

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 1, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2006-0671 to 2006-0698
ORDINANCES – 2006-0792 to 2006-0816
RESOLUTIONS – 2006-0008 to 2006-0010

2006-0670-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Wiseman

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 2006-0671 to 2006-0674 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 2, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - Charter Amendment Issues

Motion 2006-0675 – Accept Financial Report

Motion 2006-0676 – Accept Quarterly 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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 41

MISCELLANEOUS - NUMBER 1

1. Motion 2006-0680

RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2006 through September 30, 2007, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements

ACCEPT WORK - NUMBERS 2 through 6

2. Motion 2006-0681

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,399,882.61 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Relocation for Taxiways "Y" & "Z" at William P. Hobby Airport, Project 417B, CIP A-0042, A-0380, A-410, A-0426 and A-0141 - 00.22% over the original contract amount - **DISTRICT I - ALVARADO**

3. Motion 2006-0682

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$82,542.00 and acceptance of work on contract with **STEWART-MATL, LTD.** for Central FIS Building Related Projects at George Bush Intercontinental Airport/Houston; Project No. 500M; CIP A-0203 and A-0422 - 13.55% over the original contract amount - **DISTRICT B - JOHNSON**

4. Motion 2006-0683

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$168,494,988.80 and acceptance of work on contract with **CLARK/MISSION, a Joint Venture** for ISEP Central FIS Building Superstructure and APM Station & Platform at George Bush Intercontinental Airport/Houston; Project No. 500F/536C; CIP A-0091, A-0203, A-0354, A-0372, A-0422 and A-0483 - 15.45% over the original contract amount - **DISTRICT B - JOHNSON**

5. Motion 2006-0684

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,116,013.91 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Method of Point Repair, GFS R-0266-71-3 (4235-6) - 02.18% under the original contract amount

6. Motion 2006-0685

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,660,282.31 and acceptance of work on contract with **ALLCO, INC** for Sewer Rehabilitation by Sliplining, GFS R-0266-72-3 (4257-7) - 00.54% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

7. Motion 2006-0677

INDUSTRIAL CHEMICAL CLEANER, INC for Floor Maintenance Equipment for Houston Airport System - \$29,484.00 - Enterprise Fund

8. Motion 2006-0678

CONSOLIDATED TRAFFIC CONTROLS, INC for Emitters through the Houston-Galveston Area Council for the Fire Department - \$40,245.92 - General Fund

9. Motion 2006-0686

MUSTANG CAT (BID NO. 4) - \$262,703.70 and **LANSLOWNE-MOODY COMPANY, L.P. (BID NO. 4)** - \$25,415.32 for Backhoe Loader and Bulldozer for Department of Public Works & Engineering - \$293,999.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$288,119.02 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

10. Motion 2006-0687

HOUSTON FREIGHTLINER, INC - \$3,047,063.00 and **MCNEILUS TRUCK AND MANUFACTURING COMPANY** - \$2,781,472.00 for Cabs & Chassis and Side Loading Refuse Collection Bodies through the Houston-Galveston Area Council for the Solid Waste Management Department Equipment Acquisition Consolidated Fund

11. Motion 2006-0679

KRIS COMPACTION, INC for Trailer-Mounted Light Towers for Various Departments \$27,996.00 - Enterprise Funds

12. Motion 2006-0688

BUCKEYE CLEANING CENTER - \$1,786,075.60, **LONE STAR TISSUE, INC** - \$958,498.00 and **UNISOURCE WORLDWIDE, INC** - \$1,053,361.70 for Paper, Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 41

13. Resolution 2006-0008

RESOLUTION designating a certain property within the City of Houston as a Historic Landmark (S. F. Carter-Second National Bank Building - 806 Main Street) - **DISTRICT I - ALVARADO**

14. Resolution 2006- 0009

RESOLUTION designating a certain property within the City of Houston as a Historic Landmark (Gift Raps Inc. Warehouse - 2422 Bartlett Street) - **DISTRICT C - CLUTTERBUCK**

