

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 29, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0763 to 2006-0779
ORDINANCES – 2006-0894 to 2006-0909
RESOLUTION – None

2006-0762-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lawrence

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 2006-0763 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 30, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - Creation of Gulf Coast Freight Rail District and TXDOT Freight Rail Report

Motion 2006-0764 – Suspend rules to consider the Financial Report prior to the Mayor's Report

Motion 2006-0765 – 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 35

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2006-0766

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOILER CODE REVIEW AND LICENSING BOARD**:

Position One - **MR. RODNEY H. LEWIS**, reappointment, for a term to expire January 2, 2007

Position Two - **MR. ROGER STEPHENS**, reappointment, for a term to expire January 2, 2008

Position Three- **MR. BILLY E. JACKSON**, appointment, for a term to expire January 2, 2007

Position Four - **MR. ROBERT HILL**, reappointment, and as Chair, for a term to expire January 2, 2008

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

RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$37,218.00 - General Fund

3. Motion 2006-0767

RECOMMENDATION from Fire Chief for Injury on duty leave and salary continuation extension for Firefighter **PAUL RANDLE**

4. Council Member Berry, Wiseman and Holm tagged

RECOMMENDATION from Director Department of Public Works & Engineering to expend funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - 1 Year - \$178,500.00 General Fund

DAMAGES - NUMBER 5

5. Motion 2006-0771

RECOMMENDATION from City Attorney for settlement of lawsuit styled **YOLANDA DONNER** v. City of Houston, Texas, et al; in the 164th Judicial District Court of Harris County, Texas \$100,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2006-0768

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,404,494.50 and acceptance of work on contract with **BERGEN ELECTRICAL CORPORATION** for Jones Hall Improvements Mechanical & Electrical, GFS B-0038-02-3 01.19% over the original contract amount - **DISTRICT I - ALVARADO**

7. Motion 2006-0769

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,776,933.51 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Kirby Drive Reconstruction from IH-610 to Brays Bayou, GFS N-0775-01-3 (SB9081) - 02.58% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - EDWARDS**

8. Motion 2006-0770

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,505,152.82 and acceptance of work on contract with **CRAIG, SHEFFIELD & AUSTIN, INC** for Sims South Wastewater Treatment Plant Lift Station Replacement and Scott Street Wet Weather Facilities Improvements, GFS R-0265-22-3 (WW4806-02) - 00.11% over the original contract amount - **DISTRICT I - ALVARADO**

PROPERTY - NUMBER 9

9. Motion 2006-0772

RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Benjamin Tristan, et al., Cause No. 855,655; for acquisition of Parcel AY3-432; for the **HALLS BAYOU HIKE AND BIKE TRAIL PROJECT (Hirsch - Missouri Pacific R.R.)**; CIP N-000420-0031-2 (f.k.a. N-0420-31-1) \$74,717.00 - Street & Bridge Consolidated Fund - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 13

10. Motion 2006-0773

RAPISCAN SYSTEMS, INC - \$402,732.02 and **METOREX SECURITY PRODUCTS, INC** - \$72,000.00 for X-Ray Scanners and Metal Detectors from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Building Services Department - Grant Fund

11. Motion 2006-0774

ADA RESOURCES, INC for Fuel, Aviation Gasoline and Turbine for Police Department \$1,010,000.00 - General Fund

12. Motion 2006-0775

RUSSELL REYNOLDS ASSOCIATES for Professional Executive Search Services for radio communications personnel - \$42,600.00 - General Fund

13. Motion 2006-0776

HACH COMPANY-LACHAT INSTRUMENTS - \$46,582.37, **DIONEX CORPORATION (Bid Nos. 1 and 2** - \$104,264.75, **AGILENT TECHNOLOGIES, INC, (Bid No. 1)** - \$78,193.60 and **VARIAN, INC** - \$40,932.64 for Laboratory Equipment for Various Departments - \$269,973.36 - Enterprise, Health Special Revenue and Equipment Acquisition Consolidated Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 35

14. Council Member Wiseman tagged

RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board

15. Ordinance 2006-0894

ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Flood Plain; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

16. Council Members Wiseman and Khan tagged

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Old Sixth Ward as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT H - GARCIA**

17. Council Members Wiseman and Khan tagged

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Avondale as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

18. Council Members Wiseman and Khan tagged

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Greater Hyde Park as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT D - EDWARDS**

19. Council Member Wiseman tagged

ORDINANCE **AMENDING ARTICLE III OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Hotel Occupancy Tax Transaction Records; containing other provisions relating to the foregoing subject; providing for severability

20. Ordinance 2006-0895

ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause

21. Council Member Wiseman tagged

ORDINANCE approving and authorizing the submission of the budgets for Bureau of Nutritional Services, Women and Children (WIC), Tuberculosis, Title V-Part A, Associateship for Family Health Services. Titles V, XX & X for Family Planning Services, and the Immunization Program for the 2006-2007 Contracts with the Department of State Health Services (TDH Contract No. 7460011640-07); authorizing the Director of the Health and Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of Interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Department of State Health Services for the WIC Program; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any

22. Council Member Sekula-Gibbs tagged

ORDINANCE approving and authorizing first amendment to Contract #FC57195 between the City of Houston and **O'BRIEN OIL POLLUTION SERVICE, INC** for Bioterrorism Exercise Consulting Services

