AGENDA - COUNCIL MEETING - WEDNESDAY - SEPTEMBER 5, 2001 - 9:00 A. M. COUNCIL CHAMBER - SECOND FLOOR - CITY HALL 901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2001-0975 to 2001-1001 ORDINANCES 2001-0819 to 2001-0831 RESOLUTION – None No. 2001-0974-1

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Robinson

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

<u>9:30 A. M. - PUBLIC SPEAKERS</u> - 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

MAYOR'S REPORTS

Motion 2001-0975 – Accept Report

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2001-0976

REQUEST from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**

2. Council Member Sanchez tagged

RECOMMENDATION for approval of supplemental allocation of funds on contract with **JOHN HALL PUBLIC AFFAIRS, INC** for Consulting Services related to the implementation of the Federal Clean Air Act - \$250,000.00 - General Fund

DAMAGES – NUMBER 3

3. Motion 2001-0985

RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHARLES D. SUDER** v. City of Houston; in the 80th Judicial District Court of Harris County, Texas; Cause No. 1999-05891 - \$50,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2001-0986

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$779,260.00 and acceptance of work on contract with **BRH-GARVER**, **INC** for West Bellfort Improvements: Sanitary Sewer along Huntington Estates from West Bellfort to Huntington Venture Drive, GFS R-0018-WB-3 (N-0466-02) - 00.85% over the original contract amount - Enterprise Fund - **DISTRICT F - ELLIS**

5. Motion 2001-0977

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$469,423.71 and acceptance of work on contract with **INDUSTRIAL TX CORP., INC** for Plum Creek Lift Station Replacement, GFS R-0267-63-3 (4276-23) 01.39% over the original contract amount - Enterprise Fund - **DISTRICT I - CASTILLO**

6. Council Member Goldberg tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,331,207.99 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for Westpark No. 1 Lift Station Expansion, GFS R-1224-16-3 (4459-3) 04.49% over the original contract amount - Enterprise Fund - **DISTRICT C - GOLDBERG**

7. Motion 2001-0987

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,103,254.84 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Cook Road Improvements from Bellaire Boulevard to Alief-Clodine, GFS N-0638-01-3 (N-0638-01) - 02.07% over the original contract amount Enterprise and Street and Bridge Traffic Control Funds - **DISTRICT F - ELLIS**

8. Motion 2001-0978

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$209,575.69 and acceptance of work by **RANGER INSURANCE COMPANY the surety for L. Smith Contractors, L.C.** for Construction of 1998 Major Thoroughfare Sidewalk Project 38-3, GFS N0610A-38-3 (38-3) - 13.48% under the original contract amount - Street and Bridge Traffic Control Fund - **DISTRICTS E - TODD and I - CASTILLO**

PROPERTY - NUMBERS 9 through 15

9. Motion 2001-0979

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen D. Riddle of Able Permits, on behalf of Fergus Marie McGinness, for abandonment and sale of a portion of a 10-foot-wide utility easement and two 5-foot-wide aerial easements in exchange for the conveyance to the City of a 5-foot-wide utility easement, all located within Lots 100 and/or 102, Block 7, Oak Estates Addition, Parcels SY1-081A through C and VY1-005 - STAFF APPRAISERS - DISTRICT G - KELLER

PROPERTY - continued

10. Motion 2001-0980

RECOMMENDATION from Director Department of Public Works & Engineering declaring that the City of Houston does not need for road purposes a 0.230-acre (10,030-square-foot) tract of land, being part of Lots 15 and 16, Block 1, Trenton Place, J. T. Harrell Survey, Abstract 329, so the State of Texas Department of Transportation can sell the property to the abutting property owner, Tom Brady - **DISTRICT H - VASQUEZ**

11. Motion 2001-0988

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, disclaiming, releasing and relinquishing the City's right, title, interest, claim and demand in and to an unnamed 30-foot wide north/south road and a portion of an unnamed 30-foot-wide east/west road, located near the 10700 block of Fannin Street, in connection with a request from Reid C. Wilson of Wilson, Cribbs, Goren & Flaum, on behalf of Management & Investment Services, Inc and other companies, Alan H. Mandeloff, president - **DISTRICT D - BONEY**

12. Motion 2001-0981

AMEND MOTION #2000-0924, which authorized abandonment and sale of a portion of Elliott Street in exchange for conveyance of easement located within the W. A. Kirby Subdivision, to provide for a change the easement to be conveyed and to grant Houston Independent School District a right of entry, Parcels SY0-071 and VY1-004 - **DISTRICT I - CASTILLO**

13. Motion 2001-0982

AMEND MOTION #2000-1453, which authorized abandonment and sale of a dead-end portion of Front Street, located in the former town of Harrisburg, to include the abandonment and sale of a portion of Frio Street, Parcels SY1-022A and SY1-022B - **DISTRICT I - CASTILLO**

