

AGENDA - COUNCIL MEETING - TUESDAY - JULY 9, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0828 to 2002-0843
ORDINANCES – 2002-0639 to 2002-0659
RESOLUTION – 2002-0024

2002-0827-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Galloway

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 2002-0828 to 2002-0829 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 10, 2002 - 9:00 A. M.

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

HEARINGS

1. Motion 2002-0830 – Close hearing

PUBLIC HEARING - Pursuant to 43 Texas Administrative Code 25.603(d), the City Council will conduct a local public hearing to consider the adoption under 545.0651 of the Texas Transportation Code of a proposed restriction on the operation of certain trucks/trailers on a portion of State Highway 225 within the City of Houston between the point at which the corporate limits of the cities of Houston and Pasadena abut on the east and centerline of the pedestrian overpass that crosses State Highway 225 in the vicinity of Roosevelt and Reese Streets on the west. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **9:00 A.M.**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBERS 2 and 3

2. Motion 2002-0831

RECOMMENDATION from the Fire Chief for Extension of Injured Leave for Fire Fighter **JERRY M. POWERS**

3. Motion 2002-0832

RECOMMENDATION from Director Department of Aviation for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$75,000.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 4 through 8

4. Motion 2002-0833

RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,362,388.79 and acceptance of work on contract with **ROOFTOP SERVICE COMPANY, INC** for Terminal C Reroofing at George Bush Intercontinental Airport/Houston, Project 490G, CIP A-0131 and A-0356 - 07.16% less than the original contract amount - **DISTRICT B - GALLOWAY**

5. Motion 2002-0839

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$283,684.82 and acceptance of work on contract with **LITTLE TIKES COMMERCIAL PLAY SYSTEMS, INC c/o ALL PLAY, INC** for Renovation of Five Playgrounds Spurlock, Garden Villas, Fonde, Sagemont and Boone Rd. Parks, GFS F-0468-01-3 - 04.30% over the original contract amount - **DISTRICTS E - WISEMAN; F - ELLIS and I - ALVARADO**

6. Motion 2002-0840

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,647,811.72 and acceptance of work on contract with **DURWOOD GREEN CONSTRUCTION, CO.** for Construction of Asphalt Overlay Project in Northline Park Phase II (Package II), GFS N-1037-09-3 (OL2009) - 04.99% the original contract amount **DISTRICTS B - GALLOWAY and H - VASQUEZ**

7. Council Member Edwards tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$838,815.22 and acceptance of work on contract with **SCI CONSTRUCTORS, INC** for Construction of Neighborhoods to Standard - Tier VI Brookhaven Overlay Project, GFS Q-1143-01-3 (243-98) - 00.47% under the original contract amount **DISTRICT D - EDWARDS**

8. Motion 2002-0834

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,264,171.08 and acceptance of work on contract with **TEJAS CONSTRUCTION COMPANY** for Construction of Water Storage Tanks at the Southwest, District 159 and West Road Pumping Stations, GFS S-0610-20-3 (10521-20) - 03.58% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY and C - GOLDBERG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 14

9. Motion 2002-0835

AMEND MOTION NOS. 98-1754, 11/4/98, 99-1322, 7/21/99 and 01-0519, 5/16/01, TO EXTEND expiration date for 4 months from July 20, 2002 to November 20, 2002 for Medical Diagnostic Test Kits, Parts I and II for the Health and Human Services Department, awarded to **bio MERIEUX (formerly ORGANON TEKNIKA CORPORATION), ABBOTT LABORATORIES, INC, BECKMAN COULTER, INC, BECTON DICKINSON MICROBIOLOGY SYSTEMS, CAMBRIDGE BIOTECH, GEN-PROBE and BIO RAD LABORATORIES, INC (formerly SANOFI DIAGNOSTICS PASTUER, INC)**

10. Motion 2002-0836

DECLARE MEDI-PETH MEDICAL LAB, INC in default and hold them non-responsible for two years

11. Council Member Wiseman tagged

ADA RESOURCES, INC - \$4,900,000.00 and **KING FUELS, INC** - \$4,000,000.00 for Fuel, Diesel Low Emission for Finance & Administration Department - Central Service Revolving Fund

12. Motion 2002-0837

BAYOU CITY FORD TRUCK SALES, INC for Confined-Space Entry Team Trucks for Department of Public Works & Engineering - 225,666.00 - Storm Water Utility Fund

13. Council Member Goldberg tagged

HOUSTON G&G DEMOLISHING SERVICE, INC - \$45,685.00 and contingencies for a total amount not to exceed \$47,969.25 and **FERNANDEZ AND SON** - \$35,680.00 and contingencies for a total amount not to exceed \$37,464.00 for Demolition Services for Department of Public Works & Engineering - Dangerous Building Consolidated Fund

14. Motion 2002-0838

SOUTHWEST STAINLESS, L.P. dba HUGHES SUPPLY for Meter Vaults, Panel Style, for Department of Public Works & Engineering - \$33,500.00 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 34

