

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 20, 2005 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-1216 to 2005-1235
ORDINANCES – 2005-1377 to 2005-1404
RESOLUTION – None

2005-1215-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Goldberg

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

Motion 2005-1227a – Allow Mr. Albert Chang to speak

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 47

MISCELLANEOUS - NUMBERS 1 through 6

1. Motion 2005-1228

REQUEST from Mayor for confirmation of appointment or reappointment of the following to the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS**:

Position One - **MR. JAMES "GRADY" PRESTAGE**, reappointment, for a term to expire 8/1/2006

Position Two - **MR. BINH HO**, reappointment, for a term to expire 8/1/2007

Position Three - **MR. CHARLES M. PENLAND**, reappointment, for a term to expire 8/1/2006

Position Four - **MR. ARNOLD DE ANDA**, reappointment, for a term to expire 8/1/2006

Position Five - **MR. DAVID BERG**, reappointment, and to serve as Chair, for a term to expire 8/1/2006

Position Six - **MS. CLAUDIA WILLIAMSON**, reappointment, for a term to expire 8/1/2007

Position Seven - **MS. YAVA D. SCOTT**, reappointment, for a term to expire 8/1/2007

MISCELLANEOUS - continued

2. **Motion 2005-1216**
REQUEST from Mayor for confirmation of the appointment of **MS. PAMELLA R. THORNE**, to Position One of the **BOARD OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY)**, for a term to expire July 20, 2007
3. **Motion 2005-1217**
REQUEST from Mayor for confirmation of the appointment of **MS. DONNA MARGIOTTA (Senate District 7 Appointee)** to Position One of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending December 31, 2006
4. **Motion 2005-1218**
RECOMMENDATION from Information Technology Department for funding for software licenses and software/hardware maintenance contracts for FY-2006 for **IBM** - \$258,303.30, **BMC Software** - \$39,150.00, **NewEra Software** - \$3,000.00, **Software Engineering of America** - \$16,451.21, **Storage Technology Corporation** - \$14,952.00 and **Storage Technology Corporation** - \$122,387.28 - \$460,000.00 - General Fund
5. **Motion 2005-1219**
RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for **MIKE EDMONDS**
6. **Motion 2005-1220**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2006 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,012,650.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 7 and 8

7. **Motion 2005-1221**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$613,500.70 and acceptance of work on contract with **JALCO, INC** for High Star Lift Station Replacement, GFS R-0267-A8-3 (WW4728-8) - 06.98% under the original contract amount - **DISTRICT F - KHAN**
8. **Motion 2005-1222**
RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$768,921.92 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Main Extension Package 2, GFS S-0700-57-3 (WA10740) 16.60% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; G - HOLM and H - GARCIA**

PROPERTY - NUMBER 9

9. **Council Members Green and Sekula-Gibbs tagged**
AMEND MOTION #2005-901, 9/14/05, which authorized condemnation of Parcels AY2-173 and AY2-173A, located in the 2300 block of Dixie Drive, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT, TO REFLECT** that Parcel AY2-173A is a Temporary Construction Easement, CIP N-0420-22-2 - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 19

10. Motion 2005-1229

NORTEX MODULAR LEASING AND CONSTRUCTION d/b/a NORTEX MODULAR SPACE for Lease of One Modular Office Building from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - \$79,370.28 - Enterprise Fund

11. Motion 2005-1230

ORTHO-MCNEIL PHARMACEUTICAL, INC for Contraceptives from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$192,732.48 - General Fund

12. Motion 2005-1223

INTERNETWORK EXPERTS, INC for Maintenance and Support Agreement for Cisco Network Equipment through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department \$870,971.72 - Central Service Revolving Fund

13. Ordinance 2005-1404

ORDINANCE appropriating \$49,577.15 out of Parks Consolidated Construction Fund for Asbestos Abatement and Site Clean-Up Services at the Administration Building of the Parks & Recreation Department, CIP F-0504D-01-5

a. Motion 2005-1235

HAZARD ASSESSMENT LEADERS, INC for Asbestos Abatement and Site Clean-Up Services for Parks & Recreation Department - \$33,883.00 and contingencies for a total amount not to exceed \$35,577.15

14. Motion 2005-1224

SOUTHWESTERN BELL TELEPHONE, L.P. for Digital Cross-Connect System through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Police Department - \$210,386.25 - Grant Fund

15. Motion 2005-1225

FAAC INCORPORATED for Driver-Training Systems from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$454,540.00 - Police Special Services Fund

16. Council Member Holm tagged

PHILPOTT MOTORS, LTD. for Automobiles and Utility Vehicles from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Public Works & Engineering and Police Departments - \$1,798,256.00 - Grant and Other Funds

17. Motion 2005-1226

HEWLETT PACKARD for Hewlett Packard (HP) Computer Hardware through the City's Master Agreement with the Texas Department of Information Resources for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Public Works & Engineering Department - \$826,355.60 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