15. Resolution 2006-0010

RESOLUTION designating certain properties within the City of Houston as protected landmarks (Founders' Memorial Park - 1217 W. Dallas, Beazley-Telschow House - 1816 Kane, 1940 Houston Municipal Air Terminal - 8325 Travelaire, Ladner House - 3362 Del Monte and Minella House - 6328 Brookside Drive) - **DISTRICTS G - HOLM; H - GARCIA and I - ALVARADO**

16. Ordinance 2006-0804

ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Functions of the Building Services Department concerning acquisition of Real Property

17. Council Members Wiseman, Sekula-Gibbs and Clutterbuck tagged

ORDINANCE **AMENDING THE CITY OF HOUSTON FIRE CODE** and **CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to use of propane in, on, or in conjunction with Mobile Food Units; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; providing for severability; providing an effective date

18. Council Members Alvarado and Wiseman tagged

ORDINANCE ordering a Regular Election to be held jointly on November 7, 2006, for the purpose of submitting to the qualified electors of the City of Houston, Texas, certain propositions for the issuance of Public Improvement Bonds for various purposes; designating the location of each polling place and the hours that the polls shall be open

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2006-0805

ORDINANCE authorizing the reallocation of the amounts which may be issued for authorized purposes of the City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; and declaring an emergency

20. Ordinance 2006-0816

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations to authorize one or more qualified Hedge Agreements with respect to certain Outstanding Combined Utility System Bonds and related agreements; making other provisions incident thereto; and declaring an emergency

21. Ordinance 2006-0792

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Pawnee Street, from Almeda Road east to its terminus at the railroad tracks, comprising 2 tracts of land, containing, respectively, 6,482 square feet and 6,544 square feet of land, more or less, Parcels SY5-074 and SY6-005, respectively, vacating and abandoning said parcels to MDM Realty, LLC, and to Marcos Masson, the abutting owners, in consideration of their dedication of three rights of way, containing, respectively, 419 square feet, 419 square feet and 1,398 square feet of land, more or less, Parcels AY6-077, AY6-078A and AY6-078B, respectively, and the payment of \$151,060.00 and other consideration to the City; all five parcels being out of Institute Place Addition, Houston, Harris County, Texas - **DISTRICT D - EDWARDS**

22. Ordinance 2006-0793

ORDINANCE approving and authorizing Special Warranty Deed conveying to **CLEAR CREEK RANCH, INC**, a parcel of land containing 1.7308 acres (75,392 square feet), more or less, being a portion of a certain 76.8135 acre tract of land described by final judgment of the County Civil Court at Law No. Four (4) of Harris County, Texas, Cause No. 477,270, located in the G. P. Burnett Survey and the H.T&B.R.R. Company Survey, A-1382, Harris County, Texas (excess Blackhawk Boulevard right-of-way at 9400 block of Fuqua Street, Parcel SY2-005); in consideration of Clear Creek Ranch, Inc.'s payment of \$154,486.00, and other consideration to the City - **DISTRICT E - WISEMAN**

23. Ordinance 2006-0794

ORDINANCE approving and authorizing Special Warranty Deed conveying to **FRANK T. GUZMAN**, a parcel of land containing 0.1696 acre (7,387 square feet), more or less, being out of Lot 17, Block 5, of the Golf View Manor Addition, located in the H.B. Prentiss Survey, A-56, Harris County, Texas, (A former water plant site located at Iron Rock Avenue and South Wayside Drive, Parcel S85-051); in consideration of Frank T. Guzman's payment of \$23,550.00, and other consideration to the City - **DISTRICT I - ALVARADO**

24. Ordinance 2006-0795

ORDINANCE amending Ordinance No. 2004-1248 relating to the addition of certain land to Bissonnet Municipal Utility District; consenting to the addition of 87.2876 acres of land to **BISSONNET MUNICIPAL UTILITY DISTRICT** for inclusion in its district

