

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 19, 2002 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with note of action taken

MOTIONS 2002-1354 to 2002-1368
ORDINANCES 2002-1067 to 2002-1084
RESOLUTION – None

2002-1353-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Tatro

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 2002-1354 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - NOVEMBER 20, 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 28

MISCELLANEOUS - NUMBERS 1 through 4A

1. Motion 2002-1355

RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in the Houston-Galveston Area Council - \$78,145.24 - General Fund

MISCELLANEOUS - continued

2. Ordinance 2002-1074

ORDINANCE appropriating \$65,325.00 out of Fire Consolidated Construction Fund as an additional appropriation for the Roof Replacement at Fire Stations 26, 32, 42, 44, 65, 73 and Training Academy Drill Tower (Group 1) under construction contract with **PYRAMID WATERPROOFING, INC**, approved by Ordinance No. 2002-256, GFS C-0090-01-3 **DISTRICTS A - TATRO; B - GALLOWAY; E - WISEMAN; F - ELLIS and I - ALVARADO**

a. Motion 2002-1359

RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$77,100.00 on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at Fire Stations 26, 32, 42, 44, 65, 73 and Training Academy Drill Tower (Group 1), GFS C-0090-01-3 - **DISTRICTS A - TATRO; B - GALLOWAY; E - WISEMAN; F - ELLIS and I - ALVARADO**

3. Council Member Quan tagged

ORDINANCE appropriating \$57,377.89 out of Public Library Consolidated Construction Fund as an additional appropriation for Heights Branch Library Renovation under construction contract with **FROST CONSTRUCTORS, INC** approved by Ordinance No. 02-0139, GFS E-0023-01-3 **DISTRICT H - VASQUEZ**

a. Council Member Quan tagged

RECOMMENDATION from Director Building Services Department for approval of Change Order No. 5 in the amount of \$59,061.11 on contract with **FROST CONSTRUCTORS, INC** for Heights Branch Library Renovation, GFS E-0023-01-3 - **DISTRICT H - VASQUEZ**

4. Council Members Quan and Goldberg tagged

ORDINANCE appropriating \$55,377.57 out of Parks Consolidated Construction Fund as an additional appropriation for Parks to Standard Program - Phase II - Bid Package No. 5 - Linkwood and Oak Forest Parks under construction contract with **TIMES CONSTRUCTION, INC** approved by Ordinance No. 00-0606, GFS F-0363-05-3 - **DISTRICTS A - TATRO and C - GOLDBERG**

a. Council Members Quan and Goldberg tagged

RECOMMENDATION from Director Building Services Department for approval of Change Order No. 7 in the amount of \$55,377.57 on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II Bid Package No. 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - **DISTRICTS A - TATRO and C - GOLDBERG**

ACCEPT WORK - NUMBERS 5 through 7

5. Council Members Ellis and Keller tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$553,611.22 and acceptance of work on contract with **INTRA CONSTRUCTION CORPORATION** for Construction of Hiburly Relief Storm Sewer - Phase II, GFS M-0231-02-3 (0231-02) - 01.96 % under the original contract amount - **DISTRICT G - KELLER**

6. Motion 2002-1356

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$102,712.39 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhoods to Standard Tier-VII - Shepherd Forest & Ferguson Street Communities Overlay Project, GFS Q-1300-03-3 (OL-2003) - 69.69% under the original contract amount - **DISTRICTS A - TATRO and B - GALLOWAY**

ACCEPT WORK - continued

7. Motion 2002-1357

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,677,976.80 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Rehabilitation of Sanitary Sewers in the FWSD #23 Service Area, GFS R-2011-24-3 (4761-1) - 07.65% under the original contract amount - **DISTRICT B - GALLOWAY**

PROPERTY - NUMBER 8

8. Motion 2002-1358

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Marilyn Kay Ferrell Jenkins, et al, Cause No. 771,554, for acquisition of Parcel A97-344; for the **LEY ROAD PAVING PROJECT**; CIP/GFS N-0587B-01-1 - \$78,655.00 - **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 9A

9. Ordinance 2002-1075

ORDINANCE appropriating \$251,158.53 out of Fire Consolidated Construction Fund for Continuous Power Source for Building Services Department, CIP C-0162

a. Motion 2002-1360

KENMOR ELECTRIC COMPANY, L.P. - \$137,648.00 and contingencies for a total amount not to exceed \$144,530.40 and **ALIEF ELECTRO-MECHANICAL, INC** - \$101,550.60 and contingencies for a total amount not to exceed \$106,628.13 for Continuous Power Source for Building Services Department

ORDINANCES - NUMBERS 10 through 38

10. Pulled - Not Considered

ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Commercial Solid Waste Operators

11. Council Member Vasquez tagged

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-1014 by adding two Chief Inspector Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability

12. Ordinance 2002-1076

ORDINANCE approving the issuance of bonds by the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY**; providing for continuing disclosure with respect to such bonds; and containing other provisions relating to the foregoing subject - **DISTRICT F - ELLIS**

13. Ordinance 2002-1077

ORDINANCE approving and authorizing agreement between the City of Houston and the **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY** in connection with the Sharpstown Public Improvement District - **DISTRICT F - ELLIS**

