

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 26, 2003 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with note of action taken

**MOTIONS 2003-1024 to 2003-1053**  
**ORDINANCES 2003-0775 to 2003-0792**  
**RESOLUTIONS – 2003-0023 to 2003-0024**

**2003-1023-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Goldberg

**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 2003-1024 – Procedural motion**  
**Motion 2003-1025 – Procedural motion**  
**Motion 2003-1026 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - AUGUST 27, 2003 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Go Texans Week

**HEARINGS - 9:15 A.M.**

**Motion 2003-1027 – Procedural motion**  
**Motion 2003-1028 – Procedural motion**  
**Motion 2003- 1029 – Procedural motion**  
**Motion 2003-1030 – Procedural motion**

1. **Motion 2003-1031 - Close**  
**PUBLIC HEARING** on creation of combined Water Sewer Drainage Utility

**CONSENT AGENDA NUMBERS 2 through 32**

**MISCELLANEOUS** - NUMBERS 2 through 5

**2. Motion 2003-1047**

RECOMMENDATION from Director Finance & Administration for membership renewal for in the United States Conference of Mayors - \$34,311.00 - General Fund

**3. Motion 2003-1048**

RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2003 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code

**4. Motion 2003-1049**

RECOMMENDATION from City Attorney for approval of supplemental allocation of \$150,000.00 for professional legal services contract between the City of Houston and **CONNELLY, BAKER, WOTRING & JACKSON, L.L.P.** in connection with lawsuit styled Hill v. City of Houston in the U. S. District Court for the Southern District of Texas, Houston Division, Civil Action No. H-03-0830 - Enterprise Fund

**5. Motion 2003-1050**

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.4644 per square foot for properties connecting to the 8-inch sanitary sewer line extension by **PETROLEUM WHOLESALE, INC** located in the 600 block of West Gulf Bank Road - **DISTRICT B - GALLOWAY**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 6 through 11

**6. Motion 2003-1045**

**CREATIVE COMPUTER APPLICATIONS** for Preventative Maintenance Agreement for Laboratory Information System for Health & Human Services Department - \$35,822.00 - General Fund

**7. Motion 2003-1051**

**CPI FOODS, INC** for Shelf Stable Meals for Health & Human Services Department - \$33,732.88 Grant Fund

**8. Motion 2003-1046**

**AMEND MOTION #2000-1076, 8/30/00, TO EXTEND** expiration date from August 30, 2003 to August 29, 2004, for Chlorinated Chemicals for Parks & Recreation and Public Works & Engineering Departments, awarded to **UNIVAR USA, INC (formerly dba VAN WATERS & ROGERS, INC aka VOPAK USA)** and **COMMERCIAL CHEMICAL PRODUCTS, INC**

**9. Council Member Tatro tagged**

**BEASLEY TIRE SERVICE** - \$70,169.00, **GOODYEAR TIRE AND RUBBER COMPANY** \$813,233.46 and **REMINGTON TIRE DISTRIBUTORS, INC, DBA GRAY'S WHOLESALE TIRE** \$3,760,618.67 for Automotive Tires and Tubes for Various Departments - \$4,644,021.13, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$139,320.63 for a net award amount not to exceed \$4,504,700.50 - General, Enterprise and Fleet Management Funds

**10. Motion 2003-1052**

**GRAY'S WHOLESALE TIRE DISTRIBUTOR** for Purchase of Tires from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$1,000,000.00 - General, Enterprise and Fleet Management Funds

**PURCHASING AND TABULATION OF BIDS** - continued

**11. Council Member Tatro tagged**

**ENNIS PAINT, INC** for Paint, Airfield Marking for Various Departments - \$314,138.46, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$9,424.16 for a net award amount not to exceed \$304,714.30 - General and Enterprise Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 32

**12. Resolution 2003-0024**

RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board

**13. Ordinance 2003-0780**

ORDINANCE **AMENDING CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicle Abatement

Council Member Robinson presented the following motion to amend Item 14 to prohibit payment of a "Franchise Fee" to the General Fund from the combined Water, Sewer and Drainage Utility System – **Council Member Robinson Tagged**

