

AGENDA - COUNCIL MEETING - WEDNESDAY - NOVEMBER 5, 2003 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2003-1264 to 2003-1316
ORDINANCES 2003-1018 to 2003-1045
RESOLUTION – 2003-0032

2003-1263-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sekula-Gibbs

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 2003-1264 – Procedural motion
Motion 2003-1265 – Procedural motion

MAYOR'S REPORTS

Motion 2003-1269 – Accept Reports
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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 72

MISCELLANEOUS - NUMBERS 1 through 17

Motion 2003-1267 – Suspend rules to consider Items 1 thru 11 out of order

1. Motion 2003-1270

CONFIRMATION of the appointment of the **MR. TIM L. MYERS** to Position 4 of the Board of **REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE)**, for a term to expire December 31, 2003

MISCELLANEOUS - continued

2. Motion 2003-1271

REQUEST from Mayor for confirmation of the appointment or reappointment of the following as full-time **MUNICIPAL COURT JUDGES**:

JUDGE BERTA MEJIA, reappointment as Presiding Judge, for a term to expire May 29, 2005

JUDGE MARIA E. CASANOVA, reappointment, for a term to expire January 23, 2005;

JUDGE JOHN PAUL BARNICH, reappointment, for a term to expire January 23, 2005;

JUDGE RHODA CATO, reappointment, for a term to expire January 23, 2005;

JUDGE ANTONIA INGVERSEN, reappointment, for a term to expire January 23, 2005;

JUDGE NANCY BAILEY, reappointment, for a term to expire January 23, 2005;

JUDGE DANIEL PEREZ, JR., reappointment, for a term to expire January 23, 2005;

JUDGE DANIEL SIMMS, reappointment, for a term to expire January 23, 2005;

JUDGE W. E. BLACKMON, reappointment, for a term to expire January 23, 2005;

JUDGE LEIGH F. SAINT GERMAIN, reappointment, for a term to expire July 1, 2005;

JUDGE ELAINE TIMBERLAKE, reappointment, for a term to expire July 1, 2005;

JUDGE FAD WILSON, JR., reappointment, for a term to expire July 1, 2005;

JUDGE GORDON MARCUM, reappointment, for a term to expire November 15, 2005;

JUDGE FRANCELIA TOTTY, appointment, for a term to expire two years from date of appointment;

JUDGE ADAM SILVERMAN, appointment, for a term to expire two years from the date of appointment.

3. Motion 2003-1272

REQUEST from Mayor for confirmation of the reappointment of the following as **SUBSTITUTE MUNICIPAL COURT JUDGES**:

JUDGE MARGARET MUNOZ HARKINS, for a term to expire January 23, 2005;

JUDGE SHERRY APPLEWHITE, for a term to expire January 23, 2005;

JUDGE CHERYL A. SMITH, for a term to expire January 23, 2005;

JUDGE JOELLEN SNOW, for a term to expire January 23, 2005;

JUDGE JOSEPH VARELA, for a term to expire January 23, 2005;

JUDGE PATRICE BARRON, for a term to expire January 23, 2005;

JUDGE JOSEFINA M. RENDON, for a term to expire January 23, 2005;

JUDGE LYDIA JOHNSON, for a term to expire January 23, 2005;

JUDGE ANA OTERO, for a term to expire January 23, 2005;

JUDGE WILLIAM A. ALLEN, for a term to expire January 23, 2005;

JUDGE JOHNNIE ABERCIA, for a term to expire July 1, 2005;

JUDGE WALTER SCHROEDER, for a term to expire July 1, 2005;

JUDGE DON R. BYRNES, for a term to expire July 1, 2005;

JUDGE ELIZABETH ASHER, for a term to expire July 1, 2005;

JUDGE G. HARLAN COLEMAN, for a term to expire July 1, 2005;

JUDGE YVONNE Q TAYLOR, for a term to expire July 1, 2005;

JUDGE A. ROBERT HINOJOSA, for a term to expire July 1, 2005;

JUDGE VICTORIA C. DAWSON, for a term to expire July 1, 2005;

JUDGE JAY D. HIRSCH, for a term to expire July 1, 2005;

JUDGE ANN C. ELLIS, for a term to expire July 1, 2005;

JUDGE JACK P. LEE, for a term to expire July 1, 2005;

JUDGE GARY B. MADDOX, for a term to expire July 1, 2005;

JUDGE OSWALD J. SCOTT, JR., for a term to expire July 1, 2005;

JUDGE JO NELSON, for a term to expire July 1, 2005;

JUDGE BRIAN WICE, for a term to expire July 1, 2005;

JUDGE DAVID O. FRAGA, for a term to expire July 1, 2005;

JUDGE NIKITA HARMON, for a term to expire July 1, 2005;

JUDGE THOMAS M. WHITWORTH, for a term to expire July 1, 2005;

JUDGE TIMOTHY K. SEO, for a term to expire July 1, 2005; and

JUDGE MIN LEE, for a term to expire September 1, 2005.

