

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 16, 2000 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2000-0624 to 2000-0646**  
**ORDINANCES 2000-0369 to 2000-0398**  
**RESOLUTION 2000-0023**

**2000-0623-1**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. – PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**Motion 2000-0624 - Suspend rules to hear Reverend Elmo Johnson after Mr. Carlos Garcia**

**Motion 2000-0625 - Suspend rules to hear Ms. Geneva Brooks out of order**

**Motion 2000-0626 - Suspend rules to hear Mr. Jimmy Gildort out of order**

**Motion 2000-0627 - Suspend rules to hear Mr. Herbert Lum, Deputy Director of Public Works and Engineering**

**Motion 2000-0628 - Suspend rules to hear Mr. Norman Adams out of order**

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

**RECONVENE**

**WEDNESDAY - MAY 17, 2000 - 9:00 A. M.**

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

**HEARINGS**

**1. Motion 2000-0629 - Close**

**PUBLIC HEARING** - Pursuant to 43 Texas Administrative Code § 25.603(d), the City Council will conduct a local public hearing to consider the adoption under § 545.0651 of the Texas Transportation Code of a proposed restriction on the operation of certain trucks/trailers on a portion of Interstate Highway 10 within the City of Houston between Waco Street on the west and Uvalde Road/Market Road on the east. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **DISTRICTS B - GALLOWAY and I - CASTILLO - 9:00 A.M.**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 47**

**MISCELLANEOUS** - NUMBERS 2 through 4A

**2. Motion 2000-0632**

CONFIRMATION of the appointment of the following to the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY**:

Position 4 - **MR. ED WOLFF**, for a term to expire October 31, 2000

Position 5 - **MR. ED GONZALES**, for a term to expire October 31, 2001

**3. Motion 2000-0633**

RECOMMENDATION from Director of Aviation for appointment and payment to **STEWART ADVISORS, INC** in the amount of \$2,100.00 and **ROBERT B. JONES AND COMPANY** in the amount of \$2,320.00 for market appraisal reports of approximately ±92,955 square feet (±2.1339 acres) of unimproved land on the east side of Chanute Road, George Bush Intercontinental Airport/Houston - \$4,420.00 - Enterprise Fund - **DISTRICT B - GALLOWAY**

**4. Pulled - Not Considered**

ORDINANCE appropriating \$70,219.30 out of Convention & Entertainment Construction Fund as an additional appropriation for Jones Hall Improvements - Chillers under construction contract with **LETSOS COMPANY**, CIP B-0038-01-3; approved by Ordinance No. 99-1053; providing funding for contingencies relating to improvements of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICT I - CASTILLO**

**a. Council Member Goldberg tagged**

RECOMMENDATION from Director Building Services Department for approval of Change Order No. 4 in the amount of \$73,659.00 on contract with **LETSOS COMPANY** for Jones Hall Improvements - Chiller Replacement - GFS-B-0038-01-3 - **DISTRICT I - CASTILLO**

**ACCEPT WORK** - NUMBERS 5 and 6

**Motion 2000-0638 - Suspend rules to hear from Mr. Ollie Schiller relative to Item 5**

**5. Council Member Goldberg tagged**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,982,926.90 and acceptance of work on contract with **TDK CONSTRUCTION CORPORATION** for Construction of Blue Ridge Branch Library, GFS E-0019-01-3 - 02.44% over the original contract amount - **DISTRICT D - BONEY**

**ACCEPT WORK** - continued

**6. Motion 2000-0639**

RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$617,183.31 and acceptance of work on contract with **JOHN G. HOLLAND CONSTRUCTION COMPANY, INC** for River Oaks Sanitary Sewer Relocation, GFS R-0266-64-3 (4305-12) - 00.08% over the original contract amount - Enterprise Fund **DISTRICTS D - BONEY and G - KELLER**

**PROPERTY** - NUMBERS 7 and 8

**7. Motion 2000-0640**

RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, Land Surveying, on behalf of Houston Independent School District (HISD), for abandonment and sale of a 5-foot wide water main easement within the Skylane Apartments Subdivision, Parcel SYO-058 - **STAFF APPRAISERS - DISTRICT I - CASTILLO**

