

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 12, 2006 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2006-0801 to 2006-0819
ORDINANCES – 2006-0928 to 2006-0948
RESOLUTION – None

2006-0800-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

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 2006-0801 to 2006-0802 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 13, 2006 - 9:00 A. M.

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

MAYOR'S REPORT - Flex in the City

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 6A

1. Motion 2006-0803

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AUTOMOTIVE BOARD**, for a one-year term:

- Position One - **MR. WILLIAM C. SMITH, III**, reappointment
- Position Two - **MR. BILLY H. JONES**, reappointment, and to serve as Chair
- Position Three - **MS. SHELLY E. RICHARDSON**, appointment
- Position Four - **MS. ERMA PALMER**, appointment
- Position Five - **MR. MAZEN ALLAHAM**, appointment
- Position Six - **MR. KEN W. ULMER**, appointment
- Position Seven - **MR. BENJAMIN K. SANCHEZ**, appointment
- Position Eight - **MR. OWEN C. WANG**, appointment
- Position Nine - **MR. TIMOTHY STRANEY**, reappointment

MISCELLANEOUS - continued

2. Motion 2006-0808

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HELICOPTER FACILITIES AND APPEALS BOARD** for two year terms:

Position One - **MR. JOHN S. BEESON**, and as Chair

Position Two - **MR. WILLIAM MICHAEL KNOX**

Position Three - **MR. MICHAEL CHOU**

Position Four - **MR. CLIFFORD O. WARD**

Position Five - **MR. WILLIAM H. WALDROP**

Motion 2006-0809 – Suspend rules to recess five (5) minutes

3. Motion 2006-0804

REQUEST from Mayor for confirmation of the appointment or reappointment of the following, as recommended by the District Board of Directors, to the **NEAR NORTHWEST MANAGEMENT DISTRICT**:

Position 1 - **MR. KENNETH K. MILLER**, reappointment, for a term to expire June 1, 2009

Position 2 - **MS. DOROTHY A. MILLER**, reappointment, for a term to expire June 1, 2009

Position 3 - **MR. DAVE BAKER**, appointment, for a term to expire June 1, 2009

Position 4 - **MR. WAYNE L. NORDEN**, reappointment, for a term to expire June 1, 2009

Position 5 - **MR. MIKE CARPENTER**, appointment, for a term to expire June 1, 2009

Position 10 - **MR. KAMAL HUSSEIN**, appointment, to a term that commenced May 11, 2004, and will expire June 1, 2007

4. Council Member Edwards tagged

RECOMMENDATION from Chief of Police for allocation of additional funding for Forensic DNA Testing Services for Houston Police Department as follows - General Fund:

ORCHID BIOSCIENCES, INC - \$200,000.00

RELIAGENE TECHNOLOGIES, INC - \$100,000.00

5. Council Member Edwards tagged

RECOMMENDATION from Chief of Police for allocation of additional funding for Professional Structural Engineering Services between the City of Houston and **POLYTECH, INC d.b.a. PTI, INC** for Houston Police Department - \$400,000.00 - General Fund

6. Motion 2006-0805

RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **LYNN PARK CIVIC ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1

7. Ordinance 2006-0930

ORDINANCE appropriating \$113,659.00 out of Water & Sewer Consolidated Construction Fund and \$1,246,530.33 from Metro Project Commercial Paper Series E Fund as an additional appropriation for contract with **TEXAS STERLING CONSTRUCTION, L.P.**, Contract No. C23764 (Outline Agreement No. 46000065380) for proposed 48-inch water line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail (approved by Ordinance No. 2005-608); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund and the Metro Project Commercial Paper Series E Fund **DISTRICT D - EDWARDS**

a. Motion 2006-0810

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$1,360,189.33 on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for proposed 48-inch water line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail, GFS S-0900-98-3 (WA10448-02) - **DISTRICT D - EDWARDS**

ACCEPT WORK - NUMBERS 8 through 11

8. Motion 2006-0806

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$6,963,694.08 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER INC, TEXAS)** for Airfield Pavement Rehabilitation at Ellington Field (EFD) Project No. 568, CIP A-0153 and 0388 - 02.87% under the original contract amount - **DISTRICT E - WISEMAN**

9. Motion 2006-0811

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,657,493.54 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER INC, TEXAS)** for Terminal B & C North Ramp Expansion at George Bush Intercontinental Airport/Houston, Project No. 555, CIP A-0393 and A-0397 - 00.72% under the original contract amount - **DISTRICT B - JOHNSON**

10. Motion 2006-0812

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$965,504.55 and acceptance of work on contract with **A-TEC ENGINEERS AND CONTRACTORS, L.P.** for Bio-Safety Level 3 Laboratory (BSL3), GFS H-0029-02-3 - 08.64% over the original contract amount - **DISTRICT D - EDWARDS**

11. Pulled-Not Considered

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,574,517.82 and acceptance of work on contract with **LONE STAR CONSTRUCTION, LTD.** for Bertner Bridge and Paving, Package II, Bertner Bridge, GFS N-0722-02-3 (SB9089-2) - 12.88% over the original contract amount - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

12. Pulled-Not Considered

J. TYLER SERVICES (Bid Nos. 1 and 13) - \$247,943.33, **DYLUX TECHNOLOGY, LLC (Bid No. 1)** - \$165,095.70 and **CORPORATE EXPRESS OF TEXAS, INC (Bid No. 8)** - \$139,885.20 for Ergonomic Seating Contract for Houston Airport System - \$564,208.30 minus a commission fee for Internet-based reverse auction services for a net award not to exceed \$552,924.13 Enterprise Fund

13. Motion 2006-0807

FERRARA FIRE APPARATUS, INC for Ferrara Truck Replacement Parts and Repair Services for the Houston Fire Department - \$453,960.00 - General Fund

ORDINANCES - NUMBERS 14 through 35

14. Council Member Wiseman tagged

ORDINANCE **AMENDING SECTION 6-126 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to location of Dog Kennels

15. Ordinance 2006-0931

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot wide alleyway, adjacent to Lots 11 through 16, Blocks 21 and 22, Institute Addition, Harris County, Texas, containing 3,886 square feet of land, more or less (Parcel SY6-007); vacating and abandoning said tract of land to the Human Resources Development Foundation, the abutting owner, in consideration of owner's payment of \$163,212.00 and other consideration to the City - **DISTRICT D - EDWARDS**

ORDINANCES - continued

16. Ordinance 2006-0932

ORDINANCE approving and authorizing lease agreement between **ALICE AND GEOFFERY CHOW** as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 4,790 net rentable square feet of space at 6121 Hillcroft, Houston, Harris County, Texas 77081, for five (5) months at a monthly rental of \$9,580.00, for use by the Health & Human Services Department - **DISTRICT F - KHAN**

17. Ordinance 2006-0933

ORDINANCE consenting to the addition of 7.50 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district

18. Ordinance 2006-0934

ORDINANCE consenting to the addition of 73.3192 acres of land to **LUCE BAYOU PUBLIC UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district

19. Ordinance 2006-0935

ORDINANCE consenting to the addition of 46.39 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district

20. Ordinance 2006-0936

ORDINANCE establishing the north side of the 2300 block of Southgate Boulevard 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 C - CLUTTERBUCK**

21. Council Member Holm tagged

ORDINANCE relating to the fiscal affairs of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)**; approving the FY 2007 Operating Budget for the Authority and the FY 2007-2011 Capital Improvement Budget for the Zone - **DISTRICTS A - LAWRENCE and G - HOLM**

22. Ordinance 2006-0937

ORDINANCE approving and authorizing an agreement between the City of Houston and **COVENANT NEIGHBORHOODS, INC** to provide a \$1,850,000.00 Performance-Based Loan of Federal "HOME" Funds for costs to construct a Senior Living Community at 435 Northpines, Houston, Texas, to be known as Kingwood Senior Village to house low income residents **DISTRICT E - WISEMAN**

23. Ordinance 2006-0938

ORDINANCE approving and authorizing an agreement between the City of Houston and **STAR OF HOPE MISSION**, to provide \$400,000.00 in Community Development Block Grant Funds to assist with the repair of the Women and Family Emergency Shelter located at 419 Dowling Street, Houston, Texas - **DISTRICT I - ALVARADO**

