

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 12, 2000 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2000-1105 to 2000-1137
ORDINANCES 2000-0809 to 2000-0829

2000-cccc-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Bell

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 2000-1105 - Suspend rules to allot time requested by speakers

Motion 2000-1106 - Suspend rules to hear Reverend Andrew Burks, Mr. Ernest B. McGowen, Sr. and Ms. Patricia Lasher and Mr. Mike Reed out of order - "FAILED"

Motion 2000-1106a - Suspend rules to add Minister Johnny Jeremiah to speakers list

Motion 2000-1106b - Suspend rules to move Ms. Patricia Lasher out of order

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 13, 2000 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 through 6

1. Motion 2000-1111

REQUEST from Mayor for confirmation of the appointment of **MR. HUSSEIN ABDELLATIF** to Position 5 on the **AUTOMOTIVE BOARD**, for a term to expire January 2, 2001

Motion 2000-1118 - Suspend rules to consider Items 2, 3 and 4 out of order

MISCELLANEOUS - continued

2. Motion 2000-1119

REQUEST from Mayor for confirmation of the appointment of the following to the **GARDEN CENTER ADVISORY BOARD** with terms to expire June 30, 2003:

- Position One - **MS. STELENA EVANS**
- Position Two - **MS. LILLIAN RODRIGUEZ**
- Position Three - **MS. PAULINE BROWN**
- Position Four - **MR. OTMAR KOLBER**
- Position Five - **MR. JOSHUA KORNEGAY**
- Position Six - **MS. ROBBIE P. deVRIES**
- Position Seven - **MS. AKIKO WATANABE**
- Position Eight - **MS. SUSAN KEETON**
- Position Nine - **MS. JANICE STANTON HINES**
- Position Ten - **MR. SVEN BORS-KOEFOERD**
- Position Eleven - **MR. MARVIN YAROTSKY**
- Position Twelve - **MR. WILLIAM D. ADAMS**

3. Motion 2000-1120

REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON READ COMMISSION**:

- Position 9 - **MS. VIRGINIA MAMPRE**, to complete an unexpired term ending January 1, 2001
- Position 14 - **MS. SANDRA WILLIAMS**, to complete an unexpired term ending January 1, 2001
- Position 16 - **MS. MARIA CAMPOS**, for a term to expire January 1, 2003

4. Motion 2000-1121

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**:

- Position 1 - **MR. MURDOCK SMITH, JR.**, reappointment, to complete an unexpired term ending March 1, 2001
- Position 2 - **MS. CYNTHIA L. KELSCH**, appointment, to complete a term ending March 1, 2002
- Position 3 - **MR. RICHARD RICE**, reappointment, to complete an unexpired term ending March 1, 2001

Motion 2000-1122 - Suspend rules to remain in session beyond the scheduled 12:00 noon recess

5. Motion 2000-1112

RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of payment of membership renewal in the **AMERICAN WATER WORKS ASSOCIATION (AWWA)** for FY '00 - \$12,670.00 - Enterprise Fund

6. Motion 2000-1127

RECOMMENDATION from Director Department of Aviation for payment to **SAMUEL STEWART** in the amount of \$3,500.00 and **TRAVIS COOPER & ASSOCIATES** in the amount of \$2,250.00 for market appraisal reports of approximately 151,273 square feet (+/-3.473 acres) of land located at 17630 Chanute Road, George Bush Intercontinental Airport/Houston (IAH) - \$5,750.00 Enterprise Fund - **DISTRICT B - GALLOWAY**

PROPERTY - NUMBERS 7 and 8

7. Motion 2000-1128

RECOMMENDATION from Acting Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request of Karen Riddle of Able Permits, on behalf of Westpoint Partners, Ltd. (William T. Doogan, general Partner), for abandonment and sale of a 10-foot-wide utility easement and a 5-foot-wide aerial easement within Tract A and a 10-foot-wide utility easement and a 5-foot-wide aerial easement within Tract B, all located within Western Oaks Subdivision, Section 1, Parcels SY1-009A-D - **STAFF APPRAISERS - DISTRICT A - TATRO**