23. Ordinance 2006-0896

ORDINANCE amending Ordinance No. 94-675, passed July 6, 1994, which approved and authorized submission of the Statement of Community Development Objectives and Projected use of Funds for the 20th Community Development Block Grant Program Year to the United States Department of Housing and Urban Development under the authority of Title I of the Housing and Community Development Act of 1974, as amended - **DISTRICTS C - CLUTTERBUCK and D - EDWARDS**

24. Ordinance 2006-0897

ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized submission of the 2004 Consolidated Plan and the grant application for the 30th Community Development Block Grant ("CDBG") Program Year

25. Ordinance 2006-0898

ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005 which approved and authorized submission of the 2005 Consolidated Plan and the grant application for the 31st Community Development Block Grant ("CDBG") Program Year, among others **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2006-0899

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$2,350,195.17 in Community Development Block Grant ("CDBG") Funds for the Administration of an Emergency Shelter Grants Program, which amount includes a limitation on additional funding in the amount of \$2,017,133.00 - 1 Year

27. Ordinance 2006-0900

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$752,500.00 in Community Development Block Grant ("CDBG") Funds for the implementation, oversight and delivery of a Child Care Program, which amount includes a limitation on additional funding in the amount of \$729,093.52 1 Year

28. Ordinance 2006-0901

ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$833,500.00 in Community Development Block Grant ("CDBG") Funds for the implementation, oversight and delivery of a Juvenile Delinquency Prevention Program, which amount includes a limitation on additional funding in the amount of \$787,906.48 - 1 Year

29. Ordinance 2006-0902

ORDINANCE appropriating \$1,000,000.00 out of the TIRZ Affordable Housing Fund (Fund 2409) and approving and authorizing third amendment to Land Assembly Grant Agreement between the City of Houston and the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY ("LARA")**

30. Ordinance 2006-0903

ORDINANCE approving and authorizing lease agreement by and between the City of Houston and **AVIS RENT A CAR SYSTEM, INC** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO**

31. Ordinance 2006-0904

ORDINANCE approving and authorizing lease agreement by and between the City of Houston and **BUDGET RENT A CAR SYSTEM, INC** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO**

32. Council Members Wiseman, Johnson, Edwards, Lawrence, Garcia, Khan and Brown tagged
ORDINANCE **AMENDING SECTION 9-54(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Commercial Carrier Service at the City's Airports

a. Council Members Wiseman, Johnson, Edwards, Lawrence, Garcia, Khan, Brown and Green tagged

ORDINANCE approving and authorizing Shared Ride Concession Agreement by and between the City of Houston, Texas and **ADAMS SYSTEMS, L.L.C., d/b/a SUPERSHUTTLE HOUSTON** Revenue

33. Ordinance 2006-0905

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ARAMARK CORRECTIONAL SERVICES, INC** C59651 for Jail Food Services for Houston Police Department

RESOLUTIONS AND ORDINANCES - continued

34. Ordinance 2006-0906

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SMITH-MOBELY, INC** for Securing Dangerous Buildings Services for Police Department

35. Ordinance 2006-0907

ORDINANCE finding and declaring public convenience and necessity for the acquisition of rights-of-way in connection with the public improvement project known as the Aldine Westfield Paving Project from Tidwell to Little York; authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees for and in connection with the acquisition of 86 parcels of land, as they abut and are aligned adjacent to, Aldine Westfield Road between Tidwell and Little York Streets, situated within the G. Jensen Survey, A-1268, E. Johnson Survey, A-1082, H & T.C.R.R. Co. Survey, A-449, E.S. Phelps Survey, A-1572, W. H. Knott Survey, A-1450 and H.& T. C. R. R. Co. Survey A-427, and being more specifically located within or in close proximity to the following subdivisions: Archer's of Wright Acres, Section 2, Dunbar Place, Clifton Place, Sunrise Gardens, Westfield Terrace, Sunny-land Farms, Vernon Place, Woodsdale Section 1, Woodsdale Section 2 Replat, Houston Suburban Gardens, and Pecan Grove an unrecorded subdivision Houston, Harris County, Texas **DISTRICT B - JOHNSON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 36 through 40

36. Motion 2006-0777 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration on award to **JOHN DEERE COMPANY** for Grounds Keeping Equipment through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Parks & Recreation and Public Works & Engineering Departments - \$347,473.34 - Enterprise, Equipment Acquisition Consolidated and Park Revenue Special Revenue Funds - **TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 15 on Agenda of August 23, 2006

37. Motion 2006-0778 – Adopt

RECOMMENDATION from Finance & Administration Department on award to **FORAY, LLC d/b/a FORAY TECHNOLOGIES** for Authenticated Digital Asset Management System for Houston Police Department - \$51,500.00 - Grant Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 17 on Agenda of August 23, 2006

38. Motion 2006-0779 – Adopt

RECOMMENDATION from Finance & Administration Department on award to **RCC CONSULTANTS, INC** for Purchase of Consulting Services through the Houston-Galveston Area Council in the amount of \$398,926.00 - Grant Fund

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 24 on Agenda of August 23, 2006

MATTERS HELD - continued

39. Ordinance 2006-0908

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 415 - DISTRICT E - WISEMAN** - TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 38 on Agenda of August 23, 2006

40. Ordinance 2006-0909

ORDINANCE approving and authorizing a Reinstatement, Modification and Extension Agreement between the City of Houston and **APTDF, LTD.**, to provide for the Reinstatement of the Note and Security Instruments, Modification of the loan agreement, and extension of the term of the loan **DISTRICT F - KHAN** - TAGGED BY COUNCIL MEMBER KHAN

This was Item 46 on the Agenda of August 23, 2006

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

8/29/2006 – All Present

8/30/2006 – All Present