

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

**MOTIONS 2005-0827 to 2005-0855**  
**ORDINANCES – 2005-1011 to 2005-1021**  
**RESOLUTION – None**

**2005-0826-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Ellis

**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 2005-0827 to 2005-0829 – Procedural motions**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - AUGUST 31, 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 2005-0833 – Close hearing**

**PUBLIC HEARING** - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing

**a. Ordinance 2005-1011**

**ORDINANCE READOPTING ARTICLE XII, CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability

**2. Motion 2005-0834 – Close hearing**

**PUBLIC HEARING** to consider amending the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three, City of Houston, Texas, also known as the Main Street/Market Square Tax Increment Reinvestment Zone

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**MAYOR'S REPORT** - Multifamily Security Task Force

**Motion 2005-0830 – Suspend rules to consider MOFAR, Items 3, 1, 2, 30, 31, 32, 34 and the Mayor's Report out of order**

**Motion 2005-0831 – Accept report**

**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 3 through 29**

**MISCELLANEOUS** - NUMBERS 3 and 4

**3. Motion 2005-0832**

REQUEST from Mayor for confirmation of the appointment of **MS. MARLENE L. GAFRICK** as Director of the **PLANNING AND DEVELOPMENT DEPARTMENT**

**Motion 2005-0838 – Suspend rules to consider Item 4 out of order**

**4. Council Member Lawrence Tagged**

RECOMMENDATION from Director Finance & Administration that City Council approve a motion granting a variance to 3520 Old Spanish Trail from the 1,000-foot distance requirement of Section 3-2(e) of the Code of Ordinances relating to the sale of alcoholic beverages, under the condition that such location's alcoholic beverage permits remain in good standing with the Texas Alcoholic Beverage Commission and that the premises will not be open for business during the hours that school is in session at Thompson Elementary School

**DAMAGES** - NUMBER 5

**5. Motion 2005-0839**

RECOMMENDATION from City Attorney for settlement of lawsuit styled **ROBERTO CANTU vs. Abraham Guerra** and the City of Houston; in the 157th Judicial District Court of Harris County, Texas, Cause No. 2004-09871 - \$115,000.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBERS 6 through 10

**6. Motion 2005-0848**

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,174,049.61 and acceptance of work on contract with **J. D. ABRAMS, INC** for Rehabilitation of Runway 17R-35L and Taxiway "E" and Miscellaneous Airfield Pavements and Fencing at Ellington Field; Project No. 544, CIP A-0153, A-0347, A-0361, A-0413 and A-0415 02.92% over the original contract amount - **DISTRICT E - WISEMAN**

**7. Motion 2005-0849**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$463,670.18 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Tony Marron Park, GFS F-504D-02-3 - 03.41% over the original contract amount **DISTRICT H - GARCIA**

**ACCEPT WORK** - continued

**8. Motion 2005-0850**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,945,656.50 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-90-3 (4258-6) - 00.66% under the original contract amount

**9. Motion 2005-0840**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$926,711.68 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Richmond Plaza Subdivision, GFS S-0035-92-3 (WA10731) - 02.52% over the original contract amount  
**DISTRICT C - GOLDBERG**

**10. Motion 2005-0841**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$957,750.81 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Grid Extension Package 1 - Various Locations, GFS S-0700-56-3 (WA10677) - 03.23% under the original contract amount  
**DISTRICTS A - LAWRENCE; B - GALLOWAY and G - HOLM**

**PROPERTY** - NUMBERS 11 through 13

**11. Motion 2005-0842**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Harry Kalsch, owner of Key West Interests, LLC, for abandonment and sale of Hurley Street, from Shoreham Avenue east to its terminus, in exchange for the conveyance to the City of a 5-foot-wide utility easement along the east end of Hurley Street, located between Blocks 2 and 3, Shoreham Place Subdivision, Parcels SY5-059, SY5-062, VY5-013 and VY5-014 - **STAFF APPRAISERS - DISTRICT H - GARCIA**

**12. Motion 2005-0843**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Haskell Boring, on behalf of John F. Winslow, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide right of way easement, out of Lot 2, Block 2, Chevy Chase Addition, Parcel SY6-013 - **DISTRICT C - GOLDBERG**

**13. Council Member Lawrence tagged**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Trish Ricklefsen, on behalf of Label Imaging Technology, Inc., (William Hossley, Jr., president), declining the acceptance of, rejecting, and refusing the dedication of Washington Avenue and Trinity Avenue, from Brinkman Street to Live Oak Street, located within the Live Oak Addition, Parcels SY6-015A and SY6-015B **DISTRICT A - LAWRENCE**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 21

**14. Motion 2005-0851**

**PHILPOTT MOTORS, LTD.** - \$42,536.00 and **SAM PACK'S FIVE STAR FORD** - \$28,360.00 for Pickup Trucks and Cargo Vans through the Texas Local Government Purchasing Cooperative for the Police Department and the Houston Emergency Center - Grant and Equipment Acquisition Consolidated Funds

**PURCHASING AND TABULATION OF BIDS** - continued

**15. Motion 2005-0855**

**E-ONE, INC** for Platform Ladder Truck Repair Service for Fire Department - \$87,395.86  
General Fund

**16. Motion 2005-0852**

**ORACLE USA, INC** for Oracle Software Update License and Support Service through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code - \$377,743.28 -  
Central Service Revolving Fund

**17. Motion 2005-0844**

**THE TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Houston Police Department - \$49,000.00 - General Fund

**18. Ordinance 2005-1013**

ORDINANCE appropriating \$324,624.88 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of Three Water Transmission Lines for the Public Works & Engineering Department, CIP S-0019 - **DISTRICT E - WISEMAN**