MISCELLANEOUS - continued

4. Motion 2003-1274

REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**, for terms to expire September 30, 2005:

- Position Two - **MR. RICHARD RICE**
- Position Three - **MR. JAMES JARD**
- Position Seven - **MR. DAVID COLLINS**
- Position Eight - **MR. JOHN CHIANG**
- Position Fourteen - **MR. SAMIR J. FOTEH**
- Position Nineteen - **MR. JON STRANGE**

5. Motion 2003-1275

REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ZOO DEVELOPMENT CORPORATION BOARD OF DIRECTORS**:

- Position 1 - **MR. TONY CHASE**, for a term to expire June 30, 2006 and to serve as Chair, for a term ending June 30, 2004
- Position 4 - **MS. BETTYE LEWIS**, for a term to expire June 30, 2006
- Position 8 - **MR. WILLIAM E. BARNETT**, for a term to expire June 30, 2006

6. Motion 2003-1276

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

- Position 3 - **MR. ROBERT P. RODRIGUEZ**, appointment, to complete an unexpired term ending June 1, 2005
- Position 5 - **MS. IRMA GALVAN**, appointment, to complete an unexpired term ending June 1, 2005
- Position 6 - **MR. MARK TRUSKEY**, appointment, to complete an unexpired term ending June 1, 2005
- Position 8 - **MS. MARGARET LINCOLN**, reappointment, for a term ending June 1, 2007
- Position 9 - **MR. DONALD ROZUM**, reappointment, for a term ending June 1, 2007
- Position 10 - **MR. DOMINIC QUIJANO**, appointment, for a term ending June 1, 2007
- Position 11 - **MR. GRADY WALKER**, reappointment, for a term ending June 1, 2007
- Position 12 - **MR. D. V. FLORES**, reappointment, for a term ending June 1, 2007
- Position 13 - **MR. PAUL MEZA**, appointment, for a term ending June 1, 2007
- Position 14 - **MS. ALICIA TAYLOR**, appointment, for a term ending June 1, 2007
- Position 15 - **MR. ED WULFE**, reappointment, for a term ending June 1, 2007

7. Motion 2003-1277

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2007:

- Position 1 - **MS. REGINA BYNOTE JONES**, appointment
- Position 2 - **MR. MARCUS DAVIS**, appointment
- Position 3 - **MR. DANIEL BARNUM**, appointment
- Position 4 - **MS. GAYLE FORTSON**, reappointment
- Position 6 - **MR. DOUG WILLIAMS**, reappointment
- Position 7 - **MR. TRANG TRAN**, reappointment
- Position 8 - **MR. IAN ROSENBERG**, appointment
- Position 9 - **MS. JULIE ANNE MCCLURE**, appointment

MISCELLANEOUS - continued

8. Motion 2003-1278

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **NEAR NORTHWEST MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2007:

- Position 6 - **MR. JAMES KILPATRICK**, appointment
- Position 7 - **MS. VIOLA M. GARCIA**, reappointment
- Position 8 - **MR. DONNY DARVILLE**, appointment
- Position 9 - **MR. ROBERT R. BURCHFIELD**, reappointment

9. Motion 2003-1279

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS, UPTOWN ZONE**:

- Position Three - **MR. MARTIN DEBROVNER**, reappointment, for a term to expire July 6, 2005, and as Chair, for a term to expire December 31, 2003
- Position Four - **MR. JUDSON ROBINSON, III**, reappointment, for a term to expire July 6, 2005
- Position Five - **MS. JANICE HARRIS**, appointment, for a term to expire July 6, 2005

10. Motion 2003-1280

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **UPTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

- MR. MARTIN DEBROVNER**, reappointment, as Chair, for a term to expire December 31, 2003
- Position One - **SENATOR JON LINDSAY**, representing Texas State Senate District 7, appointment, for a term to expire December 31, 2004
- Position Two - **MR. KENDALL MILLER**, representing Texas House of Representatives District 136, appointment, for a term to expire December 31, 2004

11. Motion 2003-1281

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

- Position Two - **MR. MARTIN WILTSHIRE**, appointment, to complete an unexpired term ending 7/1/2005
- Position Four - **MR. JOHN HOLLAND**, appointment, to complete an unexpired term ending 7/1/2005
- Position Seven - **MR. DOUG ELLIOT**, appointment, to complete an unexpired term ending 7/1/2005
- Position Nine - **MR. MARK SMITH**, appointment, to complete an unexpired term ending 7/1/2005
- Position Ten - **MR. MARK D. TAYLOR**, reappointment, for a term expiring 6/1/2007
- Position Eleven - **MR. WILLIAM SENGLMANN**, reappointment, for a term expiring 6/1/2007
- Position Thirteen - **MR. DAVID LEE**, reappointment, for a term expiring 6/1/2007
- Position Fourteen - **MR. PHILIP SCHNEIDAU**, appointment, for a term expiring 6/1/2007
- Position Fifteen - **MS. SUZANNE ANDERSON**, reappointment, for a term expiring 6/1/2007
- Position Sixteen - **MR. LLOYD LAULAND, JR.**, appointment, for a term expiring 6/1/2007
- Position Seventeen - **MR. ANDREW LEAR**, appointment, for a term expiring 6/1/2007

