

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 9, 2004 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2004-0246 to 2004-0273
ORDINANCES – 2004-0157 to 2004-0189
RESOLUTION – 2004-0005

2004-0245-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Berry

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 2004-0246 to 2004-0256 – Procedural motions

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 10, 2004 - 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 43

MISCELLANEOUS - NUMBERS 1 through 5

1. Motion 2004-0257

REQUEST from Mayor for confirmation of the appointment of **MR. ARTURO G. MICHEL** to the position of City Attorney

2. Motion 2004-0258

REQUEST from Mayor for confirmation of the appointment of **MS. CARMEN ORTA** to the Board of Directors of the **METROPOLITAN TRANSIT AUTHORITY**, for a two year term

MISCELLANEOUS - continued

3. Motion 2004-0259

CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2004:

Position One - Council Member Addie Wiseman

Position Two - Council Member Mark Ellis

Alternate Position One - Council Member Pam Holm

Alternate Position Two - Council Member Ronald Green

4. Council Member Wiseman tagged

RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.068 per square foot for properties connecting to the 8-inch sanitary sewer line located on Dorrance Road constructed by **JAMES GRAFTON and SRIDHI INVESTMENT, INC**

5. Motion 2004-0273

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$1,123,539.20 for contract awarded to **ANGEL BROTHERS ENTERPRISES, LTD.** and to allocate additional funding in the amount of \$1,007,152.28 for Neighborhoods to Standard, Tier IX Overlay, GFS N-1037-02-3 (OL2039) CDBG Funds - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - GARCIA and I - ALVARADO**

ACCEPT WORK - NUMBERS 6 through 8

6. Motion 2004-0260

RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$118,123.03 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Rosewood Park Improvements and Upgrades, F-0512-01-3 - 05.00% over the original contract amount - **DISTRICT B - GALLOWAY**

7. Motion 2004-0261

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,052,765.34 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Hidden Echo Lift Station, GFS R-0267-36-3 (4275-24) - 00.09% under the original contract amount - **DISTRICT E - WISEMAN**

8. Motion 2004-0262

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,326,635.13 and acceptance of work on contract with **REDDY ENGINEERS & CONTRACTORS, INC** for Improvements at Mud #203, WCID #76 and Easthaven Wastewater Treatment Plants; GFS R-0512-09-3 (4768-2) - 04.33% over the original contract amount - **DISTRICTS B - GALLOWAY and E - WISEMAN**

PROPERTY - NUMBERS 9 through 11

9. Motion 2004-0263

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ms. Mary M. McKenzie of Hovis Surveying Company, Inc., on behalf of Neighborhood Retail Services, Inc. (Frimel R. Gillum, Jr., president), for abandonment and sale of Charles Street, from Wheatley Drive west ±315 feet to its terminus, located between Blocks 1 and 2, Highland Acre Homes Addition, Resubdivision of Lots 67 and 68, Block 2, Parcel SY4-021 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY**

PROPERTY - continued

10. Motion 2004-0264

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court in connection with eminent domain proceedings styled City of Houston v. David O. Duran and Esperanza M. Duran, et al., Cause No. 800,997, for acquisition of Parcel HY1-012; for **FIRE STATION NO. 20 EXPANSION PROJECT**, CIP/GFS C-0142-01-1 - **DISTRICT I - ALVARADO**

11. Motion 2004-0265

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel Ay3-020, located in the 7200 block of Lyons Avenue, owned by John P. Vuong and wife, Kheo Thi Nguyen, for the **LYONS AVENUE PAVING PROJECT** from Zindler Street to Port Street, CIP R-0719-02-2 - **DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 14

12. Motion 2004-0266

MAJESTIC SALES for Physical Fitness Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Fire Department - \$63,193.02 - Grant and Equipment Acquisition Consolidated Funds

13. Motion 2004-0267

PARACLETE ARMOR & EQUIPMENT, INC for Tactical Body Armor for Houston Police Department - \$52,134.10 - Grant Fund

14. Motion 2004-0268

AMEND MOTION #2000-539, 4/19/00 as amended by #2003-524, 3/11/03, TO EXTEND expiration date from May 11, 2004 to May 10, 2005, for Automotive, International Trucks, Gas/Diesel Replacement Parts and Repair Contract for Various Departments, awarded to **INTERNATIONAL TRUCKS OF HOUSTON (formerly OLYMPIC INTERNATIONAL TRUCKS, INC)**

ORDINANCES - NUMBERS 15 through 43

15. Ordinance 2004-0182

ORDINANCE ordering and giving notice of a Special Election to be held on May 15, 2004, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition to exempt the Pension Systems funded by the City from certain provisions of the Texas Constitution relating to benefits provided by such Pension Systems

16. Ordinance 2004-0157

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 401**

17. Ordinance 2004-0158

ORDINANCE consenting to the addition of 19.816 acres of land to **LANGHAM CREEK UTILITY DISTRICT**, for inclusion in its district

18. Ordinance 2004-0159

ORDINANCE consenting to the addition of 23.7742 acres of land to **MILLS ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

ORDINANCES - continued

19. Ordinance 2004-0160

ORDINANCE establishing the east and west sides of the 1100 block of Cortlandt 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 - GARCIA**

20. Ordinance 2004-0161

ORDINANCE establishing the north side of the 1300 block of Fairview 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 D - EDWARDS**

21. Ordinance 2004-0162

ORDINANCE establishing the north and south sides of the 1000 and 1100 Blocks of Fugate Avenue and the north side of the 1000 and 1100 blocks of Melwood Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

22. Ordinance 2004-0163

ORDINANCE establishing the north and south sides of the 1100 Block of Key Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

23. Ordinance 2004-0164

ORDINANCE establishing the north and south sides of the 1000 Block of West Cottage Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

24. Ordinance 2004-0165

ORDINANCE establishing the north and south sides of the 900, 1000 and 1100 Blocks of West Gardner Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

25. Ordinance 2004-0166

ORDINANCE issuing permit to **LYONDELL-CITGO REFINING, L.P.** for building, constructing, maintaining, using, occupying, operating and repairing one Aerial 5KV Electrical Cable and one Aerial Low Voltage Communication Cable located in a 1¼ inch interdict, both being 25-30 feet in Height above and across the street in the 100 block of Allen Genoa, between Lawndale Street and Highway 225, such areas being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN**

26. Ordinance 2004-0183

ORDINANCE amending Ordinance Number 98-855 authorizing application and acceptance of subsequent Juvenile Accountability Block Grant Program Funding from the Governor's Criminal Justice Division for the continued implementation of the Juvenile Accountability Court Program \$1,013,320.00 - General and Grant Funds

27. Ordinance 2004-0167

ORDINANCE approving and authorizing submittal of an application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's HIV/AIDS Surveillance Projects (the "GRANT"); declaring the city's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - 3 Years - \$2,540,369.00 - Grant Fund

ORDINANCES - continued

28. Not Received-Not Considered

ORDINANCE approving and authorizing acceptance of funding from the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** for FY04 Education and Training Project to Produce the 12th Annual Recycling Guide along with English and Spanish version television advertising for heavy trash related services - \$120,000.00 - Grant Fund

29. Ordinance 2004-0184

ORDINANCE approving and authorizing Reimbursement Guaranty Agreement between the City and **SOUTHEAST TEXAS HOUSING CORPORATION**

30. Ordinance 2004-0185

ORDINANCE approving and authorizing contract between the City and **NEIGHBORHOOD CENTERS, INC** for Nutrition and Transportation Services for the Elderly; providing a maximum contract amount - 4 Years - \$5,570,505.00 - Grant Fund

31. Ordinance 2004-0168

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **FORT BEND COUNTY** for Improved delivery of Law Enforcement Services for Residents of the City of Houston and Fort Bend County

32. Ordinance 2004-0169

ORDINANCE approving and authorizing amendment to interlocal cooperation contract between the City of Houston and **TEXAS DEPARTMENT OF PUBLIC SAFETY** for the No Suspect Casework DNA Backlog Reduction Program (Ordinance No. 2003-1354, December 16, 2003)

33. Ordinance 2004-0170

ORDINANCE approving and authorizing interlocal cooperation contract between the City of Houston Police Department and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** for an Extension for the No Suspect Casework DNA Backlog Reduction Program

34. Ordinance 2004-0171

ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GT FIRE EQUIPMENT CO., INC dba AAA FIRE EQUIPMENT COMPANY, INC** for Fire Extinguishing Equipment, Inspection & Hydrostatic Testing Services for Various Departments (as approved by Ordinance No. 00-0002)

35. Ordinance 2004-0172

ORDINANCE approving and authorizing amendment to contract between the City of Houston and **ADS CORPORATION, d/b/a ADS ENVIRONMENTAL SERVICES** for Installation of Permanent Flow Meters and Rain Gauges, GFS R-0019-29-4

36. Ordinance 2004-0173

ORDINANCE awarding contract to **AAA FLEXIBLE PIPE CLEANING COMPANY, INC** for Sewer Stoppage Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$8,682,440.00 - Enterprise Fund

37. Ordinance 2004-0174

ORDINANCE appropriating \$79,592.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City and **ZARINKELK ENGINEERING SERVICES, INC** for Construction Management and Inspection Services for Water Line Replacement in Ridgecrest Subdivision, CIP S-0035-96-3 (10737) - **DISTRICT A - LAWRENCE**

ORDINANCES - continued

38. Ordinance 2004-0175

ORDINANCE appropriating \$314,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **KUO & ASSOCIATES, INC** for Design of Water Line Replacement in the Almeda Manor Subdivision, CIP S-0035-B3-2 (WA10776); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**

39. Ordinance 2004-0176

ORDINANCE appropriating \$403,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **QUADRANT CONSULTANTS, INC** for Design of Water Line Replacement in the Scarborough Area, CIP S-0035-D4-2 (WA10795); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY**

40. Ordinance 2004-0186

ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Three of the Willow Glen Subdivision; approving and authorizing an assignment of the construction contract to **CANNATA CONSTRUCTION**, CIP S-0800-98-3 and R-0800-98-3 (DPC-36) - **DISTRICT D - EDWARDS**

41. Ordinance 2004-0177

ORDINANCE appropriating \$73,028.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **T & C CONSTRUCTION, LTD** for Installation of Pipe Taps at Various Lift Stations, GFS R-0267-B9-3 (WW4276-40); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

42. Ordinance 2004-0178

ORDINANCE appropriating \$1,660,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Westbury West Subdivision, GFS S-0035-98-3 (WA10739); providing funding for engineering testing and construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**

43. Ordinance 2004-0179

ORDINANCE appropriating \$2,750,000.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund, awarding construction contract to **THE RYAN COMPANY, INC** for Terminal C Electrical Vault Expansion at George Bush Intercontinental Airport/Houston (IAH), Project No. 490P; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 44 and 44A

MISCELLANEOUS

44. Motion 2004-0270

COUNCIL draw lots due to receiving identical low bids from **FROST CONSTRUCTORS, INC** and **PARALLAX BUILDERS, INC** for Construction of Parks Master Plan - Alief Park, GFS F-504B-08-3 and F-0509-14-3

PARALLAX BUILDERS, INC drawn for award

a. Ordinance 2004-0187

ORDINANCE appropriating \$574,762.50 out of Parks Consolidated Construction Fund, conditionally awarding construction contract to **FROST CONSTRUCTORS, INC** or **PARALLAX BUILDERS, INC** whichever is the winner under the process set out in Local Government Code 271.901C for Construction of Parks Master Plan - Alief Park, GFS F-504B-08-3 and F-0509-14-3; setting a deadline for the winning bidder's execution and delivery of all bonds, insurance and other required contract documents to the City; and providing for award to the other tie bidder if the winning bidder fails to meet the deadline; providing funding for engineering testing service, Civic Art Program and contingencies relating construction of facilities financed by Parks Consolidated Construction Fund - \$300,000.00 CDBG Fund

MATTERS HELD - NUMBERS 45 through 51

Motion 2004-0269 – Suspend rules to consider Items 45 and 51 out of order

45. Ordinance 2004-0180 – Adopt

ORDINANCE issuing permit to **TEXAS SOUTHERN UNIVERSITY**, a Public Institution of Higher Education, for building, constructing, maintaining, using, operating and repairing a six inch waterline encased in an eight inch steel pipe and four inch waterline encased in a six inch steel pipe for water and fire line purposes abutting Lot 12, Block 2, Tierwester Oaks across and under Canfield Street, within and being a public street right-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** - **POSTPONED BY MOTION #2004-218, 2/25/04**
This was Item 34 on Agenda of February 25, 2004

46. Motion 2004-0271

MOTION by Council Member Quan/Seconded by Council Member Garcia to adopt recommendation from Finance and Administration Department to award to **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

TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS

This was Item 18 on Agenda of March 3, 2004

47. Motion 2004-0272

MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Finance & Administration to **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 - TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 19 on Agenda of March 3, 2004

MATTERS HELD – continued

48. Resolution 2004-0005 – Adopt

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**

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 21 on Agenda of March 3, 2004

49. Ordinance 2004-0188 – Adopt

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 - TAGGED BY COUNCIL MEMBERS GARCIA and LAWRENCE

This was Item 22 on Agenda of March 3, 2004

50. Ordinance 2004-0189 – Adopt

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 - TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 23 on Agenda of March 3, 2004

51. Ordinance 2004-0181 – Adopt

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

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 29 on Agenda of March 3, 2004

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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

3/9/2004 – Council Member Galloway out of the City on City business

Council Member Goldberg absent

3/10/2004 – Council Member Goldberg absent