**a. Motion 2005-0845**

**TROY CONSTRUCTION, L.L.P.** for Emergency Repair of Three Water Transmission Lines at Hwy. 3 at Bay Area Blvd., Hwy. 3 south of Bay Area Blvd. and Beamer Road near Fuqua for Department of Public Works & Engineering - \$324,624.88 - **DISTRICT E - WISEMAN**

**19. Motion 2005-0853**

**AMEND MOTION 2004-482, 5/5/04, TO INCREASE** spending authority from \$1,246,569.38 to \$1,558,211.73, for Chemical Caustic Soda Contract for Department of Public Works & Engineering, awarded to **OLD WORLD INDUSTRIES, INC**

**20. Motion 2005-0846**

**AMEND MOTION 2004-812, 7/7/04, TO INCREASE** spending authority from \$406,040.56 to \$597,439.31, for Equipment, Onan Generator Replacement Parts Contract for Various Departments, awarded to **CHANNELVIEW SUPPLY COMPANY**

**21. Motion 2005-0847**

**SWEETEN TRUCK CENTER, L.C.** for Automotive, White/GMC/Volvo Replacement Parts and Service for Various Departments - \$264,544.00 - General and Enterprise Funds

**ORDINANCES** - NUMBERS 22 through 29

**22. Ordinance 2005-1015**

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 Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Escrow Verification and Engagement of an Escrow Agent, 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

**23. Ordinance 2005-1014**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Westpark Drive Excess, Fee-owned, Street right of way, containing 4,259 square feet (0.0978 acre) of land, more or less, being out of tract of land containing 10,691 square feet (0.2454 acre), more or less, located in the S. Smith Survey, Abstract 1049, Harris County, Texas, Parcel SY4-035, vacating and abandoning said parcel to Francisco Sarrazola, the abutting owner, in consideration of his payment of \$41,525.00, and other consideration to the City - **DISTRICT G - HOLM**

**Motion 2005-0854 – Postpone Item 24 to the end of the Agenda**

**24. Ordinance 2005-1021**

ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of approximately 6.1 acres of land out of Tidwell Park by the Health and Human Services Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto

**HEARING DATE - WEDNESDAY - OCTOBER 12, 2005 - 9:00 A.M.**

**25. Ordinance 2005-1016**

ORDINANCE approving and authorizing contract between the City of Houston and **OGDEN, GIBSON, WHITE, BROOCKS & LONGORIA, LLP**, for Legal Services - \$100,000.00 - Property and Casualty Fund

**26. Ordinance 2005-1017**

ORDINANCE approving and authorizing contract between the City of Houston and **UNIVERSAL DESIGNERS & CONSULTANTS, INC** for Professional Expert Witness Services; providing a maximum contract amount - \$125,000.00 - Property and Casualty Fund

**27. Ordinance 2005-1018**

ORDINANCE appropriating \$1,131,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **PAGE SOUTHERLAND PAGE, LLP** for Replacement of Property Room, GFS G-0101-01-2; providing funding for Civic Art Program and asbestos and lead survey under Contract No. 57123

**28. Ordinance 2005-1019**

ORDINANCE appropriating \$174,000.00 out of General Improvements 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 and Construction of Denver Harbor Multi-Service Center Phase II, GFS D-0077-03-2; providing funding for Civic Art Program - **DISTRICT I - ALVARADO**

**29. Council Member Galloway tagged**

ORDINANCE appropriating \$1,188,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in the Almeda Manor Subdivision, GFS S-0035-B3-3 (WA10776); 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 30 through 34

**30. Motion 2005-0835 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Alvarado on request from Mayor for confirmation of the appointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for terms to expire December 31, 2006:

Position One - **MR. MANUEL “MARCELLO” AUGUSTO MARINI**

Position Three - **MS. PATTY NILSSON**

Position Five - **MR. RODNEY E. NATHAN**

Position Seven - **MR. J. ALLEN PROVOST**

Position Eleven - **MR. RUDY GONZALEZ**

Position Thirteen - **MS. TERRI BAILEY PARRIS**

Position Fifteen - **MR. AL VERA**

**POSTPONED BY MOTION #2005-819, 8/24/05**

This was Item 2 on Agenda of August 24, 2005

**31. Motion 2005-0836 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Quan on request from Mayor for confirmation of the appointment of **MS. GILDA MCFAIL** to Position Nine to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for a term to expire December 31, 2006

**TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS**

This was Item 3 on Agenda of August 24, 2005

**32. Motion 2005-0837 – Postpone thirty (30) days**

ORDINANCE terminating **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE TIRZ)**; containing findings and provisions related to the foregoing subject; providing a severability clause - **DISTRICT H - GARCIA**

**TAGGED BY COUNCIL MEMBERS QUAN, GARCIA, GREEN and SEKULA-GIBBS**

This was Item 29 on Agenda of August 24, 2005

**33. Ordinance 2005-1020 – Adopt**

ORDINANCE appropriating \$2,000,000.00 out of Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing Amendment No. 1 to construction Contract 54607 by and between the City of Houston and **CADDELL CONSTRUCTION CO., INC** for Terminal C Interior/Utility Upgrade at George Bush Intercontinental Airport/Houston (Project 490D, CIP A-0322 and A-0422 - **DISTRICT B - GALLOWAY**)

**TAGGED BY COUNCIL MEMBER QUAN**

This was Item 40 on Agenda of August 24, 2005

**34. Ordinance 2005-1012 – Adopt**

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** - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 54 on Agenda of August 24, 2005

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Lawrence 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

- 8/30/2005 – Council Member Goldberg out of the City on City business**
  - Council Member Wiseman absent due to being ill**
  - Council Member Khan out of the City on personal business**
- 8/31/2005 – Council Member Goldberg out of the City on City business**
  - Council Member Khan out of the City on personal business**