

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 6, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0916 to 2002-0944
ORDINANCES – 2002-0719 to 2002-0741
RESOLUTION – None

2002-0915-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Tatro

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

Motions 2002-0916 to 2002-0918 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 7, 2002 - 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 32

MISCELLANEOUS - NUMBERS 1 through 6

- 1. Council Members Robinson and Wiseman tagged**
RECOMMENDATION from Director Information Technology Department for allocation of funds for software license and software/hardware maintenance - \$233,210.00 - General Fund
- 2. Council Member Goldberg tagged**
RECOMMENDATION from Fire Department for Extension of Injury Leave for **KENNETH CHAPPELL, JR.**

MISCELLANEOUS - continued

3. Council Members Wiseman, Keller and Robinson tagged

RECOMMENDATION from Chief of Police for supplemental allocation of \$215,204.52 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund

4. Motion 2002-0925

RECOMMENDATION from Director Planning & Development Department to accept the July 2002 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program

a. Motion 2002-0926

RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$6,685,640.53 to Revenue Bond Debt Service as recommended in the July 2002 Semiannual Report of the Capital Improvements Advisory Committee (CIAC)

5. Ordinance 2002-0726

ORDINANCE appropriating \$110,427.86 out of Park Consolidated Construction Fund as additional appropriation for Bid Package No. 21 - Highland Park under construction contract with **SUMCO, INC** approved by Ordinance No. 01-0963, GFS F-0363-21-3 - **DISTRICT B - GALLOWAY**

a. Motion 2002-0927

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$110,432.90 on contract with **SUMCO, INC** for Parks to Standard Program Phase II, Bid Package No. 21 - Highland Park, GFS F-0363-21-3 - **DISTRICT B - GALLOWAY**

6. Motion 2002-0919

RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$72,549.08 - Enterprise Water & Sewer Fund

ACCEPT WORK - NUMBERS 7 through 10

7. Council Member Wiseman tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$414,829.96 and acceptance of work on contract with **RESICOM, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-S6-3 (Group No. 3) - 07.09% under the original contract amount - **DISTRICT E - WISEMAN**

8. Motion 2002-0928

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract of \$356,748.32 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-T5-3 (Package T2) - 02.19% over the original contract amount - **DISTRICT G - KELLER**

9. Motion 2002-0920

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,748,501.35 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-08-3 (4250-80)

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01.38% under the original contract amount - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - ALVARADO**

ACCEPT WORK - continued

10. Motion 2002-0921

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,085,123.19 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Construction of Miscellaneous Repairs at the Southeast Water Purification Plant, GFS S-0012-10-3 (8233-10) - 20.96% under the original contract amount - **DISTRICT E - WISEMAN**

PROPERTY - NUMBERS 11 through 13

11. Motion 2002-0929

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY0-073, located at 1421 Telephone Road, owned by Abba Indemnity Company, a Texas insurance company, Noe Santana, Sr., Chief Executive Officer, for **TELEPHONE ROAD RECONSTRUCTION PROJECT from Lawndale to Gulf Freeway**, CIP N-0611A-40-1 **DISTRICT I - ALVARADO**

12. Motion 2002-0930

RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION #2001-1225, 11/14/01**, which authorized condemnation of Parcel CY1-001 located in the 9000 block of Kirby Drive, for the **KIRBY #3 LIFT STATION PROJECT**, CIP R-0267-65-1 **TO REFLECT** the correct ownership of this property as Kirby 610 Tech Ltd., a Texas Limited Partnership, David David, Authorized Agent - **DISTRICT D - EDWARDS**

13. Motion 2002-0931

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-104, located at 6218 Wheatley Street, owned by Roy Douglas Malonson and wife, Shirley Ann Malonson, for the **ELLA BOULEVARD PAVING PROJECT from Pinemont to West Little York**, CIP N-0546-01-1 - **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 16

14. Motion 2002-0922

CHEMGUARD, INC - \$143,169.75 and **KIDDE FIRE FIGHTING** - \$124,800.00 for Fire Fighting Foam Chemicals, Polar Solvent/Aqueous Film for Fire and Aviation Departments - General and Enterprise Funds