Council Member Robinson presented the following motion to amend Item 14 to prohibit automatic rate increases without a vote of Council – **Council Member Robinson tagged**

Council Member Robinson presented the following motion to amend Item 14 to exempt from the Drainage Utility Fee religious property actually used as a house of worship – **Council Member Robinson tagged**

Council Member Sekula-Gibbs presented the following motion to amend Item 14 to mandate a minimum \$50 million per year for drainage CIP from the combined Water, Sewer and Drainage Utility System – **Council Member Robinson tagged**

Council Member Wiseman presented the following motion to amend Item 14 to require that sewer fees be adjusted to reflect actual usage – **Council Members Robinson and Tatro tagged**

**14. Council Member Robinson tagged**

ORDINANCE authorizing the combination of the City's Water and Sewer System and Drainage Utility System into a combined System; **AMENDING CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of the Water, Sewer and Drainage Utility Systems

**15. Ordinance 2003-0775**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the 26,106-square foot former Sagemont Municipal Utility District Water Plant Site, located at 12136 Sagedowne Lane, Reserve A, Block 5, Sagemont Subdivision, Section 1, Houston, Harris County, Texas (Parcel S95-049); determining that, due to its limited access to public roads, it may be sold to the abutting owners, Patrick A. and Sheila Bellamy; approving and authorizing the sale of said parcel to said abutting owners, in consideration of their payment of \$15,664.00, and other consideration to the City; subject to the terms and conditions of the conveyance - **DISTRICT E - WISEMAN**

**RESOLUTIONS AND ORDINANCES** - continued

**16. Ordinance 2003-0776**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of West 27th Street right of way, containing 20,453 square feet of land, more or less, out of the resubdivision of Shady Acres Second Addition, situated in the Henry Reinerman Survey, A-644, Houston, Harris County, Texas; Parcel SYO-018; vacating and abandoning Parcel SYO-018 to Memorial Hermann Hospital System, the abutting owner, in consideration of owner's dedication back to the City of the said parcel as a 51-foot wide utility easement, and payment of \$61,359.00 and other consideration to the City - **DISTRICT H - VASQUEZ**

**17. Ordinance 2003-0781**

ORDINANCE approving and authorizing first amendment to agreement with the **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add Grady Middle School as an additional After School Achievement Program ("ASAP") Site and to provide \$50,000.00 in additional funds Grant Fund

**18. Omitted**

**19. Ordinance 2003-0782**

ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for an Environmental Public Health Tracking Network System; providing a maximum contract amount - 1 Year with one-year renewal \$300,000.00 - Grant Fund

**20. Ordinance 2003-0777**

ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$130,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds to cover acquisition and closing costs in connection with property located at 1804 Carr Street and 2505 Mills Street to be used for a Transitional Housing Facility - **DISTRICT B - GALLOWAY**

**21. Ordinance 2003-0783**

ORDINANCE appropriating \$1,116,900.00 out of Homeless and Housing Consolidated Bond Fund and approving and authorizing City of Houston to enter into contract with **BONITA STREET HOUSE OF HOPE** to provide an additional \$400,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds to assist in the acquisition of a 4.7 acre tract of land at Parker Road and Shady Lane and the payment of a portion of hard and soft costs in connection with construction of a Transitional Housing Complex - **DISTRICT H - VASQUEZ**

**22. Ordinance 2003-0778**

ORDINANCE approving and authorizing contract between the City of Houston and **VOLUNTEERS OF AMERICA TEXAS, INC** to provide \$800,086.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, which sum includes a supplemental allocation in the amount of \$400,043.00 for the operation of two Community Residences and administration of a Short-term Rent, Mortgage and Utility Assistance Program, along with supportive services

**RESOLUTIONS AND ORDINANCES** - continued

**23. Ordinance 2003-0784**

ORDINANCE appropriating \$854,210.73 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$2,940,581.98 out of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$4,604,771.03 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$2,609,792.52 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$1,547,624.82 out of Tax Increment Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$1,626,557.66 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone) Tax Increment Fund (Fund 915); \$245,296.59 out of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$251,142.23 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$4,091,754.58 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$2,362,020.33 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) Tax Increment Fund (Fund 916); \$274,704.13 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$231,991.07 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$790,463.62 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$68,378.32 out of Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) Tax Increment Fund (Fund 921); \$2,601,447.85 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$278,888.07 out of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone) Tax Increment Fund (Fund 923); \$86,704.84 out of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (924); and \$1,191,514.14 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (925) for Affordable Housing, Administrative Expenses, payment of project Costs, payments to the Houston Independent School District, the Humble Independent School District and certain redevelopment authorities as provided herein

