

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 5, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS 2002-0145 to 2002-0172
ORDINANCES – 2002-0074 to 2002-0088
RESOLUTIONS – None

2002-0144-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sekula-Rodriguez

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 6, 2002 - 9:00 A. M.

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

MAYOR'S REPORT

Presented by Mr. Al Haines

Administration Briefing on Downtown Construction

Motion 2002-0145

9:00 A.M. - **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 and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 30

MISCELLANEOUS - NUMBERS 1 through 6A

Motion 2002-0146 – Suspend rules to consider Items 1, 33, 33a, 33b, 29 and 14 out of order

1. Motion 2002-0147
CONFIRMATION of the appointment of **MR. JON C. VANDEN BOSCH** as Director Department of Public Works & Engineering

Motion 2002-0148 – Suspend rules to hear from Mr. Jon Vanden Bosch

2. Motion 2002-0156
RECOMMENDATION from Chief of Police for approval of Extension of Injured on Duty Status for Police Officer **DAVID P. McANINCH**
3. Motion 2002-0157
RECOMMENDATION from Chief of Police for approval of Extension of Injured on Duty Status for Police Officer **C. E. ROOKE**
4. Motion 2002-0158
RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$737,267.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Calendar Year 2002 Ground Water Withdrawal - Enterprise Fund
5. Motion 2002-0159
RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$158,795.49 to **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for 2002 Water System Fees - Enterprise Fund
6. Ordinance 2002-0083
ORDINANCE appropriating \$1,067,700.00 out of Water & Sewer Systems Consolidated Construction Fund for construction contract with **BRH-GARVER, INC** for proposed 72" water main along Clinton Dr. and Federal Rd., approved by Ordinance Number 2000-435
 - a. Motion 2002-0165
RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$848,700.00 on contract with **BRH-GARVER, INC** for proposed 72" Water Main along Clinton Dr. and Federal Rd., GFS S-0900-38-3 (WA10556)
DISTRICT E - WISEMAN

DAMAGES - NUMBERS 7 and 8

7. Motion 2002-0160
RECOMMENDATION from City Attorney for settlement of lawsuit styled **IKRAM EL-ASSAAD** vs. Stephanie Gaithe and the City of Houston; Cause No. 99-03867; in the 127th Judicial District Court of Harris County, Texas - \$17,900.00 - Property and Casualty Fund
8. Motion 2002-0161
RECOMMENDATION from City Attorney for settlement of lawsuit styled **HAZEL WILLIAMS JOHNSON** v. Kenneth W. Serres, et al; in the 165th Judicial District Court of Harris County, Texas; Cause No. 2000-61991 - \$54,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBER 9

9. Motion 2002-0162
RECOMMENDATION from Director Building Services Department for approval of final contract

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amount of \$348,125.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** to Replace Roof on Collections/Training/Locker Building, GFS L-0044-01-3 - 00.32% over the original contract amount - **DISTRICT H - VASQUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 12

10. Motion 2002-0166

EMERGENCY ONE, INC for Aircraft Rescue and Fire Fighting (ARFF) Vehicles for Aviation Department - \$2,165,490.00 - Airport System Capital Outlay Fund

11. Motion 2002-0163

AMEND MOTION NOS. 99-516, 3/31/99, 2000-217, 2/16/00 and 2001-160, 2/14/01, TO EXTEND expiration date from March 30, 2002 to June 29, 2002, for Building Materials, Parts I, II and III for Various Departments, awarded to **BIG Z LUMBER COMPANY, ACE LOCK & SECURITY SUPPLY, SAM BASSETT LUMBER COMPANY and RIGGSBEE HARDWARE AND INDUSTRIAL SUPPLY**

12. Motion 2002-0164

PMI, PHOENIX METALLURGICAL, INC - \$278,587.00 and **DRILLCO DEVICES LTD** \$82,380.72 for Concrete Saw Blades for Various Departments - General and Enterprise Funds

ORDINANCES - NUMBERS 13 through 30

13. Ordinance 2002-0084

ORDINANCE finding no special benefit to the abutting owner of property described as Lot 14, Block 1, Hillendahl Acres, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-612 passed May 26, 1993, for the initiation of a paving project for the permanent improvement of a portion of Hammerly Boulevard in the City of Houston, Texas; authorizing refunds to the abutting owners - \$5,036.70 - General Fund - **DISTRICT A - TATRO**

14. Ordinance 2002-0075

ORDINANCE establishing the west side of the 6000 block of Glen Cove Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT G - KELLER**

15. Ordinance 2002-0076

ORDINANCE authorizing awarding contract for Boiler and Machinery Insurance to **HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY**; providing a maximum contract amount - \$89,174.00 - Enterprise and Insurance Management Fund

16. Ordinance 2002-0077

ORDINANCE approving and authorizing contract between the City and **TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORY** for Prenatal Screening Services - \$45,000.00 - Grant Fund