12. Motion 2003-1287

RECOMMENDATION from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR INTERSTATE 69 TEXAS** - \$30,000.00 - General Fund

MISCELLANEOUS - continued

13. Motion 2003-1297

RECOMMENDATION from Director Department of Health and Human Services for Leave of Absence Without Pay for **CAROL Y. AMMAR**, Public Health Nurse, II

14. Motion 2003-1288

RECOMMENDATION from Chief of Police for Injured on Duty Status for Police Officer **PETER RAZO**

15. Motion 2003-1298

RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** for 1 Year Utility Subscription Program Fee for 2003 - \$84,968.00 - Enterprise Fund

16. Council Members Berry and Goldberg tagged

ORDINANCE appropriating \$577,793.85 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to construction contract (approved by Ord. No. 2002-0224) between the City of Houston and **TEXAS STERLING, L.P.** for Construction of an 84-inch water line along West 24th Street from Durham Drive to Airline Drive, CIP S-0900-65-3 (WA10638); providing funding for engineering testing services relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ**

a. Council Members Goldberg and Berry tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$732,186.00 on contract with **TEXAS STERLING, L.P.** for Construction of an 84-inch water line along West 24th Street from Durham Drive to Airline Drive, CIP S-0900-65-3 (WA10638) - **DISTRICT H - VASQUEZ**

17. Pulled - Not Considered

RECOMMENDATION from Director Department of Solid Waste Management authorizing transfer of the remaining \$279,000.00 from Fund #233 - the Solid Waste Special Revenue Fund to the General Fund

ACCEPT WORK - NUMBERS 18 through 23

18. Motion 2003-1285

RECOMMENDATION from Acting Director Building Services Department for approval of Change Order No. 12 in the amount of \$87,193.41, and final contract amount of \$8,653,224.80 and acceptance of work on contract with **CONSTRUCTION LTD., INC** for Denver Harbor Multi-Service Center, GFS D-0077-02-3 - 12.31% over the original contract amount - **DISTRICT I - ALVARADO**

19. Motion 2003-1299

RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,174,953.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Maintenance Facility - Memorial Park Golf Course, GFS F-0464-01-3 07.01% over the original contract amount - **DISTRICT G - KELLER**

ACCEPT WORK - continued

20. Motion 2003-1300

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,277,876.54 and acceptance of work on contract with **CALCO CONTRACTING, INC** for Sanitary Sewer Improvements East Lake Houston Unserved Areas Project Package 1; GFS R-0801-07-3 (4744-1) - 00.42% over the original contract amount
DISTRICT E - WISEMAN

21. Motion 2003-1289

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$987,854.50 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Main Replacement in Camden Woods East Subdivision, GFS S-0035-83-3 (WA10669) - 02.82% under the original contract amount
DISTRICT B - GALLOWAY

22. Motion 2003-1290

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$873,288.33 and acceptance of work on contract with the Surety, **CUMBERLAND CASUALTY & SURETY COMPANY** for Rehabilitation of Four Ground Storage Tanks and Demolition of One Elevated Storage Tank, GFS S-0600-17-3 (10521-17) - 02.69% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; D - EDWARDS and E - WISEMAN**

23. Motion 2003-1291

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,190,037.99 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Water Main Extensions on McHard, O.S.T. (Ardmore), O.S.T. (Pitzlin), Simsbrook, Spears and LaBranch, GFS S-0700-05-3 (10550) 24.12% under the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS and I - ALVARADO**

PROPERTY - NUMBERS 24 and 25

24. Motion 2003-1292

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest Roth of Terra Surveying Company, Inc., on behalf of Omni-Tidwell 03, L.P. (Dale Ladner, general partner), for abandonment and sale of a 10-foot-wide easement, located between Lots 266 through 269 and Lots 298 through 301, in exchange for the conveyance to the City of a 10-foot wide utility easement out of Lot 298, all within Block 10, Barclay Place Addition, Section 1, Parcels SY4-009 and VY4-004 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY**

