

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 28, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0239 to 2006-0260
ORDINANCES – 2006-0281 to 2006-0298
RESOLUTION – None

2006-0238-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Berry

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 2006-0239 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 29, 2006 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 5

1. Motion 2006-0240

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**:

Position 2 - **MS. TAMMY TRAN**, appointment, for a term to expire 12/31/2007

Position 3 - **DR. BOBBIE A. HENDERSON**, reappointment, for a term to expire 12/31/2006

Position 4 - **MS. NANCY FREES FOUNTAIN**, appointment, for a term to expire 12/31/2007

Position 5 - **MS. LYDIA V. MCSTAY**, reappointment, for a term to expire 12/31/2006

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

Position 7 - **MR. VICTOR SAMUELS**, appointment, for a term to expire 12/31/2006

Position 8 - **COUNCIL MEMBER ADA EDWARDS**, appointment, for a term to expire 12/31/2007

Position 9 - **MS. SHARON OWENS**, appointment, for a term to expire 12/31/2006

MISCELLANEOUS - continued

2. Council Member Johnson tagged

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

3. Council Member Edwards tagged

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

4. Council Members Edwards and Garcia tagged

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

5. Council Members Lawrence, Garcia, Wiseman, Sekula-Gibbs, Khan and Clutterbuck tagged

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

DAMAGES - NUMBER 6

6. Motion 2006-0241

RECOMMENDATION from City Attorney for settlement of lawsuit styled **THI DOUNG MAI** and **ANDREW NHAN LE** vs. City of Houston; in the County Civil Court at Law No. Four (4) of Harris County, Texas, Cause No. 800;737 - \$33,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 7 through 9

7. Motion 2006-0242

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$807,126.16 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Rehabilitation of Roark #3 and Stroud Lift Stations, GFS R-0267-B8-3 (4228-17) - 00.01% under the original contract amount - **DISTRICT F - KHAN**

8. Motion 2006-0243

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,136,337.63 and acceptance of work on contract with **BOYER, INC** for Large Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 2, GFS R-0294-04-3 (WW4770-02) - 04.67% under the original contract amount - **DISTRICT I - ALVARADO**

9. Motion 2006-0244

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,413,806.06 and acceptance of work on contract with **BOYER, INC** for Large Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 3, GFS R-0294-05-3 (WW4770-03) - 07.13% under the original contract amount - **DISTRICT I - ALVARADO**

PROPERTY - NUMBERS 10 and 11

10. Motion 2006-0250

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee disclaiming, releasing and relinquishing the City's right, title, interest, claim in and to (i) an undefined storm sewer easement and (ii) the right to repurchase property if necessary for the extension of West Lamar Street and Leonidas Street, both as set forth in a deed from the City of Houston to R. F. Ball Construction Company, Inc.

DISTRICT D - EDWARDS

11. Motion 2006-0251

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mr. Ryan B. Haley of 4119 Montrose Limited, a Texas limited partnership [Tenax Montrose, LLC, a Texas limited liability company (John P. Hansen, Manager), general partner], for abandonment and sale of portion of an alley and two street easements in exchange for the conveyance to the City of a full-width utility easement over the portion of the alley being abandoned and sold, located within Montrose Addition and 4119 Montrose Tract, Parcels SY6-069 and VY6-016 - **STAFF**

APPRAISERS - DISTRICT D - EDWARDS

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 18

12. Motion 2006-0252

MEGADATA CORPORATION for AirportMonitor Software License Agreement and Passur Portal License Subscription for the Houston Airport System - \$30,000.00 - Enterprise Fund

13. Motion 2006-0245

AAR INCORPORATED for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$44,554.00 and contingencies for a total amount not to exceed \$46,781.70 Dangerous Building Consolidated Fund - **DISTRICT B - JOHNSON**

14. Motion 2006-0246

INLAND ENVIRONMENTS, LTD for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$58,688.00 and contingencies for a total amount not to exceed \$61,622.40 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO**

15. Motion 2006-0247

CLARK-TECH ENVIRONMENTAL SYSTEMS, INC for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$148,820.00 and contingencies for a total amount not to exceed \$156,261.00 - Dangerous Building Consolidated Fund - **DISTRICT I - ALVARADO**