8. Motion 2000-1113

RECOMMENDATION from Acting Director Department of Public Works & Engineering, for purchase of Parcel A97-326, located at 7332 Ley Road, owned by Daniel Henson and wife, Louginia Henson for the Ley Road Paving Project (from Homestead Road to North Wayside Drive); CIP N-0587A-00-1 - \$2,029.00 - Street and Bridge Consolidated Construction Fund **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 15

LOW BIDS

9. Motion 2000-1129

ICEMAKER'S, INC, dba SUPER COOL MECHANICAL for Installation of Two HVAC Systems at Fire Station No. 40 for the Fire Department - \$23,500.00 and contingencies for an amount not to exceed \$24,675.00 - Fire Department Revolving Fund

10. Motion 2000-1130

HARCROS CHEMICALS, INC for Chemical Liquid Chlorine Contract Part II for Department of Public Works & Engineering - \$1,342,580.00 - Enterprise Fund

11. Motion 2000-1114

CHUCK DAVIS CHEVROLET, INC dba DAVIS CHEVROLET for Auto, GM Car/Truck OEM Replacement Parts and Repair Contract for Various Departments - \$3,697,109.00 - General Enterprise and Fleet Management Funds

OTHER

12. Motion 2000-1131

NATIONAL DENTEX dba STERN EMPIRE DENTAL LABORATORY for Dental Laboratory Products Contract for the Health & Human Services Department - \$60,000.00 - General Fund

13. Pulled - Not Considered

KUSTOM SIGNALS, INC to Furnish and Install Patrol Car Video Systems for Houston Police Department - New and Replacement - \$78,370.00 - Police Special Services and Grant Funds

Motion 2000-1132 - Suspend rules to hear from Mr. Thomas Rolan relative to Item 14

14. Motion 2000-1133

AMEND MOTION #2000-1035, 8/23/00, to increase the award amount to **TROY CONSTRUCTION, INC** by \$1,300,000.00 for additional Emergency Repairs of Water Lines/Leaks for the Department of Public Works & Engineering - Enterprise Fund

15. Motion 2000-1115

ENTEX FUELS, INC for Compressed Natural Gas (CNG) from the State of Texas General Services Commission's Contract for Various Departments - \$80,500.00 - Central Service

Revolving Fund

ORDINANCES - NUMBERS 16 through 31

16. Ordinance 2000-0810

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide storm sewer easement containing 3,383 square feet (0.078 acre) of land, more or less; being out of Reserves O and P, Section 11, Kings Crossing Subdivision, located in the John W. Asbury Survey, A-91, Harris County, Texas; vacating and abandoning said tract of land to **UNITED STATES POSTAL SERVICE**, abutting owner, in consideration of the owner's dedication of a 10-foot wide easement for storm sewer purposes containing 12,590 square feet (0.289 acre) of land, more or less, and payment of \$300.00 and other consideration to the City - Revenue - **DISTRICT E - TODD**

17. Ordinance 2000-0811

ORDINANCE consenting to the addition of 179.0987 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3** for inclusion in its district

18. Ordinance 2000-0814

ORDINANCE consenting to the creation of **FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1** for inclusion in its district

19. Ordinance 2000-0812

ORDINANCE consenting to the addition of 48.8849 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** for inclusion in its district

20. Ordinance 2000-0815

ORDINANCE approving and authorizing Amendment No. 2 to a lease agreement between **FRAYDUN ENTERPRISES**, as Landlord, and the City of Houston, Texas, as Tenant, for space at 3838 North Sam Houston Parkway East, Houston, Texas, for use by the Houston Airport System 11 Months - \$124,422.38 - Enterprise Fund - **DISTRICT B - GALLOWAY**

21. Ordinance 2000-0816

ORDINANCE approving and authorizing a Timber Deed and Bill of Sale Granting **LOWERY TIMBER INVESTMENTS, LTD.** the right to Harvest Merchantable Timber on approximately 486.9051 acres at George Bush Intercontinental Airport/Houston - \$525,000.00 Revenue - **DISTRICT B - GALLOWAY**

