

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 11, 2003 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with note of action taken

MOTIONS 2003-0261 to 2002-0279
ORDINANCES 2003-0223 to 2003-0241
RESOLUTION – None

2003-0260-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Vasquez

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 2003-0261 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 12, 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 31

MISCELLANEOUS - NUMBERS 1 through 4

1. Motion 2003-0268

RECOMMENDATION from Director Planning & Development Department to accept the January 2003 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program

a. Council Member Sekula-Gibbs tagged

RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$7,928,493.82 to Revenue Bond Debt Service as recommended in the January 2003 Semiannual Report of the Capital Improvements Advisory Committee (CIAC)

MISCELLANEOUS - continued

2. Motion 2003-0269

RECOMMENDATION from Director Department of Planning & Development for the designation of two residential parking permit areas and related parking regulations in the University Place Super Neighborhood - **DISTRICT C - GOLDBERG**

3. Motion 2003-0262

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.1611 per square foot for properties connecting to the 8inch water line constructed by **MHL HOMEBUILDERS, L.L.C.** located along Talina Way and Hollow Hook Road - **DISTRICT A - TATRO**

4. Motion 2003-0263

RECOMMENDATION from Chief of Police for Injured on Duty status for Police Officer **DAVID G. JOHNSON**

ACCEPT WORK - NUMBERS 5 through 9

5. Council Members Keller and Tatro tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,780,495.33 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Neighborhood Street Reconstruction Project No. 432A Phase I, GFS N-0364-02-3 (N-0364-02) - 05.41% over the original contract amount - **DISTRICTS C - GOLDBERG and I - ALVARADO**

6. Motion 2003-0270

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,911,579.74 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION COMPANY** for Generic Overlay Program, GFS N-1037-33-3 (OL2033) - 04.99% over the original contract amount - **DISTRICT I - ALVARADO**

7. Motion 2003-0264

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,146,897.46 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Lift Station Rehabilitation in Sims Bayou, GFS R-0267-27-3 (4275-15) - 04.17% over the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO**

8. Motion 2003-0265

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,253,052.51 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Paul Quinn Gardens and Noble Subdivisions, GFS S-0035-61-3 (WA10588) - 01.06% under the original contract amount **DISTRICT B - GALLOWAY**

9. Motion 2003-0266

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,435,280.65 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Gulf Palms Subdivision, GFS S-0035-84-3 (WA10670) - 05.99% under the original contract amount - **DISTRICT E - WISEMAN**

PROPERTY - NUMBER 10

10. Motion 2003-0267

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Southway Business Park, Ltd. [Oakmont Group, Inc. (William M. Burney, vice president), general partner], for abandonment and sale of Airplane Drive, from Freehill Street ±721 feet east to the west boundary of Ellington Field Addition, a 2-foot wide sanitary sewer easement, and a 10-foot wide water line easement, all located within Southpoint Subdivision, Section 3, Parcels SY3-035A, SY3-035B and SY3-035C - **STAFF APPRAISERS DISTRICT E - WISEMAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. Motion 2003-0271

NIPPON CARBIDE INDUSTRIES (USA), INC for Reflective and Non-Reflective Materials, Part II, for Various Departments - \$293,145.00 - General and Enterprise Funds

Motion 2003-0272 – Suspend rules to hear from Mr. Philip Schepps, relative to Item 12

12. Council Member Wiseman tagged

AMEND MOTION #2000-756, 6/14/00, TO INCREASE spending authority from \$22,974,940.00 to \$26,974,940.00 for Reformulated Gasoline for Finance and Administration Department, awarded to **ADA RESOURCES, INC** for a total increase of \$4,000,000.00 - Central Service Revolving Fund

Motion 2003-0273 – Divide the question on Item 13 and refer HILCO INDUSTRIES, INC back to the Administration

13. Motion 2003-0274 – Adopt except HILCO INDUSTRIES, INC

AMEND MOTION #2000-426, 3/22/00, TO EXTEND expiration date from March 22, 2003 to March 21, 2004, for Tarps and Tarp Straps for Various Departments, awarded to **HUMPHREY'S TEXTILE PRODUCTS, INDUSTRIAL DISPOSAL SUPPLY COMPANY** and ~~**HILCO INDUSTRIES, INC**~~