24. Ordinance 2006-0939

ORDINANCE approving and authorizing letter agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for design, construction and construction management services related to the Installation of the In-Line Baggage System, utilizing explosive detection systems and explosive trace detection equipment at George Bush Intercontinental Airport/Houston (Project 612J, A-0486); and authorizing and allocating the funds to be accepted by the Mayor from the Transportation Security Administration approved by Ordinance No. 2006-0851 to be used for Reimbursement to Continental for its services - **DISTRICT B - JOHNSON**

ORDINANCES - continued

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

ORDINANCE approving and authorizing an agreement between the City of Houston and **MASON TILLMAN ASSOCIATES, LTD.** for a Disparity Study and related services; providing a maximum contract amount

26. Council Members Wiseman and Sekula-Gibbs tagged

ORDINANCE amending Ordinance #2005-1272 to provide a maximum contract amount for contracts between the City and Various Tow Company Operators for the Safe Clear Program \$1,882,414.00 - Police Special Services Fund (From METRO)

27. Council Member Wiseman tagged

ORDINANCE awarding contract to **MOTIVA ENTERPRISES LLC** for Low Emission Diesel Fuel and Unleaded Gasoline for Various Departments; providing a maximum contract amount 3 Years with 2 one-year options - \$125,000,000.00 - Central Service Revolving Fund

28. Council Member Wiseman tagged

ORDINANCE awarding contract to **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$2,371,500.00 - Central Service Revolving Fund

29. Ordinance 2006-0940

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** (#C53147) for Operation and Maintenance of the Oxygen Plant at the City of Houston 69th Street Wastewater Treatment Facility for the Public Works & Engineering Department

30. Ordinance 2006-0941

ORDINANCE appropriating \$80,576.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund (8201); authorizing the purchase of land and improvements thereon out of the McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-75.1; approving Purchase and Sale Agreement with the owner of the land (Vincent M. Kazmiroski) - **DISTRICT B - JOHNSON**

31. Ordinance 2006-0942

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 Buffalo Speedway Paving Extension Project from W. Orem to W. Airport Boulevard; 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 7 parcels of land containing a total of 9.1364 acres more or less and situated in the Joseph Kopman Survey No. 435, A-186, and being more specifically located within the Settegast Partition as recorded in Volume 33, Page 26 of the Map Records of Harris County and/or Volume 33, Page 2 of the Deed Records of Harris County, Texas - **DISTRICT D - EDWARDS**

ORDINANCES - continued

32. Ordinance 2006-0928

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 Market Street Reconstruction Project from North Wayside to Lockwood; 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 12 parcels of land, as they abut and are aligned adjacent to, Market Street between North Wayside and Lockwood Streets, situated within the W. P. Harris and Robert Wilson Two League Grant, A-32 in Harris County, Texas, and being more specifically located within Block 21, Liberty Heights Addition, Subdivision No. 2, Block 22, Liberty Heights Subdivision No. 3, Block 22 Houston Harbor Annex No. 1, Block 30 Liberty Heights Subdivision No. 4, Blocks 88, 89, 92 Houston Harbor Addition, Re-subdivision of Blocks 1, 2, 3, 4, 85, 88, 89 and 92, Blocks 86, 87, 90, 91 Houston Harbor Addition, Harris County, Texas - **DISTRICT I - ALVARADO**

33. Ordinance 2006-0943

ORDINANCE approving and authorizing Professional Artist Services Agreement between the City of Houston and **ELENA CUSI WORTHAM** for design and creation of a work of art to be sited at the Ronald E. McNair Police Station; accepting the artwork into the City's permanent art collection \$48,600.00 - Police Department Civic Art Fund - **DISTRICT I - ALVARADO**

34. Ordinance 2006-0944

ORDINANCE appropriating \$200,000.00 out of Fire Emergency Alerting System Fund and \$2,416,000.00 out of Fire Bond Consolidated Fund; awarding Construction Contract to **3D/INTERNATIONAL, INC** for the New Fire Station Number 105 (WBS C-000166-0001-4); setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Fire Emergency Alerting Fund and Fire Bond Consolidated Fund - **DISTRICT E - WISEMAN**