**8. Motion 2000-0634**

RECOMMENDATION from Acting Director Department of Public Works & Engineering for condemnation of Parcel A95-88, located at 4314 South Kirkwood Road, owned by Gul Zaman, for the **KIRKWOOD ROAD PAVING PROJECT from Bissonnet Street to Alief-Clodine Road**, CIP N-0575-00-1 - **DISTRICT F - ELLIS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 16

**LOW BIDS**

**9. Motion 2000-0641**

**TRAFFIC ENGINEERING & CONTROLS, INC** - \$20,376.00 and **PARADIGM TRAFFIC SYSTEMS, INC** - \$20,508.50 for Programmable Traffic Signals and Conflict Monitors for Department of Public Works & Engineering - Replacement - METRO Fund

**10. Motion 2000-0635**

**A & M ELECTRONICS, INC** - \$109,000.00 and **SHEPLER'S** - \$88,900.00 for Tools, Hand Part II Contract for Various Departments - General, Enterprise and ROW Maintenance and Street & Drainage Funds

**11. Pulled - Not Considered**

ORDINANCE appropriating \$271,001.85 out of Fire Department Consolidated Construction Fund (Fund 413) for Installation of Two Chiller Units for Fire Department

**a. Motion 2000-0636**

**DERRYBERRY'S L.P. (Bid No. 2)** for Installation of Two Chiller Units for Fire Department

**12. Motion 2000-0642**

**HUNT & HUNT ENGINEERING CORPORATION** for Professional Services for statement of work and solicitation package for maintenance of facility at 3300 Main for Planning and Development Department - \$28,250.00 - Building Inspection Fund

**13. Motion 2000-0637**

**GLOBE ELECTRIC CO., INC** for Gel Cell Batteries for Department of Public Works & Engineering - \$32,098.50 - METRO Fund

**PURCHASING AND TABULATION OF BIDS** - continued

**OTHER**

**14. Ordinance 2000-0380**

ORDINANCE appropriating \$426,376.50 out of PIB Petroleum Storage Tank Reimbursement Fund for Asbestos/Lead Abatement and the Demolition of the Holmes Road Incinerators  
**DISTRICT D - BONEY**

**a. Motion 2000-0643**

**PROJECT DEVELOPMENT GROUP, INC** for Emergency Asbestos/Lead Abatement and Demolition of the Holmes Road Incinerators at 3300 Bellfort - \$387,615.00 plus contingencies in the event that unknown conditions are found during demolition

**15. Council Member Castillo tagged**

**BETSY ROSS MANUFACTURING COMPANY, INC** - \$163,456.05, **LONE STAR FLAGS AND FLAGPOLES, INC** - \$67,664.00, **HOUSTON FLAGS, INC dba UNITED FLAG AND BANNER** \$33,150.00 and **A DIVISION OF ASSOCIATED BUILDERS SPECIALTIES dba KRONBERG'S FLAGS AND FLAGPOLES** - \$15,420.00 for Flags, Banners and Pennants for Various Departments - \$279,690.05 - General, Enterprise and METRO Funds

**16. Council Members Ellis and Tatro tagged**

**MEDTRONIC PHYSIO-CONTROL CORPORATION** for Automated External Defibrillator Units for Various Departments - \$738,995.00 - General, Enterprise and Equipment Acquisition Consolidated Funds

**ORDINANCES** - NUMBERS 17 through 47

**17. Ordinance 2000-0369**

ORDINANCE approving and authorizing consent to encroach, allowing certain improvements owner by McCrory Building-Houston, L.P., the abutting owner, to encroach a total of 65 square feet, more or less, into the City's Street rights of way in the 500 block of Main Street and the 1000 block of Prairie Avenue adjacent to Lots 10 and 11, Block 56, S.S.B.B. Addition, Harris County, Texas; subject to the terms and conditions of the consent to encroach - **DISTRICT I - CASTILLO**

**18. Ordinance 2000-0370**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of East Haven Boulevard Street right of way containing 37,897 square feet of land, more or less; a 10-foot wide waterline easement with a 10-foot by 10-foot fire hydrant easement contained therein, (aggregate total of 9,566 square feet of land, more or less), and a storm sewer easement containing 60 square feet of land, more or less; located in the Moses Callahan and Allen Vince Survey, A-9, Harris County, Texas; vacating and abandoning said tracts of land to John Corporation, the abutting owner, in consideration of the owner's dedication of an easement for street right of way purposes containing 90,782 square feet of land, more or less, and three (3) easements for sanitary sewer purposes (aggregate total of 8,166 square feet of land, more or less) located in the Moses Callahan and Allen Vince Survey A-9, Harris County, Texas, and payment of \$900.00 and other consideration to the City - **DISTRICT E - TODD**

