

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 2, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2004-0221 to 2004-0245
ORDINANCES – 2004-0145 to 2004-0156
RESOLUTION – None

2004-0220-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Quan

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 2004-0221 to 2004-0222 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 3, 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 2004-0223 – Accept report

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

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBER 1

1. Motion 2004-0224

RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2004 - January 1, 2004 through December 31, 2004

ACCEPT WORK - NUMBERS 2 through 10

2. Motion 2004-0238

RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,640,495.62 and acceptance of work of the Surety, **CAPITAL INDEMNITY CORPORATION** on contract awarded to **MEB ENGINEERING, INC** for Parks to Standard Program - Bid Package No. 6, Carverdale and MacGregor Parks, GFS F-0363-06-3 - 03.18% over the original contract amount - **DISTRICTS A - LAWRENCE and D - EDWARDS**

3. Motion 2004-0239

RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$99,225.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Stewart Park Improvements and Upgrades, GFS F-0502-01-3 05.00% over the original contract amount - **DISTRICT I - ALVARADO**

4. Motion 2004-0240

RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$193,200.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for E. R. and Ann Taylor Park, GFS F-0514-00-3 - 05.00% over the original contract amount - **DISTRICT D - EDWARDS**

5. Motion 2004-0225

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,835,577.48 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Construction of Conrad Sauer Drainage and Paving Improvements, GFS M-0221-01-3 (M-0221-01) - 02.73% under the original contract amount - **DISTRICT A - LAWRENCE**

6. Motion 2004-0226

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,608,399.01 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Paving and Drainage Improvements on North Kirkwood Road from I-10 to Westwick Subdivision, GFS N-0701-01-3 (SB9014) - 04.80% under the original contract amount - **DISTRICT A - LAWRENCE**

7. Motion 2004-0227

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$576,905.76 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Northwest Wastewater Treatment Plant (WWTP) Odor Control Improvements; GFS R-0265-21-3 (4806-1) - 01.30% over the original contract amount **DISTRICTS A - LAWRENCE and B - GALLOWAY**

8. Motion 2004-0228

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$386,778.78 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Grisby Lift Station Rehabilitation; GFS R-0267-57-3 (4276-19) - 01.31% under the original contract amount - **DISTRICT G - HOLM**

9. Motion 2004-0229

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,319,732.46 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Denver Harbor Subdivision, GFS S-0035-77-3 (WA9799) - 02.74% under the original contract amount - **DISTRICT H - GARCIA**

ACCEPT WORK - continued

10. Motion 2004-0230

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$895,944.99 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of Flow Meters for Various Facilities; GFS S-0936-04-3 (WA10605-A) 14.59% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; G - HOLM and H - GARCIA**

PROPERTY - NUMBER 11

11. Motion 2004-0241

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels KY3-069A, KY3-069B and KY3-069C, located along the north line of Old Katy Road between Dairy Ashford Road and Morris Road, owned by Shell Oil Company, a Delaware corporation, Lynn Elsenhans, President and C. E. O., for the **IH-10 WATERLINE EASEMENTS PROJECT from Clarborough to Red Haw**, CIP S-0900-AS-2 - \$404,402.00 - **DISTRICT A - LAWRENCE**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 20

12. Motion 2004-0231

SANITARY MATTRESS COMPANY dba KING KOIL SLEEP PRODUCTS (Bid No. 10) for Bedding for Building Services Department - \$53,424.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$1,602.72 for a net award amount not to exceed \$51,821.28 - General and Fire Department Revolving Funds

13. Motion 2004-0232

AMEND MOTION #1999-617, 4/14/99, TO EXTEND expiration date from April 14, 2004 to October 13, 2005, for Soft Body Armor for Houston Police Department, awarded to **LONE STAR UNIFORMS, INC**

14. Motion 2004-0233

AMEND MOTION #01-348, 3/28/01, TO EXTEND expiration date from March 28, 2004 to March 27, 2006, for Schweizer 269 Series Helicopter Replacement Parts Contract for Police Department, awarded to **AIR FLITE, INC**

15. Motion 2004-0234

LAWRENCE MARSHALL FORD-MERCURY, L.P. (Bid No. 1) for Patrol Vehicles for Police Department - \$4,172,805.00 - Equipment Acquisition Consolidated Fund

