

AGENDA - COUNCIL MEETING - TUESDAY - MAY 13, 2003 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with note of action taken

MOTIONS 2003-0453 to 2003-0477
ORDINANCES 2003-0456 to 2003-0469
RESOLUTIONS – 2003-0011 to 2003-0012

2003-0452-1

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 2003-0453 – Procedural motion
Motion 2003-0454 – Procedural motion
Motion 2003-0455 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 14, 2003 - 9:00 A. M.

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

HEARINGS

1. **Motion 2003-0456 – Close hearing**
PUBLIC HEARING to consider proposed assessments against properties in the Lamar Terrace Public Improvement District No. 2 established by City Council Resolution No. 95-121, August 9, 1995 - **9:00 A. M.**

Motion 2003-0459 – Reopen the hearing – Item 1

Motion 2003-0460 – Close hearing

MAYOR'S REPORT - Progress Report on HPD Crime Lab Assessment by representatives of National Forensic Science Technology Center (NFSTC) - Kevin Lothridge and David Epstein

CONSENT AGENDA NUMBERS 2 through 29

MISCELLANEOUS - NUMBER 2

2. Motion 2003-0466

RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice in the amount of \$30,267.00 from the **ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES (AMSA)** for 2003 Membership Fee - Enterprise Fund

DAMAGES - NUMBER 3

3. Motion 2003-0470

RECOMMENDATION from City Attorney for settlement of lawsuit styled **ROBERT EARL RAY, SR.**, et al vs. City of Houston and Micah Webb; Cause No. 2001-44164; in the 280th Judicial District Court of Harris County, Texas - \$180,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBER 4

4. Council Member Keller tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,456,240.69 and acceptance of work on contract with **C. E. BARKER, INC** for Construction of Water Main Replacement in Langwood Subdivision Section 1, GFS S-0036-L1-3 (10493) - 04.07% over the original contract amount - **DISTRICT A - TATRO**

PROPERTY - NUMBERS 5 and 6

5. Motion 2003-0467

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY2-007, located at 6807 Portwest Drive, owned by MSW-NSG Real Estate Ventures, Ltd., a Texas limited partnership Margaret S. Wilson, president, for the **PORT WEST LIFT STATION PROJECT**, CIP R-0267-07-2 - **DISTRICT A - TATRO**

6. Motion 2003-0468

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels KY3-056A and KY3-056B, located within the 150-foot wide Houston Lighting and Power utility corridor between Wilcrest Drive and Lakeside Forest Lane, owned by Reliant Energy Incorporated, formerly known as Houston Lighting and Power Company, now known as CenterPoint Energy Houston Electric, LLC, a Texas limited liability company, for **APPLETREE WATERLINE EASEMENTS PROJECT from Wilcrest Drive to Lakeside Forest Lane**, CIP S-0900-52-3 - \$46,232.00 - **DISTRICT G - KELLER**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

7. Council Members Sekula-Gibbs and Goldberg tagged

HOUSTON G&G DEMOLITION SERVICE, INC for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$35,712.00 and contingencies for a total amount not to exceed \$37,497.60 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

8. **Council Member Goldberg tagged**
AAA DEMOLISHING COMPANY for Demolition Services for Planning & Development Department - \$33,600.00 and contingencies for an amount not to exceed \$35,280.00 Dangerous Building Consolidated Fund
9. **Council Member Sekula-Gibbs tagged**
TRAILER WHEEL & FRAME for Trailers for Department of Public Works & Engineering \$33,370.00 - Enterprise Fund
10. **Motion 2003-0471**
CYPRESS LAWN & TURF EQUIP. CO., INC (Bid No. 2) - \$27,100.00 and **BROOKSIDE EQUIPMENT SALES, INC** - \$30,400.00 for Riding Mowers for Various Departments Stormwater Utility and Equipment Acquisition Consolidated Funds
11. **Motion 2003-0472**
BUD'S AUTO UPHOLSTERY for Automotive Seat Covers, Upholstery and Repair for Various Departments - \$50,170.00 - General and Enterprise Fund
12. **Motion 2003-0469**
AMEND MOTION #2000-676, 5/24/00 and #2001-1035, 9/19/01, TO EXTEND term from May 24, 2003 to May 23, 2004, for Flags, Banners and Pennants Contracts, Parts I and II for Various Departments, awarded to **LONE STAR FLAGS & FLAGPOLES, INC, HOUSTON FLAGS, INC dba UNITED FLAG AND BANNER** and **A DIVISION OF ASSOCIATED BUILDERS SPECIALTIES dba KRONBERG'S FLAGS AND FLAGPOLES**

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 29

13. **Resolution 2003-0012**
RESOLUTION urging the City of Houston to identify and pursue Federal, State and other sources of funding to increase Pedestrian Sidewalk Construction and Improvements (Requested by the Legislative Affairs Committee)
14. **Resolution 2003-0011**
RESOLUTION authorizing the City Attorney to take appropriate legal action in connection with the City's opposition to the proposed routes for the Bayport Loop Rail Line expressed in City of Houston Resolution No. 2002-10
15. **Council Member Tatro tagged**
ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2003 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2003, and ending June 30, 2004; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of the Preliminary Official Statement to provide for the competitive sale of the Notes; authorizing Paying Agent/Registrar Agreement and other agreements relating thereto; approving Co-bond Counsel, and Paying Agent/Registrar for such Notes; making other provisions relating to such Notes including use of the proceeds thereof, and matters incident thereto; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

a. Council Member Tatro tagged

ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas, Tax and Revenue Anticipation Note, Series 2003A to provide for payment of current expenses of the City for a portion of Fiscal Year 2004; authorizing repayment of the principal of and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note as evidenced by Note Purchase Agreement; authorizing execution of a Co-bond Counsel Agreement; making other findings and provisions related to the subject; and declaring an emergency

16. Ordinance 2003-0458

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the north 10 feet of a 50-foot wide utility easement from Smith Street to Brazos Street, located in Unrestricted Reserve A, Block 1, Section 1, Spec's Midtown Addition; vacating and abandoning said north 10 feet of said 50-foot wide utility easement to Carolynn F. Jackson Family Partners, Ltd., the abutting owner, in consideration of the owner's payment of \$37,305.00 and other consideration to the City - **DISTRICT D - EDWARDS**

16-1 Ordinance 2003-0459

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Afton Street, from the south line of Blocks 1 and 2 south to the new boundary of the Interstate Highway 10 Service Road, located within Afton Village Section 1; vacating and abandoning said portion of said street to IKEA Property, Inc, the abutting owner, in consideration of the owner's dedication of a water line easement, located within Restricted Reserve A, Commons at Antoine, and the payment of \$257,304.00 and other consideration to the City

17. Pulled - Not Considered

ORDINANCE approving and authorizing lease agreement between **BNC SOUTH LOOP ASSOCIATES, L.P., as Landlord**, and the City of Houston, Texas, as tenant, for space at 2636 South Loop West for use by Neighborhood Protection Division, Planning Department **DISTRICT C - GOLDBERG**

18. Ordinance 2003-0460

ORDINANCE approving payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of an arbitrage rebate not to exceed \$113,054.00 relating to the City's Tax and Revenue Certificates of Obligation, Series 1995B

19. Council Member Tatro tagged

ORDINANCE approving first amendment of the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown); authorizing the City Secretary to distribute such plans - **DISTRICTS C - GOLDBERG and G - KELLER**

20. Not Received - Not Considered

ORDINANCE approving and authorizing contract amendment between the City of Houston and **KINSEL INDUSTRIES** for Repair and Replacement of Concrete Pavement, Sidewalks, Driveways, Wheelchair Ramps and Mudjacking Pavement, authorizing the Director to approve an assignment of the contract to **MAIN LANE**, CIP N-0655-02-3 - \$1,459,410.00 - General and Stormwater Utility Funds

RESOLUTIONS AND ORDINANCES - continued

21. Council Member Keller tagged

ORDINANCE appropriating \$167,791.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund, CIP A-0390, and approving and authorizing Change Order No. 3 to construction contract between the City of Houston and **STEWART-MATL, LTD.** for HAS Administration Building Renovation and Expansion at George Bush Intercontinental Airport/Houston (IAH), Project No. 562B - **DISTRICT B - GALLOWAY**

22. Ordinance 2003-0462

ORDINANCE approving and authorizing first amendment to contract between the City and **LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM & SAMPSON, L.L.P.**, for Collection Services relating to Delinquent Parking Citations

23. Ordinance 2003-0463

ORDINANCE approving and authorizing contract between the City of Houston and **TEXAS MEDICAL CENTER CENTRAL HEATING AND COOLING SERVICES COOPERATIVE ASSOCIATION ("TECO")** for Chilled Water and Steam Services

24. Ordinance 2003-0464

ORDINANCE approving and authorizing Timber Sale and Clearing Agreement granting **STETSON LOGGING, INC** the right to Cut, Harvest, Remove and Purchase Merchantable Timber on approximately 300 acres at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY**

25. Ordinance 2003-0468

ORDINANCE appropriating \$90,604.13 out of Airports Improvement Fund, CIP A-0422, \$249,950.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0436 and \$5,441,215.87 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0463; awarding construction contract to **DIAMOND COMMERCIAL CONSTRUCTION, INC** for Federal Inspection Services (FIS) Cargo One-Stop Facility at George Bush Intercontinental Airport/Houston (IAH), (Project No. 605B); providing funding for engineering testing services and for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

26. Ordinance 2003-0465

ORDINANCE appropriating \$487,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SUNLAND ENGINEERING COMPANY d/b/a SUNLAND GROUP, INC** for Design of Water Line Replacements in the Alabama Subdivision Area, CIP S-0035-A2-2 (WA10762); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

27. Ordinance 2003-0461

ORDINANCE appropriating \$514,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P. d/b/a NATHELYNE A. KENNEDY & ASSOCIATES** for Design of Water Line Replacements in the Bennington Subdivision Area, CIP S-0035-A3-2 (WA10763); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H - VASQUEZ**

RESOLUTIONS AND ORDINANCES - continued

28. Ordinance 2003-0466

ORDINANCE appropriating \$505,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **JNS CONSULTING ENGINEERS, INC** for Engineering services associated with the Design of Water Line Replacements in the Kelving Subdivision Area, CIP S-0035-A7-2 (WA10767); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

Motion 2003-0465 – Suspend rules to consider Item 29 out of order

29. Ordinance 2003-0422 – Passed third and final reading

ORDINANCE No. 2003-422, passed second reading 5/7/03

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 - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 30

PROPERTY

30. Council Member Alvarado tagged

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Meredith of Pinnell Survey Co. on behalf of F. W. Gartner Thermal Spraying Co. (Michele Falzon, president) for abandonment and slae of Lamar Street, from Milby Street to St. Joseph Street, in exchange for the conveyance to the City of a 10-by 10-foot fire hydrant easement, between Blocks 2 and 3, Woodleigh Addition, Parcels SY3-043 and KY3-126 - **APPRAISERS - DISTRICT I - ALVARADO**

MATTERS HELD - NUMBERS 31 through 39A

31. Motion 2003-0458 – Postpone one (1) week

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department, to award to **FOCUS CAMERA, INC** \$481,699.85, **HPI INTERNATIONAL, INC** - \$54,866.70, **THE TAPE COMPANY (Bid No. 3)** \$33,440.00 and **THE TAPE COMPANY (Bid No. 2)** - \$99,615.50 for Photography Supplies for Various Departments except Fire and Police Departments - \$669,622.05 - General, Enterprise, Cable Television and Building Inspection Funds - **POSTPONED BY MOTION #2003-432, 4/30/03**

This was a portion of Item 45 on Agenda of April 30, 2003

MATTERS HELD – continued

32. Motion 2003-0461 – Postpone one (1) week

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

POSTPONED BY MOTION #2003-413, 4/30/03

This was Item 47 on Agenda of April 30, 2003

a. Motion 2003-0462 – Postpone one (1) week

ORDINANCE amending and restating the City of Houston's Financial Policies adopted by Ordinance No. 1987-1881, and previously amended by Ordinance No. 1997-776, to add a provision related to the City's Rainy Day Fund

NOTE: Item 32A is not a Matter Held, however its passage is contingent upon passage of Item 32

33. Motion 2003-0473 – 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 \$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 - TAGGED BY COUNCIL MEMBER ELLIS**

This was Item 5 on Agenda of May 7, 2003

34. Ordinance 2003-0456

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**

TAGGED BY COUNCIL MEMBERS VASQUEZ and BERRY

This was Item 21 on Agenda of May 7, 2003

Motion 2003-0464 – Suspend rules to consider Item 34a out of order

a. Ordinance 2003-0457

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Spur 527 Traffic Mitigation Plan Improvements - **DISTRICTS C- GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO**

NOTE: Item 34A is not a Matter Held, however its passage is contingent upon passage of Item 34

Motion 2003-0457 – Suspend rules to consider Items 35, 31, 14, 32, 32a, 38, 34 and 19 out of order

35. Council Member Wiseman 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 - **TAGGED BY COUNCIL MEMBERS TATRO, VASQUEZ, KELLER, ROBINSON, SEKULA-GIBBS and ELLIS**

This was Item 24 on Agenda of May 7, 2003

MATTERS HELD – continued

Motion 2003-0474 – Postpone one (1) week

Motion 2003-0477 – Suspend rules to reconsider Item 36

36. Ordinance 2003-0469

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

TAGGED BY COUNCIL MEMBERS GOLDBERG, GALLOWAY and KELLER

This was Item 29 on Agenda of May 7, 2003

37. Motion 2003-0475 – Postpone one (1) week

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 - **TAGGED BY COUNCIL MEMBER KELLER**

This was Item 30 on Agenda of May 7, 2003

38. Motion 2003-0463 – Postpone one (1) week

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) - **TAGGED BY COUNCIL MEMBER TATRO**

This was Item 35 on Agenda of May 7, 2003

39. Motion 2003-0476

WRITTEN MOTION by Council Member Goldberg to amend Item 39A below 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

a. Ordinance 2003-0467 – Adopt as amended

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 - POSTPONED BY MOTION #2003-451, 5/7/03**

This was Item 39 on Agenda of May 7, 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

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

5/13/2003 – Council Members Ellis and Keller absent due to being ill

**5/14/2003 – Council Member Ellis absent due to being ill
Council Member Quan out of the City on City business**