

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 22, 2003 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with note of action taken

MOTIONS 2003-0388 to 2003-0407
ORDINANCES 2003-0386 to 2003-0409
RESOLUTION – None

2003-0387-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Alvarado

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 2003-0388 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 23, 2003 - 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 43

MISCELLANEOUS - NUMBERS 1 through 3

Motion 2003-0395 – Suspend rules to hear from Captain Holland, HPD on Item 1

1. Motion 2003-0396

RECOMMENDATION from Chief of Police for approval of supplemental funding in the amount of \$150,000.00 to **INDENTIGENE, INC** for DNA Analysis Services for Police Department - Asset Forfeiture Fund

MISCELLANEOUS - continued

2. Council Member Keller tagged

ORDINANCE appropriating \$114,744.45 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for the East Water Purification III Administration Building Renovation, GFS S-0056-Y8-3, Project No. 10536-4, approved by Ordinance No. 01-0550 - **DISTRICT E - WISEMAN**

a. Council Member Keller tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$208,906.32 on contract with **PEPPER LAWSON CONSTRUCTION, LP** for East Water Purification Plant III Administration Building Renovations on Construction Contract No. 53044, GFS S-0056-Y8-3 (10536-4) - **DISTRICT E - WISEMAN**

3. Motion 2003-0390

RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$125,408.80 - Enterprise Water & Sewer Fund

PROPERTY - NUMBER 4

4. Motion 2003-0391

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. Shek Din Wong, et al., Cause No. 761,126, for acquisition of Parcel A97-356; for **LEY ROAD PAVING PROJECT**, CIP/GFS N-0587B-01-1 - **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 13

5. Motion 2003-0392

HOUSTON EQUIPMENT CO. for Gate Operators, Parts and Components for Houston Airport System - \$115,077.50 - Enterprise Fund

6. Motion 2003-0393

MID-MINNESOTA WIRE AND MFG., INC for Wall-Mounted and Mobile Turnout Gear Storage Systems for Building Services Department - \$15,180.00 - Fire Department Revolving Fund

7. Council Member Tatro tagged

STEPCO RESTAURANT SUPPLY, INC (Bid No. 2) - \$193,726.00 and **TEXAS PROCUREMENT CENTER, LLC** - \$5,811.78 for Food Service Equipment for Convention & Entertainment Facilities Department - Enterprise Fund

Motion 2003-0404 – Suspend rules to hear from Mr. Calvin Wells on Item 8

8. Council Member Tatro tagged

ALFA LAVAL, INC (Bid No. 5) - \$319,000.00 and **TEXAS PROCUREMENT CENTER, LLC** \$9,570.00 for Repair of Rotating and Conveyor Assemblies for Department of Public Works & Engineering - Enterprise Fund

9. Motion 2003-0394

IKG INDUSTRIES for Fiberglass Grating for Department of Public Works & Engineering \$60,593.40 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

10. **Council Member Wiseman tagged**

WESTERN REFUSE & RECYCLING EQ., INC for Heil Garbage Truck Bodies Aftermarket Replacement Parts and Service Contract for Solid Waste Management Department \$1,250,000.00 - General Fund

11. **Motion 2003-0406**

MUNCIE POWER PRODUCTS, INC for Equipment, Muncie and Chelsea Pumps Contract for Public Works & Engineering and Solid Waste Management Departments - \$47,700.00 - General, Enterprise and Fleet Management Funds

12. **Council Members Keller and Goldberg tagged**

ACR SUPPLY, INC for HVAC Repair Parts for Various Departments - \$544,900.00 - General and Fire Department Revolving Funds

13. **Council Members Wiseman and Keller tagged**

FOCUS CAMERA, INC - \$799,419.85, **HPI INTERNATIONAL, INC** - \$342,226.70, **THE TAPE COMPANY (Bid No. 3)** - \$89,440.00 and **THE TAPE COMPANY (Bid No. 2)** - \$386,115.50 for Photography Supplies for Various Departments - \$1,617,202.05 - General, Enterprise, Cable Television and Building Inspection Funds

ORDINANCES - NUMBERS 14 through 42

14. **Ordinance 2003-0393**

ORDINANCE amending **CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Rabies Vaccinations

