

City Council Chamber, City Hall, Wednesday, November 7, 2001

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 7, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 9:12 Mayor Brown called to order the meeting of the City Council, and Council Member Boney led everyone in prayer and the pledge of allegiance. Council Members Galloway, Todd, Castillo and Bell absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Galloway, Todd, Castillo and Bell absent.

Council Members Boney and Sanchez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Galloway, Todd, Castillo and Bell absent.

#### **HEARINGS - 9:00A.M.**

1. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 344** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes all of the area in Harris County Municipal Utility District No. 344 – was presented.

The City Secretary stated that no one had reserved time to appear for the hearing and Mr. Jerry Wood of the Planning Department would make remarks concerning the hearing. Council Members Galloway, Todd and Bell absent.

Mr. Wood stated that the hearing today had to do with a proposed strategic partnership agreement with Harris County Municipal Utility District 344, that this particular strategic partnership agreement would allow the City to annex the MUD for limited purposes immediately and annex it for general purposes once the utility system for the utility district had been completed, that this particular utility district was located at the intersection of West Lake Houston Parkway and Beltway 8 in northeast Harris County and was immediately adjacent to the City of Houston city limits in the Lake Houston area, that at this time the territory of the MUD did not include any development at all and was platted and planned for single family residential development over most of the property, with commercial and retail development to be located at the intersection of the freeway and West Lake Houston Parkway, that the utility district was part of the larger Summerwood Development and they would be having a hearing on another district in the Summerwood Development immediately after this public hearing, having to do with its disposition, that in this particular case, unlike the Baybrook MUD which they annexed for limited purposes a year ago, the City of Houston would collect all of the sales taxes that would be collected from the retail areas within this district and that way it was a more favorably crafted proposal than the Baybrook MUD. Council Members Galloway, Parker and Bell absent.

Council Member Tatro asked if they had a map of the area and stated that he would like to get one, and asked if it was going to require an annexation issue, three hearings, and Mr. Wood stated no, that limited purpose annexation they had two hearings for a strategic partnership agreement, that the hearing would be on the agenda again and then the action for the strategic partnership agreement and the limited purpose annexation would be on the agenda again, that

once there was development in the area they would be getting sales tax but no ad valorem taxes, that in limited purpose annexation they would not get ad valorem property taxes, that the future population base would become part of the City, that what happens is that in a limited purpose annexation, the areas in the City, there were certain purposes for which it was not located in the City, those were limited, like in the Baybrook MUD, which they did last year, that for instance in an election, the residents in an area which was annexed for limited purposes vote for all of the officers of the City except for the City Controller and were unable to vote in a bond election, although they could vote for an initiative referendum and Charter issues on the ballot, and Council Member Tatro stated that he would like to meet specifically on the ins and outs of just the agreement or contract, and asked when the next hearing on these would be and Mr. Wood stated that it would be next Wednesday and Council Member Tatro stated that maybe early next week they could get together on that. Council Members Galloway, Boney and Parker absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Boney and Parker absent. MOTION 2001-1192 ADOPTED.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 361** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to disannex all of the area in Harris County Municipal Utility District No. 361 to annex such area for limited purposes – was presented.

The City Secretary stated that no one had reserved time to appear for the hearing and Mr. Jerry Wood of the Planning Department would make remarks concerning the hearing.

Mr. Wood stated that in the second public hearing they were examining the possibility of strategic partnership agreement with Harris County Municipal Utility District 361, that it was also part of the Summerwood Development, that this particular portion of the Summerwood Development was in a utility district that was located within the city limits of the City of Houston, that what was common in this circumstance was that a utility district located in the city limits of the City of Houston was in competition with residential development outside of the city limits of the City of Houston, and it was in a disadvantage in trying to develop, that in this particular case some homes had been built in MUD 361 but in order to encourage the development of 361 and its potential re-annexation by the City the proposal was for the City to de-annex MUD 361 annex it for limited purposes, so that it would only have a single property tax of the utility district over it and once the utility system had been developed, it allows the City to then re-annex MUD 361 for full purposes, that also in this particular case any retail sales taxes collected would be retained by the City entirely and not split between the MUD and the City. Council Members Galloway and Boney absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Boney absent. MOTION 2001-1193 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item No. 38 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Boney and Parker absent. MOTION 2001-1194 ADOPTED.

38. MOTION by Council Member Vasquez/Seconded by Council Member Castillo to adopt recommendation from Director Municipal Courts for approval of Convenience Fee for Traffic, Non-traffic and Parking Tickets paid through the Online Ticket Payment Application – **(This was Item 64 on Agenda of October 31, 2001, POSTPONED BY MOTION #2001-1189)** – was presented. All voting aye. Nays none. Council Member Galloway

absent. ORDINANCE 2001-1195 ADOPTED.

## MAYOR'S REPORTS

### CONSENT AGENDA NUMBERS 3 through 34

#### MISCELLANEOUS – NUMBER 3

3. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **MUNICIPAL COURTS**:
  - JUDGE BERTA A. MEJIA, as Presiding Judge** for a term to expire 5/29/2003
  - Position 2 - **JUDGE FAD WILSON, JR.**, reappointment, for a term to expire 7/1/2003
  - Position 3 - **JUDGE GORDON MARCUM**, appointment, for a term to expire  
11/15/2003
  - Position 9 - **JUDGE LEIGH F. SAINT-GERMAIN**, reappointment, for a term to expire  
7/1/ 2003
  - Position 11 - **JUDGE HECTOR M. HERNANDEZ**, reappointment, for a term to expire  
5/29/2003
  - Position 12 - **JUDGE ELAINE M. TIMBERLAKE**, reappointment, for a term to expire  
7/1/2003

– was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1196 ADOPTED.

