

AGENDA - COUNCIL MEETING - TUESDAY - JULY 16, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2002-0844 to 2002-0865
ORDINANCES – 2002-0660 to 2002-0680
RESOLUTION – None

2002-0843-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Robinson

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 2002-0844 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - JULY 17, 2002 - 9:00 A. M.

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

HEARINGS

1. Motion 2002-0845 – Close
PUBLIC HEARING to consider the creation of a Reinvestment Zone for LANDRY'S
MANAGEMENT L.P. - **DISTRICT I - ALVARADO - 9:00 A.M.**

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 36

MISCELLANEOUS - NUMBERS 2 and 2A

2. Ordinance 2002-0644

ORDINANCE appropriating \$152,433.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Municipal Courts Flood Repair and HVAC Retrofit under construction contract with **SPAWGLASS CONSTRUCTION CORPORATION**, CIP D-0044A-01-3; approved by Ordinance No. 02-011; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - VASQUEZ**

a. Motion 2002-0854

RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$152,433.00 on contract with **SPAWGLASS CONSTRUCTION CORPORATION** for Municipal Courts Flood Repair and HVAC Retrofit, GFS D-0044A-01-3 **DISTRICT H - VASQUEZ**

ACCEPT WORK - NUMBERS 3 through 9

3. Motion 2002-0848

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,950,831.10 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 432, GFS N-0364-01-3 (N-0364-01-3) - 02.12% under the original contract amount - **DISTRICT D - EDWARDS**

4. Motion 2002-0855

RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$4,821,158.93 and acceptance of work on contract with **RAMOS INDUSTRIES, INC** for Neighborhood Street Reconstruction in Briargrove Subdivision, Phase I - NSR #436-01, GFS N-0368-01-3 (N-0368-01) - 01.08% over the original contract amount **DISTRICT G - KELLER**

5. Motion 2002-0856

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$284,487.25 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1998 Thoroughfare Sidewalk Program, GFS N-0610A-00-3 (N-0610A-00) - 03.66% under the original contract amount **DISTRICTS C - GOLDBERG; F - ELLIS and G - KELLER**

6. Motion 2002-0849

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$318,687.60 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q7-3 (N-0610A-06) - 00.84% under the original contract amount - **DISTRICTS B - GALLOWAY and H - VASQUEZ**

7. Motion 2002-0857

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$389,913.47 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-T6-3 (Package T3) - 02.62% over the original contract amount - **DISTRICTS F - ELLIS and G - KELLER**

ACCEPT WORK - continued

8. Motion 2002-0850

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,108,082.59 and acceptance of work on contract with **WHEATON CONSTRUCTION CORPORATION, INC** for Water Main and Sanitary Sewer Extensions at various locations in Houston, GFS R-0801-C0-3 (10561-3) - 06.38% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; G - KELLER; H - VASQUEZ and I - ALVARADO**

9. Motion 2002-0851

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,280,772.21 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of Water Main Replacement in Grand Park Subdivision, GFS S-0035-47-3 (10547) - 02.27% over the original contract amount - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 12

10. Motion 2002-0852

DECALS, INC GRAPHICS for Automotive, Police Car Decals for Houston Police Department \$238,126.50 - General Fund

11. Motion 2002-0853

J & N INTERNATIONAL COATINGS, INC for Heights Water Plant Improvements for Department of Public Works & Engineering - \$177,000.00 and contingencies for a total amount not to exceed \$185,850.00 - Enterprise Fund

12. Council Member Wiseman tagged

STAR AUTOMOTIVE WAREHOUSE for Automotive, Associated Replacement Parts Contract for Various Departments - \$7,428,821.00 - General, Enterprise and Fleet Management Funds

ORDINANCES - NUMBERS 13 through 36

13. Motion 2002-0858 – Postpone four (4) weeks

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

14. Council Member Edwards tagged

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, containing 1,979 square feet of land, more or less, Parcel SY2-018A and two portions of the Mt. Pleasant Street street right of way, Parcels SY2-018B and SY2-022, containing 4,505 and 11,745 square feet of land, more or less, respectively, all three parcels being located in the Louis Gladitch Survey, A-304, Houston, Harris County, Texas; vacating and abandoning (i) Parcels SY2-018A and SY2-018B to Scott Street Limited Partnership, abutting owner and (ii) Parcel SY2-022 to Missionary Village Apartments Company, abutting owner, in consideration of the owners' dedication of two easements for street right of way purposes, two easements for waterline purposes and an easement for utility purposes containing an aggregate of 12,267 square feet of land, more or less, and payment of \$5,996.00 and other consideration to the City

15. Council Member Goldberg tagged

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ORDINANCE consenting to the addition of 57.072 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district

ORDINANCES - continued

16. Ordinance 2002-0678

ORDINANCE approving and authorizing amendment No. 4 to lease agreement between **FRAYDUN ENTERPRISES**, as landlord, and the City of Houston, Texas, as tenant, for space at 3838 North Sam Houston Parkway East, Houston, Texas, for use by the Department of Aviation **DISTRICT B - GALLOWAY**

17. Ordinance 2002-0661

ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for the Improvements to City's Crestmont Park Community Center; declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks & Recreation Department to accept such grant funds; if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program **DISTRICT D - EDWARDS**

18. Ordinance 2002-0665

ORDINANCE approving the transfer to **TEXAS GENCO, LP, a Texas Limited Partnership**, of an existing franchise issued to **HOUSTON LIGHTING & POWER COMPANY** to Transport Fuel Oil and Natural Gas underneath certain public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said transfer is issued

19. Ordinance 2002-0666

ORDINANCE approving and authorizing contracts between the City and **A-1 PERSONNEL OF HOUSTON, INC, ALL TEMPS PERSONNEL SERVICE, INC, ALLTECH SYSTEMS, INC, ALSO TEMPS INC, BERGAILA & ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC CONSULTING, INC, ELITE PERSONNEL CONSULTANTS, INC D/B/A EVINS TEMPORARIES, EXECUTEAM CORPORATION, HALL, KINION & ASSOCIATES, INC, MANAGED STAFFING D/B/A BESTSTAFF SERVICES, INC** and **SILVER & ASSOCIATES, INC** for Temporary/Information Technology Staffing for the Human Resources Department; providing a maximum contract amount - \$8,000,000.00 - Central Services Revolving Fund

20. Ordinance 2002-0679

ORDINANCE appropriating \$52,000.00 out of the Lamar Terrace Public Improvement District (PID) No. 2 Fund (Fund No. 253) for payment of certain costs and expenses associated with the Implementation of the Lamar Terrace PID No. 2 Service and Assessment Plan - **DISTRICT C - GOLDBERG**

21. Ordinance 2002-0667

ORDINANCE appropriating \$2,419,831.00 out of Street & Bridge Consolidated Construction Fund and \$56,669.00 out of Water & Sewer System Consolidated Construction Fund approving and authorizing an Interlocal Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY (METRO)** for the Widening and Extension of Fannin Street from IH 610 to West Bellfort Road, CIP N-0714-01-3 (SB9107); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**

ORDINANCES - continued

22. Council Member Tatro tagged

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**

23. Ordinance 2002-0668

ORDINANCE appropriating \$147,000.00 out of Public Health Consolidated Construction Fund for Labor costs and other expenses related to In-House Capital Improvement Projects for the Houston Department of Health and Human Services (The "Department"), CIP H0062; declaring the Department's intent to reimburse the General Fund for expenditures relating to construction of facilities financed by the Consolidated Public Health Construction Fund

24. Council Members Ellis, Goldberg, Sekula-Gibbs, Tatro, Keller, Vasquez and Wiseman tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **PRICEWATERHOUSECOOPERS, L.L.P.** for Litigation Support Services - \$450,000.00 Enterprise and Property and Casualty Funds

25. Ordinance 2002-0669

ORDINANCE appropriating \$1,995,491.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0462, awarding construction contract to **METALS TREATMENT TECHNOLOGIES, L.L.C.** and approving and authorizing professional services contract for Environmental Engineering Services with **PSI, INC** for Firing Range Removal at George Bush Intercontinental Airport/Houston, Project 522L - **DISTRICT B - GALLOWAY**

26. Council Member Goldberg tagged

ORDINANCE appropriating \$320,000.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE, INC** for Design and Construction Phase Services for new Fire Station No. 24, GFS C-0051-01-2; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D - EDWARDS**

27. Ordinance 2002-0670

ORDINANCE appropriating \$273,400.00 out of Fire Consolidated Construction Fund and approving and professional architectural services contract between the City of Houston and **B2HK ARCHITECTURE** for Design and Construction Services for new Fire Station No. 84, GFS C-0056-02-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

28. Ordinance 2002-0671

ORDINANCE appropriating \$271,200.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **NATEX CORPORATION ARCHITECTS** for Design and Construction Phase Services for new Fire Station No. 86, GFS C-0061-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT G - KELLER**

ORDINANCES - continued

29. Ordinance 2002-0680

ORDINANCE appropriating \$45,595.00 out of Public Library Consolidated Construction Fund and approving and authorizing second amendment to professional architectural services contract between the City of Houston and **RAY BAILEY ARCHITECTS, INC** for Professional Architectural Services in connection with the Stella Link Branch Library (as approved by Ordinance No. 01-0874), GFS E-0022-01-2 - \$10,000.00 - Urban Library and Program Fund - **DISTRICT C - GOLDBERG**

Motion 2002-0859 – Suspend rules to hear Ms. Ollie Schiller, Building Services Department on Item 30

30. Ordinance 2002-0672

ORDINANCE appropriating \$169,500.00 out of Public Health Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **LEVY ASSOCIATES ARCHITECTS, INC** for Renovation of Riverside Health Center, GFS H-0052-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund **DISTRICT I - ALVARADO**

31. Ordinance 2002-0662

ORDINANCE awarding construction contract to **PATE & PATE, LLC** for Water, Wastewater and Stormwater Lines for Section Five of the Greenpark Subdivision, CIP S-0800-42-3, S-0800-43-3, R-0800-48-3 and R-0800-49-3; approving and authorizing an assignment of the construction contract to **NUHOME DESIGNS, LLC - DISTRICT D - EDWARDS**

32. Council Member Parker tagged

ORDINANCE appropriating \$211,202.71 out of General Improvement Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, A Division of TERRACON, INC** for construction of Shady Grove Plaza, GFS D-0100-10-3 - **DISTRICT H - VASQUEZ**

33. Ordinance 2002-0663

ORDINANCE appropriating \$1,294,992.00 out of Public Library Consolidated Construction Fund, awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** for W. L. D. Johnson Branch Library Repair, GFS E-0113-02-3; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT D - EDWARDS**

34. Ordinance 2002-0673

ORDINANCE appropriating \$3,151,387.15 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S5-3 (WW4257-37); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

ORDINANCES - continued

35. Ordinance 2002-0674

ORDINANCE appropriating \$7,225,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** for 36-inch Water line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard, GFS S-0900-78-3 (10575); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**

36. Ordinance 2002-0675

ORDINANCE appropriating \$2,545,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** and approving and authorizing professional services contract for construction management and inspection services with **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for Rehabilitation and Relief Sewers in Southwest Service Area and Beltway Service Area, (SW003, SW006, SW007 and BW241), GFS R-2011-23-3 (WW4763-03); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and F - ELLIS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. Motion 2002-0860

SET A PUBLIC HEARING DATE to consider the creation of a Reinvestment Zone for **KERR-MCGEE OIL & GAS CORPORATION** - **DISTRICT B - GALLOWAY**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE

MATTERS HELD - NUMBERS 38 through 44

Motion 2002-0861 – Motion to substitute Ordinance for Item 38

38. Ordinance 2002-0676 – Adopted substitute ordinance

ORDINANCE amending **CHAPTERS 8 and 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the location and operation of Automobile Storage Lots, Automobile Wrecking and Salvage Yards and Lots used for open storage by Junk Dealers, Scrap Metal Processors and Second Hand Dealers near Churches, Schools or Residences; containing other provisions relating to the foregoing subject; providing for severability
POSTPONED BY MOTION #2002-772, 6/19/02
This was Item 85 on Agenda of June 19, 2002

MATTERS HELD – continued

39. Motion 2002-0862

MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt 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 - TAGGED BY COUNCIL MEMBER EDWARDS
This was Item 7 on Agenda of July 10, 2002

40. Motion 2002-0863

MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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
TAGGED BY COUNCIL MEMBER WISEMAN
This was Item 11 on Agenda of July 10, 2002

41. Motion 2002-0864

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration Department to award to **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 - **TAGGED BY COUNCIL MEMBER GOLDBERG**
This was Item 13 on Agenda of July 10, 2002

42. Motion 2002-0865 – Refer back to the Legal Department to prepare various

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
TAGGED BY COUNCIL MEMBERS WISEMAN, PARKER and GALLOWAY
This was Item 16 on Agenda of July 10, 2002

Motion 2002-0846 – Suspend rules to consider Item 43 out of order

Motion 2002-0847 - Amend Item 43 to reflect the following:

“Whereas Pleasant Hill C.D.C. as sole shareholder of PH Crescent Park, LLC must pay all delinquent and owed taxes at or before closing in order to receive funding of said loan.”

43. Ordinance 2002-0660 – Adopt as amended

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**
TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO and SEKULA-GIBBS
This was Item 21 on Agenda of July 10, 2002

MATTERS HELD – continued

44. Ordinance 2002-0677

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

TAGGED BY COUNCIL MEMBERS VASQUEZ and SEKULA-GIBBS

This was Item 23 on Agenda of July 10, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Sekula-Gibbs 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

7/16/2002 – Council Member Wiseman absent on personal business

7/17/2002 – All Present