

AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 29, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0116 to 2002-0144
ORDINANCES – 2002-0057 to 2002-0073
RESOLUTIONS – None

2002-0115-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Quan

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 2002-0116 – Suspend rules to hear Ms. Dawn Jahnke out of order

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JANUARY 30, 2002 - 9:00 A. M.

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

HEARINGS

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 30

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2002-0117

CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2002:

Position 1 - **COUNCIL MEMBER ROBINSON**

Position 2 - **COUNCIL MEMBER KELLER**

Alternate Position 1 - **COUNCIL MEMBER TATRO**

MISCELLANEOUS - continued

2. Motion 2002-0118

RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in Houston - Galveston Area Council - \$78,245.24 - General Fund

3. Motion 2002-0119

RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Third Ward Multi-Service Center, GFS D-0070-01-3 - **DISTRICT I - ALVARADO**

4. Motion 2002-0126

RECOMMENDATION from Director of the Library Department to name the New Branch Library currently in design, the Dr. John P. McGovern-Stella Link Branch Library - **DISTRICT C - GOLDBERG**

ACCEPT WORK - NUMBERS 5 through 9

5. Motion 2002-0120

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,146,917.55 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Andover, Southview and Fairlawn Place Subdivisions, GFS S-0036-AP-3 (10492) - 09.83% under the original contract amount Water & Sewer Consolidated Construction Fund - **DISTRICT I - ALVARADO**

6. Motion 2002-0127

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,488,328.33 and acceptance of work on contract with **INSITUFORM GULF SOUTH, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-10-3 (4250-82) - 00.47% under the original contract amount Water & Sewer Consolidated Construction Fund - **DISTRICTS D - EDWARDS; G - KELLER; H - VASQUEZ and I - ALVARADO**

7. Motion 2002-0121

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,051,008.22 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sims Bayou Trunk Sewer Rehabilitation, GFS R-2002-03-3 (4707-3) 00.58% over the original contract amount - Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO**

8. Motion 2002-0122

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$350,568.25 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Construction of Westview Paving Project from West Belt to Shadowdale Drive, Phase I, West Belt to Lumpkin Road, GFS N-0549-01-3 (N-0549-01) 01.38% under the original contract amount - Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO**

9. Motion 2002-0128

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,820,696.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program Bid Package No. 4, Bell, Cottage Grove, Gragg, Independence Heights and Woodland Parks, GFS F-0363-04-3 - 04.99% over the original contract amount Parks Consolidated Construction and Community Development Block Grant

PROPERTY - NUMBERS 10 through 12

10. Motion 2002-0123

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gregory W. Keith, Marcus & Millichap Real Estate Investment Brokerage Company of Texas, for abandonment and sale of Farnsworth Street, from Fairfax Street ±130 feet north to its dead-end, located in Dawnridge Addition, John S. Black Survey, Abstract 163 Parcel SY2-025 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ**

11. Motion 2002-0124

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karl A. Smith, for abandonment and sale of ±3,250 square feet of excess, fee-owned West Tidwell Road Right of way, being part of Lots 7 and 8, Block 36, Third Subdivision of Fairbanks Suburban Townsite, Parcel SY1-054 **STAFF APPRAISERS - DISTRICT A - TATRO**

12. Motion 2002-0125

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Martha Yanez, for abandonment and sale of Charles Street, from Stable Lane ±106 feet east to its dead-end, in exchange for the conveyance to the City of a 5foot-wide utility easement, both located within Mixion Place Subdivision, Parcel SY2-028 and VY2-010 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 and 14

13. Motion 2002-0129

GBS ENVIRONMENTAL, INC for Mold Remediation Services for the Building Services Department - \$49,100.00 and contingencies in a total amount not to exceed \$51,550.00 - Disaster Recovery Fund - **DISTRICT I - ALVARDO**

14. Motion 2002-0130

HOUSTON-GALVESTON AREA COUNCIL for purchase of Two Excavators through the Interlocal Agreement for Cooperative Purchasing for the Department of Public Works & Engineering - \$374,435.43 - Street & Drainage Maintenance Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 30

Motion by Council Member Ellis/Seconded by Council Member Goldberg to amend Item 15 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 Salamon 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. Service as co-seniors the Series 2002B 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 and Jaworski L.L.P. and Burney will serve co-bond counsel. Andrews & Kurth L.L.P. and Law Offices of Francisco G. Medina will serve as special disclosure co-counsel. Underwriter's counsel will be Vinson & Elkins, L.L.P. terms - **TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-RODRIGUEZ**

ORDINANCES AND RESOLUTIONS - continued

Motion by Council Member Ellis/Seconded by Council Member Goldberg to amend Item 15 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**

15. Council Member Edwads tagged

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/registrars agreement

16. Ordinance 2002-0067

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2001-0787 by deleting nine (9) Junior Fire Alarm Dispatcher Positions and by adding nine (9) Captain Positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability

17. Ordinance 2002-0057

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide water line containing 21,616 square feet of land, more or less, and four (4) fire hydrant easements containing an aggregate of 500 square feet of land, more or less, all easements being located within Lot 1, Greenspoint Village, Pierce Sullivan Survey, A-749, Harris County, Texas; vacating and abandoning said tracts of land to the Greater Greenspoint Management District of Harris County, the abutting owner, in consideration of owner's dedication of a 20-foot-wide water line easement containing 6,659 square feet of land, more or less and payment of \$12,418.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT B - GALLOWAY**

18. Ordinance 2002-0058

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of seven sanitary sewer easements containing an aggregate of 12,583 square feet of land, more or less, Parcels SY0-076A through SY0-76F and SY0-029; all easements being located in John Austin Survey, A1, Harris County, Texas; vacating and abandoning (i) Parcel SY0-076A through SY0-076F to American General Life Insurance Company, abutting owner and (ii) Parcel SY1-029 to Knickerbocker Corporation, abutting owner, in consideration of the owner's dedication of two easements for street right of way containing an aggregate of 5,064 square feet of land, more or less, and one easement for sanitary sewer purposes containing 4,009 square feet of land, more or less, and payment of \$7,100.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT D- EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

19. Ordinance 2002-0059

ORDINANCE consenting to the addition of 13.0852 acres of land to Harris County Municipal Utility District No. 230, for inclusion in its district

20. Ordinance 2002-0060

ORDINANCE consenting to the addition of 148.79 acres of land to Fort Bend County Municipal Utility District No. 23, for inclusion in its district

21. Ordinance 2002-0061

ORDINANCE consenting to the addition of 10.9398 acres of land to Northampton Municipal Utility District, for inclusion in its district

22. Ordinance 2002-0062

ORDINANCE consenting to the addition of 20.4791 acres of land to Brazoria County Municipal Utility District No. 18, for inclusion in its district

23. Council Members Tatro, Sekula-Rodriquez and Keller tagged

Ordinance 2002-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

24. Council Members Tatro, Sekula-Rodriquez and Keller tagged

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

25. Ordinance 2002-0068

ORDINANCE approving and authorizing third amendment to Subrecipient Loan Agreement between the City of Houston and the **HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION** to extend the time to advance funds thereunder; making various findings and provisions related thereto

26. Ordinance 2002-0063

ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERICES** proving up to \$1,264,000.00 in Housing opportunities for persons with AIDS ("HOPWA") funds for the administration of a short-term rent, mortgage and utility assistance project, which sum includes limitation of additional funding in the amount of \$632,000.00; making various findings and provisions relating to the subject - **DISTRICT D - EDWARDS**

27. Ordinance 2002-0064

ORDINANCE appropriating \$39,200.00 out of Airport System Commercial paper Series A, C (AMT) and approving the purchase from Aldine Independent School District of approximately 1.143 acres of land out of the Amos Barber Survey, Houston, Harris County, Texas, for the expansion of Bush Intercontinental Airport CIP A0024, for a purchase price, including closing costs, which does not exceed the sum hereby appropriated; making various findings and provisions related thereto - **DISTRICT B - GALLOWAY**

28. Ordinance 2002-0065

ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving authorizing professional construction management and inspection services contract between the City of Houston and **ESPA CORP.** for Water Projects GFS S-0035-89 (WA10724)

RESOLUTIONS AND ORDINANCES - continued

29. Ordinance 2002-0066

ORDINANCE appropriating \$221,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional engineering services contract between the City of Houston and **COBURN LINSEISEN & RATCLIFF, INC** for the Design of water line replacement in various underserved subdivisions CIP S-0700-CR-2 (10566); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG and D - EDWARDS**