**19. Ordinance 2000-0381**

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2000-144 by adding one (1) District Chief Position and by deleting one (1) Shop Supervisor Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability

**ORDINANCES** - continued

**20. Ordinance 2000-0371**

ORDINANCE consenting to the addition of 11.81 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 84** for inclusion in its district

**21. Ordinance 2000-0372**

ORDINANCE consenting to the addition of 116.7551 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238** for inclusion in its district

**22. Ordinance 2000-0382**

ORDINANCE issuing a permit to **ROYAL OAKS LAND LIMITED PARTNERSHIP, A Texas Limited Partnership**, for constructing, maintaining, using, occupying, operating and repairing two bridges within the 11600 and 11900 blocks of Westpark, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G - KELLER**

**23. Council Members Tatro, Todd, Quan, Keller, Sanchez, Parker and Goldberg tagged**

ORDINANCE approving and authorizing an option agreement between the City of Houston, as Seller, and **FREEDMEN'S TOWN ASSOCIATION, INC**, as Buyer, regarding the sale of property within the 1500 block of west Webster in the Fourth Ward to be developed as affordable single-family housing - **DISTRICT I - CASTILLO**

**24. Ordinance 2000-0383**

ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC** providing \$365,530.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a short-term Rent Mortgage And Utility Assistance Project - Grant Fund - **DISTRICT D - BONEY**

**25. Council Member Tatro tagged**

ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS AT ARLINGTON** for an East End Urban Telecommuting Center Market Analysis and Site Selection Study - \$70,000.00 - Grant Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - CASTILLO**

**26. Ordinance 2000-0373**

ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **FRONTENAC HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 2 Months - \$36.00 - **DISTRICT D - BONEY**

**27. Council Member Ellis tagged**

ORDINANCE approving and authorizing first amendment to contract between the City and the **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth; providing for a maximum contract amount - \$195,000.00 - General Fund

**28. Ordinance 2000-0374**

ORDINANCE appropriating \$200,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755), and approving and authorizing compromise and settlement agreement with **FIDELITY AND DEPOSIT COMPANY OF MARYLAND** to settle lawsuit arising out of a dispute regarding construction activities financed by the Fund

**ORDINANCES** - continued

**29. Ordinance 2000-0384**

ORDINANCE amending Ordinance 97-559, to increase the maximum contract amount and approving and authorizing first amendment to contract for Cleaning and Janitorial Services between the City of Houston and **ON OUR OWN SERVICES, INC (formerly World Technical Services, Inc)** approved by Ordinance 97-559 for the Parks & Recreation Department - Through May 31, 2001 - \$54,000.00 - Parks Special Revenue and Central Services Revolving Funds **DISTRICT G - KELLER**

**30. Ordinance 2000-0375**

ORDINANCE amending Ordinance No. 97-1045 to increase the maximum contract amount and approving and authorizing first amendment to contract for Tire Recapping and Retreading services between the City of Houston and **TEXAS CORRECTIONAL INDUSTRIES DARRINGTON TIRE RECAPPING PLANT** (Approved by Ordinance No. 97-1045) - Through December 31, 2002 - \$300,000.00 - General Fund

**31. Ordinance 2000-0385**

ORDINANCE appropriating \$270,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 26.78 acres of land out of the T. S. Roberts Survey, Abstract 660, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving Purchase and Sale Agreement with **26.8 PARTNERSHIP** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY**

**32. Ordinance 2000-0386**

ORDINANCE appropriating \$1,125,000.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving purchase of approximately 122.1 acres of land out of the T. S. Roberts Survey, Abstract 660, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport, CIP A-0024, and approving Purchase and Sale Agreement with **VIVIAN H. OLIVER, Substitute Trustee**, to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY**

**33. Ordinance 2000-0387**

ORDINANCE appropriating \$1,420,480.00 out of Airport System Subordinate Lien Revenue Bond Fund and approving the purchase of approximately 28.7 acres of land out of the Charles Huffman Survey, A-319, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport; CIP A-0024; and approving a Purchase and Sale Agreement with **RAYMOND H. PETEREIT, Trustee** to acquire the land for a purchase price, including Title Insurance and Closing costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY**