16. Motion 2004-0235

LAWRENCE MARSHALL CHRYSLER, L.P. - \$95,074.00, **PHILPOTT MOTORS, LTD., d.b.a. PHILPOTT FORD** - \$257,566.00, **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$69,320.00, **LAWRENCE MARSHALL CHEVROLET II, L.P.** - \$85,695.00 and **ALVIN AUTOLAND, INC d.b.a. RON CARTER AUTOLAND** - \$177,913.00 for Special-Duty Vehicles for Police Department - \$685,568.00 - Equipment Acquisition Consolidated Fund

17. Motion 2004-0236

HOUSTON-GALVESTON AREA COUNCIL for Special-Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing for Police Department - \$81,630.00 - Equipment Acquisition Consolidated Fund

PURCHASING AND TABULATION OF BIDS - continued

18. Council Members Wiseman and Sekula-Gibbs tagged

Motion 2004-PHILPOTT MOTORS, LTD. - \$1,442,344.00, **LAWRENCE MARSHALL CHEVROLET II, L.P.** \$2,050,970.00 and **CLASSIC CHEVROLET HUMMER, INC** - \$32,772.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - Equipment Acquisition Consolidated, Enterprise, Police Special Services, Building Inspection and Storm Water Utilities Funds

19. Council Member Wiseman tagged

AMEND MOTION #2000-515, 4/12/00, as amended by **MOTION #2003-374, 4/16/03, TO EXTEND** expiration date from May 24, 2004 to May 23, 2006, for Automotive Refinishing Products Contract for Various Departments, awarded to **LUIS AUTO COLORS**

20. Motion 2004-0237

AMEND MOTION #2000-492, 4/5/00, as amended by **#2003-334, 4/2/03, TO EXTEND** expiration date from April 5, 2004 to April 4, 2005, for Tool, Automotive and Equipment contract for Various Departments, awarded to **SNAP-ON INDUSTRIAL, DIVISION OF IDSC HOLDINGS LLC (formerly SNAP-ON TOOLS COMPANY)**

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 35

21. Council Member Garcia tagged

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Variable Rate Demand Multifamily Housing Revenue Bonds (Mayfair Park Apartments) Series 2004 and approving the Official Statement with respect to such bonds - **DISTRICT H - GARCIA**

22. Council Members Garcia and Lawrence tagged

ORDINANCE approving and authorizing consent to encroach, permitting improvements owned by Durward P. Hulce and Melinda Parmer, the abutting owners, to encroach into the alley located at 339 West 23rd Street; the area of encroachment containing 123 square feet of land, more or less, adjacent to the north property line of Lot 30, Block 45, Houston Heights Addition, Houston, Harris County, Texas; subject to the terms and conditions of the consent to encroach - **DISTRICT H - GARCIA**

23. Council Member Garcia tagged

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide storm easement, containing 2,226 square feet of land, more or less, and a portion of a 15-foot-wide alley right of way containing 935 square feet of land, more or less, Parcels SY2-048A and SY2-048B; both easements being located in the John Austin Survey, Abstract Number 1, Houston, Harris County, Texas, vacating and abandoning Parcels SY2-048A and SY2-048B to Houston Heights Apartments, L.P., abutting owner, in consideration of the owner's dedication of two street right of way easements containing an aggregate of 8,169 square feet of land, more or less, a 10-foot-wide sanitary sewer easement containing 1,243 square feet of land, more or less and a 20-foot-wide storm sewer easement containing 5,884 square feet of land, more or less and payment of \$600.00 and other consideration to the City - **DISTRICT H - GARCIA**

24. Ordinance 2004-0145

ORDINANCE issuing permit to **COLONIAL 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 - **DISTRICT E - WISEMAN**

RESOLUTIONS AND ORDINANCES - continued

25. Ordinance 2004-0146

ORDINANCE issuing permit to **DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP**, 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 E - WISEMAN and I - ALVARADO**

26. Ordinance 2004-0147

ORDINANCE repealing Ordinance No. 2003-969 relating to a pipeline permit issued to **ENTERPRISE PRODUCTS COMPANY**; issuing a permit to **HSC PIPELINE PARTNERSHIP, 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 provision under which said permit is issued; providing for severability - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO**

27. Ordinance 2004-0148

ORDINANCE approving and authorizing execution of interagency contract between the City of Houston and the **CITY OF BAYTOWN** for the Harris County Organized Crime and Narcotics Task Force/11

28. Ordinance 2004-0149

ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,231,200.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the administration of a Short-term Rent, Mortgage and Utility Assistance Project, which sum includes a limitation of additional funding in the amount of \$615,000.00 - Grant Fund - **DISTRICT D - EDWARDS**

29. Council Member Ellis tagged

ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas and **CHEVRON U.S.A. INC** for certain property located within the Houston, Texas, Enhanced Enterprise Community; granting variances to certain requirements of Chapter 44 of the Code of Ordinances

30. Ordinance 2004-0154

ORDINANCE approving and authorizing lease agreement between the City of Houston and **ENTERPRISE JET CENTER, INC** at William P. Hobby Airport - **DISTRICT I - ALVARADO**

31. Ordinance 2004-0150

ORDINANCE appropriating \$496,800.00 out of Airport System 2000B NON-AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-23.1; Project 617; approving purchase and sale agreements with the owners of the land (Sylvia Petra Alaniz; Jose E. Perdomo and Piedad R. Perdomo; Jerry Don Ratcliff and Linda Sue Paden; Gary F. Sipe and Kathleen M. Sipe; and Francisco Zuniga) - **DISTRICT B - GALLOWAY**

32. Ordinance 2004-0155

ORDINANCE awarding contract to **DISCOVERY SERVICES OF TEXAS, INC** for Legal Duplicating & Litigation Support Services for the Legal Department; providing a maximum contract amount - 1 Year with four one-year options - \$281,808.75 - Property and Casualty Fund

RESOLUTIONS AND ORDINANCES - continued

33. Ordinance 2004-0151

ORDINANCE appropriating \$1,468,550.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Ridgecrest Subdivision, GFS S-0035-96-3 (WA10737); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT A - LAWRENCE**

34. Ordinance 2004-0152

ORDINANCE approving and authorizing first amendment to contract between the City and **ARCH WIRELESS OPERATING COMPANY, INC (formerly known as MOBILEMEDIA COMMUNICATION, INC d/b/a MOBILECOMM)** for Pager Rental Services for Various Departments for a contract extension

35. Ordinance 2004-0153

ORDINANCE awarding construction contract to **TRIMBLE AND STEPHENS CONSTRUCTION SERVICES, INC d/b/a STEPHENS CONSTRUCTION SERVICES** for Construction of Sehad Youth Activity Center, GFS Y-P-013-01-3; providing funding for construction management, engineering testing services and contingencies relating to construction of facilities financed by the Community Development Block Grant - \$574,400.00 - CDBG Fund - **DISTRICT D - EDWARDS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 36

MISCELLANEOUS

36. Motion 2004-0242 – Close nominations

RECEIVE nominations for Positions One and Two, and Alternate Positions One and Two of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, the one-year term to expire December 31, 2004

Council Member Wiseman nominated to Position 1

Council Member Holm nominated to Alternate Position 1

Council Member Ellis nominated to Position 2

Council Member Green nominated to Alternate Position 2

MATTERS HELD - NUMBERS 37 through 40

37. Ordinance 2004-0156 – Adopt

ORDINANCE relating to Health Care Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; approving and authorizing various plans and agreements and amendments to plans and agreements regarding Health Care for the aforementioned beneficiaries, approving a maximum contract amount; containing other provisions relating to the foregoing subject; providing for severability - **TAGGED BY COUNCIL MEMBERS GARCIA, EDWARDS, ALVARADO, QUAN and HOLM**

This was Item 19 on Agenda of February 25, 2004

MATTERS HELD - continued

38. Motion 2004-0243 – Refer back to the Administration

ORDINANCE appropriating \$161,101.64 out of Water & Sewer System Consolidated Construction Fund, \$38,075.09 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund and \$100,115.33 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation contract between the City of Houston and **KENDALL HOMES CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Avondale Subdivision, CIP S-0800-B5-03 and R-0800-B5-03 - **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 30 on Agenda of February 25, 2004

39. Motion 2004-0244 – Refer back to the Administration

ORDINANCE awarding contract to **DIAMOND CARWASH SALES & SERVICE** for Vehicle Car Wash Services for the Houston Police Department; providing a maximum contract amount 3 years with two one-year options - \$584,923.00 - General Fund
TAGGED BY COUNCIL MEMBER WISEMAN
This was Item 36 on Agenda of February 25, 2004

40. Motion 2004-0245 – Refer back to the Administration

ORDINANCE appropriating \$1,357,521.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-T1-3 (WW4235-18); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
POSTPONED BY MOTION #2004-219, 2/25/04
This was Item 38 on Agenda of February 25, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green 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

3/2/2004 – All Present

3/3/2004 – All Present