

AGENDA - COUNCIL MEETING - WEDNESDAY - SEPTEMBER 6, 2006 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2006-0780 to 2006-0800
ORDINANCES – 2006-0910 to 2006-0927
RESOLUTION – 2006-0013

2006-0779-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Garcia

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 2006-0780 – Procedural motion

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

DAMAGES - NUMBER 1

1. Council Member Wiseman tagged

RECOMMENDATION from City Attorney for settlement of lawsuit styled **MCBRIDE, HOWARD** v. City of Houston and Therone Pitre, Jr. in the 113th Judicial District Court of Harris County, Texas; Cause No. 2005-56799 - \$36,500.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 2 through 4

2. Motion 2006-0781

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,367,108.21 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for On-Call Drainage System Repair and Rehabilitation Contract, GFS M-0126-52-3 (M-0126-52) - 02.86% under the original contract amount
DISTRICTS A - LAWRENCE; D - EDWARDS; F - KHAN; G - HOLM and H - GARCIA

ACCEPT WORK - continued

3. Motion 2006-0782

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,295,101.32 and acceptance of work on contract with **CRAIG, SHEFFIELD & AUSTIN, INC** for Sims Bayou Wastewater Treatment Plant and Sludge Processing Facility Improvements, GFS R-0299-02-3 (WBS R-000299) (4746) 03.64% over the original contract amount - **DISTRICT I - ALVARADO**

4. Motion 2006-0783

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,227,045.50 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in OST-Yellowstone Area, GFS S-0035-A8-3 (WA10768) - 01.16% over the original contract amount - **DISTRICT D - EDWARDS**

PROPERTY - NUMBERS 5 through 8

5. Motion 2006-0788

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett, R. G. Miller Engineers, Inc., on behalf of Northline Mall Limited Partnership [NLB Subsidiary, Inc. (Stephen M. McParland, Vice President), General Partner] and Houston Community College Systems (Gloria J. Walker, Vice Chancellor, Finance and Administration), for abandonment and sale of two 5-foot-wide water line easements and a 10-foot-wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a 35-foot-wide storm sewer easement, all located in the O. P. Kelton Survey, Abstract 493, Parcels SY6-081A, SY6-081B, SY6-103A, SY6-103B, SY6-103C, LY6-14 and LY7-001 - **STAFF APPRAISERS - DISTRICT H - GARCIA**

6. Motion 2006-0784

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ke Chen, K. Chen Engineering, on behalf of Glasmic, Ltd., [Glasmic Management, LLC, (Dr. Gerardo Bueso, Manager), general partner], for abandonment and sale of a storm sewer easement and a prescriptive sanitary sewer easement in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, all located at 5711 Alameda Road, Block 39, Riverside Terrace Subdivision, Section 7, and the H. F. MacGregor Estate, Riverside Terrace Subdivision, Section 5, out of the G. P. Foster Survey, A-273, Parcels SY6-086A, SY6-086B and LY7-021 - **INDEPENDENT APPRAISERS - DISTRICT D - EDWARDS**

7. Motion 2006-0789

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert Findley of Contract Land Staff, Inc., on behalf of Andrew A. and Annette Schatte, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide sewer easement, located in Lot 2, Block 1, Shadyside Lot V Replat, out of the Joseph Gamble Survey, A-309, Parcel SY7-007 - **DISTRICT C - CLUTTERBUCK**

8. Motion 2006-0790

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-041, located at North San Jacinto at Allen Streets, owned by John M. Anderson and Virginia Celeste Bowman, for **HERITAGE CORRIDOR TRAILS EAST HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-16-2 (N-000420-0016-2) - **DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 12

9. Motion 2006-0785

PELTIER BROTHERS CONSTRUCTION, LTD. for Repair/Rehab of the Sagemont Wastewater Treatment Plant Clarifier No. 3 for Department of Public Works & Engineering - \$462,479.00 and contingencies for a total amount not to exceed \$485,602.95 - Enterprise Fund

10. Motion 2006-0786

FERGUSON WATERWORKS for Boxes, Plastic Meter for Department of Public Works & Engineering - \$1,975,018.52 - Enterprise Fund

11. Motion 2006-0787

PEPPER-LAWSON CONSTRUCTION, L.P. for Diffuser Repair for Department of Public Works & Engineering - \$81,000.00 - Enterprise Fund

12. Motion 2006-0791

SANTEX TRUCK CENTER LTD. - \$223,240.00 and **TEXAS WASTE EQUIPMENT, INC., d.b.a HEIL OF TEXAS** - \$296,016.00 for Cabs & Chassis and Rear-Steer Heavy Trash Loader Bodies through the Houston-Galveston Area Council for the Solid Waste Management Department General and Equipment Acquisition Consolidated Fund

ORDINANCES - NUMBERS 13 through 26

13. Ordinance 2006-0910

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two excess portions of West Fuqua Road right of way, Parcels SY5-049A and SY5-049B, vacating and abandoning said easements to Kenneth Manesh and wife, Sandra Manesh, the abutting owners, in consideration of their conveyance to the City of a combination drainage and water line easement, Parcel QY6-002, and their payment of \$19,634.00 and other consideration to the City; the two abandonment parcels and the conveyance parcel all being located within the James Bailey Survey, A-145, and/or the C. V. Uglow Survey, A-819, Harris County, Texas - **DISTRICT D - EDWARDS**

14. Ordinance 2006-0913

ORDINANCE approving and authorizing first amendment to lease agreement between **L. S. DECKER INVESTMENTS, INC, a Texas corporation, as landlord ("Landlord")**, and the City of Houston, Texas, as tenant (the "City"), for approximately 5,115 net rentable square feet of office space at 1702 Seamist, Suite 300, Houston, Harris County, Texas 77054, for sixty (60) months at a monthly rental of \$5,541.25, for use by the Public Works & Engineering Department - **DISTRICT A - LAWRENCE**

15. Ordinance 2006-0914

ORDINANCE approving and authorizing first amendment to lease agreement between **W. P. INC., a California Corporation, as landlord ("Landlord")**, and the City of Houston, Texas, as tenant (The "City"), for a one-story office building, approximately 22,801 net rentable square feet of office space at 2931 West 12th Street, Houston, Harris County, Texas 77008, for sixty (60) months at a monthly rental of \$20,250.00, for use by the Houston Fire Department - **DISTRICT A - LAWRENCE**

ORDINANCES - continued

16. Ordinance 2006-0915

ORDINANCE relating to Emergency Application to change water rates by Texas American Water Company as temporary manager of Vergil D. Martin dba H&J Utility aka MATCO within the City of Houston, Texas; setting a hearing to determine just and reasonable rates to be observed within the City of Houston that shall constitute the legal rates of H&J Utility aka MATCO until changed as provided by the Texas Water Code; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer - **DISTRICT A - LAWRENCE**
HEARING DATE - WEDNESDAY - SEPTEMBER 20, 2006 - 9:00 A.M.

17. Ordinance 2006-0916

ORDINANCE approving and authorizing contract between the City of Houston and **MASTERWORD SERVICES, INC** for Professional Translation Services; providing a maximum contract amount - \$40,000.00 - General Fund

Motion 2006-0792 – Postpone Item 18 to the end of the Agenda

18. Ordinance 2006-0927

ORDINANCE amending Ordinance No. 2001-998 to increase the maximum contract amount for the contract for Water Resources Investigations in the Houston Metropolitan Area between the City of Houston and the **GEOLOGICAL SURVEY DIVISION OF THE UNITED STATES DEPARTMENT OF THE INTERIOR** - \$1,000,000.00 - Enterprise Fund

19. Ordinance 2006-0917

ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Fiber Optic Network Interconnection

20. Ordinance 2006-0911

ORDINANCE awarding contract to **SUPERIOR BUILDING SERVICES, INC** for Window Cleaning Services for Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$299,804.00 - Enterprise Fund

21. Ordinance 2006-0912

ORDINANCE awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Lateral and Service Connection Replacement Services Part II for the Public Works & Engineering Department; providing a maximum contract amount - \$581,293.13 - Enterprise Fund

22. Ordinance 2006-0918

ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS, LP DBA ALLIED WASTE SERVICES OF HOUSTON** for Collection, Transportation, and Disposal of Solid Waste for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$3,517,578.89 - General, Enterprise and Other Funds

23. Ordinance 2006-0919

ORDINANCE approving and authorizing contract between the City of Houston and **THE HOLMAN LAW FIRM, P.C.**, for Professional Legal Services in connection with the appeal of the City of Houston v. Sam Levingston in the Texas Supreme Court; providing a maximum contract amount \$58,000.00 - Property and Casualty Fund

ORDINANCES - continued

24. Ordinance 2006-0920

ORDINANCE approving and authorizing Professional Landscape Architectural and Engineering Services Contract between the City of Houston and **LAUREN GRIFFITH, INC** for Hermann Park Trail Improvements - \$274,677.66 - Grant Fund - (WBS F-000550) - **DISTRICT D - EDWARDS**

25. Council Members Wiseman and Holm tagged

ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; providing for an allocation of funds from the Central Service Revolving Fund for contract between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Professional Energy Management Services relating to the City's Electricity Contract - \$500,000.00

26. Ordinance 2006-0921

ORDINANCE appropriating \$43,831.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing an amendment to Professional Design Consultant Contract (approved by Ord. No. 05-0706, Contract No. 57036) between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, INC** for the Design of Southwest Environmental Service Center (WBS L-000036) - **DISTRICT C - CLUTTERBUCK**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 27

MISCELLANEOUS

27. Motion 2006-0793

MOTION to set a date not less than seven (7) days from September 6, 2006 to receive nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term

MATTERS HELD - NUMBERS 28 through 32A

28. Motion 2006-0794 – Refer back to the Administration

ORDINANCE relating to **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1**; consenting to the inclusion of certain land within the district; providing conditions for consent of the city to the creation of, and inclusion of land within, the district - **DISTRICT G - HOLM**
POSTPONED BY MOTION #2006-762, 8/23/06
This was Item 58 on Agenda of August 23, 2006

29. Motion 2006-0795

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$37,218.00 - General Fund
TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and LAWRENCE
This was Item 2 on Agenda of August 30, 2006

MATTERS HELD - continued

30. Motion 2006-0796 – Refer back to the Administration

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to expend funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - 1 Year - \$178,500.00 General Fund - **TAGGED BY COUNCIL MEMBERS BERRY, WISEMAN and HOLM**

This was Item 4 on Agenda of August 30, 2006

31. Resolution 2006-0013

RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 14 on Agenda of August 30, 2006

32. Ordinance 2006-0922

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Old Sixth Ward as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT H - GARCIA**
TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN

This was Item 16 on Agenda of August 30, 2006

33. Ordinance 2006-0923

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Avondale as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT D - EDWARDS**
TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN

This was Item 17 on Agenda of August 30, 2006

34. Ordinance 2006-0924

ORDINANCE **AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a portion of Greater Hyde Park as a designated area covered by such article; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **DISTRICT D - EDWARDS**
TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN

This was Item 18 on Agenda of August 30, 2006

35. Motion 2006-0797 – Postpone one (1) week

ORDINANCE **AMENDING ARTICLE III OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Hotel Occupancy Tax Transaction Records; containing other provisions relating to the foregoing subject; providing for severability
TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 19 on Agenda of August 30, 2006

MATTERS HELD - continued

36. Ordinance 2006-0925

ORDINANCE approving and authorizing the submission of the budgets for Bureau of Nutritional Services, Women and Children (WIC), Tuberculosis, Title V-Part A, Associateship for Family Health Services. Titles V, XX & X for Family Planning Services, and the Immunization Program for the 2006-2007 Contracts with the Department of State Health Services (TDH Contract No. 7460011640-07); authorizing the Director of the Health and Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of Interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Department of State Health Services for the WIC Program; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 21 on Agenda of August 30, 2006

37. Ordinance 2006-0926

ORDINANCE approving and authorizing first amendment to Contract #FC57195 between the City of Houston and **O'BRIEN OIL POLLUTION SERVICE, INC** for Bioterrorism Exercise Consulting Services - **TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**

This was Item 22 on Agenda of August 30, 2006

38. Motion 2006-0798 – Postpone one (1) week

ORDINANCE **AMENDING SECTION 9-54(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Commercial Carrier Service at the City's Airports

TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, EDWARDS, LAWRENCE, GARCIA, KHAN AND BROWN

Written motion by Council Member Green to amend Item 38a as follows:

I. Section 3.1.19 Agreement is amended to substitute \$100,000 in place of \$178,000 as the amount of the Minimum Annual Guarantee for the first year of the agreement and for each successive year, the greater of \$100,000 or eighty-five (85%) of the Percentage Fee paid to the City for the immediately preceding agreement year.

II. The first sentence of Section 5.1.1 of the Agreement is deleted in its entirety and replaced with the following:

This Agreement shall become effective on the Effective Date and unless sooner terminated in accordance with Article XII, shall expire three years after the Effective Date."

Tagged by Council Members Wiseman, Johnson, Lawrence, Alvarado, Khan, Garcia and Green

a. Motion 2006-0799 – Postpone one (1) week

ORDINANCE approving and authorizing Shared Ride Concession Agreement by and between the City of Houston, Texas and **ADAMS SYSTEMS, L.L.C., d/b/a SUPERSHUTTLE HOUSTON** Revenue - **TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, EDWARDS, LAWRENCE, GARCIA, KHAN, BROWN AND GREEN**

These were Items 32 and 32A on Agenda of August 30, 2006

Motion 2006-0800 – Remain in session beyond the scheduled noon recess

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Berry 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

9/6/2006 – All Present