ORDINANCES - continued

14. Ordinance 2002-1067

ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed sale of a portion of Herman Brown Park to the Texas Department of Transportation; authorizing and directing that notice of such hearing be given; stating in substance the form of such notice; finding and stating other matters generally relating thereto - **DISTRICT I - ALVARADO**

HEARING DATE - 9:00 A. M. - WEDNESDAY - JANUARY 29, 2003

15. Ordinance 2002-1068

ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36**

a. Ordinance 2002-1069

ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 36 annexed for limited purposes; providing for severability

16. Ordinance 2002-1078

ORDINANCE issuing permit to **SYSCO CORPORATION** for building, constructing, maintaining, using, occupying, operating and repairing two 2-inch conduits and one 4-inch conduit with 4 one-inch inner-ducts for communication cable under and within the street in the 13,000 block of Olive Hill, 306.54 feet west of the west side of Enclave Parkway and 1390 Enclave Parkway, respectively, such areas being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - GOLDBERG**

17. Ordinance 2002-1079

ORDINANCE issuing permit to **SYSCO FOOD SERVICES OF HOUSTON, L.P.**, for constructing, using, occupying, operating, maintaining and repairing a communications conduit and storm sewer pipe within the 500 block of Aleen Street, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT B - GALLOWAY**

18. Ordinance 2002-1070

ORDINANCE approving and authorizing fourth contract amendment between the City of Houston, **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$75,000.00 and continue the program for the Development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICT F - ELLIS**

19. Ordinance 2002-1080

ORDINANCE approving and authorizing twentieth contract amendment between the City of Houston, **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$725,000.00 and continue the program for the Development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO**

20. Council Members Ellis and Tatro tagged

ORDINANCE approving and authorizing contract between the City and **QUESTMARK**

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INFORMATION MANAGEMENT, INC for Jury Noticing and Tracking Services for Municipal Courts Department; providing a maximum contract amount - \$221,112.00 - General Fund

ORDINANCES - continued

21. Ordinance 2002-1081

ORDINANCE approving and authorizing interlocal agreement between **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1 (HCID#1)**, **THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, and the City of Houston for Houston Priority Corridor Funding of an Intelligent Transportation Systems Program - **DISTRICTS C - GOLDBERG and G - KELLER**

22. Council Member Ellis tagged

ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **BRIARHILLS PROPERTY OWNERS ASSOC.** for Garbage Collection Service for the respective civic association - 8 Months - \$96.00 - **DISTRICT G - KELLER**

23. Ordinance 2002-1071

ORDINANCE appropriating \$15,000.00 out of Airports Improvement Fund as an additional appropriation for professional engineering services contract between the City of Houston and **URS GREINER WOODWARD CLYDE SOUTHWEST, INC** for professional engineering services at William P. Hobby Airport; (Project No. 563) CIP A0380; originally approved and authorized under City of Houston Ordinance No. 2000-40 as amended by City of Houston Ordinance No. 2001-344 - **DISTRICT E - WISEMAN**

24. Ordinance 2002-1072

ORDINANCE appropriating \$125,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Design of Houston's Heritage Corridor Bayou Trails-East Segment III from North York Street to Lockwood Drive under professional engineering services contract with **BURK-KLEINPETER, INC** (approved by Ordinance No. 01-1103), CIP N-0420-17; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ**

25. Ordinance 2002-1082

ORDINANCE appropriating \$186,900.00 out of Public Health Consolidated Construction Fund and \$60,300.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Design and Construction Phase Services relating to the Roof Replacement of Five Health & Human Services Facilities and Two Civic Center Buildings, GFS H-0018-02-2 and D-0113-02-2; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and the General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - VASQUEZ and I - ALVARADO**

26. Council Member Tatro tagged

ORDINANCE appropriating \$12,148,922.00 out of 49K C.O. Series 2002A Fund; appropriating \$3,317,546.00 from Water & Sewer System Consolidated Construction Fund; appropriating \$1,849,032.00 from Storm Sewer Consolidated Construction Fund; appropriating \$1,045,137.00 from the Street and Bridge Consolidated Construction Fund; for management services agreement between the City of Houston and **THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for the North Downtown Streetscape Project for Phase 2 Construction and Phase 3 Design **DISTRICT I - ALVARADO**

ORDINANCES - continued

27. Ordinance 2002-1073

ORDINANCE appropriating \$2,010,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **J & N INTERNATIONAL COATINGS, INC** for Replacement of Four Ground Storage Tanks at Four Pumping Stations, GFS S-0600-29-3 (10596-29); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and E - WISEMAN**

28. Ordinance 2002-1083

ORDINANCE granting to **NORTHLAND CABLE PROPERTIES, INC** a Washington Corporation, the right, privilege and franchise to erect, maintain, and operate a cable television system in the City of Houston; containing other provisions relating to the foregoing subject - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 29 through 30