17. Ordinance 2002-0085

ORDINANCE appropriating \$52,029.74 out of Tax and Revenue Certificate of Obligation 2000A Fund for payment to the **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** to reimburse **IRONWOOD HOMES** for costs associated with Public Improvements and land acquisition in Reinvestment Zone Number One, City of Houston, Texas, pursuant to Ordinances Nos. 2000-212 and 2000-234 - **DISTRICT C - GOLDBERG**

18. Council Member Keller tagged

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ORDINANCE approving and authorizing contract between the City of Houston and **DATASTREAM SYSTEMS, INC** for Computer Software Maintenance and Support Services; providing a maximum contract amount - \$144,667.87 - Enterprise Fund

19. Council Members Berry, Tatro and Wiseman tagged
ORDINANCE approving and authorizing contract for professional civic art administration services by and between the City of Houston and **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Department of Aviation - \$382,350.00 - Airports Improvement Fund **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**
20. Council Members Berry and Tatro tagged
ORDINANCE approving and authorizing professional Civic Art Administration Services contract between the City of Houston and the **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Administration and Implementation of a Civic Art Plan on behalf of the Convention & Entertainment Facilities Department - \$330,279.00 - George R. Brown Consolidated Construction Fund - **DISTRICT I - ALVARADO**
21. Ordinance 2002-0086
ORDINANCE approving and authorizing contract between the City and **JUSTEX SYSTEMS, INC** for Development and Administration of an Assessment Center Process for the Rank of Police Captain; providing a maximum contract amount - \$170,253.00 - General Fund
22. Ordinance 2002-0078
ORDINANCE appropriating \$54,565.28 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **BEAZER HOMES TEXAS, L.P.**, for construction of Water and Sewer Lines in Post Oak Place Section Three, CIP S-0800-40-03 and R-0800-46-03 - **DISTRICT D - EDWARDS**
23. Ordinance 2002-0079
ORDINANCE amending Ordinance No. 99-356 to increase the maximum contract amount to contract between the City of Houston and **SIMPLEXGRINNELL LP formerly known as SIMPLEX TIME RECORDER COMPANY** for Fire Alarm Maintenance Services for the Building Services Department - \$18,454.69 - General Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**
24. Ordinance 2002-0087
ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing professional services contract between the City of Houston and **PROFESSIONAL SERVICE INDUSTRIES, INC** for Miscellaneous Engineering Testing Laboratory Services at Houston Airport System, Project No. 409L; CIP A-0138.52 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**
25. Ordinance 2002-0080
ORDINANCE appropriating \$598,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 98-1072) between the City of Houston and **CLAUNCH & MILLER, INC** for Sanitary Sewer and Water Services to the East Lake Houston Unserved Areas, CIP R-0801-04-2 (4744); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**
26. Council Members Wiseman, Tatro, Sekula-Rodriguez and Keller tagged
ORDINANCE appropriating \$1,202,900.00 out of Parks Consolidated Construction Fund, appropriating \$197,338.00 out of General Improvement Consolidated Construction Fund, appropriating \$145,407.00 out of Parks Special Revenue Fund, appropriating and transferring

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\$321,972.00 out of Accumulated Unexpended Fund to Parks Special Fund; and appropriating \$356,593.00 out of Parks Special Fund as an additional appropriation for professional services contract - General Project Management and Construction Management Services, GFS F-0363-95-5 under the contract C52144 with **SUNLAND ENGINEERING COMPANY**, (approved by Ordinance No. 00-1003)

27. Ordinance 2002-0088

ORDINANCE appropriating \$100,000.00 out of Street & Bridge Consolidated Construction Fund and \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional General Environmental Consulting Services contract between the City of Houston and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** for Right-of-way Projects and Water and Wastewater Projects, GFS R-0019-07-2; providing for contingencies relating to design of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund

28. Ordinance 2002-0081

ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional construction managements and Inspection Services contract between the City of Houston and **BROOKS & SPARKS, INC** for Water Projects, CIP S-0035-90-2 (WA10725)

Motion 2002-0154 – Suspend rules to hear from Mr. Steve Williams on Item 29

29. Motion 2002-0155 – Postpone two (2) weeks

ORDINANCE appropriating and transferring \$15,000,000.00 out of the Accumulated Unexpended Fund into the General Fund Fund Balance; appropriating and transferring \$15,000,000.00 from the General Fund Fund Balance to the Fire Department Expenditure Budget

30. Ordinance 2002-0082

ORDINANCE appropriating \$350,000.00 out of Solid Waste Consolidated Construction Fund for purchase of Equipment and Stock to establish the Southeast Component Rebuild Facility
DISTRICT I - ALVARADO

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 31

MISCELLANEOUS

Motion 2002-0167 – Grant petition for additional permits to ATA Enterprises – “FAILED”

