

City Council Chamber, City Hall, Tuesday, July 2, 2002.

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, July 2, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Addie Wiseman, Mark Ellis, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Ms. Susan Taylor, Senior First Assistant City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Ada Edwards out of city on personal business. Council Members Bert Keller and Gabriel Vasquez absent on personal business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Wiseman led everyone in the prayer and pledge of allegiance. Council Member Goldberg absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent.

Council Members Quan and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 17, 51, 51a and 51b out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0806 ADOPTED.

17. ORDINANCE authorizing the issuance of City of Houston, