

AGENDA - COUNCIL MEETING - TUESDAY - MAY 6, 2003 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with note of action taken

MOTIONS 2003-0433 to 2003-0452
ORDINANCES 2003-0441 to 2003-0455
RESOLUTIONS – 2003-0009 to 2003-0010

2003-0432-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Ellis

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 2003-0433 – Procedural motion
Motion 2003-0434 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 7, 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 36

MISCELLANEOUS - NUMBER 1

1. Motion 2003-0442

REQUEST from Mayor for confirmation of appointment or reappointment of the following to
HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS, for terms to expire
August 1, 2004:

- Position One - **MR. JAMES "GRADY" PRESTAGE**, appointment
- Position Three - **MR. CHARLES M. PENLAND**, reappointment
- Position Four - **MR. ARNOLD DE ANDA**, reappointment,
- Position Five - **MR. DAVID BERG**, reappointment, and to serve as Chair

DAMAGES - NUMBER 2

2. Motion 2003-0435

RECOMMENDATION from City Attorney for settlement of claim of **KEMPER INSURANCE COMPANY as subrogee of MEMORIAL DRIVE UNITED METHODIST CHURCH** - \$24,847.09 Property and Casualty Fund

ACCEPT WORK - NUMBERS 3 through 5

3. Motion 2003-0436

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$674,284.60 and acceptance of work on contract with **JALCO, INC** for Dairy Ashford No. 1 Lift Station Rehabilitation, GFS R-0267-53-3 (4276-15) - 00.94% over the original contract amount - **DISTRICT G - KELLER**

4. Motion 2003-0443

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,603,607.09 and acceptance of work on contract with **INTRA CONSTRUCTION CORPORATION** for Construction of Water Main Replacement in Bruner Subdivision, GFS S-0035-46-3 (10546) - 08.61% under the original contract amount - **DISTRICTS G - KELLER and H - VASQUEZ**

5. Council Member Ellis tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,034,209.29 and acceptance of work on contract with **BLASTCO INCORPORATED** for Rehabilitation of Two Five (5) Million Gallon Water Storage Tanks at the Spring Branch Pumping Station, GFS S-0600-24-3 (10596-24) - 02.10% under the original contract amount - **DISTRICT A - TATRO**

PROPERTY - NUMBERS 6 and 7

6. Motion 2003-0437

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Richard Estrada, for encroachment agreement for a ±2.1 foot building encroachment into East 25th Street, located at 1120 East 25th Street, adjacent to Lot 9, Block 62, Sunset Heights Addition, John Austin Two League Grant, Parcel ENY3-01 - **DISTRICT H - VASQUEZ**

7. Motion 2003-0438

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jack P. Miller of R. G. Miller Engineers, Inc on behalf of Brentwood Way Developers, Inc (Harry Reed, president), for abandonment and sale of Glenwyck Drive, from the south to the north boundary of Brentwood Place Apartment Subdivision, and a 10- by 20-foot fire hydrant easement in exchange for the conveyance to the City of right of way to realign Glenwyck Drive, all located within Brentwood Place Apartment Subdivision, Parcels SY3-054A, SY3-054B and AY3-626 - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 14

8. Motion 2003-0444

AMEND MOTION #2000-559, 4/26/00, TO EXTEND expiration date from May 17, 2003 through May 16, 2004, for Tools, Sewer and Accessories for Department of Public Works & Engineering, awarded to **SRECO-FLEXIBLE**

PURCHASING AND TABULATION OF BIDS - continued

9. **Motion 2003-0439**

AMEND MOTION #2000-689, 5/31/00, TO EXTEND expiration date from June 15, 2003 to June 14, 2004, for Valves, Bronze Gate and Swing Contract for Department of Public Works & Engineering, awarded to **CITY SUPPLY, CO, INC**

10. **Motion 2003-0440**

HOUSTON-GALVESTON AREA COUNCIL for Traffic Signal Preemption Replacement Parts through the Interlocal Agreement for Cooperative Purchasing for the Department of Public Works & Engineering - \$145,353.76 - General Fund

11. **Motion 2003-0445**

VARIAN, INC for Two Gas Chromatography System Upgrades from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$112,679.00 - Enterprise Fund

12. **Motion 2003-0441**

THE ANDRESS-WALSH CO. (Bid No. 3) - \$60,053.00, **GODWIN PUMPS OF AMERICA, INC** - \$140,887.00 and **INTEGRAL LOGISTICS CORP.** - \$64,500.00 for Various Types of Pumps for Department of Public Works & Engineering - Enterprise Fund

13. **Motion 2003-0446**

MOTION INDUSTRIES - \$162,600.78, **J.G.B. ENTERPRISES, INC** - \$58,244.61, **UNDERGROUND, INC** - \$285,330.89, **INDEPENDENT HOSE & EXPANSION JOINTS, INC** \$200,676.72 for Hose and Fittings Contract for Various Departments - \$706,853.00 - General and Enterprise Funds