#### ACCEPT WORK – NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,527,920.86 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1024-01-3 (4735-1) - 13.44% under the original contract amount - Enterprise Fund - **DISTRICTS A- TATRO and H – VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1197 ADOPTED.

#### PROPERTY - NUMBERS 5 through 10

5. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-107, located 167 feet north of Homer Street, owned by Cynthia V. Jetson, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1198 ADOPTED.
6. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-130, located 210 feet south of Melon Street, owned by Will Brown or his unknown heirs, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1199 ADOPTED.

7. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel A99-135, located 60 feet north of Melon Street, owned by James Harrison or his unknown heir(s), for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1200 ADOPTED.
8. RECOMMENDATION from Director Department Public Works & Engineering for condemnation of Parcel C97-6, located in the 11000 block of Dumas Street, owned by Edward Wister McCarthy, Del McCarthy, Elva McDonald Sanders, Dorothy C. McDonald, Doyle McDonald; and Charles B. Sanders and Elva Sanders Weatherford, Individually and as Independent Executors of the Estate of Elva McDonald Sanders, Deceased, for the **DUMAS LIFT STATION PROJECT**, CIP R-1309-22-1 - **DISTRICT E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1201 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel DYO-38, located in the 7700 block of Sam Houston Parkway, owned by John B. Brent, for the **SANITARY SEWER EASEMENT IN CONNECTION WITH ROARK #4 LIFT STATION PROJECT**, CIP R-0267-A3-3 - **DISTRICT F - ELLIS** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1202 ADOPTED.
10. RECOMMENDATION from Director Department Public Works & Engineering to purchase Parcel A91-135, located at 6811 Wheatley Street, owned by Betty Jo Trahan and husband, William H. Trahan, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1203 ADOPTED.

Council Member Tatro moved to suspend the rules to hear from Judge Berta Mejia at this time, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1204 ADOPTED.

Judge Mejia appeared and introduced the Honorable Fad Wilson, Jr., Associate Presiding Judge, the Honorable Hector M. Hernandez, Administrative Judge for the Municipal Courts, the Honorable Elaine M. Timberlake, Jury Court Judge, and the Honorable Gordon Marcum, who was the newest judge and a graduate of the University of Oklahoma and also a graduate of the University of Oklahoma Law School, a former presiding judge for the City of Bryan, former Municipal Court Judge in Midland, Texas and has served the City of Houston as an associate judge since 1995 and was present in the audience with his wife, Donna. Council Member Galloway absent.

Council Member Quan stated that he also wanted to mention that Judge Mejia was also being reappointed and thanked her for the service she had provided. Council Member Galloway absent.

Judge Marcum appeared and stated that he wanted to thank them for their vote of

confidence and the opportunity to serve the City of Houston. Council Member Galloway absent.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 16

13. **ESCALANTE CONSTRUCTION, INC** for Emergency Repair of a Well Collection Line for Department of Public Works & Engineering - \$94,000.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1205 ADOPTED.
14. **J. T. B. SERVICES, INC** for Demolition Services for Department of Public Works & Engineering \$90,390.00 and contingencies for a total amount not to exceed \$94,909.50 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1206 ADOPTED.
15. **ANWAR AHMED AND COMPANY** for Metal, Detector/Locator for Department of Public Works & Engineering - \$60,401.97 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1207 ADOPTED.
16. **ALSTOM POWER, INC** for Replacement Parts for Five Flash Dryer Paddle Mixers for Department of Public Works & Engineering - \$136,458.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1208 ADOPTED.

**ORDINANCES** - NUMBERS 18 through 34

18. ORDINANCE approving and authorizing a consent to encroach, allowing certain improvements owned by Everitt Fernando Antonio Soliz and Itze Olga Maria Soliz, the abutting owners, to encroach 30 square feet, more or less, into the City's street right of way for Kyle Street, adjacent to Lot 1, Block 5, Roseland Addition, Harris County, Texas; subject to the terms and conditions of the consent to encroach – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1009 ADOPTED.
21. ORDINANCE approving an application to the **TEXAS DEPARTMENT OF HEALTH** for the HIV/STD Prevention and Control Program; declaring the City's Eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Service to accept and expend such grant funds for the January 1, 2002 through December 31, 2002 period, and to accept and expend subsequent awards, if any, during the project period – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1010 ADOPTED.
27. ORDINANCE appropriating \$110,650.00 out of Parks Special Fund (Edwin Allday Trust Account) for, and approving and authorizing the purchase from **FRIENDSWOOD DEVELOPMENT COMPANY, LTD.**, a Texas Limited Partnership, of a tract of land located in the 3900 block of Rustic Woods, and Title/Policy Services connected therewith, for and in connection with the City of Houston Kingwood Park Acquisition Project; Parcel Number by 1-003; CIP Number F-0206-61-1 - **DISTRICT E - TODD** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

