

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 3, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2004-0108 to 2004-0140
ORDINANCES – 2004-0080 to 2004-0101
RESOLUTION – 2004-0003

2004-0065-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

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

Motions 2004-0108 to 2004-0127 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - FEBRUARY 4, 2004 - 9:00 A. M.

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

MAYOR'S REPORT

Motion 2004-0128 – Accept reports

9:00 A.M. - **REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2004-0132

CONFIRMATION of the reappointment of the following to the Board of Directors of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)**:

MR. DON CLARK, as Chair, for a term to expire December 31, 2004

Position 4 - **MR. TIM MYERS**, for a term to expire December 31, 2004

Position 5 - **MS. ARIELLE LAWSON**, for a term to expire December 31, 2004

Position 6 - **MR. STUART KENSIGNER**, for a term to expire December 31, 2005

Position 8 - **MR. WALTER GOFF**, for a term to expire December 31, 2005

Position 9 - **MR. STEVE ROCHELLE**, for a term to expire December 31, 2005

MISCELLANEOUS - continued

2. Motion 2004-0133

RECOMMENDATION from Director Human Resources to approve an eleventh 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency

ACCEPT WORK - NUMBERS 3 through 6

3. Council Member Galloway tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,592,411.99 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Central Park Subdivision Storm Sewer Improvements, GFS M-0186-01-3 (M-0186-01) - 00.04% over the original contract amount
DISTRICT I - ALVARADO

4. Motion 2004-0134

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$966,704.16 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for W. 43rd Street Reconstruction Project, GFS N-0718-01-3 (SB-9076) 02.73% over the original contract amount - **DISTRICT A - LAWRENCE**

5. Council Member Green tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$962,192.00 and acceptance of work on contract with **HORSESHOE CONSTRUCTION, INC** for Neighborhood Sewer Rehabilitation in Sims Bayou, GFS R-2011-25-3 (4764-1R) - 17.81% under the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO**

6. Motion 2004-0135

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,216,648.70 and acceptance of work on contract with **E. P. BRADY, INC** for Construction of 48-inch Water Line along Hempstead Highway and FM 529 from Brittmoore Road to Jersey Village Pump Station - Contract 56B, GFS S-0900-71-3 (WA10644) 00.61% over the original contract amount - **DISTRICT A - LAWRENCE**

PROPERTY - NUMBERS 7 and 7A

7. Ordinance 2004-0090

ORDINANCE appropriating \$222,300.00 out of Airport System Consolidated 2001 AMT Construction Fund (548) to pay the amount of the Agreed Final Judgment and all costs of court in connection with the settlement of eminent domain proceeding styled City of Houston v. George H. Bishop, et al., to acquire Parcel Numbers EY1-007 and EY1-008, for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY**

a. Motion 2004-0137

RECOMMENDATION from Acting City Attorney to settle eminent lawsuit styled City of Houston v. George H. Bishop, et al., Cause No. 734,883; for a total consideration of \$1,550,000.00 and pay all costs of court, in connection with the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; CIP/GFS A-0024 - **DISTRICT B - GALLOWAY**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. Motion 2004-0136

PITNEY BOWES, INC for Lease of One Digital Mailing System and Postage Meter Rental from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$44,378.75 General Fund

9. Motion 2004-0138

AMEND MOTION #2000-1326, 11/1/00, as previously amended by **2003-637, 6/18/03** and **2003-1354, 11/12/03, TO INCREASE** spending authority from \$4,025,375.00 to \$4,508,420.00, for Ford Motor Car/Light Truck Replacement Parts and Service for Various Departments, awarded to **TOMMIE VAUGHN MOTORS** - \$483,045.00 - General Fund

ORDINANCES - NUMBERS 10 through 31

10. Ordinance 2004-0091

ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Temporary Food Service Establishments; containing findings and other provisions relating to the foregoing subject; providing for severability

11. Ordinance 2004-0092

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Woodpoint Drive right of way containing 2.361 acres of land, more or less, Parcel S98-070A, vacating and abandoning Parcel S98-070A to North Harris Montgomery Community College District, the abutting owner, in consideration of owner's dedication of a 25-foot wide sanitary sewer easement, containing 1.181 acres of land, more or less, Parcel D98-040, all out of Kingwood Place, Section 12, William Massey Survey, A-342, Montgomery County, Texas; and owner's payment of all relocation costs of a 24-inch sanitary sewer line and other consideration to the City - **DISTRICT E - WISEMAN**

12. Ordinance 2004-0080

ORDINANCE consenting to the addition of 261.84 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district

13. Ordinance 2004-0081

ORDINANCE consenting to the addition of 11.413 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

14. Ordinance 2004-0082

ORDINANCE issuing permit to **CITGO PRODUCTS PIPELINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN; H - GARCIA and I - ALVARADO**

15. Ordinance 2004-0083

ORDINANCE issuing permit to **OILTANKING HOUSTON, L.P.**, to own, acquire, construct, operate, maintain, improve, repair and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN**

ORDINANCES - continued

16. Ordinance 2004-0084

ORDINANCE issuing permit to **UNIVERSITY OF ST. THOMAS** for constructing, maintaining, using, operating and repairing telecommunication conduits and water lines within the 1300 block of Sul Ross Street and water lines within the 3800 block of Graustark Street, being 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**

17. Ordinance 2004-0093

ORDINANCE approving and authorizing Safe Trucks Driven Safely Selective Traffic Enforcement Program Amendment, allocating additional Texas Department of Transportation funding to the 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 or the Acting 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

18. Ordinance 2004-0094

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON CLEAN COMMISSION d/b/a KEEP HOUSTON BEAUTIFUL** (Ordinance No. 03-1125) for Volunteer Weed Mowing and Debris Removal Services

19. Ordinance 2004-0085

ORDINANCE awarding contract for Boiler and Machinery Insurance to **FEDERAL INSURANCE COMPANY**; providing a maximum contract amount - 1 Year - \$93,437.00 - Insurance Management Fund

20. Ordinance 2004-0095

ORDINANCE approving and authorizing contract between the City and **VITAL CHEK NETWORK, INC** for Remote Ordering Financial Services in the City's Vital Statistics Bureau

21. Council Member Quan tagged

ORDINANCE amending Ordinance No. 99-529 to increase maximum contract amount to contract between the City of Houston and **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments - \$468,000.00 - General, Enterprise and Fleet Management Funds

22. Ordinance 2004-0096

ORDINANCE appropriating \$145,478.00 out of Airport System 1998C NON-AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Section One, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-18.1; approving purchase and sale agreements with the owners of the land (Romain Barski and James K. Budd) **DISTRICT B - GALLOWAY**

23. Ordinance 2004-0097

ORDINANCE appropriating \$249,155.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Two, and Hartland Acres, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-19.1; approving purchase and sale agreements with the owners of the land (James A. Drake, Allen Mac Miller and Delilah Jeanne Harper Miller, Michelle Sibaja and Iris Lopez, and Helen Tipton) - **DISTRICT B - GALLOWAY**

ORDINANCES - continued

24. Council Member Goldberg tagged

ORDINANCE appropriating \$424,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund and approving and authorizing professional architectural and engineering services contract between the City of Houston and **RATNALA & BAHL, INC** for Extension of Taxiway "NC" from Taxiway "NG" to Taxiway "NJ" at George Bush Intercontinental Airport/Houston (Project No. 575); CIP A-0397 - **DISTRICT B - GALLOWAY**

25. Ordinance 2004-0098

ORDINANCE appropriating \$688,900.00 out of Parks Consolidated Construction Fund, awarding construction contract to **TRIMBLE & STEPHENS CONSTRUCTION SERVICES, INC d/b/a STEPHENS CONSTRUCTION SERVICES** for Construction of Parks Master Plan - Bid Package 8 - River Oaks Park, Tanglewood Park and Waldemar Park, GFS F-504C-20-3, F-504C-15-3 and F-504C-21-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT G - HOLM**

26. Ordinance 2004-0086

ORDINANCE appropriating \$7,192.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **AGNAR NIELSEN** for Construction of Sanitary Sewer Lines to serve development on Colquitt Avenue, CIP R-0802-15-03 - **DISTRICT G - HOLM**

27. Council Member Edwards tagged

ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section One, CIP S-0800-82-3 and R-0800-82-3 (DPC-30); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD.** - **DISTRICT D - EDWARDS**

28. Council Member Edwards tagged

ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section Two, CIP S-0800-83-3 and R-0800-83-3 (DPC-33); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD.** - **DISTRICT D - EDWARDS**

29. Ordinance 2004-0087

ORDINANCE appropriating \$3,775,559.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB., L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-A3-3 (WW4257-45); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

30. Ordinance 2004-0088

ORDINANCE appropriating \$1,748,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS BRIDGE, INC** for Rehabilitation of Three Elevated Storage Tanks, GFS S-0600-31-3 (WA10596-31); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**

ORDINANCES - continued

31. Ordinance 2004-0089

ORDINANCE appropriating \$4,980,000.00 out of Street & Bridge Consolidated Construction Fund to Reimburse the General Fund for the Rehabilitation of Concrete Pavement, CIP N0655-03-3

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 32 through 37

32. Motion 2004-0099 – Adopt

ORDINANCE approving and authorizing contract to reimburse **ALIEF INDEPENDENT SCHOOL DISTRICT, ANNUNCIATION ORTHODOX SCHOOL, FORT BEND INDEPENDENT SCHOOL DISTRICT, GALENA PARK INDEPENDENT SCHOOL DISTRICT, HOUSTON INDEPENDENT SCHOOL DISTRICT, KATY INDEPENDENT SCHOOL DISTRICT, NORTH FOREST INDEPENDENT SCHOOL DISTRICT, PASADENA INDEPENDENT SCHOOL DISTRICT, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, ST. JOHN'S SCHOOL, ST. VINCENT DE PAUL SCHOOL, ALDINE INDEPENDENT SCHOOL DISTRICT** and **CLEAR CREEK INDEPENDENT SCHOOL DISTRICT** and for payment of School Crossing Guards from the Child Safety Fund - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 8 on Agenda of January 28, 2004

33. Ordinance 2004-0100 – Adopt

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOIST & CRANE SERVICE GROUP** for Repair, Inspection & Preventive Maintenance Services on Cranes & Overhead Hoists for Various Departments (as approved by Ordinance No. 99-210) - **TAGGED BY COUNCIL MEMBER GREEN**
This was Item 14 on Agenda of January 28, 2004

34. Ordinance 2004-0101 – Adopt

ORDINANCE appropriating \$5,773.75 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **GREATER INVESTMENT BUILDERS, INC** for Construction of Water Lines to serve development on Kilgore Street CIP S-0802-14 - **DISTRICT D - EDWARDS**
TAGGED BY COUNCIL MEMBER EDWARDS
This was Item 18 on Agenda of January 28, 2004

35. Motion 2004-0139 – Return to Administration to consider transfer of jurisdiction of Property to Parks & Recreation

RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of the properties listed below and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount:

Parcel SY3-048

Former Memorial West Water District Plant Site
13922 Memorial Drive

DISTRICT G - HOLM – APPRAISERS

POSTPONED BY MOTION #2004-99, 1/28/04

This was a portion of Item 26 on Agenda of January 28, 2004

AGENDA - FEBRUARY 4, 2004 - PAGE 7

MATTERS HELD – continued

Motion 2004-0129 – Suspend rules to consider Items 36, 27 and 28 out of order

Motion 2004-0130 – Amend Item 36 to substitute revised amendment #1

36. Motion 2004-0131 – Postpone one (1) week

ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO** - **POSTPONED BY MOTION #2004-0102, 1/28/04**

This was Item 28 on Agenda of January 28, 2004

Motion 2004-0140 – Amend Item 37 to add new Section 5 relating to covenants regarding Ad Valorem taxes

37. Resolution 2004-0003 – Adopt as amended

RESOLUTION approving the action of the City of Houston Health Facilities Development Corporation regarding its Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Series 2004A, Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project) Extendable Rate Adjustable Securities, Series 2004B-1 and Series 2004B-2, Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Series 2004C and Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Taxable Series 2004D (collectively, The “Bonds”) - **DISTRICT G - HOLM**

POSTPONED BY MOTION #2004-104, 1/28/04

This was Item 30 on Agenda of January 28, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Ellis 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

2/3/2004 – All Present

2/4/2004 – All Present