15. **Ordinance 2003-0394**

ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed realignment of a portion of the Sanitary Sewer lines through Pinewood Village Park by the Public Works Department; 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 B - GALLOWAY HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 28, 2003**

Motion 2003-0389 – Suspend rules consider Item 16 out of order

16. **Ordinance 2003-0409**

ORDINANCE establishing the boundaries of Single Member Districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision

17. **Ordinance 2003-0395**

ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2003 pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2003 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof

18. **Council Members Wiseman, Ellis, Tatro, Berry and Keller tagged**

ORDINANCE appropriating \$14,000,000.00 from the Water & Sewer Renewal and Replacement Fund (Fund No. 751) and authorizing its transfer to the Water and Sewer System Junior Lien Revenue Bond Debt Service Fund (Fund No. 714) for the purpose of paying Water and Sewer Debt Service

ORDINANCES - continued

19. Council Members Wiseman, Ellis, Keller and Tatro tagged

ORDINANCE making an appropriation of \$15,000,000.00 from the Public Works & Engineering Accumulated Unexpended Fund (Fund No. 754); authorizing its transfer to the Rainy Day Fund (Fund No. 12R); amending Ordinance No. 2003-0243 related to the Interim Borrowing of Cash in support of the City's General Fund

20. Ordinance 2003-0396

ORDINANCE appropriating \$320,000.00 out of Fund 928, Sharpstown Public Improvement District Fund, for payment to **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2002-1077 - **DISTRICT F - ELLIS**

21. Ordinance 2003-0397

ORDINANCE approving and authorizing special warranty deed conveying to **NOBILITY INVESTMENTS, INC** a parcel of land containing 11,454 square feet (0.2629 acre), more or less, being out of the M. B. Gary Survey, A-284, Houston, Harris County, Texas (the former Westpark No. 1 Lift Station, located at the Southwest Freeway and Newcastle Drive); in consideration of Nobility Investments, Inc.'s payment of \$151,050.00 and other consideration to the City **DISTRICT G - KELLER**

22. Ordinance 2003-0398

ORDINANCE approving and authorizing special warranty deed conveying to **BRELIAN, INC** a parcel of land containing 27,963 square feet (0.6419 acre), more or less, Parcel S98-063, being out of the Stafford Smith Survey, A-1049, Harris County, Texas (the former Alief Road Water Plant Site), located at 8600 Westpark Drive; in consideration of Brelia, Inc.'s payment of \$320,000.00 and other consideration to the City - **DISTRICT G - KELLER**

23. Ordinance 2003-0399

ORDINANCE issuing a permit to **GREP COURTLAND SQUARE, L.P.** for constructing, using, occupying, operating, maintaining and repairing a utility duct containing various water lines and electrical conduits within the 700 block of Francis Avenue and the 700 block of Stuart Avenue, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS**

24. Ordinance 2003-0386

ORDINANCE consenting to the addition of 214.5 acres of land to **HARRIS COUNTY MUNICIPAL DISTRICT NO. 278**, for inclusion in its district

25. Ordinance 2003-0387

ORDINANCE approving and authorizing contract between the City and **DEPELCHIN CHILDREN'S CENTER** for Counseling and Psychotherapy Services for the Houston Fire Department's Juvenile Firesetter Program; providing a maximum contract amount - \$150,000.00 Grant Fund

