

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 27, 2005 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0940 to 2005-0955
ORDINANCES – 2005-1105 to 2005-1115
RESOLUTION – 2005-0020

2005-0939-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Green

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

Motion 2005-0940 – Suspend rules to consider Item 1 out of order

1. Ordinance 2005-1105

ORDINANCE authorizing the Mayor of Houston to extend or continue a proclamation of a Local State of Disaster for the City of Houston beyond the seven day period after the proclamation was issued, making certain findings related thereto, and declaring an emergency

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 28, 2005 - 9:00 A. M.

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

MAYOR'S REPORT - Hurricane Rita aftermath

CONSENT AGENDA NUMBERS 2 through 22

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2005-0945

RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2005 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code

MISCELLANEOUS - continued

3. Motion 2005-0946

REQUEST from Chief of Police for Extension of Injury on Duty Leave for Police Officer **MILTON J. DEMARET**

PROPERTY - NUMBER 4

4. Motion 2005-0943

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth J. Martinec of Jones & Carter, Inc., on behalf of Harris County Municipal Utility District No. 285 (MUD 285), for abandonment and sale to Harris County Municipal Utility District No. 285 of a 20-foot-wide water line easement and a 40-foot-wide sanitary sewer line easement, out of the West Canal, located within the John Anderson Survey, Abstract No. 97, and a right of entry for Harris County Municipal Utility District No. 285, Parcels SY6-008A and SY6-008B - **STAFF APPRAISERS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 6

5. Motion 2005-0944

FISHER SCIENTIFIC for Purchase of equipment and supplies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Houston Fire Department - \$53,267.38 - Urban Area Security Initiative (UASI) Funds

6. Council Member Wiseman tagged

AMEND MOTION #1999-617, 4/14/99, TO EXTEND expiration date from October 13, 2005 to March 31, 2006, and **TO INCREASE** spending authority by \$820,784.80 from \$2,051,962.00 to \$2,872,746.80, for Soft Body Armor for the Houston Police Department, awarded to **LONE STAR UNIFORMS, INC** - General Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 22

7. Resolution 2005-0020

RESOLUTION requesting financial assistance from the Texas Water Development Board, authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board

8. Council Members Wiseman, Garcia, Alvarado, Khan, Sekula-Gibbs, Quan, Berry, Ellis, Edwards and Galloway tagged

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2005-134 by adding two hundred (200) Senior Police Officer positions and one (1) Identification Officer position and by deleting two hundred fifty (250) Police Officer positions, one (1) Deputy Administrator-Identification Division position, one (1) Captain position and one (1) Assistant Chief Toxicologist position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance

9. Council Member Wiseman tagged

ORDINANCE approving and authorizing the creation of contractual obligations for goods or services included on Hurricane Katrina-related Project Worksheets submitted to the Federal Emergency Management Agency (FEMA) with expenditures to be made only from FEMA receipts

RESOLUTIONS AND ORDINANCES - continued

10. Pulled-Not Considered

ORDINANCE amending third amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amendment to the Credit Agreement, a fourth amended and restated Issuing and Paying Agency Agreement and a fourth amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency

11. Council Member Ellis tagged

ORDINANCE amending amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amended and restated Credit Agreement, a second amended and restated Dealer Agreement, a second amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; and declaring an emergency

12. Council Member Ellis tagged

ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas, Certificates of Obligation, Series 2005D, and City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005E; approving or declaring other matters incidental to the issuance and sale of such obligations; making various findings and provisions related thereto; and declaring an emergency

13. Council Member Galloway tagged

ORDINANCE consenting to the addition of 29.548 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district

14. Ordinance 2005-1106

ORDINANCE consenting to the addition of 117.3 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, for inclusion in its district

15. Council Member Edwards tagged

ORDINANCE issuing permit to **VALERO LOGISTICS OPERATIONS, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS**

16. Council Member Berry tagged

ORDINANCE approving and authorizing first amendment to contract between the City and **SMART CITY NETWORKS, LP** for Telecommunications Services at the George R. Brown Convention Center - 30 days

17. Council Member Wiseman tagged

ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to Contract C56063 between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$127,587.68 - General, Grant, Enterprise and Other Funds