22. Ordinance 2000-0817

ORDINANCE awarding contract to **JOHNSON CONTROLS WORLD SERVICES, INC** for Inter-terminal Train System Operations and Maintenance Services at George Bush Intercontinental Airport/Houston; providing a maximum contract amount - 5 Years - \$9,228,526.25 - Enterprise Fund - **DISTRICT B - GALLOWAY**

23. Ordinance 2000-0818

ORDINANCE appropriating \$250,000.00 out of Housing Special Revenue Fund for Immunization Efforts for the Houston Department of Health and Human Services

24. Council Members Tatro, Parker and Castillo tagged

ORDINANCE appropriating \$5,900,000.00 out of the Accumulated Unexpended Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for construction of a Joint Library in Clear Lake

25. Ordinance 2000-0819

ORDINANCE approving and authorizing a Texas Highway Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Intersection Traffic Control-Selective Traffic Enforcement Program (**ITC STEP**) Grant; authorizing the Chief of the Police Department, or any designated assistance Chief, to accept such funds and to act as the City's representative in all matters pertaining to the program

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3 Years - TXDOT \$600,000.00 - City Cash Match \$600,000.00 - General and Grant Funds

ORDINANCES - continued

26. Ordinance 2000-0820

ORDINANCE approving and authorizing a Texas Highway Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Holiday Driving While Intoxicated Selective Traffic Enforcement Program (**DWI STEP**) Grant; authorizing the Chief of the Police Department, or any designated assistance Chief, to accept such funds and to act as the City's representative in all matters pertaining to the program 3 Years - TXDOT \$225,000.00 - City Cash Match \$225,000.00 - General and Grant Funds

27. Ordinance 2000-0821

ORDINANCE approving and authorizing a Texas Highway Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION**, to fund the Speed-Selective Traffic Enforcement Program (**SPEED STEP**) Grant; authorizing the Chief of the Police Department, or any designated assistance Chief, to accept such funds and to act as the City's representative in all matters pertaining to the program - 3 Years - TXDOT \$450,000.00 City Cash Match \$450,000.00 - General and Grant Funds

Motion 2000-1116 - Suspend rules to consider Item 28 out of order

28. Council Members Robinson, Quan, Tatro and Vasquez tagged

ORDINANCE approving and authorizing agreement between the City and **GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY** for Deferred Compensation Plan Administration Services; approving and authorizing an agreement with **WELLS FARGO BANK WEST, N.A.** for Section 457 Custodial Account Services; approving and authorizing second amended restated Deferred Compensation Plan

29. Ordinance 2000-0822

ORDINANCE approving and authorizing a compromise and settlement agreement and first contract amendment between the City of Houston and **MILLENNIUM SERVICE INDUSTRIES, LLC** to settle a dispute

30. Ordinance 2000-0823

ORDINANCE approving and authorizing first amendment to contract (approved by Ordinance No. 2000-717) between the City of Houston and **DANIEL TONG & ASSOCIATES** for Installation and Repair Services for Electrical Power Systems for the Fire Department

31. Ordinance 2000-0824

ORDINANCE approving and authorizing contract between the City and **BURK-KLEINPETER, INC** for Risk Assessment and Vulnerability Analysis for Houston Emergency Management \$100,000.00 - Grant Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 32 through 34

MISCELLANEOUS

32. Motion 2000-1134

MOTION to set a date not less than seven (7) days from September 13, 2000, to receive

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nominations for Positions Eight and Nine on the **CIVIC ART COMMISSION** for terms to expire two years from date of appointment

MISCELLANEOUS - continuous

33. Motion 2000-1135

MOTION to set a date not less than seven (7) days from September 13, 2000, to receive nominations for Positions 1 through 4 of the **ANIMAL SHELTER ADVISORY PANEL OF THE ANIMAL SHELTER ADVISORY COMMITTEE** for two year terms to expire December 31, 2001

Motion 2000-1124 - Suspend rules to consider Item 34 out of order

34. Motion 2000-1125

RECEIVE nominations for Position 4 of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD** for two year terms expiring March 1, 2002

