

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 23, 2004 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS – 2004-1176 to 2004-1187
ORDINANCES – 2004-1201 to 2004-1230
RESOLUTION – None

2004-1175-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Edwards

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. 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

HEARINGS

MAYOR'S REPORTS - CIP Procurement Time Table - **Presented**

CONSENT AGENDA NUMBERS 1 through 39

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2004-1176

CONFIRMATION of the reappointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2005:
Position One - Council Member Addie Wiseman
Position Two - Council Member Mark Ellis
Alternate Position One - Council Member Pam Holm
Alternate Position Two - Council Member Ronald Green

2. Motion 2004-1177

RECOMMENDATION from Chief of Police for Extension of Injury on Duty Leave for Officer **RHONDA TURNER**

3. Motion 2004-1183

RECOMMENDATION from Director Health & Human Services Department for approval of revision of the clinic dental fee to accommodate Title V dental funding requirement for income eligible patients

MISCELLANEOUS - continued

4. Motion 2004-1178

RECOMMENDATION from Director of the Department of Planning and Development for the designation of five residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place and Medical Center Area - **DISTRICTS C-GOLDBERG and D - EDWARDS**

PROPERTY - NUMBER 5

5. Motion 2004-1179

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY2-052, located at 9400 E. Avenue J, owned by Ezequiel Benitez, for the **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, CIP N-0676-01-2 - \$77,000.00 - **DISTRICT I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 9

6. Motion 2004-1184

ROTO-ROOTER SERVICES COMPANY for Emergency Repair of Sewer Drain Lines at City Hall for Building Services Department - \$17,873.00 - General Fund

7. Motion 2004-1180

ALL PLAY, INC for Picnic Tables, Grills and Park Benches Contract for Parks & Recreation Department - \$52,920.00 - General Fund

8. Motion 2004-1181

TOTER INCORPORATED for Automated Refuse Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$149,348.75 - Equipment Acquisition Consolidated Fund

9. Motion 2004-1182

AMEND MOTION #2002-0208, 2/20/02, TO EXTEND expiration date from February 21, 2005 to February 20, 2006, for Crushed Limestone Contract for Various Departments, awarded to **VULCAN CONSTRUCTION MATERIALS, L.P.**

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 39

10. Council Member Wiseman tagged

RESOLUTION authorizing the creation of **HOUSTON DOWNTOWN PARK CORPORATION**, a Local Government Corporation; approving the Articles of Incorporation; appointing the initial Directors and Chair; and containing other provisions relating to the subject

RESOLUTIONS AND ORDINANCES - continued

11. Council Members Wiseman, Edwards, Quan and Holm tagged

ORDINANCE appropriating \$2,500,000.00 out of Disaster Recovery Fund (98D) and transferring such sum into the Convention & Entertainment Facilities Fund Balance (601), and further appropriating \$7,973,889.00 out of Convention & Entertainment Facilities Fund Balance (601) for the purchase of approximately 5.3 acres of land, being the remaining portions of Blocks 123 and 124 and all of Block 127, S.S.B.B., Houston, Harris County, Texas; approving a purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to acquire such land and all improvements thereon; approving a first amendment to (2002) purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to modify the City's option to purchase land out of Blocks 99 and 121, S.S.B.B.; approving a joint development agreement between **HOUSTON DOWNTOWN PARK CONSERVANCY, HOUSTON DOWNTOWN PARK CORPORATION** and the City; finding and determining that public convenience and necessity no longer require the continued use of a portion of Crawford Street public right of way between Lamar Avenue and McKinney Avenue, and vacating and abandoning such portion of the public right of way to the City, as owner of the abutting land; approving the sale of approximately 11.7 acres of land and improvements out of Blocks 122, 123, 124, 125, 126, 127, 248, 249, and 250, S.S.B.B., Houston, Harris County, Texas, to **HOUSTON DOWNTOWN PARK CONSERVANCY**, with retained easements and restrictions on the use of such property, in consideration of the payment of \$15,071,111.00 and other valuable consideration to the city, and finding and determining that such consideration is the fair market value of such property as restricted; approving necessary documents related thereto; making various findings and provisions related thereto

12. Council Members Wiseman and Galloway tagged

ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to authority of a Designated Deputy City Controller; containing other provisions relating to the foregoing subject; providing for severability

13. Council Members Wiseman and Galloway tagged

ORDINANCE amending Division 3 of Article II of Chapter 2 of the Code of Ordinances, Houston, Texas, relating to Fidelity coverage for certain City Officials and Employees; containing other provisions relating thereto; providing for severability

14. Ordinance 2004-1220

ORDINANCE approving and authorizing Development, Operation and Maintenance Agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT** and the City of Houston, Texas for the Development, Operation and Maintenance of a tract of land containing 0.6398 acres out of Finnigan Park situated at the intersection of Finnigan Drive and Providence Avenue - **DISTRICT H - GARCIA**