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2005-1109

ORDINANCE appropriating \$396,250.00 out of Parks Consolidated Construction Fund, and approving and authorizing first amendment to construction contract between the City of Houston and **CONSTRUCTION, LTD** for Construction of Parks Master Plan - Bid Package 2 - Melrose Park, Montie Beach Park and Garden Villas Park, GFS F-504A-02-3, F-504A-18-3, F-504A-20-3 **DISTRICTS B - GALLOWAY; H - GARCIA and I - ALVARADO**

19. Ordinance 2005-1110

ORDINANCE appropriating \$2,319,643.59 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for US 90 from Mercury Drive to Wallisville Road, GFS S-0521-20-3 and R-0521-17-3 (SB9252); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and I - ALVARADO**

20. Ordinance 2005-1107

ORDINANCE appropriating \$43,086.31 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the Replacement of the Woodway Bridges Crossing Buffalo Bayou, GFS N-0611-25-3 (N-0611-25) under construction contract with **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance No. 97-408); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM**

21. Ordinance 2005-1111

ORDINANCE appropriating \$321,000.00 out of Parks Consolidated Construction Fund, awarding construction contract to **RESICOM, INC** for Construction of Mangum Manor Park, GFS F-504C-28-3; 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; providing funding for engineering testing service, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

22. Ordinance 2005-1108

ORDINANCE appropriating \$2,339,702.00 out of Airports Improvement Fund, CIP A-0141 and \$40,595.00 out of Airports Improvement Fund, CIP A-0422, awarding construction management at risk contract to **CLARK CONSTRUCTION GROUP-TEXAS, LP** for New East Concourse and Main Terminal Expansion Project at William P. Hobby Airport (HOU), (Project No. 417F); providing funding for the Civic Art Program financed by Airports Improvement Fund - **DISTRICT I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 23

MISCELLANEOUS

23. Motion 2005-0947 – Uphold decision of General Appeals Board

REVIEW of the record and make determination of the appeal filed by Maria Garcia on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 5922 Cobalt, Houston, Texas 77016 - **DISTRICT B - GALLOWAY**

MATTERS HELD - NUMBERS 24 through 33

24. Motion 2005-0948 – Postpone two (2) weeks

ORDINANCE consenting to the addition of 65.4274 acres of land to **PINE VILLAGE PUBLIC UTILITY DISTRICT**, for inclusion in its district - **POSTPONED BY MOTION #2005-904, 9/14/05**
This was Item 41 on Agenda of September 14, 2005

25. Motion 2005-0949 – Postpone one (1) week

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2004 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2005 MTFP in map form

TAGGED BY COUNCIL MEMBERS QUAN and WISEMAN

This was Item 4 on Agenda of September 21, 2005

26. Motion 2005-0950 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,266,994.78 and acceptance of work on contract with **FORD CONSTRUCTION COMPANY, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-13-3 (4258-8) - 00.50% under the original contract amount

TAGGED BY COUNCIL MEMBERS GALLOWAY and GREEN

This was Item 8 on Agenda of September 21, 2005

27. Motion 2005-0951 – Adopt

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,243,798.41 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for Westmont and Northshore Lift Stations, GFS R-2011-03-3 (4713-2) - 04.28% under the original contract amount - **DISTRICTS E - WISEMAN and I - ALVARADO** - **TAGGED BY COUNCIL MEMBER GALLOWAY**

This was Item 9 on Agenda of September 21, 2005

MATTERS HELD – continued

28. Motion 2005-0952 – Adopt as amended by deleting #25 for a total amount of \$7,621,410.65

RECOMMENDATION from Director Finance & Administration for Emergency Purchases to address Hurricane Katrina Relief/Aid in an amount not to exceed ~~\$7,623,368.65~~ \$7,621,410.65 to the following:

<u>CONTRACTOR</u>	<u>TOTAL AMOUNT</u>
1. Gallery Furniture	\$4,000,000.00
2. Exclusive Furniture	\$1,000,000.00
3. Finger Furniture	\$ 800,000.00
4. Roto Rooter	\$ 45,000.00
5. Accur Air	\$ 60,000.00
6. W.W. Grainger	\$ 499.50
7. A1 Delivery Service	\$ 1,000.00
8. Big State Trailers	\$ 2,000.00
9. Universal Building Services	\$ 10,000.00
10. Bi Rite Furniture	\$ 300,000.00
11. BFI Waste Systems	\$ 975.00
12. Sleep Shop	\$ 647,388.00
13. Sam's Club	\$ 31,969.04
14. Sunland Engineering	\$ 100,000.00
15. Ardmore Power Logistics	\$ 5,000.00
16. Linens 'N Things	\$ 21,858.12
17. Bed, Bath & Beyond	\$ 5,786.00
18. Wal-Mart	\$ 501,281.64
19. Home Depot	\$ 499.95
20. Lowe's Hardware	\$ 4,459.08
21. Jason's Deli	\$ 489.15
22. Blantex, Inc.	\$ 64,500.00
23. Conn's	\$ 2,357.95
24. Bound Tree Medical	\$ 16,347.22
25. Western Appliance	\$ 1,958.00