ORDINANCES - continued

26. Ordinance 2003-0400

ORDINANCE amending Ordinance Numbers 2002-880 and 1997-1175 to increase maximum contract amounts to contracts between the City and **YWCA OF HOUSTON - AREA 2, YWCA OF HOUSTON - AREA 3, YWCA OF HOUSTON AREA - 5, JEWISH COMMUNITY CENTER AREA- 6, YWCA OF HOUSTON - AREA 7, INTERFAITH MINISTRIES FOR GREATER HOUSTON - AREA 8, INTERFAITH MINISTRIES FOR GREATER HOUSTON - AREA 9, CITY OF LAPORTE, CITY OF SOUTH HOUSTON, FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK, DENVER HARBOR SENIOR CITIZENS, INC, JULIA C. HESTER HOUSE, INDOCHINESE CULTURE CENTER, PILGRIM COMMUNITY CENTER, WESLEY COMMUNITY CENTER, INC, WHEELER AVENUE BAPTIST CHURCH, ALZHEIMER'S ASSOCIATION, LONE STAR LEGAL AID (FORMERLY GULF COAST LEGAL FOUNDATION), INTERFAITH CAREPARTNERS (FORMERLY FOUNDATION FOR INTERFAITH AND MINISTRY), PERRYLEE HOME HEALTH, SHELTERING ARMS, SPECTERA DENTAL, INC, HEIGHTS AUDIOLOGY & HEARING AIDS, THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON and THE SALVATION ARMY (ASSIGNED FROM CITY OF PASADENA) for Various Services to the Elderly**

27. Ordinance 2003-0401

ORDINANCE approving and authorizing amended and restated Emergency Home Repair Program Administrative Guidelines to replace the guidelines which were authorized and approved in September 2002

28. Pulled - Not Considered

ORDINANCE approving and authorizing contract between the City of Houston and the **NATIONAL ASSOCIATION OF MINORITY CONTRACTORS - HOUSTON CHAPTER**, to provide \$2,166,172.00 in Community Development Block Grant Funds for the Administration of an Emergency Home Repair Program

29. Ordinance 2003-0402

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA URBAN LEAGUE, INCORPORATED**, to provide \$2,190,615.00 in Community Development Block Grant Funds for the Administration of an Emergency Home Repair Program

30. Ordinance 2003-0403

ORDINANCE appropriating \$50,000.00 out of Housing Special Revenue Fund and approving and authorizing contract between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION** to provide \$1,701,163.00 in Community Development Block Grant Funds for the Administration of the Emergency Home Repair Program

31. Ordinance 2003-0388

ORDINANCE approving and authorizing legal services contract between the City of Houston and **CALLIER & GARZA, L.L.P.** representing Debra Duncan, R.N. relating to lawsuit styled Mayra Guzman and Victor Hernandez, Individ. and on behalf of the Estate of Unnamed Triplets vs. City of Houston d/b/a Sunnyside, Cause No. 2001-37386 in the 80th Judicial District Court of Harris County, Texas - \$45,000.00 - Property and Casualty Fund

32. Ordinance 2003-0404

ORDINANCE approving and authorizing legal services contract between the City of Houston and **HEARD & MEDACK, P.C.** representing Soren John Vindekilde, M.D. relating to lawsuit styled Mayra Guzman and Victor Hernandez, Individ. and on behalf of the Estate of Unnamed Triplets vs. City of Houston d/b/a Sunnyside, Cause No. 2001-37386 in the 80th Judicial District Court of Harris County, Texas - \$50,000.00 - Property and Casualty Fund

ORDINANCES - continued

33. Ordinance 2003-0405

ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Wynnewood Gardens Subdivision, CIP S-0800-57-03 and R-0800-57-03 - **DISTRICT B - GALLOWAY**

34. Ordinance 2003-0406

ORDINANCE appropriating \$144,334.13 out of Water & Sewer System Consolidated Construction Fund and \$192,769.15 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Wynnewood Gardens Subdivision, CIP S-0800-58-03 and R-0800-58-03 - **DISTRICT B - GALLOWAY**

35. Ordinance 2003-0389

ORDINANCE appropriating \$184,594.17 out of Water & Sewer System Consolidated Construction Fund and \$231,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Wynnewood Gardens Subdivision, CIP S-0800-59-03 and R-0800-59-03 - **DISTRICT B - GALLOWAY**

36. Pulled - Not Considered

ORDINANCE appropriating \$232,463.66 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Clark Springs Subdivision, CIP S-0800-82-03 and R-0800-82-03 **DISTRICT D - EDWARDS**

37. Pulled - Not Considered

ORDINANCE appropriating \$135,227.88 out of Water & Sewer System Consolidated Construction Fund and \$165,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Clark Springs Subdivision, CIP S-0800-83-03 and R-0800-83-03 **DISTRICT D - EDWARDS**