14. Council Member Goldberg tagged

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel VY0-33, located in the 8700 block of Stella Link, owned by Woodshire Building Company, Inc., a Texas corporation, for the **WILLOW MEADOW RELIEF SEWER PROJECT**, CIP R-2011-2-1 - **DISTRICT C - GOLDBERG**

15. Motion 2001-0983

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY0-106, located at 1055 and 1075 Sam Houston Parkway, owned by Greenbriar Holdings Houston, Ltd., a Texas limited partnership [Highfield Realty Capital, Inc, a Texas corporation, (Mark Cullins, President) general partner], for the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**, CIP S-0900-47-2 - \$27,863.00 - Enterprise Fund - **DISTRICT A-TATRO**

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 18

16. Motion 2001-0984

GBS ENVIRONMENTAL, INC for Asbestos/Lead-Based Paint Abatement and Demolition for Parks & Recreation Department - \$39,900.00 and contingencies for an amount not to exceed \$41,895.00 - General Fund

17. Motion 2001-0989

HARLAN SPRAGUE DAWLEY, INC for Feed, Live Mice and Rats for Parks & Recreation Department - \$69,292.05 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

18. Motion 2001-0990

TEXAS TECHNICAL SERVICES, INC - \$350,192.84, ACE LOCK & SECURITY SUPPLY \$114,971.42, ACCESS VIDEO & INTEGRATION CORPORATION - \$678,607.13 and INSTANT PHOTOS, INC dba IPI SECURITY - \$919,185.71 for Communications Security Equipment and Components for Various Departments - \$2,062,975.10 - General, Enterprise and Equipment Acquisition Consolidated Funds

ORDINANCES - NUMBERS 19 through 31

19. Ordinance 2001-0819

ORDINANCE consenting to the addition of 157.6404 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 105**, for inclusion in its district

20. Ordinance 2001-0820

ORDINANCE consenting to the addition of 20.5845 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

21. Ordinance 2001-0821

ORDINANCE consenting to the addition of 11.9224 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9**, for inclusion in its district

22. Council Member Goldberg tagged

ORDINANCE amending Ordinance Number 2000-891 to change the name of the permittee and approving the transfer of all rights and obligations under the permit therein issued to **CRESCENT 5 HOUSTON CENTER**, **L.P.**, successor in interest to Crescent Real Estate Equities Limited Partnership - **DISTRICT I - CASTILLO**

23. Ordinance 2001-0822

ORDINANCE issuing a permit to **EQUIVA SERVICES LLC** for building, construction, maintaining, using, occupying, operating and repairing a 4inch conduit for communication cable under and within the street at 250 Meadowfern Drive, such area being within 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 B - GALLOWAY**

24. Ordinance 2001-0823

ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for the Development of MacGregor Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks and Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT D** - **BONEY**

25. Ordinance 2001-0824

ORDINANCE approving and authorizing agreements terminating tax abatement agreements between the City of Houston, **OWEN HEALTHCARE**, **INC**; **OWEN HEALTHCARE BUILDING**, **INC**, and **BRAZOS ENCLAVE DEVELOPMENT**, **INC** - **DISTRICT G - KELLER**

ORDINANCES - continued

26. Council Member Goldberg tagged

ORDINANCE approving and authorizing amendment to the contract between the City of Houston and the **WESTERN REGIONAL ENVIRONMENTAL EDUCATION COUNCIL, d/b/a COUNCIL FOR ENVIRONMENTAL EDUCATION, INC** for a Collaborative Water Education Program \$110,000.00 - Enterprise and Street & Drainage Maintenance Funds

27. Ordinance 2001-0825

ORDINANCE approving and authorizing amendment to the Untreated Water Supply contract between the City of Houston and **OXY VINYLS, L.P**.

28. Ordinance 2001-0826

ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **HUTCHISON INTERESTS**, **INC d/b/a HUTCHISON EXTERIOR DESIGN** to settle a claim - \$27,024.85 - Street & Bridge Consolidated Construction Fund

29. Council Members Parker and Quan tagged

ORDINANCE awarding the contract to **JLH COASTAL FUMIGATORS**, **INC**, **dba END-O-PEST** for Pest Control Services for Various Departments; providing a maximum contract amount \$688,262.50 - General, Enterprise, Building Inspection and Street & Drainage Maintenance Funds

30. Ordinance 2001-0827

ORDINANCE awarding contract to **REYTEC CONSTRUCTION RESOURCES**, **INC** and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES**, **INC** for construction of City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Prevention Plan - 747 Evergreen, GFS M-0126-49-3 (SM-5021) - \$931,000.00 - Street & Drainage Maintenance Fund - **DISTRICT I - CASTILLO**

31. Pulled - Not Considered

ORDINANCE appropriating \$1,000,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Street and Bridge Program Management, CIP N-0668-06-2 (SB9061)

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 32 through 34

MISCELLANEOUS

32. Motion 2001-0991

MOTION to suspend the rules to reconsider and reconsider the vote by which Ord. #2001-658 failed on 7/11/01, being an ordinance consenting to the assumption of the Tax Abatement Agreement between the City of Houston, ABB, INC, SIMMONS, VEDDER II LIMITED PARTNERSHIP and SV WESTCHASE AB LIMITED PARTNERSHIP, by 3150 BRIARPARK L.P.