25. Motion 2003-1301

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jerry Scott, Jr. of Cobourn Linseisen & Ratcliff, Inc., on behalf of Houston Independent School District (HISD), for abandonment and sale of Burdine Street, from Gasmer Road to Dryad Drive, in exchange for the conveyance to the City of a 60-foot-wide storm sewer easement, located in the Replat of New Westbury Village, Section 3, and the construction of a ±150-foot- section of West Airport Boulevard connecting to Chimney Rock Road, and a conditional right of entry for Houston Independent School District, Parcels SY3-052 and LY3-005 - **STAFF APPRAISERS - DISTRICT C - GOLDBERG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 26 through 39

26. Motion 2003-1302

U. S. BANK VOYAGER FLEET SYSTEMS, INC for spending authority to purchase Retail Fuel Card Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department \$900,000.00 - Central Service Revolving Fund

27. Motion 2003-1315

NORTH AMERICAN TRADE CORP. for Treadmills and Heart Rate Monitors for Houston Fire Department - \$213,095.00 - Grant and Equipment Acquisition Consolidated Funds

28. Motion 2003-1316

PROMAXIMA MFG., LTD for Physical Fitness Equipment for Houston Fire Department \$121,045.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,631.35 for a net award amount of \$117,413.65 - Grant and Equipment Acquisition Consolidated Funds

29. Motion 2003-1303

TURF MERCHANTS, INC for Perennial Rye Grass Seeds for Parks & Recreation Department \$57,770.00 - Parks Special Revenue Fund

30. Motion 2003-1304

AMEND MOTION #1999-2038, 12/1/99 and #2002-1318, 11/6/2002, TO EXTEND expiration date from December 1, 2003 to November 30, 2004, for Sports Lighting and Controls for the Parks and Recreation Department, awarded to **TURTLE & HUGHES, INC**

31. Motion 2003-1293

AMEND MOTION #2001-43, 1/17/01, TO EXTEND expiration date from February 1, 2004 to January 31, 2005, for Apparel, Holsters-Handguns for Police Department, awarded to **G. T. DISTRIBUTORS, INC**

32. Motion 2003-1294

AMEND MOTION #2000-190, 2/9/00 and #2003-19, 1/8/03, TO EXTEND expiration date from February 9, 2004 to February 8, 2005, for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **NATIONAL WATERWORKS, INC (formerly U. S. FILTER CORPORATION)**

33. Council Member Goldberg tagged

ALTIVIA CORPORATION for Emergency Purchase of Sodium Hypochlorite for Department of Public Works & Engineering - \$41,313.56 - Enterprise Fund

34. Motion 2003-1295

CLEANOLOGY SERVICE & SUPPLY for Traffic Paint from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$142,429.65 - General Fund

35. Motion 2003-1296

AMEND MOTION #2002-1252, 10/23/02, for Change Order to **AAA FLEXIBLE PIPE CLEANING CO., INC** to provide four Sewer Cleaning Units and to **AB CLEAN, INC** to provide three Sewer Cleaning Units for Department of Public Works & Engineering - \$352,500.00 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

36. Council Member Sekula-Gibbs tagged

AMEND MOTION #2000-1326, 11/1/00 and #2003-637, 6/18/03, TO INCREASE spending authority from \$3,220,300.00 to \$4,025,375.00 for Ford Motor Car/Light Truck Replacement Parts and Service for Various Departments, awarded to **TOMMIE VAUGHN MOTORS** - General Fund

37. Motion 2003-1305

AMEND MOTION #2000-1505, 12/13/00, TO EXTEND expiration date from December 13, 2003 to December 12, 2005, for Concrete, Hot Mix Asphaltic for Various Departments, awarded to **MARTIN MARIETTA MATERIALS** and **AMERICAN MATERIALS, INC**

38. Council Member Sekula-Gibbs tagged

CITY SUPPLY CO., INC for Plumbing Supplies for Various Departments - \$772,651.00 - General and Enterprise Funds

39. Council Member Tatro tagged

TURF EQUIPMENT & SUPPLIES, INC for Lawnmower and Edger Replacement Parts and Repair for Various Departments - \$96,700.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$2,901.00 for a net award amount not to exceed \$93,799.00 - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 40 through 72

40. Resolution 2003-0032

RESOLUTION establishing a date for a public hearing on the creation of proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Area); authorizing and directing other actions preliminary to the creation of the proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas - **DISTRICT H - VASQUEZ**
SUGGESTED HEARING DATE - 9:00 A.M. - 2 WEEKS FROM DATE OF PASSAGE

