

**AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 18, 2001 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**MOTIONS 2001-1347 to 2001-1399**  
**ORDINANCES 2001-1150 to 2001-1193**  
**RESOLUTIONS – 2001-0055 to 2001-0056**

**No. 2001-1346-1**

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

**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 2001-1347 – Suspend rules to substitute Mr. Larry Green for Ms. Elaine Oliver and hear Representative Ken Yarbrough out of order**

**Motion 2001-1348 – Suspend rules to substitute Quanel X for Mr. Michael Haggerty**

**Motion 2001-1349 – Suspend rules to hear Mr. Lewis Gregory and Mr. Marshall Parker after Mr. Jon B. Allen, followed by Mr. Walter Wainwright**

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

**RECONVENE**

**WEDNESDAY - DECEMBER 19, 2001 - 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 66

MISCELLANEOUS - NUMBERS 1 through 8

**Motion 2001-1361 – Postpone Item 1 to the end of the Agenda**

**1. Motion 2001-1396**

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2000 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2001 MTFP in map form

**2. Motion 2001-1353**

RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **A. G. JOHNSON**

**3. Motion 2001-1354**

RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **OSCAR MALDONADO**

**4. Motion 2001-1362**

RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Sergeant **DETRA MASSEY**

**5. Motion 2001-1363**

RECOMMENDATION from the Director Department of Public Works & Engineering for approval of the FY2002 Operations and Maintenance Budget for the **COASTAL WATER AUTHORITY (CWA)** - \$10,998,514.00 - Enterprise Fund

**6. Motion 2001-1364**

RECOMMENDATION from the Director Department of Public Works & Engineering for approval of the FY2002 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITY PROJECT** to be operated by the Coastal Water Authority - \$968,053.00 - Enterprise Fund

**7. Motion 2001-1365**

RECOMMENDATION from the Director Department of Public Works & Engineering for approval of the FY2002 Operations and Maintenance Budget for the **SAN JACINTO RIVER AUTHORITY** \$785,549.00 - Enterprise Fund

**8. Motion 2001-1366**

RECOMMENDATION from the Director Department of Public Works & Engineering for approval of the FY2002 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$2,219,300.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 9 through 13

**9. Motion 2001-1367**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,845,640.03 and acceptance of work on contract with **BROWN AND ROOT, INC** for Construction of Neighborhood Street Reconstruction No. 426, GFS N-0352-01-3 (N-0352) - 02.60% over the original contract amount - **DISTRICT D - BONEY**

**MISCELLANEOUS** - continued

**10. Motion 2001-1355**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$688,319.41 and acceptance of work on contract with **RAY SMITH CONSTRUCTION, INC** for Construction of Westview Drive Extension - Brittmoore Road to Clarborough Drive, GFS N-0549-02-3 (N-0549-02) - 03.98% under the original contract amount  
**DISTRICT A - TATRO**

**11. Motion 2001-1368**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,650,154.55 and acceptance of work on contract with **CONRAD CONSTRUCTION COMPANY, INC** for Bellfort Avenue Paving, GFS N-0583-01-3 (N-0583-01) 01.25% over the original contract amount - **DISTRICT D - BONEY**

**12. Motion 2001-1356**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$373,639.03 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-P5-3 (Package 2) - 04.97% over the original contract amount - **DISTRICT H - VASQUEZ**

**13. Motion 2001-1369**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,845,897.81 and acceptance of work on contract with **N & S CONSTRUCTION CO., LLC** for Construction of 69th Street WWTP Odor Scrubber Design, GFS R-0509-03-3 (4227-4) - 02.10% over the original contract amount - **DISTRICT I - CASTILLO**

**PROPERTY** - NUMBERS 14 through 16

**14. Motion 2001-1370**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A93-139, located 276 feet north of Paul Quinn, owned by Thomas Barnes and wife, Myrthel Barnes, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY**

**15. Motion 2001-1371**

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-96, located 59.79 feet south of Mansfield Street, owned by The heirs of Jessie Ruth White, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY**

**16. Motion 2001-1357**

RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel LY0-23, located at 8400 Westheimer Road, owned by Troy CMBS Property, L.L.C., a Delaware limited liability company, Cindy Lapensee, Real Estate Representative, for the **DUNVALE-LIPAN RELIEF STORM SEWER PROJECT**, CIP M-0189-01-1 - **DISTRICT G - KELLER**

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 23

17. **Motion 2001-1372**

**XEROX CORPORATION** for a Page Printing System from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$736,983.00 - General and Equipment Acquisition Consolidated Funds