18. Council Member Holm tagged

AMEND MOTION #2005-176, 2/23/05, TO PURCHASE additional Hybrid-Electric Sedans for Various Departments, awarded to **PHILPOTT MOTORS, LTD.** - \$719,141.00 - Enterprise and Other Funds

19. Motion 2005-1227

MOTOROLA, INC for Software and Implementation Services for the City's 3-1-1 System \$42,000.00 - General Fund

ORDINANCES - NUMBERS 20 through 47

20. Ordinance 2005-1391

ORDINANCE Canvassing the returns of the City of Houston Runoff Election held on December 10, 2005

21. Ordinance 2005-1377

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use by the City of Houston of Three (3) Utility Easements, Parcels SY5-022A, SY5-022B and SY5-022C, containing an aggregate of 2,447 square feet of land, more or less, all located within the George Rich Subdivision, A.C. Reynolds Survey, A-61, Houston, Harris County, Texas; vacating and abandoning said easements to 3201 Kirby, Ltd., the owner, in consideration of the owner's conveyance to the City of a 10-foot-wide utility easement, Parcel VY5-002, also located within the same George Rich Subdivision, and other consideration to the City - **DISTRICT C - GOLDBERG**

22. Ordinance 2005-1378

ORDINANCE consenting to the addition of 9.388 acres of land to **CYPRESS-KLEIN UTILITY DISTRICT**, for inclusion in its district

23. Ordinance 2005-1379

ORDINANCE consenting to the addition of 342.676 acres of land to **GREENWOOD UTILITY DISTRICT**, for inclusion in its district

24. Ordinance 2005-1380

ORDINANCE consenting to the addition of 24.088 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 217**, for inclusion in its district

25. Ordinance 2005-1381

ORDINANCE consenting to the addition of 15.886 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**; for inclusion in its district

26. Ordinance 2005-1382

ORDINANCE consenting to the addition of 5.2588 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district

27. Council Members Quan and Khan tagged

ORDINANCE approving and authorizing first amendment to an Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** (approved by Ordinance No. 04-0273); providing a maximum contract amount

ORDINANCES - continued

28. Ordinance 2005-1392

ORDINANCE approving and authorizing lease agreement between the **HARRIS COUNTY HOSPITAL DISTRICT (“HCHD”)**, as tenant, and the City of Houston (“City”) as landlord, for the purpose of having HCHD offer Outpatient Dialysis Treatment Services and various Dialysis related Medical and Health Education Services at the Riverside Health Clinic - **DISTRICT I - ALVARADO**

29. Ordinance 2005-1393

ORDINANCE approving and authorizing acceptance of grant from the Department of State Health Services for the City’s HIV/STD Prevention and Control Program (TDH Contract No. 7460011640-07); declaring the City’s eligibility for such grants; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$1,696,427.00 - Grant Fund

30. Ordinance 2005-1394

ORDINANCE correcting clerical error by substituting the attached Interlocal Agreement between the City and the Houston-Galveston Area Council (HGAC) for Preventive Mental Health Services to persons impacted by Hurricanes Katrina and Rita for the version attached to Ordinance No. 2005-1285

31. Ordinance 2005-1395

ORDINANCE adopting certain Policies and Procedures for funding Affordable Housing Programs

32. Ordinance 2005-1396

ORDINANCE relating to the Retail Sewer Rates of Aqua Texas, Inc. within the City of Houston, Texas; approving settlement agreement relating to an increase in Aqua Texas’ Rates

33. Ordinance 2005-1400

ORDINANCE appropriating \$2,307,505.00 out of Water & Sewer System Consolidated Construction Fund for Reimbursement to Trinity River Authority (TRA) for Repairs to Lake Livingston Dam from Hurricane Rita Damage, CIP S-0019-07-3

34. Pulled-Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM (HCCS)** for Professional Educational Services Contract for the Department of Public Works and Engineering; providing a maximum contract amount 3 Years with two one-year options - \$350,000.00 - Enterprise Fund

35. Ordinance 2005-1383

ORDINANCE appropriating \$310,844.00 out of Water & Sewer System Consolidated Construction Fund and \$213,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Southdown Trace Subdivision, CIP S-0800-J3-3, R-0800-J3-3 & M-0800-05-3 - **DISTRICT E - WISEMAN**

ORDINANCES - continued

36. Ordinance 2005-1384

ORDINANCE appropriating \$142,188.00 out of Water & Sewer System Consolidated Construction Fund and \$176,251.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southdown Trace Subdivision, CIP S-0800-J2-3, R-0800-J2-3 & M-0800-04-3 - **DISTRICT E - WISEMAN**