MISCELLANEOUS - continued

a. Ordinance 2001-0658

ORDINANCE consenting to the assumption of the Tax Abatement Agreement between the City of Houston, ABB, INC, SIMMONS, VEDDER II LIMITED PARTNERSHIP and SV WESTCHASE AB LIMITED PARTNERSHIP, by 3150 BRIARPARK L.P.

Motion 2001-0992 – Suspend rules to hear from Mr. Jim Gill on Item 33

33. Motion 2001-0993

RECOMMENDATION from Director Department Finance & Administration to propose a tax rate of \$.655/\$100 of value for the Tax Year 2001, which is the same total tax rate that was levied by the City for the Tax Year 2000, and authorize the scheduling of a public hearing on the proposal

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 19, 2001

PROPERTY

34. Motion 2001-0994

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Art Martinez of Texas Engineering and Mapping, on behalf of Gowan Investment Company (Clinton O. Gowan, Jr., general partner), for abandonment and sale of a portion of North Capitol Avenue and a portion of Linwood Street, in exchange for three storm sewer easements and a fire hydrant easement, all located within the Young Mens Addition, Parcels SY1-089, SY2-002, SY2-003, LY2-021, LY2-022, LY2-023 and KY2-021 – (Frank D. Flores and Thomas A. Bazan, Appointed) - APPRAISERS - DISTRICT I - CASTILLO

MATTERS HELD - NUMBERS 35 through 42A

35. Motion 2001-0995

MOTION by Council Member Boney/Seconded by Council Member Sanchez to confirm the appointment of MS. ARGENTINA M. JAMES to Position 17 of the MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS for a term to expire June 1, 2005 POSTPONED BY MOTION #2001-0971, 8/29/01

This was a portion of Item 1 on Agenda of August 29, 2001

36. Ordinance 2001-0828

ORDINANCE approving and authorizing second contract amendments between the City and AAR INCORPORATED; DIAMONDHEAD INTERNATIONAL SALES CO.; ORTHO CONSTRUCTION/RENOVATION; R & A BUILDING SPECIALIST; ROBERT C. PEARSALL; and WATSON CONSOLIDATED for the City's Lead-Based Paint Hazard Reduction Control Program - Not to exceed \$600,000.00 - TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 19 on Agenda of August 29, 2001

Motion 2001-0996 – Suspend rules to hear Chief Simms relative to Item 37

37. Motion 2001-0997 – Postpone one (1) week

ORDINANCE approving and authorizing contract between City of Houston and **TRIDATA CORPORATION** for Professional Services relating to the Implementation of Emergency Medical Services Planning and Redesign of the EMS System for Fire Department; providing a maximum contract amount - \$100,000.00 - General Fund

TAGGED BY COUNCIL MEMBERS QUAN and TATRO

This was Item 23 on Agenda of August 29, 2001

MATTERS HELD - continued

38. Motion 2001-0998 – Postpone two (2) weeks

ORDINANCE approving and authorizing contract between the City of Houston and **ALTERNATIVE WORK ENVIRONMENTS**, **INC** for a Strategic Information Plan for the Library Department; providing a maximum contract amount - \$239,500.00 - General and Grant Funds

TAGGED BY COUNCIL MEMBERS KELLER, GOLDBERG and VASQUEZ

This was Item 26 on Agenda of August 29, 2001

39. Ordinance 2001-0829

ORDINANCE awarding contract to **LANE EQUIPMENT COMPANY** for Ice Machine Rental Services for Various Departments; providing a maximum contract amount - \$1,088,362.50 General, Enterprise, Building Inspection and Fleet Management Funds

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 27 on Agenda of August 29, 2001

40. Ordinance 2001-0830

ORDINANCE appropriating \$275,000.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and CIVILTECH ENGINEERING, INC for the Traffic Signal and Incident Management System CIP N-0650-03-2 (SB9050); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund TAGGED BY COUNCIL MEMBER QUAN

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This was Item 30 on Agenda of August 29, 2001