25. Ordinance 2006-0796

ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134**

26. Ordinance 2006-0797

ORDINANCE consenting to the addition of 17.605 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district

RESOLUTIONS AND ORDINANCES - continued

27. Ordinance 2006-0798

ORDINANCE consenting to the addition of 4.1791 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96**, for inclusion in its district

28. Ordinance 2006-0799

ORDINANCE consenting to the addition of 135.485 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381**; for inclusion in its district - **DISTRICT E - WISEMAN**

29. Ordinance 2006-0800

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460 - DISTRICT E - WISEMAN**

30. Ordinance 2006-0801

ORDINANCE consenting to the addition of 0.8942 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district

31. Ordinance 2006-0802

ORDINANCE consenting to the addition of 9.0758 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

32. Ordinance 2006-0803

ORDINANCE establishing the north and south sides of the 4100, 4200 and 4300 blocks of Clay Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO**

33. Ordinance 2006-0806

ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$591,723.61 for the Administration and Operation of a Supportive Services Project under the Housing Opportunities For Persons With AIDS ("HOPWA") Program

34. Ordinance 2006-0807

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to receive and utilize funds from the Metropolitan Statistical Area Cities Readiness Initiative Grant - \$73,161.00 - Grant Fund

35. Ordinance 2006-0808

ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **BGM LAND INVESTMENTS, LTD.** on behalf of proposed Harris County Municipal Utility District No. 439 - **DISTRICT B - JOHNSON**

36. Ordinance 2006-0809

ORDINANCE awarding construction contract to **BIG STATE, EXCAVATION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Wayside Village Subdivision, approving and authorizing an assignment of the construction contract to the **WOODMERE DEVELOPMENT COMPANY**, CIP S-0800-H1-3 & R-0800-H1-3 (DPC-095) **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

37. Ordinance 2006-0810

ORDINANCE appropriating \$117,454.37 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **WOODMERE DEVELOPMENT COMPANY, LTD.** for Construction of Water and Sanitary Sewer lines to serve development on Wayside Drive, CIP S-0802-38-3 & R-0802-40-3 - **DISTRICT B - JOHNSON**

38. Ordinance 2006-0811

ORDINANCE approving and authorizing contract between the City of Houston and **J. C. FOY, L.C.**, for Professional Litigation Support Services - \$150,000.00 - Enterprise Fund

39. Council Members Sekula-Gibbs, Khan and Holm tagged

ORDINANCE amending Ordinance No. 2005-405, which approved contract with **SAP PUBLIC SERVICES, INC** for an Enterprise Resource Planning System to increase the maximum contract amount - \$1,600,000.00 - Central Service Revolving Fund

40. Ordinance 2006-0812

ORDINANCE approving and authorizing Amendment No. 2 to Contract No. C51809 between the City of Houston and **VERIZON SELECT SERVICES, INC** to extend the contract term for Telecommunications Equipment Maintenance Services - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**

41. Ordinance 2006-0813

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **MULTIFORCE SYSTEMS CORPORATION** (C#53088) for Automated Fuel System Maintenance and Support Services for Various Departments

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 42 and 43

PROPERTY

42. Motion 2006-0689

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Laura Jordan, Brown & Gay Engineers, Inc., on behalf of Martin A. Kaplan and K. L. Harkins, Jr., for abandonment and sale of an 18-foot-wide alley and a 10-foot-wide utility easement from Yale Street ±353 feet west, between West 21st Street and West 22nd Street, in exchange for the conveyance to the City of right-of-way for, and construction of, an 18-foot-wide alley along the western property line of Lot 36, Block 73 to West 21st Street, all located within the Houston Heights Addition, out of the John Austin 2 Leagues Survey, A-1, Parcels SY6-090A, SY6-090B, SY6-121 and AY6-250 - **(Frank Flores and Michael Copland, appointed – John Fox, alternate) - TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT H - GARCIA**

PROPERTY - continued

43. Motion 2006-0690

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. Kent Marsh, Knudson & Associates on behalf of Gateway Medical Properties, Ltd., [MacGregor 288 Development, L.L.C. (Derrick Roach, Executive Vice President), general partner], for abandonment and sale of a portion of MacGregor Way from Highway 288 to Riverside Drive, and a portion of Old MacGregor Drive from MacGregor Way to Highway 288, in exchange for the conveyance to the City of a storm sewer easement, all located in Riverside Terrace Subdivision, Fifth Section, out of the G. P. Foster Survey, A-273, Parcels SY6-101A, SY6-101B and LY6-027 – **(John Chambliss and George Coleman, appointed – Sheila Stewart, alternate) - TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT D - EDWARDS**

MATTERS HELD - NUMBERS 44 through 53

44. Motion 2006-0691 – Adopt

RECOMMENDATION from Director Department of Planning & Development to amend Motion #2002-237 to extend parking regulations for an existing permit area - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was a portion of Item 4 on Agenda of July 26, 2006

45. Motion 2006-0692 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,642,039.75 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project No. 432B, GFS N-0364-04-3 (SB9133) - 03.34% over the original contract amount - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 7 on Agenda of July 26, 2006

46. Motion 2006-0693 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,331,729.07 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-80-3 (4235-8) - 10.32% under the original contract amount - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 8 on Agenda of July 26, 2006

47. Motion 2006-0694 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$912,142.26 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement Project in Airport South Subdivision and Yale Street Bridge Crossing, GFS S-0035-A1-3 (WA10761) - 04.63% under the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA**
TAGGED BY COUNCIL MEMBERS EDWARDS and GREEN
This was Item 9 on Agenda of July 26, 2006

48. Motion 2006-0695 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,103,037.99 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Sunbeam Area, GFS S-0035-A9-3 (WA10769) 04.45% under the original contract amount - **DISTRICT D - EDWARDS**
TAGGED BY COUNCIL MEMBER EDWARDS
This was Item 10 on Agenda of July 26, 2006

MATTERS HELD – continued

49. Motion 2006-0696 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,829,129.50 and acceptance of work on contract with **JALCO, INC** for Slipline of existing 42-inch water line with 36-inch HDPE from Holmes Road to Sims Bayou Pump Station, GFS S-0900-A8-3 (WA10448-10) - 04.19% under the original contract amount **DISTRICTS C - CLUTTERBUCK and D - EDWARDS**

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 11 on Agenda of July 26, 2006

50. Motion 2006-0697 – Adopt

RECOMMENDATION from Director Department Finance & Administration to adopt award to **REPUBLIC WASTE SERVICES OF TEXAS, LTD.** for Two Self-Contained Compactors for Houston Airport System - \$43,094.00 - Enterprise Fund

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 12 on Agenda of July 26, 2006

51. Motion 2006-0698 – Adopt

RECOMMENDATION from Director Department Finance & Administration to adopt award to **ADOBE EQUIPMENT** for spending authority to Address Emergency Retrofit of Fuel Transport Vehicles for Department of Public Works & Engineering - \$236,500.00 - Fleet Management Fund

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 20 on Agenda of July 26, 2006

52. Ordinance 2006-0814

ORDINANCE approving and authorizing contract between the City and the **U. S. DEPARTMENT OF HEALTH & HUMAN RESOURCES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for Participation in a National Network for Laboratory Surveillance known as Pulsenet USA Public Health Laboratories - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 36 on Agenda of July 26, 2006

53. Ordinance 2006-0815

ORDINANCE approving and authorizing first amendment to contract between the City and **BAKER BOTTS L.L.P.** for Legal Services pertaining to Houston's SafeClear Program

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 39 on Agenda of July 26, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Holm 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

AGENDA - AUGUST 2, 2006 - PAGE 9

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

8/1/2006 – All Present

8/2/2006 – All Present