28. ORDINANCE appropriating \$92,444.91 out of General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for the Renovation of Multi-use Pavilions at Joplin Street, Clinton and Gutierrez Parks, CIP F-0466-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1011 ADOPTED.
30. ORDINANCE appropriating \$2,592,800.00 out of Water and Sewer Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** for Water Line Replacement in the Paul Quinn Gardens and Noble Subdivisions, GFS S-0035-61-3 (WA10588); providing funding for construction of facilities financed by the Water and Sewer Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1012 ADOPTED.
31. ORDINANCE appropriating \$754,400.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** for Water Main Replacement in Cloverland Subdivision, GFS S-0035-63-3 (WA10587); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1013 ADOPTED.
32. ORDINANCE appropriating \$1,119,600.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **EXCALIBUR CONSTRUCTION, LTD** and approving and authorizing professional services contract for engineering testing services with **TERRA-MAR, INC** for Lake Houston Dam Rehabilitation of Erosion Control Structure No. 1, GFS S-0890-BV-3 (WA10567-1); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1014 ADOPTED.
33. ORDINANCE appropriating \$630,000.00 out of the Street and Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** for construction of Safe Sidewalk Program, GFS N-0610A-G7-3 (SB9007-3); providing funding for construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1015 ADOPTED.
34. ORDINANCE appropriating \$1,045,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION CO., INC** and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC** for construction of Northcourt Road Paving: Guhn Road to 800 feet east of Alamo Road, GFS N-0740-01-3; providing funding for contingencies relating to construction of facilities financed by the

Street & Bridge Consolidated Construction Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**PURCHASING AND TABULATION OF BIDS**

11. **AMEND MOTION #99-39, 1/13/99**, as previously amended by Motion #99-1978 and 2001-310, **TO INCREASE** quantity by six Additional Modular Ambulance Bodies for Fire Department, and award to **FRAZER, INC** - \$264,000.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1209 ADOPTED.
12. **AMEND MOTION #98-1927, 12/2/98, TO EXTEND** expiration date for three months from December 1, 2001 to March 2, 2002, for Medical, Vitamins Prenatal for Health & Human Services Department, and award to **DIVERSIFIED MEDICAL SERVICES INTERNATIONAL (DMSI) (Bid No. 1)** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1210 ADOPTED.
17. **UNDERGROUND, INC** - \$592,898.00, **KINLOCH EQUIPMENT & SUPPLY, INC** - \$552,610.00 and **SRECO-FLEXIBLE, INC** - \$80,086.00 for Equipment, Sewer Cleaning Replacement Parts for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1211 ADOPTED.

**ORDINANCES**

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 14-foot wide utility easement, a 10-foot drainage easement, and a 15-foot wide sanitary sewer easement, containing an aggregate of 13,828 square feet of land, more or less, all being located within Block 4, Deer Ridge Estates, Section One, Partial Replat and Extension, Harris County, Texas; vacating and abandoning said tracts of land to Jack and Lynn Fields, the abutting owners, in consideration of owners' payment of \$23,853.00 and other consideration to the City - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1016 ADOPTED.
20. ORDINANCE issuing a permit to **BPP-1, L.P.**, for building, constructing, using, operating, maintaining and repairing a building retention system within portions of Preston Avenue, Crawford Street and Prairie Avenue abutting Block 50, S.S.B.B.; being within 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 I - CASTILLO** - was presented and tagged by Council Members Castillo and Quan. Council Member Galloway absent.

Council Member Quan stated that he wanted to be added to the tag, that he had concerns about the view of the City from the stadium so he would like a briefing on it as well, and Mayor

Brown stated to add Council Member Quan's name to the tag. Council Member Galloway absent.

22. ORDINANCE approving and authorizing a sixth contract amendment between the City of Houston and **RECOVERY CAMPUS OF HOUSTON, INC**, to provide an extension of such contract and additional funding in the amount of \$260,000.00 from the Community Development Block Grant Program to assist in the cost of leasing St. Elizabeth Hospital, which leased facility is utilized to provide substance abuse treatment for the addicted indigent population - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1017 ADOPTED.
23. ORDINANCE approving and authorizing tenth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$815,000.00 from the Community Development Block Grant Program for the Administration of a Juvenile Delinquency Prevention Program – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1018 ADOPTED.
24. ORDINANCE approving and authorizing ninth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$895,000.00 from the Community Development Block Grant Program for the Administration of a Child Care Program – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1019 ADOPTED.
25. ORDINANCE approving and authorizing ninth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** to provide an extension of such contract and additional funding in the amount of \$1,934,000.00 (\$1,234,000.00 from the Emergency Shelter Grants Program and \$700,000.00 from the Community Development Block Grant Program) for the Administration of an Emergency Shelter Grants Program – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1020 ADOPTED.

Council Member Quan stated that all of the items dealt with the Child Care Council of Greater Houston and had no problem with that organization per se but had asked for some information about them and would like for Housing and Community Development to meet with him, and Mayor Brown stated they would make sure to raise the issue. Council Member Galloway absent.

26. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$1,424,750.00 in Housing Opportunities for Persons with Aids (“HOPWA”) Funds for Administrative Costs, Housing Assistance, Supportive Services and Short-Term Rent, Mortgage and Utility Assistance, which sum includes a limitation of additional funding in the amount of \$712,375.00 - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1021 ADOPTED.
29. ORDINANCE awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** and approving and authorizing professional services contract for engineering testing service with **TOLUNAY-WONG ENGINEERS, INC** for construction of City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 8430 New Castle, GFS M-0126-50-3 (SM-5022) - \$842,000.00 - Street & Drainage Maintenance



Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-1022 ADOPTED.