**34. Pulled - Not Considered**

ORDINANCE appropriating \$15,000,000.00 out of Airport System Commercial Paper Series A, (AMT) CIP A-0091, A-0131, awarding construction contract to the **MORGANTI GROUP, INC** on low bid of \$13,999,000.00 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES, INC** in the amount of \$286,000.00 for Central Plant Upgrade at George Bush Intercontinental Airport/Houston (IAH), Project No. 4249 - **DISTRICT B - GALLOWAY**

**ORDINANCES** - continued

**35. Council Members Todd, Tatro, Ellis and Keller tagged**

ORDINANCE appropriating \$88,170,000.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0131, A-0141, A-0222, A-0372 and A-0380, awarding a construction contract to **THE MORGANTI GROUP, INC** on low bid of \$77,039,273.86 and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** in the amount of \$1,500,000.00 for Central Concourse at William P. Hobby Airport (HOU), (Project No. 417D) - AIP 3-48-0111-XX - **DISTRICT E - TODD**

**36. Ordinance 2000-0376**

ORDINANCE appropriating \$420,000.00 out of Accumulated Unexpended Fund No. 754 and approving and authorizing professional engineering services contract between the City and **COST CONTAINMENT ENGINEERING, INC** for Design of Repairs for City Pools and Fountains

**37. Ordinance 2000-0388**

ORDINANCE appropriating \$175,000.00 out of Water & Sewer System Consolidated Construction Fund approving and authorizing professional services contract between the City of Houston and **WSBC CIVIL ENGINEERS, INCORPORATED** for Drainage and Paving at seven (7) Ground Water Pumping Stations; CIP S-1000-21-2 (WA 10607); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS and G - KELLER**

**38. Pulled - Not Considered**

ORDINANCE appropriating \$936,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** on low bid of \$825,351.28 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP** in the amount of \$20,000.00 for construction of Hunterwood MUD Service Area Diversion, GFS R-0536-05-3 (4719-1); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO**

**39. Ordinance 2000-0389**

ORDINANCE appropriating \$637,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **T & C CONSTRUCTION, INC** on low bid of \$560,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** in the amount of \$15,000.00 for MUD 58 Service Area Diversion, GFS R-0536-06-3 (4719-2); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - TODD**

**40. Ordinance 2000-0377**

ORDINANCE awarding construction contract to **DCE CONSTRUCTION, INC** on low bid of \$239,250.00 and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICE INDUSTRIES, INC** in the amount of \$5,000.00 for Leeland Street Storm Sewer Replacement; GFS M 0126-27-3 - **DISTRICT I - CASTILLO**

**ORDINANCES** - continued

**41. Ordinance 2000-0390**

ORDINANCE appropriating \$4,518,935.00 out of Street & Bridge Construction Fund and \$925,565.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RAMOS INDUSTRIES, INC** on low bid of \$4,769,751.00 and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** in the amount of \$150,000.00 for construction of Neighborhood Street Reconstruction in Briargrove Subdivision, Phase I - NSR #0436-01, GFS N-0368-01-3 (N-0368-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER**

**42. Ordinance 2000-0378**

ORDINANCE appropriating \$403,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **DCE CONSTRUCTION, INC** on low bid of \$321,390.13 and approving and authorizing professional services contract for engineering testing services with **DAE & ASSOCIATES, LTD DBA GEOTECH ENGINEERING & TESTING** in the amount of \$20,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q7-3 (N-0610A-6); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ**

**43. Ordinance 2000-0391**

ORDINANCE appropriating \$227,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION** on low bid of \$173,856.10 and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$15,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q9-3 (N-0610A-04); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - BONEY; F - ELLIS and H - VASQUEZ**

**44. Ordinance 2000-0392**

ORDINANCE appropriating \$412,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **CAAN CONSTRUCTION SERVICES, INC** on low bid of \$339,708.68 and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** in the amount of \$20,000.00 for construction of 1999 Safe Sidewalk Program, GFS N-0610A-R5-3 (N-0610A-72); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS; G - KELLER and H - VASQUEZ**

**45. Council Member Goldberg tagged**

ORDINANCE appropriating \$1,436,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C & C SERVICES** on low bid of \$1,271,909.05 and approving and authorizing professional services contract for engineering testing services with **GEOSCIENCE ENGINEERING & TESTING, INC** in the amount of \$25,000.00 for Waterline Replacement in Andover, Southview, and Fairlawn Place Subdivisions, GFS S-0036-AP-3 (10492); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO**