41. Ordinance 2001-0831

ORDINANCE appropriating \$366,300.00 out of Public Health Consolidated Construction Fund and awarding construction contract to **LETSOS COMPANY** for Construction of Cooling Tower Replacement, CIP H-0046-01-3; providing funding for contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT D - BONEY TAGGED BY COUNCIL MEMBER TODD**

This was Item 37 on Agenda of August 29, 2001

Motion 2001-0999 – Call the question on Item 42

42. Motion 2001-1000 - "FAILED"

MOTION by Council Member Tatro/Seconded by Council Member Robinson to amend Item 42A below to delete Subsection (f) from Section 3-2 - **TAGGED BY COUNCIL MEMBER ROBINSON**

MATTERS HELD - continued

MOTION to amend Item 42a to substitute wording for Subsection (f) of Section 3-2 of the Code of Ordinances as follows:

I move to amend Agenda Item 42a by amending proposed Subsection (f) of Houston City Code § 3-2 to read as follows:

- "(f) The provisions of subsection (a) shall not apply to the operation of a restaurant and/or bar that is associated with a hotel, subject to each of the following criteria:
 - (1) The hotel must be situated within the 'central business district,' as defined in section 3-3 of this Code:
 - (2) The hotel <u>must have a total project cost per room of \$100,000, or more, and must continuously meet each of the following criteria:</u>
 - a. Have 80 or more separately rentable guest sleeping accommodations;
 - b. Have breakfast, lunch, and dinner meal service available to the public on the premises during normal meal periods; < and >
 - c. Have <a daily >an average daily room rental rate of <\$75> \$100 or more: and
 - d. Have 15 hours or more of on premises room service on a daily basis.

 - (4) The restaurant or bar shall:
 - a. Take access from the lobby or interior corridors of the hotel; a restaurant may in addition to the lobby or interior access have direct public access to the exterior of the hotel structure but a bar may have no direct exterior access, except for 'exit only' emergency egress doors if required for compliance with building and fire codes:
 - Have no signage that is placed upon or visible from the exterior of the hotel that references or suggests the existence of a bar or advertises or suggests the availability of alcoholic beverages within a bar or restaurant;

MATTERS HELD - continued

Item 42a - continued

- c. Not have any alcohol bottles, beer taps, alcohol service equipment, bars of the type typically associated with the service of alcohol by a bartender, alcohol related signage, or any other indicia of the sale or service of alcohol that may be viewed from the exterior of the hotel through windows, doorways, or other openings; however, this provision shall not preclude the service of alcohol in unmarked or covered containers or barware at patrons' tables in response to customer service orders; and
- d. Not have any outside seating or service areas; this requirement shall not be construed to preclude an interior courtyard restaurant or bar that is completely surrounded by the hotel and is not visible in any manner from the exterior of the hotel.

For purposes of the application of this subsection, the term 'restaurant' shall be limited to a premises operating under a food and beverage certificate issued by the Texas Alcoholic Beverage Commission, and any other type of premises that offers alcohol service shall be referred to as a 'bar.' 'Average daily room rental' equals each day's gross receipts from rental of guest sleeping accommodations, less taxes, fees, and service charges, divided by the number of room rentals during that day. 'Total project cost per room' equals the total project cost for the hotel, including all real estate, design, construction, financing, legal, and other soft costs. divided by the number of separately rentable quest sleeping accommodations. Operation of a hotel bar or restaurant under the provisions of this subsection shall require written approval of the director of planning and development, which shall be granted upon demonstration of compliance with the foregoing requirements. Application for an approval shall be made by the applicant for alcohol license or permit for the premises, who shall additionally be joined by the owner of the hotel and the owner of the land upon which the hotel will be situated if they are not the same persons who will hold the alcohol licenses or permits. The approval shall be in the form of a covenant enforceable by the city that shall run with the land upon which the hotel will be situated and shall be conditioned upon full and continuing compliance with all requirements of this subsection for the duration of the alcohol licenses or permits. The covenant shall be executed by the applicant and duly recorded in the real property records of Harris County at the expense of the applicant. The director of <Planning> planning and development may issue rules that are consistent with the requirements of this subsection for the administration of its provisions. No certification that may be required from the city by the Texas Alcoholic Beverage Commission or any other authority for the issuance of any alcohol permit or license shall be provided until all requirements of this subsection have been completed."

COUNCIL MEMBER TATRO TAGGED

MATTERS HELD - continued

a. Ordinance 2001-1001 – Postpone one (1) week

ORDINANCE amending **CHAPTER 3 OF THE CODE OF ORDINANCES**; **HOUSTON**, **TEXAS**, relating to the Sale of Alcohol within the City; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT I - CASTILLO TAGGED BY COUNCIL MEMBER QUAN**

This was Item 41 on Agenda of August 29, 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

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

09/05/01 - Council Member Galloway absent on jury duty