**MATTERS HELD** - NUMBERS 35 through 38

35. ORDINANCE approving and authorizing on contract between the City and **PATTON BOGGS LLP** for Federal Representation; providing a maximum contract amount - 3 Years - \$953,000.00 General Fund - (**This was Item 45 on Agenda of October 24, 2001, POSTPONED BY MOTION #2001-1148**) - was presented.

Council Member Vasquez moved to postpone Item No. 35 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1212 ADOPTED.

36. ORDINANCE approving and authorizing the conveyance by the City of a tract of land out of Willow Creek Estates to the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for use as a Detention Basin; Parcel Number SY1-088; subject to the terms and conditions of the conveyance **DISTRICT C - GOLDBERG** - (**This was Item 41 on Agenda of October 31, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented.

Council Member Goldberg moved to postpone Item No. 36 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-1213 ADOPTED.

37. RECOMMENDATION from Director Department Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shirley A. Hopkins, on behalf of Charles G. Shears, Trustee, for abandonment and sale of Englemohr Street (formerly Amos Street) and Sarah Avenue, from Fannin Street to Daniel Street, Knights Main Street Addition, Parcels SY2-009A and SY2-009B - **APPRAISERS - DISTRICT D - BONEY** - (**This was Item 60 on Agenda of October 31, 2001, POSTPONED BY MOTION #2001-1184**) - was presented.

Council Member Boney named Mr. Charles Rincher and Mr. Travis Cooper and moved approval of the recommendations, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Sanchez absent. MOTION 2001-1214 ADOPTED.

At 9:28 a.m. Mayor Brown stated they would start with the Public Session and requested the City Secretary to call the list of speakers. Council Members Galloway and Sanchez absent.

Mr. Albert Baldez, 7730 Brumbley, Houston, Texas 77012 (713-645-1028) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Sanchez absent.

Mr. Stephen Fauconier, 7600 Creekbend Dr., No. 249, Houston, Texas 77071 (832-971-3084) appeared and passed out a handout to the Council Members and stated that he was 47 years of age and was born in Trinidad in the Caribbean, that after completing high school he migrated to New York to live with his parents, that he attended Harlem Preparatory School in New York and after receiving his diploma he was accepted to Bradford College in Massachusetts with a full academic scholarship, that he came to Houston by way of New Orleans and wanted to join the Houston Fire Department, that he did so and his second attempt was more successful than the first and he was accepted into the cadet class that began March 20, 2001, that he attended the first day of class and nearing the close of day he and another

gentlemen by the name of Douglas Carbello reported to the office, that they were told that since recruiting had made an error regarding their ages they would not be allowed to continue in the cadet class and they were put out, that a day later a firefighter was sent to his house with some papers for him to sign, of which he refused, that the next day one of the attorneys from the City Attorney's Office called and said that he was still on the clock and what they would like him to do was on Monday the 26<sup>th</sup> to go to the EMS Division at 601 Sawyer and speak to Ms. Bobbie Harris, which he had done, that initially he was given an overview of the EMS Division and its functions, that as part of his orientation he spent one day at Telemetry, four and a half hours at dispatch and a full day at Station No. 1 downtown as they responded to 911 calls, that on May 10, 2001 he was given a new position as Administrative Assistant I and his duties required that he survey customers who had transport service, transports and non transports, that at that day the Mayor's mandate was that a minimum of 300 calls be made per week and once those responses were completed it would become part of a report that would be sent to the Mayor's office, that once the data was filtered and streamlined he single-handedly was able to exceed the Mayor's requirements, that on the October 23, 2001 Captain Krinkle sent him to Logistics to see Chief Reyes who read a termination letter to him, that of the information that he provided to the Council some of the leave dates were incorrect, that at no point in time had he ever been given a warning or reprimand concerning his work or attendance. Council Members Tatro, Galloway, Goldberg, Boney, Keller, Vasquez and Sanchez absent.

Council Member Robinson stated that he was interested in what the procedure was in terms of Mr. Fauconier's rights to challenge his dismissal, and Mayor Brown stated that if he was on probation he did not have any appeal rights, that probationary employees did not have appeal rights due to the Civil Service process. Council Members Tatro, Galloway, Goldberg, Boney, Keller and Sanchez absent.

Council Member Castillo stated that he was just concerned that even if Mr. Fauconier did not have any entitlement to have an appeal he thought that in all fairness they ought to have some kind of information on how it worked, that he would like to know why Mr. Fauconier was declared to be absent without just cause, and Mayor Brown stated that he would have Mr. Lonnie Vara meet with Mr. Fauconier and review the whole case they had before them, and give the Council a report on his findings. Council Members Tatro, Galloway, Goldberg, Boney, Ellis and Sanchez absent.

Mr. Barry Lawson, 5407 Northington, Houston, Texas 77039 (281-987-8775) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis and Sanchez absent.

Mr. Joel Friedel, 1010 Twin Falls, Houston, Texas 77088 (281-448-8885) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis and Sanchez absent.