**ORDINANCES** - continued

**46. Ordinance 2000-0393**

ORDINANCE appropriating \$2,515,491.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** on low bid of \$2,230,171.90 and approving and authorizing professional services contract with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$40,000.00 for construction of Waterline Replacement in Grand Park Subdivision, GFS S-0035-47-3 (10547); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - BONEY**

**47. Ordinance 2000-0379**

ORDINANCE appropriating \$1,471,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** on low bid of \$1,210,000.00 and approving and authorizing professional services contract for engineering testing services with **ATSER, LP** in the amount of \$20,000.00 for Sanitary Sewer Relief, North of Fugate, GFS R-2011-10-3 (4740); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 48

**MISCELLANEOUS**

**48. Motion 2000-0644**

MOTION to set a date not less than seven (7) days from May 17, 2000 to receive nominations for the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS**, Position 7, for a two-year term

**MATTERS HELD** - NUMBERS 49 through 56

**Motion 2000-0630 - Suspend rules to consider Item 49 out of order**

**49. Motion 2000-0631 - Referred back to the Department**

MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Director Planning & Development Department for approval of an Honorary Street Marker to be named for **PASTOR JOHN OSTEEEN** (located on the west side of East Houston Road, south of Dockal Street) - **DISTRICT B - GALLOWAY**

**TAGGED BY COUNCIL MEMBER GALLOWAY**

This was Item 2 on Agenda of May 10, 2000

**50. Motion 2000-0645**

MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Acting Director Department of Public Works & Engineering for approval of supplemental allocation of funds for continuation of second year of contract in the amount of \$468,000.00 with **ESPEY HUSTON AND ASSOCIATES, INC d/b/a PBS&J** for professional services on wastewater treatment plant biomonitoring testing, toxicity reduction evaluations and TNRCC (TPDES) permit assistance and compliance issues - Enterprise Fund

**TAGGED BY COUNCIL MEMBER TATRO**

This was Item 6 on Agenda of May 10, 2000

**MATTERS HELD** – continued

**51. Motion 2000-0646**

MOTION by Council Member Boney/Seconded by Council Member Sanchez to adopt recommendation from Finance & Administration Department to award to **EMERGENCY ONE, INC** for Ladder Truck Repair Services for Fire Department - \$120,769.86 General Fund

**TAGGED BY COUNCIL MEMBER SANCHEZ**

This was Item 11 on Agenda of May 10, 2000

**52. Ordinance 2000-0394**

ORDINANCE amending **CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Disposition of certain property that is held by the Police Department; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability

**TAGGED BY COUNCIL MEMBER TATRO**

This was Item 19 on Agenda of May 10, 2000

**53. Ordinance 2000-0395**

ORDINANCE approving and authorizing the City of Houston to submit the **2000 Consolidated Annual Plan** to the United States Department of Housing and Urban Development, including the following 2000-2001 Grant Applications: 1) 26th Year Community Development Block Grant in the amount of \$36,987,000.00 (\$34,987,000.00 Entitlement Grant and \$2,000,000.00 Program Income); 2) Home Investment Partnerships in the amount of \$12,325,000.00 (\$11,825,000.00 Grant and \$500,00.00 Program Income); 3) Housing Opportunities for Persons with AIDS in the amount of \$7,114,000.00; and 4) Emergency Shelter Grants in the amount of \$1,241,000.00; and to accept the aforementioned grant funds, if awarded

**TAGGED BY COUNCIL MEMBER PARKER**

This was Item 20 on Agenda of May 10, 2000

**54. Ordinance 2000-0396**

ORDINANCE approving and authorizing the First Amendment to the agreement by and between the City of Houston, Texas **REINVESTMENT ZONE NUMBER THREE**, City of Houston, Texas and the **HOUSTON HOUSING FINANCE CORPORATION - DISTRICT I-CASTILLO**

**TAGGED BY COUNCIL MEMBERS ROBINSON, TATRO, PARKER and SANCHEZ**

This was Item 21 on Agenda of May 10, 2000

**55. Ordinance 2000-0397**

ORDINANCE approving and authorizing contract between the City and **WILBUR SMITH ASSOCIATES, INC** for Busport Facility Market Analysis and Site Selection Study for East End and near Northside - \$38,750.00 General Fund and \$31,250.00 Grant Fund - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - CASTILLO**