14. **Omitted**

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 36

15. **Resolution 2003-0009**

RESOLUTION in support of Legislation before the 78th Texas Legislature regarding the Operation of Municipal Crime Labs and DNA Testing Facilities
(Requested by the Legislative Affairs Committee)

16. **Resolution 2003-0010**

RESOLUTION approving the creation of the Lake Houston Redevelopment Authority; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT E - WISEMAN**

17. **Ordinance 2003-0441**

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of a 12-foot-wide alley containing 2,931 square feet of land, more or less, and 528 square feet of land, more or less, Parcels SY1-055 and SY1-069, being out of Block 3, Settegast and Dodge Addition, John Reinermann Survey, A-642, Harris County, Texas, vacating and abandoning (i) Parcel SY1-055 to Venetian Blind & Floor Covering Shop, LTD., abutting owner, and (ii) Parcel SY1-069 to Howard F. West and Weldon Byrne, abutting owners, in consideration of the owners' dedication of an easement for alley purposes containing 1,200 square feet of land, more or less, and payment of \$41,718.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT G - KELLER**

RESOLUTIONS AND ORDINANCES - continued

18. Ordinance 2003-0445

ORDINANCE terminating the levy of assessment on property within the 175 Public Improvement District in the City of Houston, Texas; declaring no need for future assessments on property within the 175 Public Improvement District; discontinuing the Service and Assessment Plan for the 175 Public Improvement District - **DISTRICT G - KELLER**

19. Ordinance 2003-0446

ORDINANCE terminating the levy of assessment on property within the 223 Public Improvement District in the City of Houston, Texas; declaring no need for future assessments on property within the 223 Public Improvement District; discontinuing the Service and Assessment Plan for the 223 Public Improvement District - **DISTRICT G - KELLER**

20. Ordinance 2003-0447

ORDINANCE approving and authorizing Amendment No. 2 to amended Interagency Agreement between the City of Houston, **HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT** and **TEXAS DEPARTMENT OF TRANSPORTATION** related to National Pollutant Discharge Elimination System Permit No. TXS001201; providing a maximum contract amount \$3,414,000.00 - Stormwater Utility Fund

21. Council Members Vasquez and Berry tagged

ORDINANCE accepting \$2,600,000.00 from Harris County and depositing such funds into the Harris County Construction Fund; approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for Richmond/West Alabama Corridor Traffic Mobility Improvements - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO**

22. Ordinance 2003-0448

ORDINANCE approving and authorizing an application to the **U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the 2002 Local Law Enforcement Block Grants Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department, or any designated Assistant Chief of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application

23. Ordinance 2003-0442

ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY ("ATPA")** for the Major Accessory Shop Enforcement/12 Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

Motion 2003-0447 – Suspend rules to hear Mr. Richard Lewis on Item 24

24. Council Members Tatro, Vasquez, Robinson, Sekula-Gibbs and Ellis tagged

ORDINANCE appropriating \$911,000.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **GETRONICSWANG CO. L.L.C.** for an IP Telephony System

25. Ordinance 2003-0449

ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** for

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acceptance of monies to be used towards the construction of the John P. McGovern-Stella Link Branch Library - \$300,000.00 - **DISTRICT C - GOLDBERG**

RESOLUTIONS AND ORDINANCES - continued

Motion 2003-0448 – Suspend rules to consider Item 25a out of order

a. Ordinance 2003-0450

ORDINANCE appropriating \$2,135,000.00 out of Public Library Consolidated Construction Fund, appropriating \$200,000.00 out of General Improvement Consolidated Construction Fund, appropriating \$300,000.00 out of Harris County Construction Fund, appropriating \$600,000.00 out of Stella Link Redevelopment Fund, awarding construction contract to **THE TREVINO GROUP, INC** for Construction of the Stella Link Branch Library (GFS E-0022-01-3); providing funding for engineering testing services; for additional related architectural services; Civic Art Program and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund, the General Improvement Consolidated Construction Fund, Harris County Construction Fund, and the Stella Link Redevelopment Fund - \$440,000.00 Grant Fund - **DISTRICT C - GOLDBERG**

26. Ordinance 2003-0451

ORDINANCE appropriating \$3,500,000.00 out of Airport System Consolidated 2000 AMT Construction Fund, and approving and authorizing professional services contract between the City of Houston and **CARTER & BURGESS, INC** for Geographic Information System Implementation Services with the Houston Airport System; Project No. 584, CIP A-0391 and A-0417 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

27. Ordinance 2003-0443

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SOUTH COAST HYDRAULICS** for Hydraulic Vehicle Lift services for Various Departments (as approved by Ordinance No. 98-424)

28. Ordinance 2003-0444

ORDINANCE awarding contract to **COMMERCIAL CHEMICAL** for Swimming Pool Maintenance Services for Parks & Recreation Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,115,911.66 - General Fund