31. Motion 2002-0168 – Deny petition

CONSIDERATION of the petition by **ATA ENTERPRISES, INC d/b/a COMFORT CAB CO.** to the City of Houston, Texas City Council for additional Taxicab permits in accordance with the Houston Code of Ordinances, Chapter 46, Section 46-66(D)

MATTERS HELD - NUMBERS 32 through 35

32. Motion 2002-0169 – Postpone one (1) week

ORDINANCE approving and authorizing contract between the City and **PINKERTON'S INC** for Security Guard Services for Various Departments; providing a maximum contract amount \$33,664,023.90 - General, Enterprise, Parks Special Revenue and Building Inspection Funds

POSTPONED BY MOTION #2002-109, 1/23/02

This was Item 43 on Agenda of January 23, 2002

Motion 2002-0149 – Amend Item 33 to add “and Foreman” after the word Burney

Motion 2002-0150 – Call the question on Item 33

33. Motion 2002-0151 – “FAILED”

MOTION by Council Member Ellis/Seconded by Council Member Goldberg that Item 33B below, be amended to provide the following:

The Series 2002A Bonds will be issued through a negotiated financing with Siebert Brandford Shank & Co., LLC to serve as book running manager. Serving, as co-seniors on 2002A bonds are Salomon Smith Barney and Estrada Hinojosa & Co. Series 2002B bonds will be issued through a negotiated financing with Morgan Stanley to serve as book running manager. Serving as co seniors the Series 2002 B bonds are Bear Stearns, and Loop Capital Markets, LLC. Apex Pryor Securities, Banc of America Securities LLC, Banc One Capital Markets, Inc., Dain Rauscher, Inc., Lehman Brothers Ramirez & Co., Inc., SWS Securities, UBS Paine Webber, and US Bancorp Piper Jaffray will serve as Co-managers on both 2002A and 2002B. Fulbright & Jaworski L.L.P. and Burney and Foreman will serve co-bond counsel. Andrews & Kurth L.L.P. and Law Offices of Francisco G. Medina will serve as special disclosure co-counsel. Underwriters’ counsel will be Vinson & Elkins, L.L.P.

TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-RODRIGUEZ

a. Withdrawn – not considered

MOTION by Council Member Ellis/Seconded by Council Member Goldberg that Item 33B below, be amended to provide the following:

To achieve the maximum flexibility on the terms of the swap agreement City Council authorization is being requested to negotiate terms with UBS Paine Webber & Banc One. Once authorized by City Council, the FWG will lock in the fixed payer rate when interest rates are favorable. At that time, the FWG will return to City Council to seek approval of the swap agreement and ratify the terms - **TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-RODRIGUEZ**

Motion 2002-0152 – Amend Item 33b to add Morgan Stanley as Co-manager

Motion 2002-0153 – Amend Item 33b to add “to achieve the maximum flexibility on the terms of the swap agreement, City Council authorizes the FWG to negotiate competitive term with UBS Paine Webber, Bank One, and Goldman Sachs, Once authorized by City Council, the FWG will lock in the fixed payer rate when interest rates are favorable. At that time, the FWG will return to City Council to seek approval of the swap agreement and ratify the terms.

b. Ordinance 2002-0074 – As amended

ORDINANCE authorizing issuance of City of Houston, Texas, Water & Sewer System Junior Lien Revenue Refunding Bonds, Series 2002A and City of Houston, Texas, Water & Sewer System Junior Lien Revenue forward Refunding Bonds, Series 2002B, authorizing the Mayor and City Controller to approve the amounts, the interest rates, prices and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Commercial Paper Notes and certain outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing negotiation of an Interest Rate Swap Agreement with respect to the Series 2002A bonds; authorizing Bond Insurance, Reserve Fund Surety Bonds, Escrow Verification and Engagement of Escrow Agents, a Co-bond Counsel Agreement, and a Special Disclosure Co-counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement

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TAGGED BY COUNCIL MEMBER EDWARDS

This was Item 15 on Agenda of January 30, 2002

MATTERS HELD – continued

Motion 2002-0170 – Suspend rules to hear from Chief Brashears

34. Motion 2002-0171 – Postpone one (1) week

ORDINANCE approving and authoring contract between the City and **JOE WINTERS INVESTIGATIONS CO.** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - \$479,062.00 - General Fund

TAGGED BY COUNCIL MEMBERS TATRO, SEKULA-RODRIGUEZ and KELLER

This was Item 23 on Agenda of January 30, 2002

35. Motion 2002-0172 – Postpone one (1) week

ORDINANCE approving and authorizing contract between the City and **BOYD, SMITH AND ASSOCIATES, LLC** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - \$789,600.00 - General Fund

TAGGED BY COUNCIL MEMBERS TATRO, SEKULA-RODRIGUEZ and KELLER

This was Item 24 on Agenda of January 30, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Wiseman 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

02/05/2002 – Council Member Vasquez out of the City on personal business

02/06/2002 – Council Member Vasquez out of the City on personal business