16. Motion 2006-0248

HI-WAY EQUIPMENT CO., INC for Paver Repair Service for Department of Public Works & Engineering - \$47,863.36 - Fleet Management Fund

17. Council Members Lawrence and Wiseman tagged

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. Council Members Lawrence and Wiseman tagged

ISI CONTRACTING, INC for Construction and Installation of Speed Humps for Department of Public Works & Engineering - \$454,500.00

PURCHASING AND TABULATION OF BIDS - continued

18. Motion 2006-0249

HOUSTON MAC HAIK DODGE CHRYSLER JEEP, LTD. for Auto Chrysler Group OEM Parts and Repair Contract for Various Departments - \$594,063.10 - General and Fleet Management Funds

ORDINANCES - NUMBERS 19 through 35

19. Ordinance 2006-0287

ORDINANCE AMENDING ARTICLE III OF CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Clean City Commission

20. Ordinance 2006-0281

ORDINANCE establishing the east and west sides of the 1400 through 1600 blocks of Columbia 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 H - GARCIA**

21. Ordinance 2006-0288

ORDINANCE consenting to the addition of 1.0559 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 405,** for inclusion in its district

22. Ordinance 2006-0290

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 479**

23. Ordinance 2006-0291

ORDINANCE consenting to the addition of 2.5874 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60, OF MONTGOMERY COUNTY, TEXAS,** for inclusion in its district

24. Ordinance 2006-0292

ORDINANCE consenting to the addition of 425.17 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19,** for inclusion in its district

25. Ordinance 2006-0293

ORDINANCE approving and authorizing lease agreement between the City of Houston and **ABCO AVIATION, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO**

26. Ordinance 2006-0294

ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the **CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR ("CJD")** for the Police Storefront Crisis Team Grant/14 Program; 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 such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$28,025.00 General Fund

27. Council Members Wiseman, Garcia and Sekula-Gibbs tagged

ORDINANCE appropriating ~~\$1,600,000.00~~ \$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

NOTE: The City Secretary announced that the appropriation for Item 27 had been reduced

ORDINANCES - continued

28. Council Members Wiseman, Edwards, Khan and Clutterbuck tagged

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

29. Ordinance 2006-0282

ORDINANCE appropriating \$161,431.46 out of Fire Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **RPM ARCHITECTS, INC dba ENVIRONMENTS & CO.** for Design of Val Jahnke Fire Training Academy Simulator Building, GFS C-0068-05-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN**

30. Council Members Lawrence, Edwards and Sekula-Gibbs tagged

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**

31. Ordinance 2006-0283

ORDINANCE approving and authorizing five-year Task Order Contract between the City and **AAR INCORPORATED** for Lead Remediation, Lead Decontamination, HEPA Filter Replacement, and Proper Disposal, GFS HPD-001-02-5; providing a maximum contract amount; providing funding for contingencies and professional environmental services - \$486,297.00 - General Fund **DISTRICT B - JOHNSON**

32. Ordinance 2006-0284

ORDINANCE appropriating \$1,019,824.00 out of Drainage Improvement Commercial Paper Series F Fund, awarding contract to **HUFF & MITCHELL, INC** for Dunvale-Lipan Relief Storm Sewer, GFS M-0189-01-3 (M-0189-01); 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, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT G - HOLM**

33. Ordinance 2006-0285

ORDINANCE awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Lateral and Service Connection Replacement Services for Public Works & Engineering Department; providing a maximum contract amount - \$594,912.50 - Enterprise Fund

34. Ordinance 2006-0286

ORDINANCE appropriating \$635,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, LTD.** for McCarty No. 1 Lift Station Force Main Replacement, GFS R-2011-39-3 (WW4762-02); 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

ORDINANCES - continued

35. Ordinance 2006-0295

ORDINANCE appropriating \$3,157,670.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING, LTD.** for Water Line Replacement in Jensen-610 Area, GFS S-0035-C4-3 (WA10786); 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 H - GARCIA**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 36 through 37

MISCELLANEOUS

36. Motion 2006-0254

CONFIRMATION of the appointment or reappointment of the following to Positions 6, 7, 8 and 9 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS**, for terms to expire December 31, 2007:

Position 6 - **MR. GARY BAUMGARTNER**

Position 7 - **MR. CARLOS ALVARADO**

Position 8 - **MR. WALTER GOFF**

Position 9 - **MR. DANIEL DALY**

a. Motion 2006-0255

RECEIVE nomination for appointment as Chair of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS**, for a term to expire December 31, 2006

b. Motion 2006-0256

CONFIRM the appointment of Chair for Item 36A above

PROPERTY

37. Motion 2006-0257

RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Richard and Theresa Moore, for abandonment and sale of Avie Street, from South Heights Boulevard ±50 feet east to its dead-end, in exchange for the conveyance to the City of a 10-foot-wide water line easement, both located between Lots 1 and 2, Block 8 and Lots 15 and 16, Block 10, both in the Riverside Park Addition, in the John D. Taylor Survey, A-72, Parcels SY6-074 and KY6-151 - **TWO APPRAISERS and one ALTERNATE APPRAISER (Frank Flores and John Fox, appointed – Patrick O'Connor, alternate) - DISTRICT H - GARCIA**

MATTERS HELD - NUMBERS 38 through 44

38. Motion 2006-0258

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$293,017.15 and acceptance of work on contract with **SUMCO, INC** for MacGregor Park - Ballfield Lights, GFS F-504A-11-3 - 03.50% over the original contract amount - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 8 on Agenda of March 22, 2006

39. Motion 2006-0259 – Refer back to the Administration for thirty (30) days

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to purchase Parcel AY3-517, located at 3225 North Freeway, owned by KAMS, Inc, a Texas corporation, Kenneth Slataper, President, for the **LITTLE YORK WHITE OAK BAYOU TRAIL PROJECT**, CIP N-0420-36-2 - \$64,503.00 - **DISTRICT H - GARCIA**
TAGGED BY COUNCIL MEMBER GARCIA
This was Item 14 on Agenda of March 22, 2006

Motion 2006-0253 – Suspend rules to consider Item 40 out of order

40. Ordinance 2006-0289

ORDINANCE providing for Passenger Facility Charges at William P. Hobby Airport
TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, GARCIA, EDWARDS and CLUTTERBUCK
This was Item 21 on Agenda of March 22, 2006

41. Ordinance 2006-0296

ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2006; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2006 - **TAGGED BY COUNCIL MEMBER WISEMAN**
This was Item 23 on Agenda of March 22, 2006

42. Motion 2006-0260 – Refer back to the Administration

ORDINANCE approving and authorizing agreement between the City of Houston and **TX COMMONS OF GRACE, L.P.** to provide a \$700,000.00 Loan of Federal "HOME" Funds for eligible costs in connection with the construction of an apartment building to be located in the 8900 block of Tidwell Road, Houston, Texas, to house low income elderly residents
DISTRICT B - JOHNSON - **TAGGED BY COUNCIL MEMBERS JOHNSON, WISEMAN, KHAN, SEKULA-GIBBS and CLUTTERBUCK**
This was Item 25 on Agenda of March 22, 2006

43. Ordinance 2006-0297

ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, HARTFORD FIRE INSURANCE COMPANY, ESSEX INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY, JAMES RIVER INSURANCE COMPANY, COMMONWEALTH INSURANCE COMPANY, CONTINENTAL CASUALTY INSURANCE COMPANY, UNDERWRITERS AT LLOYDS LONDON, ALLIED WORD ASSURANCE (US); AXIS SURPLUS LINES INSURANCE COMPANY, INSURANCE COMPANY OF THE WEST and RSUI INDEMNITY COMPANY** which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$8,234,945.00 - Property and Casualty Fund
TAGGED BY COUNCIL MEMBER WISEMAN and LAWRENCE
This was Item 33 on Agenda of March 22, 2006

MATTERS HELD – continued

44. Ordinance 2006-0298

ORDINANCE accepting the proposal from **LEXINGTON INSURANCE COMPANY** for Bush/IAH and Hobby Airports and approving and authorizing the purchase of Terrorism Insurance - \$294,909.50 Property and Casualty Fund - **TAGGED BY COUNCIL MEMBER WISEMAN and LAWRENCE**

This was Item 34 on Agenda of March 22, 2006

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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

3/28/2006 – Council Member Green absent on personal business

3/29/2006 – All Present