ORDINANCES - NUMBERS 14 through 31

14. Ordinance 2003-0231

ORDINANCE awarding contract for Layered General Property Insurance Coverage between the City of Houston and **WESTCHESTER FIRE INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; HARTFORD FIRE INSURANCE; ESSEX INSURANCE COMPANY; ROYAL SURPLUS LINES INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY; COMMONWEALTH INSURANCE COMPANY; AMERICAN GUARANTEE & LIABILITY INSURANCE COMPANY; CLARENDON AMERICA INSURANCE COMPANY; QBE INTERNATIONAL INSURANCE; SHEFFIELD INSURANCE COMPANY; GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA; UNDERWRITERS AT LLOYDS**; providing a maximum contract amount - \$6,450,815.00 - Insurance Revolving Fund

15. Ordinance 2003-0232

ORDINANCE awarding contract for Terrorism Insurance Coverage to **LEXINGTON INSURANCE COMPANY**; providing a maximum contract amount - \$383,250.00 - Insurance Revolving Fund

ORDINANCES - continued

Motion 2003-0275 – Motion by Council Member Vasquez/seconded by Council Member Parker to amend Item 16 to delete section 7

Motion 2003-0276 – Motion to divide the question contained in Item 16 to vote separately on the transfer from the Disaster Recovery Fund

Motion 2003-0277 – Motion to suspend the rules to hear from Judy Gray Johnson, City Controller

Written motion by Council Member Robinson to amend Item 16 as follows:

- (1) Transfer \$5.5 million from the ALP fund with \$5 million to be immediately deposited in the Rainy Day Fund and the remaining \$500,000 to be used to eliminate delaying the start of the April HPD Cadet class; and
- (2) Use all excess cash in the Disaster Recovery Fund not needed to help balance the FY'03 budget or payoff an outstanding bill to help purchase the "Midtown Superblock" for use as a city park and underground parking garage to be a source of future dedicated funding for the Parks Department.

TAGGED BY COUNCIL MEMBERS PARKER AND TATRO

Motion by Council Member Robinson to transfer \$16,000,000.00 from the Any Lawful Purpose Fund to the General Fund

Motion by Council Member Robinson to transfer \$15,000,000.00 from the Disaster Recovery Fund to the Rainy Day Fund

16. Council Members Wiseman, Ellis, Sekula-Gibbs, Robinson, Tatro and Keller tagged

ORDINANCE making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003; making other findings and provisions related to the subject

17. Council Member Keller tagged

ORDINANCE appropriating \$22,500,000.00 out of City of Houston Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes Series A for a refund to Series E Commercial Paper C & E Fund used to acquire the Superblock located immediately across from the George R. Brown Convention Center

18. Ordinance 2003-0223

ORDINANCE consenting to the addition of 15.0001 acres of land to **FOREST HILLS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

19. Ordinance 2003-0224

ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142**

20. Ordinance 2003-0225

ORDINANCE consenting to the addition of 13.94 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district

21. Ordinance 2003-0226

ORDINANCE consenting to the addition of 2.2383 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district

ORDINANCES - continued

22. Ordinance 2003-0227

ORDINANCE consenting to the addition of 8.7925 acres of land to **LAKE FOREST UTILITY DISTRICT**, for inclusion in its district

23. Ordinance 2003-0228

ORDINANCE consenting to the addition of 338.4 acres of land to **RAYFORD ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

24. Ordinance 2003-0229

ORDINANCE consenting to the addition of 96.5347 acres of land to **THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

25. Ordinance 2003-0230

ORDINANCE establishing the north and south sides of the 1200 block of Omar Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ**

26. Ordinance 2003-0233

ORDINANCE approving and authorizing acceptance of funds for the **TEXAS DEPARTMENT OF HEALTH SEXUALLY TRANSMITTED DISEASE PREVENTION AND CONTROL PROGRAM** (TDH Contract No. 7460011640-04); declaring the City's eligibility for such grants; authorizing the Director of the Health and Human Services Department to expend such grant funds and to accept and expend subsequent awards, if any - \$1,435,997.00 - Grant Fund

27. Ordinance 2003-0234

ORDINANCE approving and authorizing the execution of Airport Joint Use Agreement between the City of Houston, **THE UNITED STATES OF AMERICA** and **THE STATE OF TEXAS** regarding the use of Ellington Field - **DISTRICT E - WISEMAN**

28. Ordinance 2003-0235

ORDINANCE approving and authorizing compromise and settlement agreement and full and final release between **MOISTURE CONTROL TECHNOLOGIES, INC (MCT)** and the City of Houston to settle a claim - \$48,898.60 - Enterprise Fund - **DISTRICT I - ALVARADO**

29. Ordinance 2003-0236

ORDINANCE approving and authorizing interim treated water supply contract between the City of Houston and **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY**

30. Ordinance 2003-0237

ORDINANCE appropriating \$4,638,128.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing engineering services agreement between the City of Houston and **CORRPRO COMPANIES, INC** for Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, CIP S-0037-02-2; providing a maximum contract amount for budget funding - \$648,240.00 - Enterprise Fund

31. Ordinance 2003-0238

ORDINANCE appropriating \$4,771,582.00 out of Water & Sewer Consolidated Construction Fund, and awarding contract with **KENNEDY COATING INSPECTION SERVICES, INC** for Water Tank Evaluation, Flush/Disinfect and Inspection Services for Public Works & Engineering Department

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 32 through 36C

32. Motion 2003-0278

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Houston Airport System for approval of membership fees in industry organizations (ACI & AAEE) for the period January 1, 2003 through December 31, 2003 \$166,650.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER VASQUEZ**

This was Item 26 on Agenda of March 5, 2003

33. Ordinance 2003-0239

ORDINANCE approving the issuance of Notes by the **CITY PARK REDEVELOPMENT AUTHORITY - DISTRICT A - TATRO** - **TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 40 on Agenda of March 5, 2003

34. Ordinance 2003-0240

ORDINANCE appropriating \$1,718,000.00 out of Police System Consolidated Construction Fund No. 45 and approving and authorizing compromise and settlement agreement between the City of Houston and **AMERICAN RESOURCES, INC** to settle lawsuit arising out of activities financed by the Fund - **DISTRICT I - ALVARADO** - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 47 on Agenda of March 5, 2003

35. Ordinance 2003-0241

ORDINANCE appropriating \$5,283,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for 30-inch water line along Lakeside Forest Lane, Wilcrest Drive, Appletree Road, HL&P Fee Strip, Lasso Lane, Autumn Oaks Lane, Water Line easement from HL&P Fee Strip to abandoned railroad, GFS S-0900-53-3 (WA10626); 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**

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 55 on Agenda of March 5, 2003

36. Motion 2003-0279 – Refer back to the Administration

MOTION by Council Member Robinson/Seconded by Council Member Galloway to amend Item 36c below to require a 10% cut in the salary of all city employees making \$100,000.00 or more if the city has to lay off employees or implement a furlough program

TAGGED BY COUNCIL MEMBERS ROBINSON and GALLOWAY

a. Motion 2003-0279 – Refer back to the Administration

WRITTEN MOTION presented by Council Member Vasquez to amend Item 36c below:

1. Amend the first line of the caption to insert “and Chapter 18” after “Chapter 14.”

2. Add a new section 7A to read as follows:

“Section 7A. That Section 18-88 of the Code of Ordinances, Houston, Texas, be amended by adding a new subsection (f) to read as follows:

(f) The provisions of this section shall not apply to any loss of employment due to any layoff, or voluntary or involuntary termination, effected directly as a result of (i) a departmental reorganization, (ii) privatization, (iii) in connection with a salary incentive program, or (iv) an authorized reduction in force.”

TAGGED BY COUNCIL MEMBER ROBINSON

MATTERS HELD - continued

b. Motion 2003-0279 – Refer back to the Administration

WRITTEN Motion presented by Council Member Robinson to amend Item 36c below:

Amend Item 32 to allow for the implementation of a four (4) day work week for civilian employees.

Amend Item 32 to mandate that before any plan authorized under Chapter 14 is implemented, it must first be approved by the City Council.

POSTPONED BY MOTION #2003-218, 3/5/03

This was Item 60 on Agenda of March 5, 2003

c. Motion 2003-0279 – Refer back to the Administration

ORDINANCE amending the Code of Ordinances, Houston, Texas to allow for economic savings through salary cost reduction and administrative or fiscal measures in difficult economic circumstances including furloughs, voluntary separations, salary assistance, layoffs and employee reclassifications; containing findings and other provisions relating to the foregoing subjects; providing for severability - **POSTPONED BY MOTION #2003-219, 3/5/03**

This was Item 60A on Agenda of March 5, 2003

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Berry 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

3/11/2003 – Council Member Wiseman absent due to being ill

3/12/2003 – All Present