**TAGGED BY COUNCIL MEMBERS KELLER and TATRO**

This was Item 26 on Agenda of May 10, 2000

**56. Ordinance 2000-0398**

ORDINANCE approving and authorizing second amendment to restated and amended Administrative Agreement and approving and authorizing second amendment to restated and amended funding agreement with **NATIONWIDE LIFE INSURANCE COMPANY** and Public Employees' Benefit Services Corporation related to the City's Deferred Compensation Plan

**TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 40 on Agenda of May 10, 2000

**Resolution 2000-0023 - Listen to the Cries of the Children Salute**

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

**5/16/00 - Council Member Vasquez absent on personal business**

**5/17/00 - Council Member Vasquez absent on personal business**

City of Houston, Texas, Ordinance No. 2000-\_\_\_\_\_

**AN ORDINANCE ESTABLISHING LANE USE RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10; DECLARING CERTAIN CONDUCT TO THE BE UNLAWFUL AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City Council desires to establish lane use restrictions for trucks upon a portion of Interstate Highway 10 within the City pursuant to Section 545.0651 of the Texas Transportation Code; and

**WHEREAS**, a description of the restrictions established in this Ordinance has been provided to the Texas Department of Transportation pursuant to Section 545.0651(d) of the Texas Transportation Code; and

**WHEREAS**, the Executive Director of the Texas Department of Transportation or the Director's designee has, based upon a traffic study and the criteria established in Section 545.0651 of the Texas Transportation Code, approved the restrictions established in this Ordinance; and

**WHEREAS**, the City Council finds that the interests of the health, safety, and welfare of the public will be served by adopting the restrictions set forth in this Ordinance; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct. As evidence thereof, documents establishing approval described in the preamble of this Ordinance have been incorporated into this Ordinance and made a part hereof as Exhibit A.

**Section 2.** That, as used in this Ordinance, the following terms shall have the meanings ascribed in this Section:

*Authorized lanes* means the two controlled access lanes on each side of the Interstate Highway 10 (eastbound side and westbound side) that are most immediately to the right of the left-hand (or inner) controlled access lane.

*Designated portion of Interstate Highway 10* means that portion of United States Interstate Highway 10 between the center line of Waco Street at the Waco street interchange (also known as Exit 771A eastbound and westbound) and the center line of Uvalde Road at the Market Road or Street/Uvalde Road interchange (also known as Exit 780 eastbound and Exit 779B westbound).

*Peak traffic hours* means the hours between 6:00 a.m. and 8:00 p.m.

*Truck* means a “truck” as defined in Section 541.201 of the Texas Transportation Code that has three or more axles or a “truck tractor” as defined in Section 541.201 of the Texas Transportation Code, regardless of whether the truck tractor is drawing another vehicle or trailer.

*Workday* means Monday through Friday, holidays observed by the closure of City of Houston offices excepted.

**Section 3.** Any person driving or operating a truck on the designated portion of Interstate Highway 10 during peak traffic hours on any workday shall not utilize any controlled access lane other than the authorized lanes.

**Section 4.** That enforcement of this Ordinance is subject to Section 545.0651 of the Texas Transportation Code, and the prohibition established in Section 3 of This Ordinance shall not be effective during any period of suspension or rescission of approval by the Executive Director of the Texas Department of Transportation or the Director’s designee as provided in Subsection (f) of Section 545.0651 or during any period when traffic control devices that are required to be erected and maintained by the Texas Department of Transportation pursuant to Section 545.0651 are not in place, nor shall the provisions of this Ordinance be construed to prohibit operation of a truck in a lane other than an authorized lane for the purpose of passing another vehicle or for the purpose of entering and exiting the Highway. The provisions of this **Section 4** shall constitute defenses to prosecution under this Ordinance.

**Section 5.** Violation of this Ordinance is unlawful, and any violation shall be punishable by a fine of not less than \$1 nor more than \$200 as provided in Subchapter D of Chapter 542 of the Texas Transportation Code.

**Section 6.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason

held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 7.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2000.**

**APPROVED this \_\_\_ day of \_\_\_\_\_, 2000.**

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_  
PRB:asw 04/10/2000 Senior Counsel  
Requested by Jerry King, P.E., Director, Public Works and Engineering  
L.D. File No. 20-99004-01