30. Ordinance 2002-0069

ORDINANCE appropriating \$4,964,700.00 out of Water & Sewer System Consolidated Construction fund, awarding contract to **RWL CONSTRUCTION COMPANY, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for 84-inch water main along West 24th Street North Durham Drive to Ella Boulevard, GFS S-0900-67-3 (WA10640); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 31 and 31A

MISCELLANEOUS

Motion 2002-0131 – Omitted in error

Motion 2002-0132 – Suspend rules to consider Items 31 and 31a out of order

31. Close nominations for Positions 7, 8 and 9

RECEIVE nominations for Positions 7, 8 and 9 of the **MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS**, for two year terms to expire January 31, 2004

Motion 2002-0133 - Council Member Alvarado nominated Mr. Al Luna for reappointment to Position 7

Motion 2002-0133 - Council Member Vasquez nominated Mr. Ignacio Pujol for appointment to Position 7

Motion 2002-0134 – Council Member Robinson nominated Mr. Walter Davis for reappointment

Motion 2002-0134 – Council Member Ellis nominated Mr. James E. Bradshaw for appointment

Motion 2002-0135 – Council Member Quan nominated Mr. Robert Hu for reappointment

Motion 2002-0136 – Suspend rules to consider appointment from nominees for Positions 7, 8 and 9 of the HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD

a. Appointment from the nominees for Positions 7, 8 and 9 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF DIRECTORS** (Subject to suspension of the City Council Rules for that purpose).

Motion 2002-0137 – Confirm appointment of Mr. Ignacio Pujol for Position 7

Motion 2002-0138 – Confirm appointment of Mr. James E. Bradshaw for Position 8

Motion 2002-0139 – Confirm appointment of Mr. Robert Hu for Position 9

MATTERS HELD - NUMBERS 32 through 38

32. Motion 2002-0140

MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Chief of Police for supplemental allocation of \$138,169.95 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund
TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 1 on Agenda of January 23, 2002

33. Motion 2002-0141

MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2001-746, 7/3/01, TO INCREASE** spending authority by \$527,056.00 from \$2,108,226.00 to \$2,635,282.00 for Scott Air Pak and authorize the exchange of used 30-minute air cylinders for new 60-minute air cylinders for Fire Department, awarded to **ORR SAFETY CORP.** - General Fund - **TAGGED BY COUNCIL MEMBERS TATRO and ALVARADO**

This was Item 14 on Agenda of January 23, 2002

34. Motion 2002-0142

MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HI-WAY EQUIPMENT CO., INC** for Rental of Asphalt Road-Patching Trucks for Department of Public Works & Engineering - \$202,500.00 - General Fund - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 23 on Agenda of January 23, 2002

Motion 2002-0143 – Suspend rules to hear Mr. Gene Locke on Item 35

Motion 2002-0144 – Call the question on Item 35

Motion by Council Member Tatro to amend Item 35 to substitute the wording in Section 6.5.2 to provide for the Greater Houston Convention an Visitors Bureau Suite not the Landlord Promotional Suite –
TAGGED BY COUNCIL MEMBER ROBINSON

35. Ordinance 2002-0070

ORDINANCE approving and authorizing ground lease agreement between **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, as tenant and the City of Houston, Texas, as landlord, for the Multi-Purpose Sports and Entertainment Arena located in Downtown Houston
DISTRICT I - ALVARADO - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 34 on Agenda of January 23, 2002

36. Ordinance 2002-0071

ORDINANCE approving and authorizing first amendment to professional services contract (approved by Ordinance No. 2000-328) between the City of Houston and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the provision of Drinking Water for the Houston Region - \$260,00.00 Enterprise Fund
TAGGED BY COUNCIL MEMBERS SEKULA-RODRIGUEZ, TATRO and KELLER

This was Item 47 on Agenda of January 23, 2002

MATTERS HELD - continued

37. Ordinance 2002-0072

ORDINANCE appropriating \$1,100,000 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC**, approving and authorizing professional services contract for engineering testing services with **HTS, INC, CONSULTANTS** for the construction of District-10 Water Well Collection Line, GFS S-0936-05-3 (10568) - **DISTRICT G - KELLER**

TAGGED BY COUNCIL MEMBER SEKULA-RODRIGUEZ

This was Item 51 on Agenda of January 23, 2002

38. Ordinance 2002-0073

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**

POSTPONED BY MOTION #2002-0076 - 1/16/02

This was Item 39 on Agenda of January 16, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Goldberg 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

01/29/2002 – All Present

01/30/2002 – All Present