Mr. Edgar Danby, 12023 Bissonnet, No. 513, Houston, Texas 77099 (281-568-7222) appeared and stated that he was present on behalf of the Alief Community Park, that they had a park that was centrally located in their district of which they were in desperate need of some type of infusion, that they had programs that had basically been put on hold because they did not know which other way to go with Parks and Recreation, that they bought into the program of having education assistance at their park big time, that as a matter of fact their school district itself spent about \$25,000 a year for after school tutorials and had provided technology and the teachers and tutors to help their young people, that they were currently in need of playground facilities, not a play area, but an actual playground, they had 500 to 800 kids in their soccer program and they did not have lighting and it produced a situation of security with the new daylight savings time, that it was dark before the kids got out there at 5:00 p.m. or 5:30 p.m. and

they had been asking for this for a little while, that they were just needing some help and wanted to continue their educational program and felt very strongly about it, that it was a collaborative issue with one of the programs that the Mayor introduced and it had grown, that they did have the sources to put internet technology and wanted to convert one of their rooms into a CCC lab so their older kids could do their SAT, ACT and all those types of things, that they had a lot of programs that were just basically on hold because they needed renovation real bad. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Brian Hill was present and would meet with him, that with the passage of their bond referendum yesterday there were funds to take care of the things he was talking about in the parks, that it was good news that help was on the way. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Tama Jones, 5107 Browncroft Street, Houston, Texas 77021 (713-747-1582) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Akua Fayette, 5603 Belarbor, Houston, Texas 77033 (713-734-4209) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Bobbie Wolfe, 6478 FM 149, Houston, Texas 77356 (936-449-6473) appeared and stated that she was present again regarding the insurance carrier for the City of Houston, that the Mayor asked someone to assist her at her last visit and she wanted him to know that she was turned over to someone who was not even familiar with what she was even talking about and already had a mindset to deny her anything, so she brought it back to the Council, that she heard that the issues were being talked about the firemen, policemen and other issues, but she had not heard anything pertaining to injured workers, as herself, that she was a pothole repair person at the time of her injury and doing an excellent job for the City and since that time she had been fighting to get back into the system again, that she wanted to point out that the insurance carriers were using doctors and paying doctors with taxpayers money to slander people and to use bias reports whereas there was no justice when they go before a committee or board, and she asked for their sincere help. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Lonnie Vara, Director of Human Resources would meet with her personally. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood Street, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Boney, Ellis, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Ellis, Castillo and Robinson absent.

The City Secretary stated that completed the speakers that responded and since they started a few minutes early she was going to call the list again to see if anyone had come in. Council Members Tatro, Galloway, Goldberg, Ellis, Castillo and Robinson absent.

Mr. Albert Baldez, Mr. Barry Lawson, Mr. Joel Friedel, and Ms. Tama Jones were not present when they were recalled. Council Members Tatro, Galloway, Goldberg, Ellis, Castillo and Robinson absent.

Ms. Akua Fayette, 5603 Belarbor, Houston, Texas 77033 (713-734-4209) appeared and stated that she was present to speak specifically to Mayor Lee P. Brown, that she wished him well and wanted to say that they had been together many times on the pages of newspapers, yet they never sat together and talked, that she wanted to work with him because he was a Mayor, not just for all people, but especially for the children of Houston, and that was her major concern, but due to the fact that she had been battling cancer with her daughter, who had cancer, and she had two small children who were very important to her, she had not been able to be as active in the community as she had been, but when she got the Mayor's flyer in the mail and saw his picture with all the children it touched her heart, and she did a piece called The Mother and the Child wrapped in gold and it was about how they took care of their children, and she must tell the story because it was very important, and it was important because their children were their future and a Mayor who was for children was a Mayor who was for their future, that if she gave them a \$1,000 would they sit it on the seat of their car and go shopping for one minute, would they ask a stranger to hold their \$1,000 while they went to the restroom, would they put it near the fire, would they leave it even with their family and not say when they were coming back, that every day someone leaves a child alone in a car, with a stranger, near a fire and in a dangerous situation, that they could replace the \$1,000 but they could not replace the child, that children were their greatest treasures and were far more precious than gold, that she always did the piece basically with the woman and child wrapped in gold, that she did also with men, because men should be more responsible, and there were responsible men for children, but today she decided to paint it on a tray and the tray represents service and she thought that the Mayor had served and wanted to thank him for serving the City well and their children, and as a storyteller and a writer of children's books she was present today with a tray, that she did a lot of symbolic art and was not a photography artist, she did impressionist art work and believed she captured his essence and smile, and at least she knew the Mayor had captured her heart with what he had done for the children of Houston, and she presented a painted tray to Mayor Brown. Council Members Tatro, Galloway, Goldberg, Ellis, Castillo and Robinson absent.

Mr./Coach Bobby Taylor, Mr. Gregory Foster, Mr. William Beal, Mr. James Partsch-Galvan, were not present when they were recalled. Council Members Tatro, Galloway, Goldberg, Ellis, Castillo and Robinson absent.

**Item received during meeting was considered as follows:**

27. ORDINANCE appropriating \$110,650.00 out of Parks Special Fund (Edwin Allday Trust Account) for, and approving and authorizing the purchase from **FRIENDSWOOD DEVELOPMENT COMPANY, LTD.**, a Texas Limited Partnership, of a tract of land located in the 3900 block of Rustic Woods, and Title/Policy Services connected therewith, for and in connection with the City of Houston Kingwood Park Acquisition Project; Parcel Number by 1-003; CIP Number F-0206-61-1 - **DISTRICT E - TODD** - was presented.