37. Ordinance 2005-1385

ORDINANCE appropriating \$355,498.00 out of Water & Sewer System Consolidated Construction Fund and \$231,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Clearview Village Subdivision CIP S-0800-J5-3, R-0800-J5-3 & M-0800-06-3 - **DISTRICT E - WISEMAN**

38. Ordinance 2005-1386

ORDINANCE appropriating \$445,864.00 out of Water & Sewer System Consolidated Construction Fund and \$318,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Clearview Village Subdivision CIP S-0800-J6-3, R-0800-J6-3 & M-0800-07-3 - **DISTRICT E - WISEMAN**

39. Ordinance 2005-1397

ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **BFI WASTE SYSTEMS OF NORTH AMERICA**, passed June 24, 1998, Ord. No. 98-503, Contract No. 39164 for Waste Disposal Services for the Solid Waste Department

40. Council Member Goldberg tagged

ORDINANCE appropriating \$181,486.36 out of Street & Bridge Consolidated Construction Fund for Landscaping and Beautification of City Streets and Thoroughfares, GFS N-0675-06-3 (SB9126-02); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; G - HOLM and H - GARCIA**

41. Ordinance 2005-1398

ORDINANCE appropriating \$610,834.71 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Design of Lockwood Drive Paving from Bennington to Tidwell Road (approved by Ordinance No. 04-0778), GFS N-0612-01-2 (SB9181); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

42. Ordinance 2005-1399

ORDINANCE awarding contract to **AUTOMATION NATION, INC** for Sale of Heat-Dried Biosolids produced by City of Houston Wastewater Treatment Plants - 3 Years with two one-year options Revenue

ORDINANCES - continued

43. Ordinance 2005-1403

ORDINANCE awarding contract to **TOTAL CONTRACTING LIMITED** for Storm Sewer On-Call Drainage System Repair (Work Order Contract), GFS M-0243-02-3 (SM5050) - \$1,998,447.50 Storm Water Fund

44. Ordinance 2005-1387

ORDINANCE appropriating \$2,190,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Huntington Place Subdivision, GFS S-0035-C2-3 (WA10784); 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 H - GARCIA**

45. Ordinance 2005-1388

ORDINANCE appropriating \$2,417,770.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Midtown-Southeast, GFS S-0035-C8-3 (WA10790); 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 I - ALVARADO**

46. Ordinance 2005-1389

ORDINANCE appropriating \$277,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Access Roads and Drainage Improvements at Various Water Plant Locations, GFS S-1000-24-3 (WA10811); 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 A - LAWRENCE**

47. Ordinance 2005-1390

ORDINANCE appropriating \$830.00 out of Public Health Consolidated Construction Fund for Purchase Order to **AAR, INC** for Environmental Services and \$48,176.00 out of Public Health Consolidated Construction Fund as an additional appropriation under contract with **CARRIER COMMERCIAL SERVICES, INC** for HVAC Repair Services for Department of Health and Human Services, CIP H-0063-01-3 - **DISTRICT D - EDWARDS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 48 and 48A

MISCELLANEOUS

48. Motion 2005-1231 – Close nominations

RECEIVE nominations for Position 4 on the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)**
Council Member Goldberg nominated Mr. William G. Hutz

a. Motion 2005-1232

CONFIRM the appointment of nominee to Position 4 on the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)**
Mr. William G. Hutz nominated

MATTERS HELD - NUMBERS 49 through 50A

49. Ordinance 2005-1401

ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to notification to Building Owners - **TAGGED BY COUNCIL MEMBER EDWARDS**

This was Item 21 on Agenda of December 14, 2005

Motion 2005-1233 – Allow Council Member Sekula-Gibbs to substitute motion for Item 50

Motion 2005-1234 – Council Member Sekula-Gibbs submitted the following written motion to amend Item 50a as follows:

“The Houston Music Hall Foundation will conduct a needs assessment regarding services for the hearing impaired. The Foundation will make a good faith effort to augment the services for this community should the findings of the assessment warrant. It is acknowledged that any modification in services will require the cooperation of the tenants who lease the building and that any costs involved in a change of services must be able to be reasonably borne by the Foundation and its tenants.”

50. Above motion substituted for written motion below

WRITTEN Motion by Council Member Sekula-Gibbs amend Item 50A as follows:

The Houston Music Hall Foundation will conduct a needs assessment regarding services for the handicapped and the hearing impaired. Based on the needs assessment, the foundation will make a good faith effort to contract with a company or individual that offers these services.

a. Ordinance 2005-1402

ORDINANCE approving and authorizing first amendment to Lease Development and Grant Agreement for the Hobby Center for the Performing Arts between the City and the **HOUSTON MUSIC HALL FOUNDATION - POSTPONED BY MOTION #2005-1213, 12/14/05**

This was Item 46 on Agenda of December 14, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Garcia 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

**12/20/2005 – Mayor White absent on vacation
Mayor Pro-tem Alvarado presiding**