Mr. Jim McLean nominated

MATTERS HELD - NUMBERS 35 through 40A

35. Ordinance 2000-0825

ORDINANCE establishing the south side of the 1100 block and the north and south sides of the 1200 through 1300 blocks of Bomar Street within the City of Houston as a Special Building Line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D - BONEY** - **TAGGED BY COUNCIL MEMBERS TODD and GOLDBERG**

This was Item 8 on Agenda of September 6, 2000

36. Ordinance 2000-0826

ORDINANCE approving and authorizing application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the Cultural Awareness and Diversity Training Program for Law Enforcement Officers Grant; declaring the City's eligibility for such grant; authorizing the Chief of Police to act as the City's representative in the application process; authorizing the Chief of the Police Department, or any designated Assistant Chief of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 10 on Agenda of September 6, 2000

37. Motion 2000-1136

MOTION by Council Member Castillo/Seconded by Council Member Boney to **AMEND ITEM 13** to delete Engelhard Corporation in the amount of \$40,000.00, Siemens Westinghouse Power Corporation in the amount of \$100,000.00 and Johnson Matthey in the amount of \$120,000.00 for a total reduction of \$260,000.00

TAGGED BY COUNCIL MEMBER BELL

a. Ordinance 2000-0827

ORDINANCE approving and authorizing contracts between the City and **ENVIRONMENT CANADA, BP AMOCO, CERYX INCORPORATED, CLEANAIR SYSTEMS, INC, ~~ENGELHARD CORPORATION, JOHNSON MATTHEY, INC, THE LUBRIZOL CORPORATION, SIEMENS WESTINGHOUSE POWER CORPORATION,~~** and **WANGTEC, INC** for Diesel Emissions Technology Field Demonstration Project - \$412,000.00 - Grant and CNG Vehicle Replacement Funds - **TAGGED BY COUNCIL MEMBERS BELL AND KELLER**

This was Item 13 on Agenda of September 6, 2000

38. Ordinance 2000-0828

ORDINANCE approving and authorizing professional services contract between the City of Houston and **DELOITTE & TOUCHE L.L.P.** for a Strategic Information Technology Plan for the City of Houston Municipal Courts System; providing a maximum contract amount - \$200,000.00 General Fund - **TAGGED BY COUNCIL MEMBERS TATRO, VASQUEZ AND KELLER**

This was Item 15 on Agenda of September 6, 2000

MATTERS HELD – continued

Motion 2000-1107 - Suspend rules to consider Items 39, 39a and 39b and 39c out of order

39. Withdrawn

WRITTEN MOTION by Council Member Todd to Amend Item 9 as follows:

1. Taxpayers will not be legally obligated to make any long-term debt payments on any sports facility past the expiration date of any underlying lease contract whether for original debt or for any refinancing of the debt
2. No long-term debt of the Sports Authority will be refinanced if the tenant profits at the expense of the taxpayers - **TAGGED BY COUNCIL MEMBER CASTILLO**

Motion 2000-1108 - Written motion by Council Member Todd to add the following sentence at the end of paragraph number 12 of the proposed Interlocal Arena Development Agreement:

Unless the City's City Council otherwise agrees, the Sports Authority will no refinance the indebtedness incurred with respect to the Arena project if such refinancing would increase the annual debt service or extend the term of any bonds.

a. Withdrawn

MOTION by Council Member Quan/Seconded by Council Member Keller to Amend Item 9 to provide funds for the City promotional Suite, as defined in Item 3(a)(i) of the Interlocal Arena Development Agreement, and as guaranteed at a minimum value of \$250,000.00 per year, will be redirected to provide discounted public seating or NBA and WNBA regular season games at a reduced price not to exceed \$20.00, and these tickets will be equally available for purchase by all people - **TAGGED BY COUNCIL MEMBER CASTILLO**

Motion 2000-1109 - Written Motion by Council Member Vasquez to amend Item H of the Recitals of Item 39c to read as follows:

H.Chapter 335 of the Texas Local Government Code provides that prior to calling the Referendum the Sports Authority must first obtain a fiscal impact determination from the Comptroller of the State of Texas (the "State Comptroller") with respect to the proposed methods of financing the Arena. The City and the Authority agree that neither a ticket tax nor a parking tax should be used to finance the Arena. The Authority has proposed using its existing hotel occupancy and car rental taxes as methods of financing and has not proposed using a ticket tax or parking tax. Moreover, the Authority has adopted three separate resolutions which prohibit assessing ticket taxes, parking taxes or other targeted taxes at the Arena, without voter approval, and the Authority has further avowed that no such approval will be requested at the Referendum." The State Comptroller has determined that the use of the Sports Authority's existing hotel occupancy and car rental taxes as methods of financing the Arena will not have a significant negative impact on state revenue. Accordingly, this statutory condition to calling the Referendum has been satisfied.

b. Withdrawn

MOTION by Council Member Robinson/Seconded by Council Member Todd to Amend Item 9 to: (1) Expressly prohibit the use of City of Houston General Revenue Funds for any purpose related to the proposed site of the Arena.

Recitals F and I: Section 3 in general and Section 3(b)(i), (ii) and (iii) in particular; and Section 12, pages 2, 3, 4, 5, 6 and 9 - **TAGGED BY COUNCIL MEMBER CASTILLO**

Motion 2000-1110 - Written Motion by Council Member Robinson to amend Item 39c as follows:

Motion by Council Member Robinson to add the following clause to the first sentence of paragraph number 3 (b)(I) of the proposed Interlocal Arena Development Agreement:

, and shall not include any general fund revenue for the development of the Arena.

MATTERS HELD – continued

c. Ordinance 2000-0809

ORDINANCE approving and authorizing Interlocal Arena Development Agreement between the City of Houston and the **HARRIS COUNTY HOUSTON SPORTS AUTHORITY** providing for the development and use of a new Multi-purpose Arena and associated Parking Garage in Downtown Houston, and including agreements regarding the Compaq Center - **DISTRICT I - CASTILLO**

TAGGED BY COUNCIL MEMBERS CASTILLO, BONEY, TODD and GALLOWAY

This was Item 9 on Agenda of September 6, 2000

Motion 2000-1117 - Suspend rules to consider Items 40 and 40a out of order

Motion 2000-1123 - Suspend rules to hear from Mr. Everett Bass, Dr. Mary des Vignes Kendrick, Mr. Thomas Rolen, Mr. Oliver Spellman, Ms. Barbara Gubbin and Chief C.O. Bradford for five (5) minutes on Item 40 - "FAILED"

40. Council Member Parker tagged

WRITTEN MOTION by Council Member Ellis to Amend Item 29: Change the proposed property tax rate for tax year 2000 from \$.665/\$100 to \$.64505/\$100 of assessed value. The Interest and Sinking Fund (I & S) rate will remain at \$.18818/\$100 of assessed value, reducing the Maintenance and Operation (M & O) rate to \$.45687/\$100 of assessed value for a total rate of \$.64505/\$100 of assessed value. The net effect is a 3% reduction from last year's tax rate.

TAGGED BY COUNCIL MEMBER CASTILLO

Motion 2000-1126 - Call the question on Item 40a

a. Ordinance 2000-0813 - "FAILED"

ORDINANCE providing for the Assessment, Levying and Collection of Ad Valorem Taxes for the City of Houston, Texas for the Year 2000 and for each year thereafter until otherwise provided; making various findings and provisions relating to the subject; providing for severability

POSTPONED BY MOTION NO. 2000-1099, 9/6/00

This was Item 29 on Agenda of September 6, 2000

Motion 2000-1137 - Suspend rules to hear Mr. Thomas Rolen relative to Item 41

41. Ordinance 2000-0829

ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES**, Houston, Texas, relating to the Computation of Conservation Surcharges for water used during a serious water shortage period or a critical water shortage period; containing findings and other provisions relating to the foregoing subject; providing for severability

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Quan 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

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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

9/12/00 - Council Member Parker out of the City on City business

9/13/00 - All Present