Council Member Parker stated that she was in strong support of the item and wanted to acknowledge that this was something that the Parks Department had been looking at for a long time and would actually be the first City of Houston skateboard park, that it was out in the Kingwood area and she knew that Mr. Spellman would continue to look to find a site for a skateboard park that was closer to the inner city, that she knew that the downtown business owners were interested in their finding one, but she was thrilled that they were able to deal with some of the liability issues and were moving forward it; that now they had to do the first dog park for the City of Houston. Council Members Tatro, Galloway and Ellis absent.

A vote was called on Item No. 27. All voting aye. Nays none. Council Members Tatro, Galloway and Ellis absent. ORDINANCE 2001-1023 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Robinson stated that they passed the Municipal Court on line convenience fee in Item 38 earlier on the agenda and he asked that the administration take a look at putting some kind of notice on the site that they could pay by mail, over the telephone or other locations, and then if they could evaluate the potential of closing down their on site to see if it saved them any money so they could re-deploy those employees in different areas, and let the public know that they also had those other options as the Mayor had pointed out the other day, and Mayor Brown stated they would do that. Council Members Tatro, Goldberg and Todd absent.

Council Member Quan stated that President George W. Bush had re-instituted the office of the President's Initiative on Asian Pacific Americans and their Executive Director, Mr. John Dwong would be in Houston that evening to have a meeting with the community and he would like to invite anyone who was interested to attend, that meeting would be a Kim Som Restaurant that evening at 7:00 p.m. Council Members Tatro, Todd and Ellis absent.

Council Member Quan stated that many people had mentioned to him concerns regarding regional mobility and the Houston Galveston Area Council would be having a hearing tomorrow at their office at 3555 Timmons Lane on the Regional Mobility Plan for the Year 2025, that while there was a lot of talk about traffic and problems concerned with traffic, this was a chance for the public to get involved and provide their input. Council Members Tatro, Todd and Ellis absent.

Council Member Quan stated that he thought they had noticed that there was certainly many signs out for political candidates during the last few weeks and many of them placed illegally, that he thought they should take some action to really cut down on this activity, to hold campaigns liable for placing signs that disrupt traffic and also just litter the streets, that he encouraged the Mayor and maybe Mr. Hall to see what they could do to take down those illegal signs and hold those campaigns responsible, and Mayor Brown stated they would pursue that. Council Members Tatro, Todd and Ellis absent.

At 9:49 a.m. upon motion by Council Member Robinson and seconded by Council Member Boney, City Council recessed until 9:30 a.m., Friday, November 9, 2001. Council Members

Tatro, Todd and Ellis absent.

City Council reconvened in the City Council Chamber at 9:30 a.m. Friday, November 9, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Members Bert Keller, Orlando Sanchez and Chris Bell absent.

At 9:43 a.m. Mayor Brown reconvened the meeting of the City Council and stated that they had the election matters and requested the City Secretary to call the items.

### **ELECTION MATTERS**

39. ORDINANCE canvassing the returns of the City of Houston General Election held on November 6, 2001; counting the votes cast; making various findings and provisions related to the subject; determining the official results of the General Election; and declaring the emergency – was presented.

The City Secretary stated that she would like for them to make a correction on the recap that she distributed on page 2, that the election day tabulation for Mr. Bernard Amadi had not been completed until she received the information a few minutes ago and asked that they change his count from 117 to 317, that the 117 was the early votes and they finished the tabulation this morning and there were 200 added to it, that the ordinance was correct.

A vote was called on Item No. 39. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent. ORDINANCE 2001-1024 ADOPTED.

40. ORDINANCE canvassing the returns of the City of Houston Special Election held on November 6, 2001, for the purpose of submitting to the qualified electors of the City of Houston, Texas certain propositions for the issuance of Public Improvement Bonds for various purposes; counting the votes cast; making various findings and provisions related to the subject; declaring the official results of the Special Election; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent. ORDINANCE 2001-1025 ADOPTED.

41. ORDINANCE canvassing the returns of the City of Houston Special Election held on November 6, 2001, for the purpose of submitting to the qualified voters of the City of Houston, Texas three propositions for the amendment of the City Charter; counting the votes cast; making various findings and provisions related to the subject; declaring the official results of the Special Election; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent. ORDINANCE 2001-1026 ADOPTED.

Council Member Boney stated that there were several voters who had experienced some problems during the early voting and wanted to suspend the rules to offer them a brief opportunity to explain what was their experience during the early vote.

Council Member Boney moved to suspend the rules to hear from Mr. Ernest Franklin and Ms. Victoria Collins, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent. MOTION 2001-1215 ADOPTED.

Council Member Boney stated that he wanted to thank both Mr. Franklin and Ms. Collins for

coming out and having to get out of work, that there were over 20 people who called his office and spoke of numerous, different problems during the electronic voting, during the early vote period, and asked Mr. Franklin to explain briefly what was his experience.

Mr. Franklin stated that he and his wife went to the multi service center on Friday, November 2, 2001, and Council Member Boney asked Mr. Franklin, which multi service center and Mr. Franklin stated Kashmere Multi Service Center.

