item 28 on Agenda of March 29, 2006

46. Ordinance 2006-0321 – Adopt

ORDINANCE appropriating \$1,372,460.00 out of Parks Consolidated Construction Fund, awarding construction contract to **RESICOM, INC** for Construction of MacGregor Park Road Improvements, GFS F-504A-21-3; 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 D - EDWARDS**

TAGGED BY COUNCIL MEMBERS LAWRENCE, EDWARDS and SEKULA-GIBBS

This was Item 30 on Agenda of March 29, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lawrence 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

4/4/2006 – All Present

4/5/2006 – All Present