**24. Ordinance 2003-0785**

ORDINANCE approving and authorizing contract between the City and **MANDELL & WRIGHT, P.C.** for Legal Services in the appeal of Juanita Fletcher vs. City of Houston, et al., Cause No. 98-05588 (Appeal No. 14-03-00690-CV), filed in the Fourteenth (14th) Court of Appeals in Houston, Texas; providing a maximum contract amount - \$50,000.00 - Property and Casualty Fund

**25. Ordinance 2003-0786**

ORDINANCE appropriating \$101,780.00 out of Street & Bridge Construction Fund as an additional appropriation to contract with **STRIPES & STOPS COMPANY, INC** for Pavement Marking Services for Public Works & Engineering Department (approved by Ordinance No. 02-0913) - **DISTRICT D - EDWARDS**

**26. Ordinance 2003-0779**

ORDINANCE appropriating \$175,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Cooperation Agreement between the City of Houston and the **SAN JACINTO RIVER AUTHORITY** for Acquisition of additional water rights in the San Jacinto River Basin, S-0019-26-05

**RESOLUTIONS AND ORDINANCES** - continued

**27. Council Member Wiseman tagged**

ORDINANCE awarding contract to **SKE SUPPORT SERVICES, INC** for Fleet/Vehicle & Equipment Maintenance Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$15,455,992.65 - Enterprise Fund

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

ORDINANCE appropriating \$11,967,442.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund CIP A-0483 and \$990,770.00 out of Houston System Consolidated 2001 AMT Construction Fund CIP A-0354 and \$200,680.00 out of Houston Airports Improvement Fund CIP A-0422; awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** for Terminal D Remodeling and Upgrades/Vertical Circulation Upgrades in APM Stations at George Bush Intercontinental Airport/Houston (Project 500G); providing funding for engineering testing and for contingencies and the Civic Art Program relating to the construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

**29. Ordinance 2003-0787**

ORDINANCE appropriating \$300,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to contract for professional engineering services between the City of Houston and **PBS&J** for Rehabilitation of Runway 8R-26L at George Bush Intercontinental Airport/Houston, Project No. 491; CIP A-0058, A-0263 and A-0323 - **DISTRICT B - GALLOWAY**

**30. Ordinance 2003-0788**

ORDINANCE appropriating \$5,500,000.00 out of Airports Improvement Fund and approving and authorizing professional services contract between the City and **DMJM AVIATION, INC**, for Comprehensive Plan Study at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

**31. Ordinance 2003-0789**

ORDINANCE appropriating \$204,800.00 out of Parks Special Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of E. R. and Ann Taylor Park, GFS F-0514-00-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Special Fund - **DISTRICT D - EDWARDS**

**32. Ordinance 2003-0790**

ORDINANCE appropriating \$315,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City and **CAMP DRESSER & MCKEE, INC** for Construction Management and Inspection Services for the 69th Street Wastewater Treatment Plant Improvements, CIP R-0509-07-3 (4842) - **DISTRICT I - ALVARADO**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 33 through 38E

**33. Resolution 2003-0023**

RESOLUTION requesting the Mayor to place on a future City Council Agenda an ordinance ordering a Special Election to consider the adoption of a Charter Amendment requiring approval of two-thirds of the full City Council prior to the levy of Ad Valorem Taxes at a rate expected to increase Ad Valorem Property Tax Revenues by more than five percent more than the Ad Valorem Property Tax Revenues collected during the immediately preceding fiscal year

**POSTPONED BY MOTION #2003-0979, 8/6/03**

This was Item 34 on Agenda of August 6, 2003

**34. Motion 2003-1053 - Adopt**

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel A97-349, located in the 7500 block of Ley Road, owned by Clear Channel Outdoor, Inc., Michelle Costa, President, as to the leasehold interest, for the **LEY ROAD PAVING PROJECT (from Homestead Road to North Wayside Drive)**, CIP N-0587B-00-1 - **DISTRICT B - GALLOWAY** - **TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and TATRO**