15. Ordinance 2004-1201

ORDINANCE consenting to the addition of 34.062 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**, for inclusion in its district

16. Ordinance 2004-1202

ORDINANCE consenting to the addition of 170.7850 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

17. Ordinance 2004-1221

ORDINANCE approving and authorizing contract between the City of Houston and **NATIONAL GOLF FOUNDATION CONSULTING, INC** for Professional Consulting Services; providing a maximum contract amount - \$52,000.00 - Special Revenue Fund

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2004-1203

ORDINANCE approving and authorizing first amendment to agreement with the **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add Fondren Elementary School as an additional After-School Achievement Program ("ASAP") Site and to provide \$20,000.00 in additional funds - Grant Fund

19. Ordinance 2004-1222

ORDINANCE appropriating \$90,416.00 out of TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing agreement between the City of Houston and **UPLIFT FOURTH WARD, INC**, for the Reimbursement of Infrastructure Costs for the Development of 32 Affordable Single Family Homes Located in the Fourth Ward Area - **DISTRICT I - ALVARADO**

20. Ordinance 2004-1223

ORDINANCE approving and authorizing Legal Services Contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, in connection with franchise compliance and access line reviews of SBC, MCI, Sprint and AT&T and other matters relating to right-of-way use fees payable to the City of Houston - \$160,000.00 - General Funds

21. Council Members Goldberg and Wiseman tagged

ORDINANCE amending Ordinance No. 97-1476 which authorized a legal services contract between the City and **ZUMMO, SCHIRMEISTER & AJAMIE, L.L.P.**, now known as **ZUMMO, MITCHELL & PERRY, L.L.P.** by amending Section 4 of such Ordinance relating to the maximum contract amount - \$40,000.00 - Property and Casualty Fund

22. Council Member Wiseman tagged

ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to a contract between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$124,404.49 - General, Grant, Enterprise and Other Funds

23. Ordinance 2004-1204

ORDINANCE approving and authorizing amendment No. 2 to a contract between the City of Houston and **ROGER H. BATES**, a sole proprietor, for Professional Consulting Services in connection with a Traffic and Earnings Report and General Financial Advisory Services for the Houston Airport System

24. Ordinance 2004-1205

ORDINANCE appropriating \$477,731.00 out of Airports Improvement Fund and approving and authorizing Purchase Agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for purchase of certain baggage equipment; Project No. 612E; CIP A-0486 - **DISTRICT B - GALLOWAY**

25. Ordinance 2004-1206

ORDINANCE appropriating \$624,865.00 out of Airport System Bonds 1998C Non-AMT Construction Fund, awarding construction contract to **ARC ABATEMENT, INC** for Asbestos Abatement and Demolition of Buildings 18, 19, 20 & 21 for SMGCS/Civil Site Work at William P. Hobby Airport; Project No. 566C; CIP A-0131 and A-0385; providing funding for engineering testing services and for contingencies relating to facilities financed by such funds - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

26. Ordinance 2004-1207

ORDINANCE appropriating \$1,378.81 out of Parks Consolidated Construction Fund (the "Fund"), and approving and authorizing compromise and settlement agreement between **DEVELOPMENT CONSTRUCTION INC** and the City of Houston to pay a portion of the settlement; providing funding for internal city costs relating to matters financed by the Fund **DISTRICTS B - GALLOWAY, D - EDWARDS and H - GARCIA**

27. Ordinance 2004-1208

ORDINANCE appropriating \$179,687.00 out of Water & Sewer System Consolidated Construction Fund and \$153,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing developer participation contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight, Phase A of the Greenpark Subdivision; CIP S-0800-E6-03 and R-0800-E6-03 - **DISTRICT D - EDWARDS**

28. Ordinance 2004-1209

ORDINANCE appropriating \$152,407.00 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing developer participation contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight, Phase B of the Greenpark Subdivision CIP S-0800-E7-03 and R-0800-E7-03 - **DISTRICT D - EDWARDS**

29. Ordinance 2004-1210

ORDINANCE appropriating \$339,073.14 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HOUSTON CAMPUS, L.P.** for the Construction of Water and Sanitary Sewer Lines to serve the Erickson Retirement Communities Subdivision; CIP S-0802-23-03 & R-0802-22-03 - **DISTRICT G - HOLM**

30. Ordinance 2004-1211

ORDINANCE appropriating \$210,398.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HOUSTON CAMPUS, L.P.** for the Construction of Water and Sanitary Sewer Lines to serve the Erickson Retirement Communities Subdivision; CIP S-0802-24-03 & R-0802-23-03 - **DISTRICT G - HOLM**