38. Pulled - Not Considered

ORDINANCE appropriating \$125,279.19 out of Water & Sewer System Consolidated Construction Fund and \$189,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Clark Springs Subdivision, CIP S-0800-84-03 and R-0800-84-03 **DISTRICT D - EDWARDS**

ORDINANCES - continued

Motion 2003-0405 – Suspend rules to consider Item 39 out of order

39. Ordinance 2003-0392

ORDINANCE appropriating \$3,411,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendments to professional construction management services contracts between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** (as approved by Ordinance Nos. 02-675 & 2000-1024), providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, GFS R-0267-03-3 and R-2011-23-3

40. Ordinance 2003-0390

ORDINANCE awarding construction contract to **SUMCO, INC** for Construction of Melrose Park Improvements and Upgrades; GFS F-0511-01-3; providing funding for construction management, engineering testing services and contingencies relating to construction of facilities financed by the Community Development Block Grant - \$491,600.00 - CDBG Fund - **DISTRICT B - GALLOWAY**

41. Council Members Keller and Vasquez tagged

ORDINANCE appropriating \$6,846,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** for 69th Street Wastewater Treatment Plant (WWTP) Dryer Replacement/Rehabilitation, GFS R-0265-24-3 (WW4760-04); providing funding for construction management, engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO**

42. Ordinance 2003-0407

ORDINANCE appropriating \$880,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **INDUSTRIAL TX CORPORATION** for Eldridge Parkway Lift Station, GFS R-0267-71-3 (4276-31); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 43 through 46

43. Motion 2003-0407 – Adopt

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$682,646.43 and acceptance of work on contract with **CHIEF CONTRACTORS, INC** for Sanitary Sewer Maintenance Repair Contract by Cleaning and Television with Point Repair, GFS R-0266-16-3 (4277-6) - 00.03% over the original contract amount - **TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 8 on Agenda of April 16, 2003

MATTERS HELD – continued

44. Ordinance 2003-0408

ORDINANCE repealing Ordinance No. 2001-426 and approving and authorizing a loan agreement between the City of Houston and **2003 GARDEN CITY, L.P.** to provide a loan of Federal "HOME" Funds in the amount of \$1,750,000.00 to finance a portion of the costs to acquire a 256-Unit Apartment Building at 9601 West Montgomery Road to be developed as Affordable Rental Housing - **DISTRICT B - GALLOWAY**

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 29 on Agenda of April 16, 2003

Motion 2003-0397 – Suspend rules to consider Items 45a, 45b, 45c, 46, 18 and 19 out of order

45. Motion 2003-0398

WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:

Amend Item 45c to calculate the proposed drainage fee inclusive of all exemptions that Council may grant as outlined in the City Attorney's memo of April 8, 2003. (Exempt all state, county, municipality, school district and religious property.)

TAGGED BY COUNCIL MEMBER TATRO

a. Motion 2003-0399

WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:

Amend Item 45c to develop additional fee structure models that generates no more than \$35 million and \$50 million in revenue respectively.

TAGGED BY COUNCIL MEMBER TATRO

b. Motion 2003-0400

WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:

Amend Item 45c to include modeling a sunset provision that reduces the size of any drainage fee to a level sufficient for maintenance and debt service only after construction of the system.

TAGGED BY COUNCIL MEMBER TATRO

Motion 2003-0401 – Call the question on motion to amend Item 45c for two (2) weeks

Motion 2003-0402 – Postpone Item 45c for two (2) weeks – "FAILED"

c. Ordinance 2003-0391 – Adopt as amended

ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **CAMP, DRESSER AND MCKEE** for Professional Services relating to the Development of a Stormwater Utility and Fee Structure - \$400,000.00 - Stormwater Utility Fund

POSTPONED BY MOTION #2003-385, 4/16/03

This was Item 50 on Agenda of April 16, 2003

46. Motion 2003-0403 – Adopt

MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering to set Public Hearing to be held Wednesday, June 4, 2003 at 9:00 a.m. relative to the creation of a Stormwater Drainage Utility for the City of Houston

POSTPONED BY MOTION #2003-386, 4/16/03

This was Item 51 on Agenda of April 16, 2003

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Robinson 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

4/22/2003 – Council Members Vasquez and Robinson absent on personal business

4/23/2003 – All Present