

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 13, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0945 to 2002-0972
ORDINANCES – 2002-0742 to 2002-0755
RESOLUTION – 2002-0026

2002-0944-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Vasquez

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 2002-0945 – Suspend rules to hear from Mr. Greg Simpson

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 14, 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 35

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2002-0957

REQUEST from Mayor for confirmation of the appointment of **MS. BARBARA L. SEYMOUR** to Position Three on the **BOARD OF PUBLIC TRUSTS (HOUSTON FOUNDATION)**, for a term expiring March 22, 2004

2. Motion 2002-0958

RECOMMENDATION from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR INTERSTATE 69 TEXAS** - \$30,000.00 - General Fund

MISCELLANEOUS - continued

3. Ordinance 2002-0751

ORDINANCE appropriating \$349,975.57 out of Houston Airport System Consolidated 2000 AMT Construction Fund for additional funding for existing construction contract with **LAUGHLIN ENVIRONMENTAL, INC** authorized by Ordinance 2000-367, at George Bush Intercontinental Airport/Houston, Project 510; CIP A-0251 - **DISTRICT B - GALLOWAY**

a. Motion 2002-0959

RECOMMENDATION from Director Department of Aviation for approval of Change Order No. 2 in the amount of \$349,975.57 on contract with **LAUGHLIN ENVIRONMENTAL, INC** to Expand Fuel Farm Capacity at George Bush Intercontinental Airport/Houston Project 510; CIP A-0251 **DISTRICT B - GALLOWAY**

4. Motion 2002-0946

RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$32,910.89 Enterprise Water & Sewer Fund

ACCEPT WORK - NUMBERS 5 through 11

5. Motion 2002-0960

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$654,845.60 and acceptance of work on contract with **GARVER CONSTRUCTION, INC** for construction of Greenbriar Relief Storm Sewer, GFS M-0233-01-3 (M-0233-01) - 04.65% over the original contract amount - **DISTRICT C - GOLDBERG**

6. Council Member Goldberg tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,543,450.26 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for construction of Infrastructure Improvements in the St. George Place Subdivision, GFS N-1033-03-3 (N-1033-03) - 08.79% under the original contract amount - **DISTRICT C - GOLDBERG**

7. Motion 2002-0947

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,958,645.25 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION CO.** for construction of Asphalt Overlay Project in Third Ward (Completion) - Neighborhoods to Standard, Tier VI, GFS N-1037-06-3 (OL2006) - 01.96% under the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO**

8. Motion 2002-0961

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$552,548.66 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for construction of Water, Sanitary Sewer, Storm Drainage and Paving for West MacGregor Estates, Section III, GFS N-1040-01-3 (N-1040-01) - 06.94% over the original contract amount - **DISTRICT D - EDWARDS**

9. Motion 2002-0962

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$917,352.72 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation in Northside Phase 1B, GFS R-1026-07-3 (4250-58R) - 24.08% under the original contract amount - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - ALVARADO**

ACCEPT WORK - continued

10. Motion 2002-0963

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,466,739.50, acceptance of work on contract with **BOYER, INC** for North MacGregor No. 1 Pump Station Force Main and City Attorney to interplead remaining retainage of \$54,667.40 into the registry of the District Court of Harris County, Texas, GFS R-1222-28-3 (4440AS-2) - 04.89% over the original contract amount - **DISTRICT D - EDWARDS**

11. Motion 2002-0948

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,745,010.08 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for construction of Miscellaneous Improvements at East Water Purification Plant, GFS-S-0056-WP-3 (10211-23) - 02.30% under the original contract amount

PROPERTY - NUMBERS 12 through 19

12. Motion 2002-0964

RECOMMENDATION from Director Department of Public Works & Engineering decreeing that there exists a public necessity and that it is in the public interest of the City of Houston, Texas, to acquire certain water transmission line easements and rights of way for the Houston Area Water Corporation and the Northeast Water Purification Plant

13. Pulled - Not Considered

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from William S. Brown of Carter & Burgess, Inc, on behalf of CVS Corporation (Thomas Ryan, chief executive officer), for sale of a ?3,940 square foot access easement out of the 2.3913-acre Robinson Westchase Branch Library site, located at 3223 Wilcrest Drive, being part of Block 6, Unrestricted Reserve F, Westchase Subdivision, Section 12, Parcel SY2-071 - **STAFF APPRAISERS - DISTRICT G - KELLER**

14. Motion 2002-0949

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY0-017, located at 8428 Market Street, owned by 8428 Market, a Texas Limited partnership, James Stark, Partner, for the **MARKET STREET PAVING PROJECT** from North Wayside Drive to Loop 610, CIP N-0611A-34-2 - **DISTRICT I - ALVARADO**

15. Council Members Goldberg and Alvarado tagged

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-064, located at the northwest corner of Avenue W and Wayside Drive, owned by Arroyos Real Estate Limited Partnership, Alexander G. Arroyos, Sr., President, for the **CENTRAL PARK SUBDIVISION PROJECT**, CIP N-0186-CPS - **DISTRICT B - GALLOWAY**