15. Motion 2002-0923

TEXAS FIRE RESCUE dba FIRE APPARATUS SPECIALIST for Automotive, E-One Fire Truck Replacement Parts and Repair Contract for Fire Department - \$391,000.00 - General Fund

16. Motion 2002-0924

MOODY BROS., INC for Equipment, Wallace and Tiernan Chlorinator Parts for Department of Public Works & Engineering - \$204,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 17 through 32

17. Ordinance 2002-0719

ORDINANCE consenting to the addition of 18.8155 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**, for inclusion in its district

ORDINANCES - continued

18. Ordinance 2002-0727

ORDINANCE establishing the north and south sides of the 1000 block of East 6th ½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ**

19. Ordinance 2002-0728

ORDINANCE establishing the North Side of the 700 block of East 8th Street and the North and South Sides of the 700 block of East 8th ½ Street, within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ**

20. Ordinance 2002-0729

ORDINANCE issuing permit to **RSCPF 1201 LOUISIANA PLACE, L.P.**, for maintaining, using, occupying, operating and repairing a pedestrian tunnel and vault space abutting Block 269, S.S.B.B. and within Milam Street, Dallas Avenue and Louisiana Street, 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 - ALVARADO**

21. Motion 2002-0932 – Postpone two (2) weeks

ORDINANCE issuing permit to **VILLAGE PARTNERSHIP, LTD.**, for building, constructing, using, operating, maintaining and repairing a pedestrian bridge within the 12900 block of Whittington Drive, 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**

22. Not Received - Not Considered

ORDINANCE appropriating \$585,892.01 out of Low Income Housing Fund 876 and \$1,449,107.99 out of Low Income Housing Fund 162; approving and authorizing first amendment to contract with **HOUSING OPPORTUNITIES OF HOUSTON, INC** to expand the scope of services to provide increased financial assistance of up to \$35,000.00 to qualified victims of Tropical Storm Allison to purchase new or used replacement housing and to use existing funding to provide up to \$10,000.00 of subsidy assistance to disabled homebuyers

23. Council Members Goldberg, Wiseman, Robinson and Keller tagged

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for Integrated Library System for Continued Hardware and Software Maintenance of the ILS and Potential Enhancements for the Library Department; and amending Ordinance No. 99-0367 to increase the maximum contract amount - 2 Years \$540,000.00 - H.A.L.A.N. Fund

24. Council Member Wiseman tagged

ORDINANCE approving and authorizing Supplemental Schedule Agreement for Surety Support Services under the Master Agreement between the City of Houston and **UNISYS CORPORATION** (approved by Ordinance No. 2000-1147) for Various Departments \$389,769.00 - General Fund

25. Council Members Tatro and Wiseman tagged

ORDINANCE approving and authorizing contract between the City of Houston and **DEWBERRY & DAVIS, LLC** for Disaster Debris Consulting Services - \$100,000.00 - Stormwater Utility Fund

ORDINANCES - continued

26. Ordinance 2002-0720

ORDINANCE appropriating \$17,814.33 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of 12-inch water line on Cullen Boulevard and Beltway 8 under a Cost Sharing contract with the **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89** (approved by Ordinance No. 2000-0533); CIP S-0700-06-03 - **DISTRICT E - WISEMAN**

27. Ordinance 2002-0721

ORDINANCE appropriating \$16,900.00 out of Park Consolidated Construction Fund for Professional Engineering Services for Edgewood Park Community Center HVAC & Fire/Intruder Alarm System; GFS F-0363-80-3 - **DISTRICT E - WISEMAN**

28. Ordinance 2002-0722

ORDINANCE appropriating \$1,500,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction management services contract with **OMEGA ENGINEERS, INC** (approved by Ordinance No. 2001-0388), CIP S-0517-03

29. Ordinance 2002-0723

ORDINANCE appropriating \$2,241,145.56 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **GARVER CONSTRUCTION, LTD** for Construction of Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-R1-3 (WW4258-11); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

30. Ordinance 2002-0724

ORDINANCE appropriating \$5,250,848.40 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Rehabilitation of the 54-inch Sims Bayou Trunk Sewer from Scott Street No. 1 Lift Station to Old Spanish Trail, GFS R-2011-28-3 (WW4831); providing funding for engineering testing services, construction management and engineering services, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO**

31. Ordinance 2002-0725

ORDINANCE appropriating \$12,366,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** for 72-inch water line along Ella Boulevard and W. 12th Street from W. 24th Street to approximately 1000 linear feet east of Hempstead Road and the Northeast Pump Station Improvements, GFS S-0900-63-3 (WA10636); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A - TATRO; B - GALLOWAY and H - VASQUEZ**

32. Ordinance 2002-0730

ORDINANCE appropriating \$10,125.00 out of Storm Sewer Consolidated Construction Fund, \$37,125.00 out of Street & Bridge Consolidated Construction Fund and \$85,725.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for various CIP projects relating to construction of facilities financed by the respective consolidated construction funds for the Department of Public Works & Engineering

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 33

PURCHASING AND TABULATION OF BIDS

Motion 2002-0933 – Procedural motion

Motion 2002-0934 – Procedural motion

33. Motion 2002-0935

AMEND MOTION #02-536, 5/8/02, TO INCREASE award to furnish and install 23 additional pews for Building Services Department, awarded to **SAUDER MANUFACTURING CO.** for a total increase of \$14,408.00 - Disaster Recovery Fund - **REQUIRES THREE MOTIONS**

MATTERS HELD - NUMBERS 34 through 46

Motion 2002-0936 – Suspend rules to hear from Ms. Daisy Stiner, Housing on Item 34

34. Written motion by Council Member Tatro to amend Section 2 – postponed

WRITTEN MOTION presented by Council Member Quan to amend Item 34A, below, to revise Section 2 (1), (2) and (3); Section 2 (5) and Section 2 (6) and (7)

TAGGED BY COUNCIL MEMBER TATRO

a. Motion 2002-0937 – Postpone two (2) weeks

RESOLUTION adding certain program guidelines and supporting the issuance of Multifamily Housing Revenue Bonds by the Houston Housing Finance Corporation in furtherance of the development of Affordable Apartment Projects including projects which may be owned or operated by tax-exempt entities - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 27 on Agenda of July 31, 2002

35. Ordinance 2002-0731

ORDINANCE authorizing publication of notice of intent to issue City of Houston, Texas Tax and Revenue Certificates of Obligation, Series 2002A; approving and authorizing distribution of the Preliminary Official Statement and Official Notice of Sale related to such certificates; authorizing the Finance Working Group to proceed with all matters related to the issuance and sale of such certificates; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto and declaring an emergency

TAGGED BY COUNCIL MEMBER TATRO

This was Item 29 on Agenda of July 31, 2002

36. Motion 2002-0938 – Postpone two (2) weeks

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by amending **SECTION 44-5** concerning matters relating to the exemption of certain historic sites from ad valorem taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause; providing a repealer

TAGGED BY COUNCIL MEMBERS TATRO and ALVARADO

This was Item 31 on Agenda of July 31, 2002

MATTERS HELD – continued

37. Ordinance 2002-0732

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Winton Street, Alice Street, and Idaho Street, Street rights of way containing an aggregate of 31,146 square feet of land, more or less, being located in the Louis Gladitch Survey, A-304, Harris County, Texas; vacating and abandoning said tracts of land to Lilly Grove Missionary Baptist Church, the abutting owner, in consideration of owners' payment of \$32,443.00 and other consideration to the City - **DISTRICT D - EDWARDS**

TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 32 on Agenda of July 31, 2002

38. Ordinance 2002-0733

ORDINANCE establishing the South Sides of the 2000 and 2100 blocks of MacArthur Drive within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - GOLDBERG**

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 39 on Agenda of July 31, 2002

Motion 2002-0939 – Call question on Item 39

Motion 2002-0940 – Postpone Item 39 two (2) weeks – “FAILED”

Motion 2002-0941 – Call question on Item 39 – “FAILED”

39. Ordinance 2002-0734

ORDINANCE approving and authorizing right of entry agreement granting to **CENTRAL HOUSTON CIVIC IMPROVEMENT, INC** the right to enter upon the Main street right of way between Walker and Dallas Avenues to construct and/or install certain improvements

TAGGED BY COUNCIL MEMBERS ROBINSON, TATRO and SEKULA-GIBBS

This was Item 42 on Agenda of July 31, 2002

40. Ordinance 2002-0735

ORDINANCE amending Ordinance No. 99-487, passed May 19, 1999, which approved and authorized the submission of the 1999 Consolidated Plan and the Grant Application for the Housing Opportunities for Persons With AIDS (“HOPWA”) Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** (“HUD”) under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992

TAGGED BY COUNCIL MEMBERS GOLDBERG, PARKER and SEKULA-GIBBS

This was Item 45 on Agenda of July 31, 2002

41. Ordinance 2002-0736

ORDINANCE approving and authorizing three professional services contracts between the City of Houston and the following contractors; (1) **ENGELHARD CORPORATION**, (2) **EXTENGINE TRANSPORT SYSTEMS, LLC** and (3) **ENVIRONMENT CANADA** relating to the Houston Diesel Emissions Technology Field Demonstration Project

TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO and ROBINSON

This was Item 50 on Agenda of July 31, 2002

MATTERS HELD – continued

42. Ordinance 2002-0737

ORDINANCE accepting \$501,006.00 from the Texas Natural Resource Conservation Commission and approving and authorizing two professional services contracts between the City of Houston and the following contractors (1) **CLEANAIR SYSTEMS, INC** and (2) **EXTENGINE TRANSPORT SYSTEMS, LLC** relating to the Houston Diesel Emissions Technology Field Demonstration Project - \$85,500.00 - Enterprise Fund
TAGGED BY COUNCIL MEMBERS TATRO and WISEMAN
This was Item 51 on Agenda of July 31, 2002

Motion 2002-0942 – Amend Item 43 to add the following paragraph to the end of paragraph 2 of the Addendum to Exhibit “A”:

The Director may require the University of Houston to provide testing and related data interpretation services of the same type as set out in this Agreement for City-designated diesel vehicles and/or equipment at no additional cost, regardless of who owns such vehicles or equipment.

Motion 2002-0943 – Postpone Item 43 two (2) weeks – “FAILED”

43. Ordinance 2002-0738 – Adopt as amended

ORDINANCE appropriating \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and authorizing professional services contract between the City of Houston and the **UNIVERSITY OF HOUSTON** for University Research Projects - \$3,789,726.00 Enterprise Fund - **TAGGED BY COUNCIL MEMBERS WISEMAN, ROBINSON and TATRO**
This was Item 52 on Agenda of July 31, 2002

44. Ordinance 2002-0739

ORDINANCE appropriating \$209,360.94 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of the Homeless and Housing Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **S.S.M., L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve West Orem Place, Section One, CIP S-0800-67-03 and R-0800-67-03 - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 61 on Agenda of July 31, 2002

Motion 2002-0944 – Postpone Item 45 two (2) weeks – “FAILED”

45. Ordinance 2002-0740

ORDINANCE awarding contract to **DATA COMM BUSINESS SYSTEMS, L.L.C.** for Communications Technician Services for Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,391,625.00 - General and Central Service Revolving Funds - **TAGGED BY COUNCIL MEMBER TATRO**
This was Item 62 on Agenda of July 31, 2002

MATTERS HELD – continued

46. Ordinance 2002-0741

ORDINANCE appropriating \$609,606.00 out of Street & Bridge Consolidated Construction Fund for City's cost participation in the construction of Bikeways for Medical Center/Greenway, Plaza/Galleria Bikeway Phase 2, Harrisburg/Sunset Rails to Trails Phase 2 and Central Business District Access On-Street Bikeways Phase 2 under agreement with **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No 95-1290), CIP N-0420-4A-3 (N-0420-4A-3); providing funding for contingencies relating to construction of facilities financed by Street and Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO**

POSTPONED BY MOTION #2002-915, 7/31/02

This was Item 75 on Agenda of July 31, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Alvarado 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

8/6/02 – All present

8/7/02 – All Present