TAGGED BY COUNCIL MEMBERS GOLDBERG, LAWRENCE, WISEMAN and KHAN

This was Item 16 on Agenda of September 21, 2005

29. Ordinance 2005-1112

ORDINANCE approving and authorizing Special Warranty Deed conveying to **AFSANEH KEYHANI** a tract of land containing 10,724.25 square feet (0.2462 acres), more or less, Parcel S95-066, in the Barkers Landing Subdivision, Section 1, according to the plat recorded at Volume 251, Page 103, of the map records of Harris County, Texas (excess fee-owned land located at 15640 Whitewater Lane); also subjecting the parcel to certain covenants and restrictions; in consideration of Afsaneh Keyhani's payment to the City of \$70,550.00 and other good and valuable consideration - **DISTRICT A - LAWRENCE**

TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 22 on Agenda of September 21, 2005

MATTERS HELD – continued

Motion 2005-0953 – Amend Item 30 to add the following:

- “ 1. **Asset Transfer Cap**
Total assets transferred on an annual basis should not exceed 20% of total assets in the City Plan, held on behalf of the Police Officers. A 20% cap should be reestablished on an annual basis. Quarterly transfer reports should be provided from each 457 vendor to the Plan Administrator for auditing purposes.
2. **Transfer Policies**
Transfers shall commence no later than January 1, 2006, therefore eliminating the need for an MVA recapture provision for the Police Officers Plan. Transfers will be allowed on a first come first serve basis, as not to exceed the 20% annual limit. A City transfer form should be developed and used by both vendors in order to streamline the transfer process.
3. **Communication Process**
Communications to all eligible employees should be approved by both the City and the Police Officers prior to dissemination. Communications prior to the start date of transfers should provide comparative information on each Plan's investment options, fee structure, and transfer rules. All materials should be approved and disseminated prior to November 30, 2005 in order to allow participants adequate time to review information.
4. **Transfer Process**
The transfer process established by the City should apply to both Plans so that transfers are permitted both from the City Plan to the Police Officers Plan and from the Police Officers Plan to the City Plan.”

30. Ordinance 2005-1113 – Adopt as amended

ORDINANCE approving and authorizing first amended Section 457 Eligible Deferred Compensation Plan for all City employees - **TAGGED BY COUNCIL MEMBER ELLIS**
This was Item 29 on Agenda of September 21, 2005

Motion 2005-0954 – Suspend rules to hear from Ms. Judy Gray Johnson on Item 31

31. Ordinance 2005-1114

ORDINANCE approving and authorizing first amendment to contract between the City and **GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY** for Third-Party Administration Services for the City's Section 457 Deferred Compensation Plan
TAGGED BY COUNCIL MEMBERS GREEN, KHAN and ELLIS
This was Item 30 on Agenda of September 21, 2005

Motion 2005-0955 – Call the question on Item 31

32. Ordinance 2005-1115

ORDINANCE approving and authorizing contract between the City and **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY** to Purchase Pedestrian Amenities along Main Street in Downtown as part of the Main Street Corridor Revitalization Project - \$100,000.00 - Grant Fund **DISTRICT I - ALVARADO** - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 36 on Agenda of September 21, 2005

MATTERS HELD – continued

Motion 2005-0941 – Suspend rules to consider Items 33 and 15 out of order

33. Motion 2005-0942 – Appeal granted

REVIEW of the record and make determination of the appeal filed by Rachel Medrano on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 4812 Lincolnshire, Houston, Texas 77048 - **DISTRICT D - EDWARDS**

TAGGED BY COUNCIL MEMBER QUAN

This was Item 48 on Agenda of September 21, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sekula-Gibbs 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

9/27/2005 – All Present

9/28/2005 – All Present