18. **Motion 2001-1358**

**AMEND MOTION #2000-0339, 3/1/00, #2000-1211 10/4/00 and #2001-0079, 1/24/01, TO EXTEND** expiration date through February 28, 2003, for Drugs & IV Systems Part I, awarded to **ABBOTT LABORATORIES DIAGNOSTIC DIVISION, ALLIANCE MEDICAL, INC, ARMSTRONG MEDICAL INDUSTRIES, BOUND TREE CORPORATION (Bid No. 2), DIVERSIFIED MEDICAL SERVICES, INTL., INC, DYNAREX CORPORATION (Bid No. 2), EMERGENCY MEDICAL PRODUCTS, INC (Bid Nos. 1 and 2), EMERGENCY MEDICAL SUPPLY, EVER READY FIRST AID & MEDICAL SUPPLY, LAERDAL MEDICAL CORPORATION, SUN BELT MEDICAL (Bid Nos. 1 and 2), UNITED MEDICAL SUPPLY COMPANY (Bid No. 4) and WYETH AYERST LABORATORIES,** Part II, awarded to **ELECTRO-MEDICAL EQUIPMENT, INC; EVER READY FIRST AID & MEDICAL SUPPLY; MEDTRONIC PHYSIO-CONTROL CORPORATION and UNITED MEDICAL SUPPLY COMPANY,** and Part III, awarded to **EMERGENCY MEDICAL PRODUCTS, INC** for the Fire Department

19. **Motion 2001-1359**

**AGILENT TECHNOLOGIES** for One Gas Chromatograph System from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$82,648.00 - Grant Fund

20. **Motion 2001-1373**

**BIOCOPE, INC** for Odor Control Treatment for the Department of Public Works and Engineering \$62,050.00 - Enterprise Fund

21. **Council Member Goldberg tagged**

**MUSTANG TRACTOR & EQUIPMENT COMPANY** for One Asphalt Planer for Department of Public Works & Engineering - \$367,750.00 - Equipment Acquisition Consolidated Fund

22. **Motion 2001-1374**

**INSTANT PHOTOS INC dba IPI SECURITY** - \$20,899.99 and **CRYSTAL COMMUNICATION LTD.** - \$220,178.55 for Communication Security Equipment and Components, Part II, for Various Departments - General, Enterprise and Equipment Acquisition Consolidated Funds

23. **Motion 2001-1360**

**AMEND MOTION #99-193, 2/10/99,** as previously amended by Motion #99-1860 and #2001-102 **TO INCREASE** quantity by three Additional Trailer-Mounted Air Compressors for Aviation and Public Works & Engineering Departments, and award to **INGERSOLL RAND EQUIPMENT SALES** - \$34,440.00 - Enterprise and Equipment Acquisition Consolidated Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 24 through 66

24. **Resolution 2001-0056**

RESOLUTION amending Resolution No. 2001-1 to correct a legal description (Historical designation of Post-Dispatch Building at 609 Fannin) **DISTRICT I - CASTILLO**

**RESOLUTIONS AND ORDINANCES** - continued

**25. Resolution 2001-0055**

RESOLUTION designating certain property in the City of Houston as a Historic Landmark (Houston City Hall and Hermann Square) - **DISTRICT I - CASTILLO**

**26. Ordinance 2001-1157**

ORDINANCE consenting to the addition of 109.9765 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**, for inclusion in its district

**27. Ordinance 2001-1158**

ORDINANCE consenting to the addition of 287.9207 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district

**28. Ordinance 2001-1175**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**

**29. Ordinance 2001-1159**

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383**

**30. Ordinance 2001-1160**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four water line easements containing an aggregate of 81,872 square feet of land, more or less, Parcels S99-089A, S99-089B, SY1-052, and SY1-053; all four easements being located in the Jacob Thomas Survey, A-762, Harris County, Texas, vacating and abandoning (i) Parcels S99-089A and S99-089B to Gulfgate Redevelopment Authority, abutting owner, (ii) Parcel SY1-052 to Houston Gulfgate Partners, L.P., abutting owner, and (iii) Parcel SY1-053 to ASI Texas, L.L.C., in consideration of the owners' dedication of five easements for water line purposes containing an aggregate of 60,077 square feet of land, more or less, and payment of \$92,673.00 and other consideration to the City of Houston - **DISTRICT I - CASTILLO**