15. Resolution 2002-0024

RESOLUTION authorizing the City of Houston, Texas, to intervene in the Reliant Energy, Incorporated 2002 fuel reconciliation and related matters to be considered by the Public Utility Commission of Texas relating to transmission and distribution charges to and the Retail Electric Rates of Reliant Energy Retail Services, LLC, and to take other appropriate actions relating to the foregoing subject and proceedings and making certain findings relating thereto

a. Ordinance 2002-0646

ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN, BECKER & GREEN, WICKLIFF & HALL, P. C.** for Legal Representation of the City in the Reliant Energy, Incorporated 2002 fuel reconciliation case and related matters pending before the Public Utility Commission of Texas - Not to exceed \$900,000.00 - General Fund

16. Council Members Wiseman, Parker and Galloway tagged

ORDINANCE amending **CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to certain Alcohol Premises in the Shepherd Plaza Shopping Center; containing other provisions relating to the foregoing subject; providing for severability

RESOLUTIONS AND ORDINANCES - continued

17. Ordinance 2002-0647

ORDINANCE amending the **CODE OF ORDINANCE OF THE CITY OF HOUSTON, TEXAS** by amending Section 44-4 to provide for a Tax Exemption for the Tax Year 2002 and for each year thereafter on residence homesteads owned by person 65 years of age or older or by certain persons with disabilities; containing other provisions relating to the foregoing subject; providing for severability

18. Ordinance 2002-0639

ORDINANCE consenting to the addition of 1.733 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 136**, for inclusion in its district

19. Ordinance 2002-0640

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

20. Ordinance 2002-0648

ORDINANCE appropriating \$297,996.00 out of Low Income Housing Fund (Fund 872); approving and authorizing an agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide a performance-based loan of \$297,996.00 in connection with the Rehabilitation of nine historic rental units restricted for occupancy by eligible low-income residents; making various findings and provisions relating to the subject - **DISTRICT H - VASQUEZ**

21. Council Members Wiseman, Tatro and Sekula-Gibbs tagged

ORDINANCE approving and authorizing an amended and restated loan agreement between the City of Houston and **PH CRESCENT PARK, LLC** to Restructure an existing \$1,850,000.00 loan as a Performance-Based Loan with a twenty year term and to increase the loan by an additional \$516,367.00 of Federal "Home" Funds, in connection with a 436-Unit Apartment Project located at 2310 Crescent Park Drive to provide housing for low-income persons - **DISTRICT G - KELLER**

22. Ordinance 2002-0649

ORDINANCE approving and authorizing a contract between City of Houston and **CUSTOM LOGIC DESIGN, INC** for the emergency alerting system software and services for Houston Fire Department - \$1,032,746.00 - General and Equipment Acquisition Funds

23. Council Members Vasquez and Sekula-Gibbs tagged

ORDINANCE approving and authorizing the submittal of an application to the Texas Department of Health for public health preparedness and response to Bioterrorism Grant (The "Grant"); declaring the city's eligibility for such grant; authorizing the director of the Health and Human Services Department to act as the city's representative in the application process; authorizing the director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing thirteen (13) new staff positions - \$3,295,450.00 - Grant Fund

24. Ordinance 2002-0650

ORDINANCE approving and authorizing the submission of an application for grant assistance to the National Institute of Justice (NIJ) for funding of a Crime Analysis Geographic Information System; declaring the city's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$457,692.00 - Grant Fund

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2002-0641

ORDINANCE approving and authorizing an intergovernmental agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL** for Regional Law Enforcement Training Classes - \$26,251.00 - Revenue

26. Ordinance 2002-0642

ORDINANCE approving and authorizing sponsorship agreement between the City of Houston and **SUTTON SQUARE COMMUNITY ASSOCIATION, INC** for Garbage Collection Service for the respective Civic Association - 12 months - \$11,376.00 - **DISTRICT A - TATRO**

27. Ordinance 2002-0643

ORDINANCE appropriating \$96,546.61 out of Water & Sewer System Consolidated Construction Fund and authorizing a Developer Participation Contract between the City of Houston and the **PARTNERSHIP, GSX INTERNATIONAL, INC/MORGAN KENDAL HOMES, INC** for construction of Water and Sanitary Sewer Lines in the White Oak Terrance II Subdivision, CIP S-0800-69-03 and R-0800-69-03 - **DISTRICT B - GALLOWAY**

28. Ordinance 2002-0651

ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Roark No. 2 Lift Station Rehabilitation, GFS R-0267-A3-3 (WW4728-3) - **DISTRICT F - ELLIS**

29. Ordinance 2002-0652

ORDINANCE appropriating \$110,000.00 out of Park Consolidated Construction Fund as an additional appropriation for professional consulting services contract with **ENVIRONMENTAL CONSULTING SERVICES, INC** (approved by Ordinance No. 01-0814), GFS F-0509-00-05; providing funding for project management and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund

30. Ordinance 2002-0644

ORDINANCE amending Ordinance 2002-623 to correct the name of the engineering testing laboratory contractor from **GEOTECH ENGINEERING & ENVIRONMENTAL SERVICES, INC** to **GEOTEST ENGINEERING, INC**; containing provisions relating to the subject - **DISTRICT H - VASQUEZ**