41. Council Members Wiseman, Ellis and Tatro tagged

ORDINANCE authorizing and providing for certain amendments to the City of Houston, Texas, Water and Sewer System Bond Ordinance; making other provisions regarding such amendments and matters incident thereto; and declaring an emergency

a. Council Members Wiseman, Ellis and Tatro tagged

ORDINANCE providing for issuance of City of Houston, Texas, combined Utility System Revenue Obligations, providing for the payment thereof; making other provisions regarding such obligations and matters incident thereto, including covenants and agreements relating to the Operation and Management of the Water, Sewer and Drainage System, the Revenues derived from its operation and ownership, the establishment and maintenance of funds and accounts for the payment of such obligations, specifying the terms and conditions for the issuance of such obligations and other matters incident and related to their issuance and security; ratifying, confirming, authorizing and adopting Drainage Utility Service Charges; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

b. Council Members Tatro, Wiseman and Ellis tagged

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 several 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 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; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; authorizing qualified hedge agreements with respect to the bonds; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement, Supplemental Financial Advisor Agreement, Swap Advisor Agreement, and agreements with respect to payment of Bond Counsel and Financial Advisor Fees of the Texas Water Development Board; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

c. Council Members Tatro, Wiseman, Ellis and Keller tagged

ORDINANCE authorizing the issuance of "City of Houston, Texas, Revenue Anticipation Notes, Series 2003"; specifying the terms and features of said notes; pledging drainage revenues for the payment of the principal of and interest on said Notes; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; resolving other matters in connection therewith; and declaring an emergency

42. Ordinance 2003-1045

ORDINANCE relating to Ground Transportation Services for the 2004 Super Bowl, suspending certain provisions of the Code of Ordinances, Houston, Texas; containing findings and other provision relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability

43. Ordinance 2003-1034

ORDINANCE relating to Special Event Temporary Information Signs

44. Ordinance 2003-1026

ORDINANCE ordering and setting public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed taking and use of a 3.3530 acre permanent easement out of Townwood Park by Harris County Flood Control District for Flood Control and Drainage purposes; 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 **DISTRICT D - EDWARDS**

HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 10, 2003

45. Ordinance 2003-1027

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley, from Durham Drive to Shepherd Drive, located in Block 25, Brunner Addition; vacating and abandoning said alley to Mora Welch Partners, Inc, the abutting owner, in consideration of the owner's payment of \$94,500.00 and other consideration to the City; Parcel Number SY3-003 - **DISTRICT H - VASQUEZ**

46. Ordinance 2003-1024

ORDINANCE approving and authorizing lease agreement between the City of Houston and **FRIEDKIN REALTY - HOBBY, LTD** at William P. Hobby Airport - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

47. Ordinance 2003-1035

ORDINANCE approving and authorizing City of Houston to enter into contacts with one (1) Independent School District [Houston ISD] and each of six (6) non-profit organizations [**BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, ECAP ENTERPRISES, INC, G. C. COMMUNITY DEVELOPMENT CORPORATION, THE GIVING INSTRUCTION FOR TOMORROW ACADEMY, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, and PIONEERS FOR CHANGE C. D. O. INC**] to Administer an After School Achievement Program ("ASAP")

48. Ordinance 2003-1036

ORDINANCE approving and authorizing first amendment to contract between the City and **BFI WASTE SYSTEMS OF NORTH AMERICA, INC (#39164)** for a cost adjustment to reduce the rate of increase and other matters

49. Council Member Goldberg tagged

ORDINANCE appropriating \$213,000.00 out of Solid Waste Consolidated Construction Fund for Repairs and Modifications at the Southwest Transfer Station to be performed by **REPUBLIC WASTE SERVICES OF TEXAS** pursuant to Contract #51076 - **DISTRICT C - GOLDBERG**

50. Ordinance 2003-1018

ORDINANCE amending Resolution No. 1999-59; repealing Ordinance No. 2002-911; approving and authorizing an Urban Redevelopment Interlocal Agreement between the City of Houston, the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY, HOUSTON INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HOUSTON COMMUNITY COLLEGE SYSTEM, PORT OF HOUSTON AUTHORITY, HARRIS COUNTY DEPARTMENT OF EDUCATION** and the **HARRIS COUNTY HOSPITAL DISTRICT** to promote the development of certain tax-delinquent properties; authorizing articles of amendment and new bylaws for the Land Assemblage Redevelopment Authority

51. Council Member Edwards tagged

ORDINANCE approving and authorizing contracts between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, the CITY OF SOUTH HOUSTON, ROBERT C. GOHLKE, DDS, INC., HEIGHTS HEARING AIDS, LLC, and TEXAS SOUTHERN UNIVERSITY** for Various Vendor, Support and Nutrition Services for the Elderly; providing a maximum contract amount - \$3,406,105.00 - Grant Fund

52. Council Member Tatro tagged

ORDINANCE approving and authorizing eleventh contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$940,000.00 from the Community Development Block Grant Program for the Administration of a Child Care Program

53. Ordinance 2003-1037

ORDINANCE approving and authorizing eleventh contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$1,930,000.00 (\$1,230,000.00 in Emergency Shelter Grants Program Funds and \$70,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program

RESOLUTIONS AND ORDINANCES - continued

54. Council Member Tatro tagged

ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$815,000.00 from the Community Development Block Grant Program for the Administration of a Juvenile Delinquency Prevention Program

55. Ordinance 2003-1038

ORDINANCE approving and authorizing amendment No. 1 to contract for Elevator, Escalator and Moving Sidewalk Systems Maintenance Services between the City of Houston and **THYSSENKRUPP ELEVATOR CORPORATION** for the Houston Airport System - **DISTRICTS B - GALLOWAY and E - WISEMAN**

56. Ordinance 2003-1039

ORDINANCE approving and authorizing amendment No. 1 to agreement for Computer Maintenance Services between the City of Houston and **STRATUS TECHNOLOGIES, INC**, successor to **STRATUS COMPUTER, INC** for Houston Airport System - **DISTRICTS B - GALLOWAY and E - WISEMAN**

57. Council Members Keller and Quan tagged

ORDINANCE approving and authorizing first amendment to professional services contract between the City of Houston and **WATKINS HAMILTON ROSS ARCHITECTS, INC** for Southwest Multi-Service Center, CIP D-0072-02-2 - **DISTRICT F - ELLIS**

58. Ordinance 2003-1028

ORDINANCE approving and authorizing third amendment to Contract No. C39243 between the City of Houston and **HEWLETT PACKARD** for Maintenance Services and Lease of equipment

59. Council Member Vasquez tagged

ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Relocation of the City's Water Main along the IH-10 Corridor, CIP S-0900-AS-2 (WA10624) - **DISTRICTS A - TATRO and G - KELLER**

a. Council Member Vasquez tagged

ORDINANCE appropriating \$2,942,500.00 out of Water & Sewer Contributed Capital Fund and approving and authorizing second amendment to professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Accelerated Surface Water Transmission Program, CIP S-0900-AS-02 (WA10624); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund - **DISTRICTS A - TATRO and G - KELLER**

60. Council Members Goldberg and Keller tagged

ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund as temporary funding for contract with **RICONDO & ASSOCIATES, INC** for Master Plan Study at William P. Hobby Airport, Project 583A, CIP A-0442 - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

61. Ordinance 2003-1023

ORDINANCE appropriating \$4,700,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0263, \$10,000,000.00 out of Airports Improvement Fund CIP A-0263, and \$19,551,569.00 out of Houston Airport System Consolidated 2004 NON-AMT Construction Fund, awarding construction contract to **W. W. WEBBER, INC** for Rehabilitation of Runway 8R-26L at George Bush Intercontinental Airport/Houston IAH, Project No. 491B; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

62. Ordinance 2003-1029

ORDINANCE appropriating \$63,000.00 out of George R. Brown Consolidated Construction Fund and approving and authorizing professional Fine Art Restoration Service Agreement between the City of Houston and **BEN WOITENA d/b/a METAL ARTS** for Restoration of the Artwork "Seven Wonders" located in Sesquicentennial Park - **DISTRICT I - ALVARADO**

63. Council Member Ellis tagged

ORDINANCE approving and authorizing third amended and restated interlocal cooperation agreement with the **HOUSING AUTHORITY OF THE CITY OF HOUSTON**

64. Ordinance 2003-1044

ORDINANCE approving and authorizing second contract amendment between the City of Houston and **ESPEY, HUSTON and ASSOCIATES, INC d/b/a PBS&J** for Professional Services relating to preparation of Wastewater Permit Applications, Biomonitoring and Toxicity Reduction Evaluations; providing a maximum contract amount - \$1,500,000.00 - Enterprise Fund

65. Council Member Wiseman tagged

ORDINANCE approving and authorizing contract between the City and **EBSKO INDUSTRIES, INC** for Subscription Services for the Houston Public Library; providing a maximum contract amount - 5 Years - \$2,875,000.00 - General Fund

66. Council Members Vasquez and Goldberg tagged

ORDINANCE approving and authorizing the execution of a Compromise and Settlement Agreement relating to disputes arising out of the award of a contract to 4 Families of Houston, Joint Venture, for Food and Beverage Services at William P. Hobby Airport; settling claims between the City of Houston, **CA ONE SERVICES, INC., CONCESSIONS OF HOUSTON, A JOINT VENTURE, HARLON BROOKS, PERCY CREUZOT, III, 4 FAMILIES OF HOUSTON, JOINT VENTURE**, and **4 FAMILIES OF HOUSTON, L.L.C.**, settling two lawsuits styled Civil Action No. H-02-4512, CA One Services, Inc. v. the City of Houston and the City Council of the City of Houston, in the United States District Court for the Southern District of Texas, and Cause No. 2003-08665, Harlon Brooks and Percy Creuzot, III v. the City of Houston and the City Council of the City of Houston in the 113TH Judicial District Court of Harris County, Texas, awarding amendment No. 1 to contract No. C39167 to concessions of Houston, a Joint Venture, for services at George Bush Intercontinental Airport/Houston, terminating contract No. C54661, awarded to 4 Families of Houston, Joint Venture by Ordinance No. 02-0929, awarding a new contract to 4 Families of Houston, Joint Venture, authorizing an assignment of that contract to 4 Families of Houston, L.L.C. and containing other provisions relating to the foregoing subject, and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

67. Ordinance 2003-1040

ORDINANCE appropriating \$1,148,100.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **F. W. WALTON, INC** for Construction of Roof Replacement for City Hall and City Hall Annex, GFS D-0113-02-3; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT I - ALVARADO**

68. Ordinance 2003-1030

ORDINANCE appropriating \$3,846,803.00 out of the Water & Sewer System Consolidated Construction Fund, awarding construction contract to **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Busting Method GFS R-0266-A4-3 (WW4257-46); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

69. Ordinance 2003-1031

ORDINANCE appropriating \$3,040,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, LTD.** for 20-inch water line along Elgin Boulevard and Calhoun Road from Adair Street to Wheeler Street, GFS S-0035-88-3 (WA10722); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - Fund No. 755 - **DISTRICT D - EDWARDS**

70. Ordinance 2003-1041

ORDINANCE appropriating \$1,076,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Richmond Plaza Subdivision, GFS S-0035-92-3 (WA10731); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

71. Ordinance 2003-1032

ORDINANCE appropriating \$2,340,000.00 out of Fire Consolidated Construction Fund for Renovation/Reconstruction of Various Fire Department Facilities; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund

72. Ordinance 2003-1033

ORDINANCE approving and authorizing contract between the City and **ASPEN CIVIL DESIGN, LLC** for Smith Branch Public Library Parking Lot Expansion, CIP E-0078-02-2 - \$40,366.00 CDBG Fund - **DISTRICT D - EDWARDS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 73

MISCELLANEOUS

73. Motion 2003-1306

MOTION to set a date not less than seven (7) days from November 5, 2003 to receive nominations for Positions A through I on the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004

MATTERS HELD - NUMBERS 74 through 89

74. Motion 2003-1307 – Refer back to the Administration

MOTION by Council Member Tatro/Seconded by Council Member Keller to adopt recommendation from Finance & Administration Department to award to **AMERICAN PLANT PRODUCTS & SERVICES** to Furnish and Deliver One Greenhouse for Houston Airport System \$53,460.00 - Enterprise Fund

POSTPONED BY MOTION #2003-1229, 10/15/03

This was Item 67 on Agenda of October 15, 2003

75. Ordinance 2003-1308 – Postpone one (1) week

ORDINANCE appropriating \$264,323.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to agreement for Professional Architectural/Engineering Services between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC d/b/a STOA/GOLEMON/BOLULLO ARCHITECTS** at George Bush Intercontinental Airport/Houston, Project No. 562, CIP A-0390 and A-0425 - **DISTRICT B - GALLOWAY**

POSTPONED BY MOTION #2003-1231, 10/15/03

This was Item 72 on Agenda of October 15, 2003

76. Motion 2003-1309 - Adopt

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from City Attorney for settlement of lawsuit styled **MEADOWBRIAR HOME FOR CHILDREN** vs. Gunn; Civil Action No. H-91-3398; in the United States District Court, Southern District of Texas-Houston Division - \$117,647.06 - Property and Casualty Fund

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 11 on Agenda of October 22, 2003

77. Motion 2003-1310 - Adopt

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **PENCCO, INC (Bid No. 7)** for Chemical, Hydrofluosilicic Acid for Department of Public Works & Engineering \$619,080.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$18,572.40 for a net award amount not to exceed \$600,507.60 - Enterprise Fund

TAGGED BY COUNCIL MEMBER TATRO

This was Item 18 on Agenda of October 22, 2003

78. Motion 2003-1311 - Adopt

AMEND MOTION #2000-571, 4/26/00 and #2003-376, 4/16/03, TO INCREASE spending authority from \$3,200,294.27 to \$4,018,172.29 for Two-Way Radios, Parts & Accessories for Various Departments, awarded to **BEARCOM** by \$87,666.00 from \$219,165.00 to \$306,831.00 and **HOUSTON COMMUNICATIONS** by \$730,212.02 from \$2,920,848.07 to \$3,651,060.09 General, Enterprise and 911 Emergency Network Funds

TAGGED BY COUNCIL MEMBERS QUAN and PARKER

This was Item 20 on Agenda of October 22, 2003

MATTERS HELD - continued

Motion 2003-1266 – Suspend rules to consider Items 79, 40, 50, 51, 83, 82, 81, 89, 61, 46, 16 and 18 out of order