35. Ordinance 2006-0929

ORDINANCE appropriating \$780,420.00 out of Police Consolidated Fund; awarding construction contract to **ARROW SERVICES, INC** for Asbestos Abatement and Demolition, HPD Garage at 1202 Washington Avenue (WBS G000101-0001-4-01); 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 project management, construction oversight, air monitoring and contingencies relating to construction of facilities financed by Police Consolidated Fund - **DISTRICT H - GARCIA**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 36

MISCELLANEOUS

36. Motion 2006-0813 – Close nominations

RECEIVE nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term

MATTERS HELD - NUMBERS 37 through 40B

37. Motion 2006-0814 – Adopt

RECOMMENDATION from City Attorney for settlement of lawsuit styled **MCBRIDE, HOWARD** v. City of Houston and Therone Pitre, Jr. in the 113th Judicial District Court of Harris County, Texas; Cause No. 2005-56799 - \$36,500.00 - Property and Casualty Fund

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 1 on Agenda of September 6, 2006

38. Ordinance 2006-0945

ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; providing for an allocation of funds from the Central Service Revolving Fund for contract between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Professional Energy Management Services relating to the City's Electricity Contract - \$500,000.00

TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM

This was Item 25 on Agenda of September 6, 2006

39. Ordinance 2006-0946

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

POSTPONED BY MOTION #2006-797, 9/6/06

This was Item 35 on Agenda of September 6, 2006

40. Ordinance 2006-0947 – Adopt as amended

ORDINANCE **AMENDING SECTION 9-54(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Commercial Carrier Service at the City's Airports

POSTPONED BY MOTION #2006-798, 9/6/06

This was Item 38 on Agenda of September 6, 2006

a. Motion 2006-0816 – Adopt

WRITTEN Motion by Council Member Green to amend Item 40B below as follows:

- I. Section 3.1.19 Agreement is amended to substitute \$100,000 in place of \$178,000 as the amount of the Minimum Annual Guarantee for the first year of the agreement and for each successive year, the greater of \$100,000 or eighty-five percent (85%) of the Percentage Fee paid to the City for the immediately preceding agreement year.
- II. The first sentence of Section 5.1.1 of the Agreement is deleted in its entirety and replaced with the following:

This Agreement shall become effective on the Effective Date and unless sooner terminated in accordance with Article XII, shall expire three years after the Effective Date.

TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LAWRENCE, ALVARADO, KHAN, GARCIA and GREEN

MATTERS HELD - continued

Motion 2006-0815 – Motion to amend Section 9-54(a) to read as follows:

“(a) Contract Service. Where the director finds that reliable, modestly-priced, scheduled, on-demand or pre-arranged commercial carrier service between an airport(s) and one or more specified points or service areas would be beneficial to the traveling public and should be assured by one or more contracts for any such service. Any such contract must be approved by the city council and must contain the requirement that the operator maintain fares and other service standards.”

Motion 2006-0817 – Written motion by Council Member Lawrence to amend Item 40b as follows:

“I move to strike 4.7.1 “The Director, in his sole discretion, shall have right to accept, reject or require modifications to the proposed fares” and replace with “The Director, with City Council approval, shall have right to accept, reject or require modifications to the proposed fares.” I further move to insert the following “Any Director and City Council approved adjustments to the fares shall automatically become a part of Exhibit “B” without any further action by the parties.”

Motion 2006-0819 – Written motion by Council Member Johnson to amend Item 40b as follows:

“Amendment 1

The awarding of this contract DOES NOT prohibit the renewal of existing Scheduled Ground Transportation Providers’ permits, so long as those existing Scheduled Ground Transportation Providers maintain their existing business model and/or operating procedures.

Amendment 2

The awarding of this contract WILL NOT prohibit any hotel, motel, or other lodging operator inside the city limits from providing its own scheduled shuttle service to and from any city airport.

“FAILED”

b. Ordinance 2006-0948 – Adopt as amended

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 - **POSTPONED BY MOTION #2006-799, 9/6/06**

This was Item 38A on Agenda of September 6, 2006

Motion 2006-0818 – Suspend rules to remain in session beyond the scheduled noon recess to complete the Agenda

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Brown 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 - SEPTEMBER 13, 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

9/12/2006 – Council Member Green absent

9/13/2006 – All Present