31. Ordinance 2002-0645

ORDINANCE appropriating \$3,141,253.28 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TOM ALLEN CONSTRUCTION CO.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S1-3 (WW 4257-33); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

32. Ordinance 2002-0653

ORDINANCE appropriating \$3,226,040.86 out of Water & Sewer System Consolidated Construction Fund awarding contract to **PM CONSTRUCTION & REHAB, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S3-3 (WW 4257-35); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2002-0654

ORDINANCE appropriating \$328,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ENVIRONMENTAL ENGINEERS AND CONTRACTORS II, LTD.**, for Dairy Ashford No. 5 Lift Station Rehabilitation, GFS R-0267-73-3 (4276-33); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction - **DISTRICT G - KELLER**

34. Ordinance 2002-0655

ORDINANCE appropriating \$100,000.00 out of Fire Consolidated Construction Fund, and authorizing and approving purchase of real property and the payment of the costs of such purchases and/or condemnations of such real property associated costs for appraisal fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees for and in connection with and finding a public necessity for the Fire Station #20 and Fire Station #26 Expansion Projects, CIP C-0142 - **DISTRICT I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 35 and 36

MISCELLANEOUS

35. Motion 2002-0841

SET A PUBLIC HEARING DATE to consider the creation of a Reinvestment Zone for **LANDRY'S MANAGEMENT L.P. - DISTRICT I - ALVARADO**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 17, 2002 - HEARING SET

PROPERTY

36. Motion 2002-0842

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ron Nielsen of R. G. Miller Engineers, Inc., on behalf of Memorial Hermann Healthcare System (Dan S. Wilford, president), for abandonment and sale of Ohsfeldt Street, from West 26th Street to West 27th Street, in exchange for the conveyance to the City of a 10-foot wide water line easement, all located in the Henry Reinerman Survey, A-644, Parcels SY2-058 and KY2-080 – **(William Kvinta and James Rohde, Appointed) - APPRAISERS - DISTRICT H - VASQUEZ**

MATTERS HELD - NUMBERS 37 through 41

37. Motion 2002-0843 – Referred back to the Administration

RESOLUTION approving the action of the City of Houston Industrial Development Corporation for its Air Cargo Revenue Bonds (Perot Development Houston LP Project) Series 2002
TAGGED BY COUNCIL MEMBER ELLIS
This was Item 16 on Agenda of July 2, 2002

MATTERS HELD - continued

38. Ordinance 2002-0656

ORDINANCE authorizing the issuance of City of Houston, Texas, Airport System Subordinate Lien Revenue Bonds, Series 2002A (AMT), Series 2002B (Non-AMT), Series 2002C (AMT) and Series 2002D (AMT); authorizing the Mayor and City Controller to approve the amount, the Interest Rate, Price, Bond Insurance provider, Reserve Fund Surety provider and terms thereof and certain other procedures and provisions relating thereto, providing for the payment thereof; awarding the sale of the Bonds; authorizing the refunding and defeasance of certain refunded notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance and Reserve Fund Surety Policy; authorizing and engaging an Escrow Verification Agent and an Escrow Agent; authorizing a Co-bond Counsel Agreement and a Special Disclosure Co-counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement - **TAGGED BY COUNCIL MEMBER ROBINSON**

This was Item 17 on Agenda of July 2, 2002

39. Ordinance 2002-0657

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Del Norte Drive, Diamond Street, and Rosslyn Road Street rights of way containing an aggregate of 43,237 square feet of land, more or less and a sanitary sewer easement containing 2,000 square feet of land, more or less, being out of the Deroloc Addition, Sam McClelland Survey, A-544, Harris County, Texas, vacating and abandoning said tracts of land to **CANDLELIGHT DEVELOPMENT JOINT VENTURE**, the abutting owner, in consideration of owner's dedication of a street right of way easement containing 4,735 square feet of land, more or less, a utility easement containing 3,237 square feet of land, more or less, two sanitary sewer easements containing an aggregate of 3,452 square feet of land, more or less, payment of \$10,990.00, and the construction of a bridge across a 70-foot-wide drainage ditch, and other consideration to the City - **DISTRICT A - TATRO**

TAGGED BY COUNCIL MEMBERS QUAN and SEKULA-GIBBS

This was Item 20 on Agenda of July 2, 2002

40. Ordinance 2002-0658

ORDINANCE approving and authorizing first amendment to an Auto Racing Agreement between the City and the **TEXACO GRAND PRIX OF HOUSTON LLC** - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 21 on Agenda of July 2, 2002

41. Ordinance 2002-0659

ORDINANCE appropriating \$101,132.05 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **CANDLELIGHT DEVELOPMENT JOINT VENTURE** for Construction of Water and Sanitary Sewer Lines in Candlelight Place Subdivision, Section 3, CIP S-0800-70-03 and R-0800-70-03 - **DISTRICT A - TATRO** - **TAGGED BY COUNCIL MEMBER ROBINSON**

This was Item 28 on Agenda of July 2, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Quan 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

7/09/2002 – Council Member Ellis absent on City business

7/10/2002 – All Present