**31. Ordinance 2001-1161**

ORDINANCE approving and authorizing lease agreement between **BAYOU PRESERVATION ASSOCIATION, INC**, a Texas non-profit corporation, as tenant, and the City of Houston, Texas, as landlord, for space in the Houston Center for the Arts, located at 3201 Allen Parkway **DISTRICT D - BONEY**

**32. Ordinance 2001-1155**

ORDINANCE approving and authorizing second amendment to lease agreement between the City of Houston, as lessor, and **TALENTO BILINGUE DE HOUSTON**, as lessee, regarding the City's facility located at 333 S. Jensen Drive - **DISTRICT H - VASQUEZ**

**Motion 2001-1375 – Suspend rules to hear Dr. Phillip Scheps relative to Item 33**

**Motion 2001-1376 – Postpone Item 33 to the end of the Agenda**

**33. Ordinance 2001-1192**

ORDINANCE approving and authorizing lease agreement between **HOUSTON COMMUNITY COLLEGE SYSTEM**, as landlord, and the City of Houston, Texas, as tenant, for space at 3100 Main Street, Houston, Texas for use by the Municipal Channel - **DISTRICT D - BONEY**

**RESOLUTIONS AND ORDINANCES** - continued

**34. Ordinance 2001-1162**

ORDINANCE issuing a permit to **717 TEXAS LIMITED PARTNERSHIP** for building, constructing, using, occupying, operating, maintaining and repairing a building retention system and a pedestrian tunnel within portions of Louisiana Street, Texas Avenue, Milam Street, and Prairie Avenue abutting Block 59, S.S.B.B., being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - CASTILLO**

**35. Council Member Keller tagged**

ORDINANCE issuing a permit to **MEMORIAL CITY PROPERTIES L.P.**, for building, constructing, maintaining, using, occupying, operating and repairing a Pedestrian walkway within and over the 900 block of Frostwood Drive, being out of the J. J. Settegast heirs partition in the George Bellows Survey, A-3; such area being within the 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**

**36. Ordinance 2001-1163**

ORDINANCE approving and authorizing interlocal agreements between the City of Houston, **HARRIS COUNTY** and (1) **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (Greenspoint Zone)**; and (2) **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (Old Sixth Ward Zone)** relating to the participation of Harris County in the Reinvestment Zones - **DISTRICTS B - GALLOWAY and H - VASQUEZ**

**37. Ordinance 2001-1176**

ORDINANCE approving and authorizing agreement between the City of Houston, the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (Old Sixth Ward Zone)** in connection with the City's Reinvestment Zone Number Thirteen **DISTRICT H - VASQUEZ**

**38. Ordinance 2001-1164**

ORDINANCE approving and authorizing first amendment to tax abatement agreement between the City of Houston, **J. H. WALKER INC** and **LANDED I, LTD.** for certain property located within the J. H. Walker Reinvestment Zone - **DISTRICT H - VASQUEZ**

**39. Ordinance 2001-1165**

ORDINANCE approving and authorizing agreements terminating tax abatement agreements between the City of Houston, Texas, **BANK ONE, TEXAS, NATIONAL ASSOCIATION, BANC ONE SERVICES CORPORATION**, and **JMB/HOUSTON CENTER PARTNERS LIMITED PARTNERSHIP**; and **BANK ONE, TEXAS, NATIONAL ASSOCIATION, BANC ONE SERVICES CORPORATION** and **TRANSWORLD BLOCK 141 INC** - **DISTRICT I - CASTILLO**

**40. Ordinance 2001-1156**

ORDINANCE approving and authorizing contract between the City and **OLD WEST END ASSOCIATION** for the Community Economic Development Corridor Project - \$30,000.00 - Grant Funds - **DISTRICT H - VASQUEZ**

**41. Council Members Tatro, Keller and Parker tagged**

ORDINANCE approving and authorizing contract between the City and the **BONHAM GROUP, INC** for a Study to determine Municipal Sponsorship Opportunities - \$40,000.00 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES** - continued

**42. Ordinance 2001-1177**

ORDINANCE approving and authorizing contract between the City, **MILLER THEATRE ADVISORY BOARD** and **BROOKS AND BROOKS, INC d/b/a HARLON'S BAR-B-Q** for Food and Beverage Concession Services at the Houston Miller Outdoor Theatre in Hermann Park **DISTRICT D - BONEY**

**43. Ordinance 2001-1178**

ORDINANCE appropriating \$7,412,801.00 out of Disaster Recovery Fund for Disaster clean-up, Recovery and Repair