29. Council Members Goldberg, Galloway and Keller tagged

ORDINANCE awarding contract to **J.T.B. SERVICES, INC** for Demolition Services for Planning & Development Department; providing a maximum contract amount - 1 Year with three one-year options - \$1,988,950.00 - Dangerous Building Consolidated Fund

30. Council Member Keller tagged

ORDINANCE awarding contract to **JOHN WARNER HORSESHOEING** for Farrier Services for Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$606,750.00 - General Fund

31. Ordinance 2003-0452

ORDINANCE deappropriating \$300,000.00 from Contract No. 52119 (as passed by Ordinance No. 2000-955); appropriating \$300,000.00 out of Fire Consolidated Construction Fund and \$770,000.00 out of Public Library Consolidated Construction Fund; approving and authorizing professional services contract between the City of Houston and **GREYHAWK NORTH AMERICA, LLC** for Project Management Support and Construction Management Services for facilities financed by the above funds, GFS C-0148-01-5 and E-0143-01-5

32. Ordinance 2003-0453

ORDINANCE approving and authorizing contract between the City of Houston and

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PROFESSIONAL SERVICES INDUSTRIES, INC for Testing Laboratory Services for Street Maintenance Projects; providing a maximum contract amount - \$150,000.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2003-0454

ORDINANCE appropriating \$1,153,000.00 out of Public Library Consolidated Construction Fund, awarding construction contract to **R. H. TONETTI CONSTRUCTION COMPANY** for Park Place Regional Branch Library Repair, GFS E-0127-01-3; providing funding for engineering testing services, funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT I - ALVARADO**

34. Ordinance 2003-0455

ORDINANCE appropriating \$2,518,245.77 out of Street & Bridge Consolidated Construction Fund, and \$496,854.23 from Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project No. 432B; GFS N-0364-04-3 (SB9133); providing funding for engineering testing and 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**

35. Council Member 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 Stormwater Utility Fund (Fund No. 227)

36. Ordinance 2003-0422 – Passed second reading

ORDINANCE No. 2003-422, passed first reading 4/30/03

ORDINANCE granting to **PHONOSCOPE, LTD.**, a Texas Limited Partnership, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 37

PROPERTY

37. Motion 2003-0449

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie Self, on behalf of himself and Catherine Cash, for abandonment and sale of Stuart Street, from the U. S. Highway 59 service road to St. Emmanuel Street, located in Fairmont Addition, a subdivision of Block 36, J. S. Holman Survey, Parcels SY3-055 and SY3-056 – **(Vanessa Hendrickson and Jamine Quinerly, Appointed) - APPRAISERS - DISTRICT I - ALVARADO**

MATTERS HELD - NUMBERS 38 and 39

38. Motion 2003-0450 – Refer back to the Administration

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2003-106 by deleting one (1) Assistant Arson Investigator Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability

POSTPONED BY MOTION #2003-104, 2/5/03

This was Item 35 on Agenda of February 5, 2003

Motion to amend Item 39 as follows:

I move to amend the proposed parking agreement between the City of Houston and HCPA Services Company as follows:

1. Delete the ninety (90) day termination for convenience during the first two years of the Agreement so that neither party may terminate the Agreement for convenience during the first two years
2. Amend the term of the Agreement so that it begins May 19, 2003 and continues until midnight April 30, 2008. Also add a provision that during the last three (3) years of the Agreement either party may terminate the Agreement for convenience by providing the other party ninety (90) days' prior written notice of such termination.
3. Add a new provision establishing the Parking Fee for years three through five of the Agreement at \$45.00, \$47.50 and \$50.00 respectively.
4. Add a new provision requiring the Licensor to provide security for the Premises that is at least comparable to the security provided by the Licensee in its Theater District Garage.
5. Add a new provision that if the Premises becomes unusable due to Force Majeure or otherwise, then for each day that the City cannot use the Premises, then Licensor shall adjust the Parking Fee for such month to reflect the period of disuse.
6. Add a new provision that Licensor shall permit the City Employee Shuttle Van to utilize the Hobby Center driveway located on Bagby Street for passenger pick-up and delivery. – **TAGGED BY COUNCIL MEMBER ELLIS**

39. Motion 2003-0451 – Postpone one (1) week

ORDINANCE approving and authorizing contract parking agreement between the City and **HCPA SERVICES COMPANY** for certain City Employee parking in the Hobby Center Garage; providing a maximum contract amount - 2 Years - \$684,090.00 - General, Enterprise and Other Funds **DISTRICT I - ALVARADO - TAGGED BY COUNCIL MEMBER GOLDBERG**

This was Item 15 on Agenda of April 30, 2003

Motion 2003-0452 – Suspend rules to hear from Ms. Kim Burrell

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Tatro 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

5/6/2003 – Council Member Wiseman and Sekula-Gibbs out of the City on City business

5/7/2003 – Council Member Wiseman out of City on City business