16. Council Member Goldberg tagged

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-310, located at 7212 Ley Road, owned by Hope Families, Inc., a Texas corporation, Brenda Wedgeworth, Executive Director, for **LEY ROAD PAVING PROJECT** from Homestead Road to North Wayside Drive, CIP N-0587A-00-1 - **DISTRICT B - GALLOWAY**

PROPERTY - continued

17. Motion 2002-0950

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-335, located at 7511 Ley Road, owned by Texas Specialty Homes, L.P., a Texas limited partnership [Pauline Investments, Inc., (Scott Wizig, President) General Partner] for **LEY ROAD PAVING PROJECT** from Homestead Road to North Wayside Drive, CIP N-0587B-00-1 **DISTRICT B - GALLOWAY**

18. Motion 2002-0951

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY1-121, located in the 11000 block of FM 529 (Spencer Road), owned by Margaret Ballard Brukner and Evelyn Ballard Grimes, for the **SPENCER ROAD WATERLINE PROJECT** from Brittmoore to Jersey Village Pump Station, CIP S-0900-71-2

19. Motion 2002-0952

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel D98-005, located in the 10500 to 11000 blocks of South Sam Houston Parkway (eastbound), owned by Knollwood Investment, Ltd., O. Holcombe Crosswell, President, for the **SAGEMONT SLUDGE TRANSFER FACILITY SANITARY SEWER EASEMENTS PROJECT** from Kirkville Drive to Sagearbor Drive, CIP R-0181-04-3 - \$50,000.00 - Enterprise Fund **DISTRICT E - WISEMAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 20 through 22

20. Motion 2002-0953

NATIONAL GASKET for Gasket Materials for Department of Public Works & Engineering \$118,063.40 - Enterprise Fund

21. Motion 2002-0954

BROOKSIDE EQUIPMENT SALES, INC - \$175,838.00 and **RUSH EQUIPMENT CENTER, HOUSTON** - \$323,968.00 for Equipment, John Deere Tractor Replacement Parts and Service Contract for Various Departments - General, Enterprise and Fleet Management Funds

22. Motion 2002-0965

AMEND MOTION #97-1546, 8/27/97, TO EXTEND term from August 26, 2002 to August 26, 2005, for Motorola Portable and Mobile Radio Communications Equipment for Various Departments, awarded to **MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC**

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 35

Motion 2002- 0955 – Suspend rules to consider Items 23 and 28 out of order

23. Resolution 2002-0026

RESOLUTION approving the creation of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICTS A - TATRO and G - KELLER**

RESOLUTIONS AND ORDINANCES - continued

24. Ordinance 2002-0742

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 10-foot-wide water line easements containing an aggregate of 6,181 square feet of land, more or less, being located in the George Bellows Survey, A-3, Harris County, Texas; vacating and abandoning said tracts of land to TCR Memorial Bend Holdings Limited Partnership, the abutting owner, in consideration of owner's dedication of a water line easement containing 2,304 square feet of land, more or less, and a water meter easement containing 200 square feet of land, more or less and owner's payment of \$13,789.00 and other consideration to the City - **DISTRICT G - KELLER**

25. Ordinance 2002-0743

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement containing 1,191 square feet of land, more or less, vacating and abandoning said tract of land to Anthony G. and Cynthia A. Petrello, abutting owners, in consideration of owner's dedication of a 10-foot wide sanitary sewer easement containing 1,129 square feet of land, more or less; such easements being out of Lot Q, Shady Side Addition and Lot 9, Shadowlawn Addition, Houston, Harris County, Texas, and owner's payment of \$341.00 and other consideration to the City - **DISTRICT C - GOLDBERG**

26. Council Members Wiseman and Alvarado tagged

ORDINANCE approving and authorizing a Special Warranty Deed conveying to **RAYMOND TAYLOR** a parcel of land containing 28,810 square feet, more or less, being out of Lots 1 and 2, Block 18, Acre Villa Subdivision of Park Place, Harris County, Texas (The Former Water Plant Site, located at 8302 Park Place Boulevard); and in consideration of Raymond Taylor's payment of \$72,000.00, and other consideration to the City - **DISTRICT E - WISEMAN**

27. Ordinance 2002-0744

ORDINANCE approving and authorizing a Special Warranty Deed conveying to **METRO NATIONAL CORPORATION**, a parcel of land containing 76,753 square feet (1.762 Acres), more or less, being located in the George W. Childress Survey, A0217, Harris County, Texas, (The former Breton Ridge Drive Wastewater Treatment Plant Site), retaining a sanitary sewer easement containing 1,375 square feet (0.0316 acre); in consideration of Metro National Corporation's payment of \$165,000.00 and other consideration to the City - **DISTRICT A - TATRO**