**44. Ordinance 2001-1179**

ORDINANCE approving and authorizing Master Agreement for Software License and a Master Services Agreement between the City of Houston and **ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE** for the Integration of Data on the City's Geographic Information System for Various Departments

**44-1 Ordinance 2001-1180**

ORDINANCE approving and authorizing amendment No. 1 to the Master Agreements for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston (1) **TEXAS DEPARTMENT OF INFORMATION RESOURCES** and (2) **TEXAS PROCUREMENT CENTER, L.L.C.**; and amending Ordinance #2000-279, which authorized the original contracts, to increase the maximum contract amount - 4 Years - \$60,000,000.00 Various Funds

**45. Ordinance 2001-1181**

ORDINANCE appropriating \$5,943,920.00 out of Water & Sewer Consolidated Construction Fund; amending Ordinance No. 98-575 to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **ITRON, INC** approved by the same ordinance for a Radio Automated Water Meter Reading System, CIP S-0956

**Motion 2001-1399 – Override tag by Council Member Goldberg on Item 46**

**46. Ordinance 2001-1193**

ORDINANCE appropriating \$1,620,467.50 out of Court Technology Fee Fund and approving and authorizing professional services contract between the City of Houston and **MOTOROLA, INC** for Hand Held Ticket Issuance Devices; providing a maximum contract amount - \$35,407.50 - Grant Fund - Total contract amount - \$2,819,193.95

**47. Ordinance 2001-1182**

ORDINANCE amending **SECTION 9-115 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Parking Rates and Valet Parking at George Bush Intercontinental Airport/Houston and William P. Hobby Airport; containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability - **DISTRICTS B - GALLOWAY and E - TODD**

**RESOLUTIONS AND ORDINANCES** - continued

**48. Ordinance 2001-1151**

ORDINANCE appropriating \$1,474,000.00 out of Airport System Consolidated 2001 NON-AMT Construction Fund (549), and \$2,500.00 out of the Water and Sewer System Consolidated Construction Fund (755) and approving the purchase of 369.3 acres of land out of the F. H. Rankin Survey, Abstract 57, Houston, Harris County, Texas, for a Wetlands Mitigation Site for the Aviation Department, CIP A-0475, and for a Lift Station Site, Parcel CY1-008 for the East Lake Houston Lift Station Project, CIP R-0801, and approving purchase and sale agreement with Lieven J. Van Riet to acquire the land and any improvements thereon for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated **DISTRICT E - TODD**

**49. Ordinance 2001-1166**

ORDINANCE appropriating \$770,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **CLAUNCH & MILLER, INC** for Airfield Drainage Improvements and Pavement Repair at George Bush Intercontinental; Airport/Houston, Project No. 542; CIP A-0063, A-0366 and A-0416 **DISTRICT B - GALLOWAY**

**50. Ordinance 2001-1183**

ORDINANCE appropriating and transferring \$230,354.52 out of the Accumulated Unexpended Fund to the Park Special Fund, appropriating \$230,354.52 out of Park Special Fund, and approving and authorizing professional architectural services contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Design for the Swimming Pool Renovations at Dodson Lake, Cloverland and Sagemont Parks, CIP F-0494-01-2; providing funding for contingencies relating to construction of facilities financed by the Park Special Fund **DISTRICTS D - BONEY; E - TODD and H - VASQUEZ**

**51. Ordinance 2001-1152**

ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **HOUSTON AREA WATER CORPORATION** regarding the acquisition of right-of-way for water transmission and electric lines - **DISTRICT E - TODD**

**52. Ordinance 2001-1167**

ORDINANCE appropriating \$390,984.00 out of Water & Sewer System Consolidated Construction Fund and \$126,080.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an advance funding agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Water Main adjustments and installation of Street Lighting Electrical Conduits along Mykawa Road from South Wayside to Airport Boulevard, CIP N-1303-01-3 (N-1303-01) - **DISTRICT E - TODD**

**53. Ordinance 2001-1168**

ORDINANCE approving and authorizing a termination agreement between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for construction of Replacement Bridges along Martin Luther King Blvd over Sims Bayou and authorize reimbursement of funds escrowed with the City of Houston, CIP N-445P-01-3 - \$2,888,726.26 - Harris County Construction Fund - **DISTRICTS D - BONEY and E - TODD**