31. Ordinance 2004-1212

ORDINANCE appropriating \$82,683.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract (30 percent reimbursement) between the City of Houston and **SMITHERS MERCHANT BUILDERS, L.P.** for Construction of Water and Sanitary Sewer Lines to serve the Park Manor of Westchase Subdivision; CIP S-0802-25-03 and R-0802-24-03 - **DISTRICT G - HOLM**

32. Ordinance 2004-1213

ORDINANCE appropriating \$19,096.61 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract (50 percent reimbursement) between the City of Houston and **WEST AIRPORT/GATEWAY 15.01, L.P.** for Construction of Offsite Sanitary Sewer Lines to serve the Brentwood Place Subdivision; CIP S-0802-21-03 **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2004-1214

ORDINANCE appropriating \$185,300.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing developer participation contract between the City of Houston and **S.S.M, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Section Three of the West Orem Place Subdivision; CIP S-0800-F1 and R-0800-F1 - **DISTRICT D - EDWARDS**

34. Ordinance 2004-1215

ORDINANCE appropriating \$95,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for professional engineering services contract with **COBOURN LINSEISEN AND RATCLIFF, INC** for the Design of West Gray and Emnora Lane Sanitary Sewer Replacement Project (approved by Ordinance No. 02-0619); GFS R-2011-35-2 (WW4854) - **DISTRICTS A - LAWRENCE and D - EDWARDS**

35. Ordinance 2004-1216 – Passed first reading

ORDINANCE granting to **DARLING INTERNATIONAL, INC**, a Delaware Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

36. Ordinance 2004-1217 – Passed first reading

ORDINANCE granting to **FRANK J. GAMBOA**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

37. Ordinance 2004-1224 – Passed first reading

ORDINANCE granting to **LONE STAR DISPOSAL, L.P.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

38. Ordinance 2004-1218 – Passed first reading

ORDINANCE granting to **ROSE METAL PROCESSING, LTD.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

39. Ordinance 2004-1219 – Passed first reading

ORDINANCE granting to **SNEADS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 40 through 48

40. Motion 2004-1185

RECOMMENDATION from Finance & Administration Department for **THE HOUSTON CHRONICLE PUBLISHING COMPANY DIVISION** for 608,000 Copies of the Annual "Recycling and Neighborhood Cleanup Handbook" for Solid Waste Management \$64,696.00 - Grant Fund

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 18 on Agenda of November 17, 2004

41. Ordinance 2004-1225

ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$2,053,110.00 (\$1,353,110.00 in Emergency Shelter Grants Program Funds and \$700,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 30 on Agenda of November 17, 2004

42. Ordinance 2004-1226

ORDINANCE approving and authorizing contract between the City of Houston and **JPMORGAN CHASE BANK** for Banking Services for three years with an option for two additional one-year renewals - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 38 on Agenda of November 17, 2004

43. Ordinance 2004-1227

ORDINANCE correcting Item Number 13 in the Assessment Roll included within Ordinance Number 93-337 and authorizing a partial release of certain assessment liens and apparent liens created by Ordinance No. 88-624 for the initiation of a Paving Project for the Permanent Improvement of a portion of South Post Oak Road from West Bellfort Avenue to Gasmer Drive in the City of Houston, Texas - **DISTRICT C - GOLDBERG**

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 46 on Agenda of November 17, 2004

44. Motion 2004-1186 – Referred back to the Administration

ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City - **TAGGED BY COUNCIL MEMBER EDWARDS**

This was Item 59 on Agenda of November 17, 2004

45. Ordinance 2004-1228

ORDINANCE approving contracts with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, CORPORATE AUTO SERVICES, INC and WESTSIDE WRECKER SERVICE, INC** for Major Freeway Tow Agreements - Revenue

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 60 on Agenda of November 17, 2004

MATTERS HELD – continued

46. Ordinance 2004-1229

ORDINANCE appropriating \$360,586.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program C3 Work Order Project, GFS N-0610A-C3-3 (SB09049-3); 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, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER EDWARDS**

This was Item 62 on Agenda of November 17, 2004

47. Ordinance 2004-1230

ORDINANCE appropriating \$403,385.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program E0 Work Order Project, GFS N-0610A-E0-3 (SB09136-1); 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, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER EDWARDS**

This was Item 63 on Agenda of November 17, 2004

48. Motion 2004-1187 – Uphold the decision of the General Appeals Board

REVIEW of the record and make determination of the appeal filed by Mr. Henry McGowan on the decision of the General Appeals Board to deny a Manufactured Home Hardship Permit Extension at 13509 S. Wayside Drive, Houston, Texas, 77048

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 64 on Agenda of November 17, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Khan 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

11/23/2004 – All Present