This was Item 16 on Agenda of August 20, 2003

**Motion 2003-1042 – Suspend rules to hear Mr. Calvin Wells on Item 35**

**Motion 2003-1043 – Refer Item 35 back to the Administration – “**FAILED**”**

**35. Motion 2003-1044 - Adopt**

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration Department to award to **ALTIVIA CORPORATION** for Chemical, Sodium Hypochlorite for Department of Public Works & Engineering - \$12,512,757.83, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$375,382.74 for a net award amount of \$12,137,375.09 - Enterprise Fund

**TAGGED BY COUNCIL MEMBERS QUAN, KELLER, ELLIS and ALVARADO**

This was Item 20 on Agenda of August 20, 2003

**36. Ordinance 2003-0791**

ORDINANCE awarding contract to **SMITH-MOBLEY, INC** for Securing Dangerous Buildings Services for Planning and Development Department; providing a maximum contract amount 2 Years with a one-year option - \$674,812.50 - General Fund

**TAGGED BY COUNCIL MEMBERS KELLER and ALVARADO**

This was Item 38 on Agenda of August 20, 2003

**37. Ordinance 2003-0792**

ORDINANCE appropriating \$5,233,342.00 out of Street & Bridge Consolidated Construction Fund and \$3,144,647.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction Project No. 440A, GFS N-0373-02-3 (N-0373-02); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 39 on Agenda of August 20, 2003

**Motion 2003-1032 – Suspend rules to consider Items 38a-e, 14, 33 and 35 out of order**

**Motion 2003-1033 – Procedural motion**

**Motion 2003-1034 – Procedural motion**

**Motion 2003-1039 – Procedural motion**



**MATTERS HELD** – continued

**38. Motion 2003-1035 - Adopt**

WRITTEN Motion by Council Member Alvarado to amend Item 38E, by eliminating all funding for C.I.P. Number N-0528 (Wheeler Street Project) and placing \$1,000,000 into C.I.P. Project 610A (Sidewalks) and \$4,900,000 into C.I.P. Project N-1037 (Overlays) to be divided equally between council districts D and I.

**TAGGED BY COUNCIL MEMBERS ROBINSON, TATRO and WISEMAN**

**a. Motion 2003-1036 – “FAILED”**

WRITTEN Motion by Council Member Tatro to amend Item 38E below, to Remove the \$2.5 million in library bond funding from the Gregory School Project. Issue an RFP for lease/renovation and operation of the Gregory School using private and grant funding.

**TAGGED BY COUNCIL MEMBER ROBINSON**

**b. Motion 2003-1037 – Postpone one (1) week**

WRITTEN Motion by Council Member Tatro to amend Item 38E below, for Removal of the Combined Utility Fund section of proposed CIP for FY2004-2008.

**TAGGED BY COUNCIL MEMBER ROBINSON**

**c. Motion 2003-1038 – “FAILED”**

WRITTEN Motion by Council Member Tatro to amend Item 38E below, for Deletion of D-0118 Houston Museum of African American Culture, unless alternative funding sources can be identified that create no impact on the general fund. - **TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, KELLER and WISEMAN**

**d. Motion 2003-1040 - Adopt**

WRITTEN Motion by Council Member Galloway to amend Item 38E below, to move all costs associated with and related to the renovation of Tidwell Park (CIP Number F-0504A5) from Fiscal Year 2007 to Fiscal Year 2005.

**TAGGED BY COUNCIL MEMBERS KELLER , ROBINSON and WISEMAN**

**e. Motion 2003-1041 – Postpone one (1) week**

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt Recommendation from Director Department of Finance & Administration to approve proposed Fiscal Year 2004-2008 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the approved CIP documents

**TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER**

This was Item 42 on Agenda of August 20, 2003

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Vasquez 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**

**AGENDA - AUGUST 27, 2003 - PAGE 10**

**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

**8/26/2003 – Council Member Vasquez absent on personal business**

**8/27/2003 – Council Member Vasquez absent on personal business**