**54. Ordinance 2001-1169**

ORDINANCE appropriating \$24,000.00 out of Street & Bridge Consolidated Construction Fund to reimburse **BURLINGTON NORTHERN** and **SANTA FE RAILWAY COMPANY** ("BNSF") for a portion of the costs for the improvement of the At-Grade Crossing of BNSF's Tracks at East T. C. Jester Boulevard (Rosslyn Road), and approving grade crossing surface improvement agreement with BNSF, CIP N-0670-03-3 (SB9065) - **DISTRICT A - TATRO**



**RESOLUTIONS AND ORDINANCES** - continued

**Motion 2001-1350 – Suspend rules to consider Items 55, 48, 51, 65, 67, 69, 70, 32, 40 and 25 out of order**

**55. Ordinance 2001-1150**

ORDINANCE appropriating \$2,000,000.00 out of Water & Sewer Consolidated Construction Fund No. 755 (Number S-0801-P4-1, \$300,000.00 and Number R-0801-09-1, \$1,700,000.00) and approving an agreement with **AQUASOURCE UTILITY, INC** to acquire the assets constituting the Willow Run Utility System for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY**

**56. Ordinance 2001-1184**

ORDINANCE approving and authorizing treated water supply contract between the City of Houston and the **CITY OF BELLAIRE**

**56-1 Council Members Tatro and Keller tagged**

ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund for contract between the City and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the Northeast Water Purification Plant

**57. Ordinance 2001-1170**

ORDINANCE appropriating \$175,359.15 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **SOUTHWAY BUSINESS PARK, LTD.**, for Construction of water, sanitary sewer and storm sewer lines for Southway, Section One, CIP S-0800-36-3 and R-0800-43-3 \$154,195.75 TIRZ Affordable Housing Fund - **DISTRICT E - TODD**

**58. Ordinance 2001-1171**

ORDINANCE appropriating \$628,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **VAN DE WIELE ENGINEERING, INC** for Design of Neighborhood Street Reconstruction Project 452, CIP N-0384-01-2 (SB9045); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

**59. Ordinance 2001-1185**

ORDINANCE appropriating \$597,630.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Design of Old Westheimer Reconstruction from Westheimer to Alief-Clodine, CIP N-0749-01-2 (SB9075); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - KELLER**

**60. Pulled - Not Considered**

ORDINANCE appropriating \$341,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for the Design of Kirkwood Road from Bissonnet Street to Alief Clodine Road, CIP N-0575-02-2 (SB9066); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS**

**RESOLUTIONS AND ORDINANCES** - continued

**61. Ordinance 2001-1172**

ORDINANCE appropriating \$187,258.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **E. E. CARROLL ENTERPRISES, INC d/b/a CARROLL CONSULTANTS** for the Design of West 43rd Street between Ella Blvd. and Oak Forest Drive, CIP N-0718-01-2 (SB9076); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO**

**62. Ordinance 2001-1173**

ORDINANCE appropriating \$590,216.00 out of the Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Collingsworth Grade Separation at proposed Hardy Tollway, CIP N-0700-01-2 (SB9078); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ**

**63. Ordinance 2001-1186**

ORDINANCE appropriating \$2,137,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** for Water Line Grid Extensions, GFS S-0700-51-3 (WA10598); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; E - TODD; F - ELLIS and G - KELLER**

**64. Ordinance 2001-1174**

ORDINANCE appropriating \$902,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** and approving and authorizing professional services contract for engineering testing services with **McBRIDE, RATCLIFF AND ASSOCIATES, INC** for Access Road and Drainage Improvements to Seven Water Plant Sites, GFS S-1000-21-3 (WA10607); 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**

**65. Ordinance 2001-1153 – Passed first reading**

ORDINANCE granting a franchise to **CITYNET TELECOMMUNICATIONS, INC** and **CITYNET U.S. OPERATING, INC**, a Delaware Corporations to construct, install, maintain, remove, replace, occupy, and use a Dark Fiber Optic Network System within the City of Houston, Texas and consenting to the collateral assignment of said franchise; containing other provisions relating to the foregoing subject; and providing for severability - **FIRST READING**

**66. Ordinance 2001-1187 – Passed first reading**

ORDINANCE granting to **PHONOSCOPE, LTD.**, a Texas Limited Partnership, the right, privilege, and franchise for a term of fifteen (15) months, to erect, maintain, and operate a Cable Television System, to serve multiple unit developments and commercial business only, in the City of Houston, Texas; containing other provisions relating to the foregoing subject; and providing for severability - **FIRST READING**

**END OF CONSENT AGENDA**

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 67 and 67-1

MISCELLANEOUS

**67. Motion 2001-1351**

MOTION to set a date not less than seven (7) days from December 19, 2001 to receive nominations for appointment to Position Four (4) of the **HARRIS COUNTY APPRAISAL DISTRICT**  
**SET FOR JANUARY 3, 2002**

PROPERTY

**Motion 2001-1397 – Override tag by Council Members Vasquez and Galloway on Item 67-1**

**67-1 Motion 2001-1398**

RECOMMENDATION from Director Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Tom L. Shepard, Security Properties, for the abandonment and sale of Del Norte Drive and Diamond Street, from Rosslyn Road to Ella Lee Forest Addition, and Rosslyn Road, from Diamond Street to the proposed Candlelight Place Drive, and a 10-foot-wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of right of way to transition Rosslyn Road from 100 feet to 60 feet and to widen Diamond Street, a 50-foot-wide utility easement, and two 20-foot-wide sanitary sewer easements, all located within the Deroloc Addition, Sam McClelland Survey. Parcels SY1-011A, SY1-011B, SY1-011C, SY1-011D, AY2-002A, AY2-002B, AY2-002C, VY2-009, DY2-016A, and DY2-016B – **(Michael D. Copland and William Kvinta, Appointed) - APPRAISERS - DISTRICT A - TATRO**

MATTERS HELD - NUMBERS 68 through 77D

**68. Motion 2001-1377**

**RON CARTER AUTO GROUP** - \$1,417,123.75, **LAWRENCE MARSHALL CHRYSLER, L.P.** \$2,480,285.00, **TRIANGLE CHEVROLET, INC** - \$500,036.25, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$464,851.25, **PHILPOTT MOTORS, LTD.** - \$1,146,893.75, **BOERNE CHRYSLER SUPERSTORE** - \$73,596.25, **LAWRENCE MARSHALL CHEVROLET II, L.P.** \$1,673,058.75 and **CLEAR LAKE DODGE** - \$141,016.88 for Automobiles, Vans, Utility Vehicles and Pickup Trucks for Various Departments - \$7,896,861.88 - Grant, Enterprise, Equipment Acquisition, Sign Administration, Building Inspection, Street & Drainage Maintenance, Workers Compensation Administration, Local Law Enforcement and Disaster Recovery Funds  
**TAGGED BY COUNCIL MEMBER QUAN**

This was Item 27 on Agenda of December 12, 2001

**69. Ordinance 2001-1154**

ORDINANCE relating to Safety Codes adopted for the protection of lives and property from fire and other perils; adopting local amendments to the International Residential Code for One-and Two-Family Dwellings, amending the Building Code of the City of Houston, and containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability; containing a repealer

**TAGGED BY COUNCIL MEMBERS GALLOWAY, PARKER, BELL, VASQUEZ and BONEY**

This was Item 31 on Agenda of December 12, 2001

**MATTERS HELD** - continued

**70. Motion 2001-1352 – Refer back to the Administration**

ORDINANCE providing for the continued ad valorem taxation of leased motor vehicles not held primarily for the production of income by the lessees; containing findings and other provisions relating to the foregoing subject; providing for severability

**TAGGED BY COUNCIL MEMBERS VASQUEZ, TATRO, KELLER, ELLIS and BONEY**

This was Item 38 on Agenda of December 12, 2001

**71. Ordinance 2001-1188**

ORDINANCE providing for an ad valorem tax exemption on a historical site known as the **BAYOU LOFTS** located at 915 Franklin; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT I - CASTILLO**

**TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 42 on Agenda of December 12, 2001

**72. Ordinance 2001-1189**

ORDINANCE authorizing an Operations and Maintenance Agreement between **STELLA LINK REDEVELOPMENT ASSOCIATION, INC** and the City of Houston for the Operation and Maintenance of a New City Park containing 0.6198 acres in the Stella Link Campus Park **DISTRICT C - GOLDBERG** - **TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 47 on Agenda of December 12, 2001

**73. Motion 2001-1378 – Postpone to next Council meeting (January 3, 2002)**

ORDINANCE appropriating \$441,700.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PERSPECTIVA CIVIC DESIGN, L.L.C.** for the Design of Houston's Heritage Corridor, Bayou Trails West from San Jacinto Street to Stude Park, CIP N-0420-16-2 (N-0420-16); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ**

**TAGGED BY COUNCIL MEMBER KELLER**

This was Item 61 on Agenda of December 12, 2001

**74. Motion 2001-1379 – Postpone to next Council meeting (January 3, 2002)**

ORDINANCE appropriating \$850,000.00 out of Street & Bridge Consolidated Construction Fund and \$305,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing professional engineering services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Design of Kirby Drive Improvements from IH610 to Brays Bayou, CIP N-0775-01-2 (SB9081); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - BONEY**

**TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 70 on Agenda of December 12, 2001

**75. Ordinance 2001-1190**

ORDINANCE appropriating \$408,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SNOWDEN ENGINEERING, INC** for the Design of Edloe Storm Drainage Improvement CIP M-0253-01-2 (SM5019); providing funding for contingencies relating to construction of facility financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

**TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 72 on Agenda of December 12, 2001

**MATTERS HELD** - continued

**76. Ordinance 2001-1380 – Adopt**

MOTION by Council Member Castillo/Seconded by Council Member Sanchez to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY1-047, located at 612 Chenevert Street, owned by Billy Marlin, Trustee, for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT from Rusk to Texas, CIP B-0069-00-1 - DISTRICT I - CASTILLO - POSTPONED BY MOTION #2001-1346, 12/12/01**  
This was Item 81 on Agenda of December 12, 2001

**77. Withdraw motion/no action taken**

Written motion presented by Council Member Robinson to amend Item 77D below to provide the following

- “1. eliminate the requirement that the city pay the first \$250,000 in legal fees to defend the lease agreement should it be approved by Council.
2. mandate that the \$9.5 Million lease payment be deposited in the General Fund, and that the lease payment at the end of the initial thirty (30) year term be evenly divided between the General Fund and the Convention and Entertainment Enterprise Fund.”

A. Motion by Council Member Parker/Seconded by Council Member Boney to amend Item 77D below to provide the following:

**1. Motion 2001-1388**

Amend Section 4.6(a) of the Lease as set forth on Exhibit A attached hereto to provide that in the event Lakewood's Existing Facility located at 7317 E. Houston Road is not available for one or more City Dates (whether by sale, closure or otherwise), then Tenant shall substitute City Dates at the Leased Premises in lieu of City Dates at the Existing Facility.

**2. Motion 2001-1389**

Amend Section 4.6(b) of the Lease as set forth on Exhibit B attached hereto to provide (1) that Lakewood will accommodate the use of the Compaq Center for not only the 2012 Olympic bid but for future Olympic bids, and (2) that the parties anticipate that the cost of restoring the facility after the Olympics will be funded through the Houston 2012 Foundation.

**3. Motion 2001-1390**

Amend Section 7.1 of the Lease as set forth on Exhibit C attached hereto to provide that Lakewood will pay the City's legal fees and costs for the deed restriction litigation.

**4. Motion 2001-1391**

Amend Section 18.1(g) of the Lease as set forth on Exhibit D attached hereto to provide that Lakewood will provide reasonable supporting documentation of “the investment(s) contemplated under Section 3.2” of the Lease (Section 3.2 requires Lakewood to make certain improvements as a condition to exercise the second 30 year lease term.)

Note: For Exhibits A, B, C and D see file.

**MATTERS HELD** - continued

B. Motion by Council Member Goldberg/Seconded by Council Member Parker to amend Item 77D to provide the following:

1. **Motion 2001-1392**

That the lease Agreement with Lakewood Church, Inc. be modified to require that all City Dates, as defined in Section 4.6 (a) of the Lease Agreement, be rolled over and made available for use by the City in subsequent years of the Lease, if such dates are unavailable for use by the City due to the construction of improvements by Lakewood Church, Inc. unavailability of parking or unavailability of heating or air conditioning.

2. **Withdraw motion/no action taken**

That Section 3.2 of the Lease Agreement with Lakewood Church, Inc. be modified to provide that if Lakewood Church, Inc. has failed to make \$69 Million in alterations (as defined in the Lease Agreement) during the initial 30 year term, the City shall have the right to terminate the Lease Agreement, including the 30 year renewal.

3. **Withdraw motion/no action taken**

That the ordinance be amended to provide that all rental payments to the City under the lease Agreement with Lakewood Church, Inc. be paid into a General Fund account or accounts.

4. **Motion 2001-1393**

That in order to guarantee use of the Compaq for any Olympics, the wording in Section 4.6(b) will substitute the word "shall" for "will" and Tenant shall also allow any use required for an Olympic test event separate and apart from either the 90 days for Olympic use or any of the city's dates.

5. **Withdraw motion/no action taken**

The initial rent payment shall be made in two \$4.75 million payments: one paid on lease execution and the other upon commencement of the lease agreement.

C. Written Motion presented by Council Member Robinson to amend Item 77D below, to provide the following:

**Withdraw motion/no action taken**

Require that at least \$25 million dollars of the \$69 million dollar renovation commitment be spent within the first ten (10) years of the lease

If all \$69 million dollars for renovations are not spent within the original thirty (30) year term of the lease, the lessee will pay the City \$20 million dollars to extend the lease an additional thirty (30) years.

**Motion 2001-1381 – Suspend rules to consider Item 77d out of order**

**Motion 2001-1382 – Call the question on Item 77d**

**Motion 2001-1383 – Override tag by Council Member Bell on motions by Council Member Galloway to amend Item 77d**

**MATTERS HELD** – continued

ITEM 77 - continued

The following are submitted as proposed amendments to Agenda Item 77D on the December 19, 2001 City Council Agenda:

**1. Motion 2001-1384 – Adopt**

Amend Section 4.2 of the Lease to provide that the amount of Base Rent payable in the initial 30-year term of the Lease will be increased to \$12,100,000.00.

**2. Motion 2001-1385 – Adopt**

Amend Section 4.2 of the Lease to provide that the Base Rent shall be due and payable as follows:

(i) The first installment of \$1,000,000 shall be due and payable on the Delivery Date (provided that Landlord has given Tenant thirty (30) days prior written notice of the actual Delivery Date); (ii) the second installment of \$1,000,000 shall be due and payable one (1) year after the first installment is due and payable; (iii) the third installment of \$1,000,000 shall be due and payable one (1) year after the second installment is due and payable; (iv) a final installment of \$9,100,000 will be due and payable on the Commencement Date.

**3. Motion 2001-1386 – Adopt**

Amend Section 3.2 of the Lease to delete the second sentence and replace it with the following:

Notwithstanding the forgoing, Landlord shall have the right to not allow Tenant to exercise the option for the First Extended Term unless Tenant has invested at least Thirty Nine Million Dollars (\$39,000,000.00) in Alterations (which includes a chilled water or other air conditioning system). Additionally, Tenant shall pay to Landlord the sum of Twenty-Two Million Six Hundred Thousand Dollars (\$22,600,000.00) as additional consideration for the First Extended Term, which payment shall be due and payable in equal annual installments throughout the First Extended Term, such installments commencing on the commencement date of the First Extended Term and continuing thereafter on each annual anniversary of such commencement date.

**MATTERS HELD** – continued

ITEM 77 - continued

**4. Motion 2001-1387 – Adopt**

Amend Section 22.10.4 of the Lease to read as follows:

Landlord agrees to reasonably cooperate with Tenant (at no expense to Landlord) in connection with Tenant's application for and obtaining of any required permits, adjustments of setback lines in and around the Leased Premises, re-plats, plat amendments, Street and/or easement vacations, relocations of utility lines and facilities, and the waiver, grant or issuance of variances and permits required in connection with Tenant's proposed Alterations and the Permitted Uses; provided, however, that in no event shall Landlord's aforesaid covenant of cooperation waive or modify in any manner the terms and conditions of Section 22.10.3 above, but neither shall Tenant be treated any differently in any such application process than any other lessee of public property; provided further, that Tenant shall in any event be required to comply with any and all parking requirements under applicable laws, codes and ordinances pertaining to the Permitted Uses (and, to the extent that any such parking requirements are satisfied by Tenant's use of "off-site" parking, Tenant shall be required to assure that any such off-site parking rights are assignable and are assigned to Landlord for Landlord's benefit in connection with the City Dates and for Olympic games as provided in Section 4.6 of this Lease).

**Motion 2001-1394 – Call the question on Item 77d**

**Motion 2001-1395 – Suspend rules to hear Pastor John Osteen**

**D. Ordinance 2001-1191 – Adopted as amended**

Ordinance approving and authorizing lease agreement between Lakewood Church, Inc, a Texas Non-Profit Corporation, as tenant, and the City of Houston, Texas, as landlord, for the Compaq Center - **DISTRICT C - GOLDBERG**

**POSTPONED BY MOTION #2001-1287, 12/5//01**

This was Item 45 and 45A on Agenda of December 5, 2001

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



**AGENDA - DECEMBER 19, 2001 - PAGE 17**

**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

**12/18/01 – Council Member Castillo absent on City business  
Council Member Sanchez absent on personal business**

**12/19/01 – Council Member Sanchez absent on personal business**