Mr. Anthony Hall, City Attorney, stated that this may be an open meetings problem, that this was a discussion with a body about a matter that was not posted for this meeting and there were criminal penalties that were associated with violation of that law, and Council Member Boney asked if they could not hear from the public, that they were not going to take any action, that this was just for information purposes, and Mr. Hall stated that there were two responses, one, that this was the continuation of a recessed meeting, which meant that the period for hearing from the public had passed, that if they heard from them, that was one thing, but if they had a dialog with them, that was another, and Council Member Boney stated that they could hear from them but could not dialog with them, and Mr. Hall stated yes, that was a discussion or a deliberation, that it had nothing to do with taking action, that they could not discuss a public matter if it was not posted.

Council Member Castillo moved to add the two speakers present to the speakers list for November 7, 2001, seconded by Council Member Boney.

Mayor Brown stated that they were voting on adding two speakers to last Wednesday's speakers list and that would make it in compliance with the law.

A vote was called on Council Member Castillo's motion to add two speakers to the November 7, 2001 speakers list. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent. MOTION 2001-1216 ADOPTED.

Mr. Franklin continued and stated that he and his wife went to the Kashmere Multi Service Center on November 2, 2001, that they were told when they arrived that the computers were down, so they had their voter registration cards and they did not have a problem then and they both registered and they gave them the code to use for the eSlate, that when he used the code for the eSlate and mistakenly cast his ballot he realized that the only thing that was on there was the County ballot, that when he complained about it they told him he did not live in the City, that he was in District H, in Council Member Vasquez's district and had been living at 2305 Spence for over 30 years and had always voted in City elections, that he went home and wrote a protest letter and took it back and called the County Clerk's office and talked to the secretary who told him that they were supposed to call downtown because his precinct, which was 0171, was a split precinct, that part of his precinct was in the County and part was in the City, that he lived in the City part and that was not picked up at the polling place and they were supposed to call downtown, that he did not see how they could do that since there was only one phone available and the person heading the polling place was on the telephone checking on people who came up with just their personal identification's, that his protest went to no avail and that was when he left and wrote his letter, that he stopped his wife from voting so that she would not go through the same thing and she was able to vote on election day, that he went back and there was a lady who it had just happened to her so there were a number of people that particular day who were affected the same way he was, that there was nothing wrong with the eSlate, it was just that there should have been something there to tell them that he did live in the City, that nobody there had anything to tell them that he lived in the City.

Council Member Boney asked Mr. Hall if they were allowed to question and answer or

dialog, and Mr. Hall state yes, that what he understood Council had done was because this was a continuation of a former meeting they had reopened the speaker section under the former meeting and Council had been allowed to ask them questions in that format.

Council Member Boney stated that basically because Mr. Collins had been given the code to the wrong ballot, a ballot that was a County ballot which allowed him to vote on State propositions and County bonds he did not have the opportunity to vote for any Mayor or any Council race, and Mr. Collins stated yes, no City issues at all, that there was no resolution for him and he was told that he could vote in the runoff, that he had lived in his own home for over thirty years.

Council Member Robinson stated that he knew of several locations that had land line problems communicating back to the central office to check data, and he would assume that in this age of technology some of the folks would at least have cell phones and that would have been a backup system for them to communicate with each other to confirm the information on a voter who came into the polling place and he would ask that they at least ask them to look at that information and in light of the comments expressed by Mr. Collins if they could find out what the process was and whether they were voting by eSlate or the punch card and if it happened that they gave them the wrong ballot what was the corrective procedure, if there was any, so they could get that information, that a number of them had heard the same kind of complaints.

Council Member Tatro stated that Mr. Collins pointed out that it was not necessarily a problem with the eSlate itself, but a problem with the County and the street being located inside the City, that they had the same thing happen and the person who caught it called his office, that she went up to the polling location, much like him, and was in a place that was very close to being outside the City limits, but was not, but in a precinct that was split, that she reported it to the officials and they said the same thing that she could vote in the runoff, that they got in touch with Mr. Sirvello's office, of the County, and one of the things that he did was mailed her a ballot by mail for only the City portion and they were able to catch it for the next people, so he was glad that Mr. Collins brought it to their attention, and he asked Mr. Collins if he knew how many other people in his area were affected, and Mr. Collins stated that he did not know how many others, but when he went back to the polling place there was at least one lady that was complaining about it.

Council Member Boney stated that Mr. Franklin was not on the borderline and was well within the City of Houston and had his voter registration card with him which indicated that the precinct was in the City of Houston, that he understood that in split precincts some people may be out of the City and actually in the County, but Mr. Franklin was well within and had voted in 30 previous elections at the same address, he and his wife, that the reason he was interested in Council Member Tatro's incident was that this happened on the last day of early voting so he did not know if the application of sending the City ballot by mail was even possible legally with that being the last day of early voting, but he was thankful to know that Mr. Sirvello attempted to apply some solution at Harris County, that this voter was disenfranchised but he did want them to understand that this voter represented many other voters that they could not fully quantify for two reasons, one was that not everybody understood what happened, they knew something happened, and two there was no voter verified paper ballot audit trail so how would they go back to actually quantify the significance of a problem.