PROPERTY

29. Motion 2002-1361

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 Calvary Korean Baptist Church (Yong Bong Lee, Pastor) and S.A.M.D., Inc. (Zaki U. Khan, president), for abandonment and sale of three 5-foot-wide utility easements and the attendant aerial easements, all located within Reserves A, B and C, Partial Replat of Sharpstown Country Club Terrace Subdivision, Section Two, Parcels SY3-020A, SY3-020B and SY3-023 – **(William Kvinta and Michael D. Copland, Appointed) - APPRAISERS - DISTRICT F - ELLIS**

30. Motion 2002-1362

RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the ±34,567-square foot, former Turkey Creek Sewage Treatment Plant Site, subject to all existing easements, located east of Eldridge Parkway and north of Buffalo Bayou, in the Joel Wheaton Survey, A-80, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount – **(George E. Sims and Williams Kvinta, Appointed) - APPRAISERS - DISTRICT G - KELLER**

MATTERS HELD - NUMBERS 31 through 38

31. Motion 2002-1363 – Adopt

MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Tatro to approve request from Mayor for confirmation of the appointment or reappointment of the following to the **PLANNING COMMISSION**, for terms to expire September 30, 2004:

- Position Four - **MR. M. MARVIN KATZ**, reappointment
- Position Nine - **MS. ROBIN REED**, reappointment
- Position Eleven - **MS. LEESHAN BIRNEY**, reappointment
- Position Fifteen - **JUDGE ROBERT ECKELS**, Harris County Commissioners Court, reappointment, and **MR. JACKIE FREEMAN**, Alternate
- Position Sixteen - **COMMISSIONER ED CHANCE**, Montgomery County Commissioners Court, reappointment and **MR. MARK MOONEY**, Alternate
- Position Seventeen - **COMMISSIONER GRADY PRESTAGE**, Fort Bend County Commissioners Court, reappointment and **MR. JESSE HEGEMIER**, Alternate
- Position Eighteen - **MR. ORLANDO TERAN**, appointment

POSTPONED BY MOTION #2002-1339, 11/13/02

This was Item 3 on Agenda of November 13, 2002

32. Motion 2002-1364 – Adopt

RECOMMENDATION from Finance & Administration to award to **ADA RESOURCES, INC** for Automotive Lubricants for Various Departments - \$1,243,096.13 - General, Enterprise and Fleet Management Funds - **TAGGED BY COUNCIL MEMBERS ELLIS and WISEMAN**

This was Item 12 on Agenda of November 13, 2002

Motion 2002-1365 – Postpone Item 33 for two (2) weeks – “FAILED”

33. Council Member Goldberg tagged

ORDINANCE approving and authorizing News, Gifts and Specialty Retail Concession Agreement at William P. Hobby Airport between the City of Houston and **HUDSON NEWS COMPANY** Revenue - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBERS WISEMAN and VASQUEZ

This was Item 35 on Agenda of November 13, 2002

34. Ordinance 2002-1084

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ALLIANCE DIESEL & GAS ENGINE REBUILDERS, INC** for Diesel Engine Machine Work Services for Various Departments approved and authorized by Ordinance No. 98-247 \$383,696.25 - General Fund - **TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 37 on Agenda of November 13, 2002

35. Council Member Quan tagged

ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS, L.P.**, for Solid Waste Disposal and Equipment Leasing Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$3,824,363.10 - Enterprise Fund **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

TAGGED BY COUNCIL MEMBERS ELLIS, TATRO, WISEMAN, KELLER, PARKER, SEKULA-GIBBS and ROBINSON

This was Item 39 on Agenda of November 13, 2002

MATTERS HELD - continued

36. Motion 2002-1366 – Postpone two (2) weeks

ORDINANCE appropriating \$1,440,000.00 out of Police Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **SPAWGLASS CONSTRUCTION CORPORATION** for Construction Phase I, II, and III Services for repairs to the Police Administration Building, GFS G-0072-05-2; providing funding for project management and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBER KELLER

This was Item 42 on Agenda of November 13, 2002

37. Motion 2002-1367

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Aisha M. Currie, CenterPoint Energy Houston Electric, LLC (CenterPoint Energy), for sale to CenterPoint Energy Houston Electric, LLC of a 14-foot by 17-foot easement and a ±0.3067-acre aerial easement, both out of Lots 277 and 278, Block 9, Glenhaven Estates, Section 2, and a right of entry for CenterPoint Energy Houston Electric, LLC, Parcels SY2-055A and SY2-055B – **(Thomas Bazan and Julie Nagle, Appointed) - APPRAISERS - DISTRICT C- GOLDBERG - POSTPONED BY MOTION #2002-1346, 11/13/02**

This was Item 43 on Agenda of November 13, 2002

38. Motion 2002-1368 – Postpone one (1) week

ORDINANCE approving and authorizing a Public Pay Telephone contract between the City of Houston and **AT&T CORP.** - Revenue - **POSTPONED BY MOTION #2002-1349, 11/13/02**

This was Item 49 on Agenda of November 13, 2002

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Alvarado 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

**11/19/2002 – Council Member Edwards absent on personal business
Council Member Wiseman absent
Council Member Parker out of the City on City business**

**11/20/2002 – Council Member Edwards absent on personal business
Council Member Parker out of the City on City business**