

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 16, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0783 to 2005-0803
ORDINANCES – 2005-0958 to 2005-0973
RESOLUTIONS – 2005-0016 to 2005-0017

2005-0752-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Quan

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 2005-0783 to 2005-0786 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 17, 2005 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **Motion 2005-0787 – Close hearing**
PUBLIC HEARING on ordinance relating to Water and Wastewater Impact Fees
- a. **Ordinance 2005-0958 – Passed first reading**
ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to
Impact Fees for Water and Wastewater Facilities

MAYOR'S REPORT - Demolition of Dangerous Buildings - **Presented**

CONSENT AGENDA NUMBERS 2 through 27

MISCELLANEOUS - NUMBERS 2 through 4

2. Motion 2005-0788

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**:

Position One - **MR. RUSSELL MORGAN**, appointment, for a term to expire 6/1/2007
Position Two - **MR. NORMAN R. PEGRAM, JR.**, appointment, for a term to expire 6/1/2007
Position Three - **MR. JIM OLIVE**, appointment, for a term to expire 6/1/2007
Position Four - **MR. E. W. THURMOND, JR.**, appointment, for a term to expire 6/1/2007
Position Five - **MS. KIM NGUYEN**, appointment, for a term to expire 6/1/2007
Position Six - **MS. LISA M. HAYMES**, appointment, for a term to expire 6/1/2007
Position Seven - **MR. DAN NIP**, reappointment, for a term to expire 6/1/2007
Position Eight - **MR. LOUIS A. MACEY, JR.**, reappointment, for a term to expire 6/1/2007
Position Ten - **MR. KHEN VU LY**, reappointment, for a term to expire 6/1/2009
Position Eleven - **MR. ROBERT EURY**, reappointment, for a term to expire 6/1/2009
Position Twelve - **MR. JOSHUA ESPINEDO**, appointment, for a term to expire 6/1/2009
Position Thirteen - **MR. ALFRED BENNETT**, reappointment, for a term to expire 6/1/2009

3. Motion 2005-0789

RECOMMENDATION from Director Department of Public Works & Engineering for approval of transfer of \$114,725.00 from the FY2005 Coastal Water Authority Operations and Maintenance Budget to the Coastal Water Authority Lake Houston Operating Budget - Enterprise Fund

4. Council Members Quan and Sekula-Gibbs tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of FY2006 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** \$20,345,353.00 - Enterprise Fund

DAMAGES - NUMBER 5

5. Motion 2005-0796

RECOMMENDATION from City Attorney for settlement of lawsuit styled Mark Seaman v. City of Houston; in the 165th Judicial District Court of Harris County, Texas; Cause Number 2003-45155 \$30,000.00 - Property and Casualty Fund

PROPERTY - NUMBER 6

6. Motion 2005-0790

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A98-013, located at 3354 Rogerdale Road, owned by Western Ridge Properties, Inc., Alan Green, Assistant Manager, for the **ROGERDALE PAVING PROJECT from Westpark Drive to Westheimer Road**, CIP N-0644-09-1 - **DISTRICT G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 13A

7. Ordinance 2005-0962

ORDINANCE appropriating \$74,898.00 out of General Improvements Consolidated Construction Fund for Asbestos Abatement at Police Administration Building, GFS D-0073-05-5 - **DISTRICT I - ALVARADO**

a. Motion 2005-0797

AAR INCORPORATED for Asbestos Abatement 7th Floor Parking Garage at Police Administration Building 1200 Travis, GFS D-0073-05-5 - **DISTRICT I - ALVARADO**

PURCHASING AND TABULATION OF BIDS - continued

8. Motion 2005-0798

SANTEX TRUCK CENTER, LTD. - \$185,196.00 and **SUPER VACUUM MANUFACTURING COMPANY, INC** - \$253,172.00 for Cabs & Chassis through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council and Refurbishing Services for Mobile Breathing Air Truck Bodies for Fire Department - Equipment Acquisition Consolidated Fund

9. Motion 2005-0791

HEMOCUE, INC for Microcuvettes for Health & Human Services Department - \$302,400.00 Grant Fund

10. Motion 2005-0792

TELEDYNE ADVANCED POLLUTION INSTRUMENTATION, INC (Bid No. 10) to Furnish and Deliver Analyzers for Health & Human Services Department - \$75,785.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$74,269.30 - Grant Fund

11. Motion 2005-0793

AMEND MOTION #2004-964, 9/1/04, TO EXTEND expiration date from September 1, 2005 to August 31, 2006, for Miscellaneous Diagnostic Test Kits for Health & Human Services Department, awarded to **ABBOTT LABORATORIES, INC, GEN-PROBE** and **BIOMERIEUX, INC**

12. Motion 2005-0794

COMMAND CONTROL ENVIRONMENTS, INC for Identity Consoles for the Office of Emergency Management - \$85,341.00 - Grant Fund

13. Motion 2005-0795

DECLARE **JOHN WARNER HORSESHOEING** non-responsible for a 24 month period for failure to comply with the requirements set forth in the contract

a. Ordinance 2005-0959

ORDINANCE awarding contract to **BOLTON'S FARRIER SERVICES** for Farrier Services for Houston Police Department; providing a maximum contract - 1 Year with two one-year options \$122,431.25 - General Fund

ORDINANCES - NUMBERS 14 through 27

14. Ordinance 2005-0963

ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes and certain Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing Execution and Delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

ORDINANCES - continued

15. Council Member Green tagged

ORDINANCE approving and authorizing Real Estate Marketing Agreement with **CUSHMAN & WAKEFIELD OF TEXAS, INC** in connection with the Fannin Parking Garage (1112 Clay Avenue, Block 316 S.S.B.B.) - **DISTRICT I - ALVARADO**

16. Council Member Sekula-Gibbs tagged

ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the City's Air Pollution Control Program - \$776,854.00 - Grant Fund

17. Ordinance 2005-0964

ORDINANCE approving and authorizing Parking Operations and Management Services Contract between the City of Houston and **REPUBLIC PARKING SYSTEM, INC** for the Convention & Entertainment Facilities Department; providing a maximum contract amount - Revenue

18. Council Members Khan, Holm and Goldberg tagged

ORDINANCE allocating additional funds to contract between the City and **MAXIMUS, INC** for the Integrated Case Management System (ICMS) for Municipal Courts; providing a maximum contract amount - Total additional funding - \$6,516,686.00 - Municipal Courts Technology and Other Funds

19. Pulled-Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** for Evaluation of Training Programs for the Houston Police Department (HPD)

20. Ordinance 2005-0973

ORDINANCE approving and authorizing second amendment to contract (C51076) between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to amend certain terms and the annual cost adjustment formula

21. Council Member Quan tagged

ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options - \$18,836,112.50 - General, Enterprise and Other Funds

22. Ordinance 2005-0965

ORDINANCE appropriating \$217,662.08 out of Water & Sewer System Consolidated Construction Fund and \$216,085.70 out of Affordable Housing Uptown Series 2004D Fund and approving and authorizing Developer Participation Contract between the City of Houston and **WOODMERE DEVELOPMENT CO. LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Wayside Village Subdivision, CIP S-0800-H1-03 & R-0800-H1-03 - **DISTRICT B - GALLOWAY**

23. Ordinance 2005-0966

ORDINANCE appropriating \$16,752.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **ON TRACK MINISTRIES, INC** for Construction of Water Lines to serve Development on Love Street, CIP S-0802-32-03 - **DISTRICT B - GALLOWAY**

ORDINANCES - continued

24. Ordinance 2005-0967

ORDINANCE approving and authorizing International Facilities Agreements between the City of Houston and **CONTINENTAL AIRLINES, INC, PAKISTAN INTERNATIONAL AIRLINES,** and **WORLD AIRWAYS, INC** at George Bush Intercontinental Airport/Houston

25. Ordinance 2005-0960

ORDINANCE appropriating \$7,809,981.00 out of Airport System Consolidated 2001 NONAMT Construction Fund and \$12,000,000.00 from Federal Aviation Administration Grant Funds and awarding construction contract to **W. W. WEBBER INC** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston, CIP A-0451, Project 603); 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 contingencies relating to construction of facilities financed by such fund
DISTRICT B - GALLOWAY

26. Ordinance 2005-0961

ORDINANCE appropriating \$109,374.13 out of Public Library Consolidated Construction Fund, determining that the formal taking of Competitive Bids is not required for the work described herein; and awarding construction contract for Asbestos Abatement & Demolition of Looscan Branch Library, GFS E-0095-02-5, to **CERTIFIED/LVI ENVIRONMENTAL SERVICES, INC;** providing funding for Environmental Consulting Services and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund
DISTRICT G - HOLM

27. Ordinance 2005-0968

ORDINANCE appropriating \$3,500,000.00 out of 12A Consolidated Dangerous Building Fund for Demolition of Dangerous Buildings

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 28

MISCELLANEOUS

28. Motion 2005-0799 – Close nominations

RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term

Kase Lawal nominated by Council Member Edwards for reappointment

MATTERS HELD - NUMBERS 29 through 33a

29. Motion 2005-0800 – Postpone one (1) week

RECOMMENDATION from Finance & Administration Department to award to **HACH COMPANY** for Chemicals, Water Testing for the Department of Public Works & Engineering - \$441,823.00 Enterprise Fund - **TAGGED BY COUNCIL MEMBER KHAN**
This was Item 9 on Agenda of August 10, 2005

MATTERS HELD – continued

30. Motion 2005-0801 – Allow Council Member Garcia to substitute amendment for Item 30

WRITTEN Motion by Council Member Garcia to amend Item 30A below as follows:

“Motion to amend Item 14 on the City of Houston City Council Agenda August 10, 2005, by amending subsections (a) and (b) of Section 33-229 of the Code of Ordinances, as added by Section 12 of Item 14, to read as follows:

(a) The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a Landmark at the same time and in the same manner as it reviews and considers the application for landmark. The HAHC shall not recommend a property to be designated as a protected landmark unless the property:

- (1) Meets at least three of the criteria for designation in section 33-224 of this Code;
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.

(b) If the HAHC reviews an application for designation of a protected landmark initiated after the designation of the landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark if the landmark:

- (1) Met at least three of the criteria of section 33-224 of this Code at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least three of criteria of section 33-224 of this Code;
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.”

TAGGED BY COUNCIL MEMBER GALLOWAY

Motion 2005-0802 – Written motion by Council Member Garcia to amend Item 30a as follows:

“Substitute amendment by Council Member Garcia to amend Item 30A by amending subsections (a) and (b) of Section 33-229 of the Code of Ordinances, as added by Section 12 of Item 14, to read as follows:

a) The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for landmark. The HAHC shall not recommend a property to be designated as a protected landmark unless the property:

- 1) Meets at least three of the criteria for designation in section 33-224 of this Code;
- 2) ~~Is at least 100 years old; or~~ Was constructed before 1905
- 3) Is listed individually or as a contributing structure in an historic district on the National Register of Historic Places; or
- 4) Is recognized by the State of Texas as a Recorded State Historical Landmark.

b) If the HAHC reviews an application for designation of a protected landmark initiated after the designation of the landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark if the landmark:

- 1) Met at least three of the criteria of section 33-224 of this Code at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least three of criteria of section 33-224 of this Code;
- 2) ~~Is at least 100 years old; or~~ Was constructed before 1905;
- 3) Is listed individually or as a contributing structure in an historic district on the National Register of Historic Places; or
- 4) Is recognized by the State of Texas as a Recorded State Historical Landmark.

MATTERS HELD – continued

a. **Ordinance 2005-0969 – Adopt as amended**

ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Historic Preservation - **TAGGED BY COUNCIL MEMBERS EDWARDS and GALLOWAY**

This was Item 14 on Agenda of August 10, 2005

b. **Resolution 2005-0016 - Adopt**

RESOLUTION Designating Eight City-Owned Landmarks as Protected Landmarks - **DISTRICTS H - GARCIA and I - ALVARADO** - **TAGGED BY COUNCIL MEMBER GALLOWAY**

This was Item 14A on Agenda of August 10, 2005

c. **Resolution 2005-0017 – Adopt**

RESOLUTION establishing the form of marker for Protected Landmarks designated pursuant to Article VII of Chapter 33 of the Code of Ordinances

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 14B on Agenda of August 10, 2005

31. **Ordinance 2005-0970**

ORDINANCE approving and authorizing Duty Free Concession Agreement by and between the City of Houston and **THE NUANCE GROUP (HOUSTON) LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY**

TAGGED BY COUNCIL MEMBERS GREEN, ALVARADO and KHAN

This was Item 18 on Agenda of August 10, 2005

32. **Ordinance 2005-0971**

ORDINANCE approving and authorizing contract between the City of Houston and **PROOFPOINT, INC** for Network Appliances and Software that detects Spam, filters content and scans viruses from the City's E-mail System; providing a maximum contract amount - 3 Years with two one-year options - \$320,950.00 - Equipment Acquisition Consolidated and Central Service Revolving Funds - **TAGGED BY COUNCIL MEMBER KHAN**

This was Item 25 on Agenda of August 10, 2005

33. **Motion 2005-0803**

MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Khan to amend Item 38a below, to provide that the scope of services provide a provision to also be an opportunity to study the affects of smoking - **POSTPONED BY MOTION #2005-776, 8/10/05**

a. **Ordinance 2005-0972 – Adopt as amended**

ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Environmental Public Health Services; providing a maximum contract amount \$253,998.00 - Grant Fund - **POSTPONED BY MOTION #2005-777, 8/10/05**

These were Items 38 and 38A on Agenda of August 10, 2005

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

8/16/2005 – All Present

**8/17/2005 – Council Member Galloway absent due to death in the family
Council Member Wiseman absent on City business**