79. Motion 2003-1282 – Refer back to the Administration

RESOLUTION approving proposal for the Harris County Appraisal District to acquire certain real property located at 13013 Northwest Freeway in Houston, Texas

TAGGED BY COUNCIL MEMBERS PARKER and KELLER

This was Item 21 on Agenda of October 22, 2003

Motion 2003-1273 – Suspend rules to consider Item 80 out of order

80. Ordinance 2003-1025 – Adopt as amended

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Article VIII to Chapter 33, relating to the Super Neighborhood Initiative

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 24 on Agenda of October 22, 2003

Motion 2003-1286 – Amend Item 80 to add Section 33-304 Assistance by City Departments and employees

81. Ordinance 2003-1021

ORDINANCE approving and authorizing the City of Houston to enter into contracts with **BREAD OF LIFE, INC** and **PHOENIX OUTREACH YOUTH CENTER MISSION, INC** to administer an After School Achievement Program (“ASAP”) - General, Grant and Housing Special Revenue Funds - **TAGGED BY COUNCIL MEMBER ELLIS**

This was a portion of Item 40 on Agenda of October 22, 2003

82. Ordinance 2003-1020

ORDINANCE approving and authorizing agreement for a News, Gift and Specialty Retail Concession at George Bush Intercontinental Airport/Houston by and between the City of Houston and **PARADIES-IAH, L.L.C.** - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 42 on Agenda of October 22, 2003

Motion 2003-1268 – Suspend rules to consider Item 82 before Item 83 – “FAILED”

83. Ordinance 2003-1019

ORDINANCE approving and authorizing agreement for a News, Gift and Specialty Retail Concession at George Bush Intercontinental Airport/Houston by and between the City of Houston and **HOST INTERNATIONAL, INC** - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 43 on Agenda of October 22, 2003

84. Ordinance 2003-1042

ORDINANCE awarding contract to **PRIME TREES, INCORPORATED** for Tree Removal Services for Parks & Recreation Department; providing a maximum contract amount - 1 Year with two one-year options - \$749,981.25 - General Fund - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 44 on Agenda of October 22, 2003

MATTERS HELD - continued

85. Ordinance 2003-1043

ORDINANCE appropriating \$575,880.00 out of General Improvement Consolidated Construction Fund and \$33,000.00 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Replacement of Multi-Use Pavilions at Clinton Park and Gutierrez Park, GFS F-0466-01-3; providing funding for engineering testing services and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund and Parks Consolidated Construction Fund - \$250,000.00 CDBG Grant Fund - **DISTRICTS C - GOLDBERG; H - VASQUEZ and I - ALVARADO**

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 58 on Agenda of October 22, 2003

86. Motion 2003-1312 – Postpone one (1) week

ORDINANCE appropriating \$285,142.00 out of General Improvements Consolidated Construction Fund and approving and authorizing first amendment to the professional architectural services contract (approved by Ordinance No. 02-0239) between the City of Houston and **PROZIGN, INC D/B/A PROZIGN ARCHITECTS** for Design Improvements and Renovations to Jesse H. Jones Library, Carnegie Branch Library, Library Resource Center, and Julia Ideson Building CIP E-0011-01-2, E-0142-01-02, E-0076-01-2 and E-0049-01-2; providing funding for the Civic Art Program and contingencies relating to Design Improvements and Renovations of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS I - ALVARADO and H - VASQUEZ** - **TAGGED BY COUNCIL MEMBER KELLER**

This was Item 59 on Agenda of October 22, 2003

87. Motion 2003-1313 – Postpone one (1) week

ORDINANCE **AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and the **FIRE CODE** relating to Fire Alarm Systems and Various Fees; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **POSTPONED BY MOTION #2003-1257, 10/22/03**

This was Item 62 on Agenda of October 22, 2003

88. Motion 2003-1314 – Close nominations

RECEIVE nominations for Position 5 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for terms to expire March 1, 2004 and March 1, 2005, respectively – **Ms. Anh Hunter nominated**

POSTPONED BY MOTION #2003-1258, 10/22/03

This was Item 66 on Agenda of October 22, 2003

Motion 2003-1283 – Suspend rules to hear from Ms. Gloria Moreno, Health Department on Item 89

Motion 2003-1284 – Refer Item 89 back to the Administration – “FAILED”

89. Ordinance 2003-1022

ORDINANCE approving and authorizing contracts between the City and **INTERFAITH MINISTRIES FOR GREATER HOUSTON** and contract between the City and **YOUNG WOMEN’S CHRISTIAN ASSOCIATION OF HOUSTON** for the provision of Nutrition and Transportation Services for the elderly; providing a maximum contract amount - \$18,537,300.00 - Grant Fund

POSTPONED BY MOTION #2003-1237, 10/22/03

This was a portion of Item 68 on Agenda of October 22, 2003

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Wiseman 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

11/5/2003 – All Present