Motion 2002-0956 – Suspend rules to hear from Mr. George Montrond

28. Ordinance 2002-0750

ORDINANCE approving and authorizing first amendment to 2012 Olympic Games Host Agreement between the City and the **HOUSTON/HARRIS COUNTY SPORTS COMMITTEE FOUNDATION D/B/A HOUSTON 2012 FOR THE 2012 OLYMPIC GAMES**; providing a maximum contract amount - \$5,000,000.00 - Enterprise Fund

29. Ordinance 2002-0745

ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of Arbitrage Rebates not to exceed \$19,643.59 relating to the City's Water and Sewer System Junior Lien Revenue Refunding Bonds, Series 1997E

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2002-0746

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **NATIONAL SAFETY CLEAN, INC** for Cleaning, Decontamination & Repair of Protective Clothing for the Houston Fire Department approved and authorized by Ordinance No. 99-1082 \$75,000.00 - General Fund

31. Ordinance 2002-0752

ORDINANCE approving and authorizing amendment No. 2 to an Airport Baggage Cart Concession and Service Agreement at George Bush Intercontinental Airport/Houston and William P. Hobby Airport between the City of Houston and **SMARTE CARTE, INC** - **DISTRICTS B - GALLOWAY and I - ALVARADO**

32. Pulled - Not Considered

ORDINANCE appropriating \$108,904.22 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Relocation of Water Mains, Sanitary Sewer Lines and Appurtenances within the Southwest Freeway (US 59) and Spur 527 Rights-of-Way from Mandell Street to Smith Street, CIP S-0521-09-3 and R-0521-09-3 (WA10749); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**

33. Ordinance 2002-0747

ORDINANCE appropriating \$3,217,161.34 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S4-3 (WW4257-36); providing funding for engineering testing services and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund

34. Ordinance 2002-0748

ORDINANCE appropriating \$1,224,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in Eastex Oaks III Subdivision, GFS S-0035-80-3 (WA10666); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

35. Ordinance 2002-0749

ORDINANCE appropriating \$2,172,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in Sunnyside Subdivision, GFS-S-0035-85-3 (WA10671); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 36 and 37

PROPERTY

36. Motion 2002-0966

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of MNC Mall, Ltd., a Texas limited partnership [MNC Realty Management, LLC (James R. Jard), president], general partner] and Metro National Corporation (James R. Jard, president) for abandonment and sale of two 10-foot wide water line easements and a 10-foot wide sanitary sewer easement, located within Memorial City Mall, in exchange for the conveyance to the City of a 20-foot wide water line easement, a 10-foot by 30-foot fire hydrant easement, and a 25-foot wide sanitary sewer easement, all located within the Isaac Bunker Survey, A-121, Parcels SY2-068A, SY2-068B, SY2-072, KY2-096A, KY2-096B and DY2-034 – **(Tom Kvinta and Sheila Stewart, appointed) - APPRAISERS - DISTRICT G - KELLER**

37. Motion 2002-0967 – Postpone one (1) week

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gerald P. Lance of Fulbright & Jaworski L.L.P., on behalf of Clorox Products Manufacturing Company (Arnold Mallet, operations manager), for abandonment and sale of Henke Street, from Armour Drive south to its dead-end, located within the Harris and Wilson Two-League Grant Survey, A-32, Parcel SY2-069 **APPRAISERS - DISTRICT I - ALVARADO**

MATTERS HELD - NUMBERS 38 through 45

38. Motion 2002-0968 – Postpone one (1) week

ORDINANCE amending **CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to application of the Campaign Finance Ordinance to Officers of Nonprofit Corporations; containing other provisions relating to the foregoing subject; providing for severability

POSTPONED BY MOTION #2002-858, 7/17/02

This was Item 13 on Agenda of July 17, 2002

39. Motion 2002-0969

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Information Technology Department for allocation of funds for software license and software/hardware maintenance - \$233,210.00 - General Fund

TAGGED BY COUNCIL MEMBERS ROBINSON and WISEMAN

This was Item 1 on Agenda of August 7, 2002

40. Motion 2002-0970

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Fire Department for Extension of Injury Leave for **KENNETH CHAPPELL, JR. - TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 2 on Agenda of August 7, 2002

41. Motion 2002-0971

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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

TAGGED BY COUNCIL MEMBERS WISEMAN, KELLER and ROBINSON

This was Item 3 on Agenda of August 7, 2002

MATTERS HELD – continued

42. Motion 2002-0972 – Postpone two (2) weeks

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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**

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 7 on Agenda of August 7, 2002

43. Ordinance 2002-0753

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

TAGGED BY COUNCIL MEMBERS GOLDBERG, WISEMAN, ROBINSON and KELLER

This was Item 23 on Agenda of August 7, 2002

44. Ordinance 2002-0754

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 - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 24 on Agenda of August 7, 2002

45. Ordinance 2002-0755

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

TAGGED BY COUNCIL MEMBERS TATRO and WISEMAN

This was Item 25 on Agenda of August 7, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Berry 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

8/13/02 – Council Members Tatro, Galloway, Edwards and Vasquez out of the City on City business

8/14/02 – Council Members Tatro, Galloway, Edwards and Vasquez out of the City on City business