Ms. Victoria Collins appeared and stated that on November 6, 2001 she left her office at lunchtime to do what she had done for the last 15 years and that was to go to 541 at the Renaissance Hotel on Kirby to vote, only to find out when she got there that her name had been deleted, that she asked that they call downtown to find out why, which they did and told her that she needed to go to someplace on C.E. King Parkway, which she had never lived in that part of



town, so she said absolutely not, that she lived in southwest Houston and there was no reason she would vote on C.E. King Parkway, so she was told there was nothing they could do but give her a telephone number to call to find out from them why her name had been deleted, that she went back to her office extremely upset and spent the rest of her day calling to see exactly what was wrong, that the first call she made was the 224-1919, the County Clerk's office and she got another answer which they told her that for four years they had been trying to send her communications which came back non deliverable and that it was not a State law, but a new National law, which says that if they send them for four years that after the fourth year her name could be deleted, and she said no, not if she was an active voter, and she had never not voted, that as a matter of fact she had been there eleven months ago voting for the President, that she was told that the only thing they could do was send her a card to change her address and she could vote in the runoff, well that did not sit well with her so she called Council Member Boney's campaign line and told the young lady who talked to her about the supposedly new law and she got her telephone number and asked for time to research this to find out if there was any such law, that she called her back and at that time she had not been able to find the new law, so thinking that she would not be able to vote, when she got into her car to leave her office she turned her radio on to 1430 and her Pastor Kirby John Caldwell and Reverend Jew Don Boney were talking at the time and he heard the statement, "do not allow anybody to rob you of your right to vote, get back to that voting place, ask for an affidavit, sign the affidavit and vote a challenge vote", that was exactly what she did, but the heartening thing was when she went there at lunch time she saw so many people with the same problem, that she could not help them then because she did not know about the affidavit, but when she got back that night half the people who came in were deleted from the book and she spent all her time waiting to vote telling people to ask for the affidavit, sign it and vote a challenge vote, that the reason she accepted the opportunity to be present was because she wanted it fixed.

Council Member Boney stated that Ms. Collins had a slightly different problem and he wanted to point out several things, and one was that none of those precinct judges offered those particular voters the opportunity or explained the process for a challenge vote, which would at least allow the vote to go into a can to be later determined whether or not it was valid and should be counted, that he also wanted to point out a very critical statement that Ms. Collins made, that over half the voters that she saw at that polling place were experiencing the same thing and this was election day, and that she had gotten no help from the information line, and asked Mr. Hall if he was aware of the new law that allowed people to be purged from the list if they did not return mail to the County Tax Assessor's office, that they have some information about moving, and Mr. Hall stated not if they voted every two years, that he had received the same piece of mail and it implied that if they did not send it back and indicate that they lived at the same address that they had been living at for the past hundred years that they would take them off the list, that as he understood the law they must fail to vote in four consecutive voting cycles that they could be removed, and obviously if they had voted in November they could not legally be removed, but none of that was on the post card that Mr. Bettencourt sent out and so he thought it gave reason for alarm and confusion for the voter, that the media had not reported this and they had not interviewed these people, that there were at least 11 names of similar and different stories that happened in this election, both in terms of electronic voting and on election day, that he was suggesting that this was evidence that the system was not working and needed to be fixed and he would ask that maybe sometime next week that they reconvene their City Council committee so they could invite Mr. Bettencourt and Ms. Kaufman and whoever else was appropriate to explain what the system was, fix what was wrong, and make public what were the rules and guidelines so that folks would know what to do.

Council Member Castillo stated that whoever sets the agenda for that meeting needed to also consider going a little bit earlier into the registration cycle, because a lot of new registered voters or people who signed a new registration card had also not appeared on the roster of

voters and that was people he was told that Paul Bettencourt or Beverly Kaufman, or whoever makes the decision, actually outsourced the inputting of the registration cards and they get registration cards, if their name was John Doe their name on the voter card would come back perhaps as ;/?#, because the inputting may be done by people in the Texas Department of Corrections, and Council Member Boney stated that was true and also Council Members needed to know that they had been restrained by Harris County Judicial Order not to get a copy of the request for proposals for the eSlate System and not to get a copy of the \$25 million contract that was signed, that he thought it was outrageous and though that information was due to the public but he needed at least the help of the Council, that it was not candidate driven, it was about the process and the system working for everybody who was a candidate. Council Member Vasquez absent.

Council Member Robinson stated that once the Municipal Channel was up and running full time, whenever they were in an election cycle they ought to do just a continuous run on some orderly schedule of an education video program of what the voting rules were, the application for challenge ballot, just walk the voters through it and keep running it repeatedly, and ask the other channels, HCC and HISD, if they would run the same kind of tape that they would produce for them; that the other thing based on the first commentary that Council Member Boney pointed out, he would ask that they ask for an audit of the voter registration roll against the voting roll, that since they were paying them to conduct the election for them then they should ask them to do that, and hoped when Council Member Boney called the next meeting of the committee in the next couple of weeks that it would be one of the things they would bring or a timeline of when they would do the cross referencing. Council Member Tatro absent.

Council Member Boney stated that after discussions with the Mayor and City Attorney, that they should try to call for that meeting on Tuesday, October 13, 2001, if they were going to try to have any corrective assistance before the December elections it had to be quick. Council Member Tatro absent.

Council Member Parker stated that she sat on the election committee and would be glad to be there whenever they wanted to meet because it was a great concern to her, but she wanted to suggest that they needed to do it sooner rather than later because it had to be dealt with before early voting started.

There being no further business before Council, the City Council adjourned at 10:11 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Keller, Sanchez and Bell absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary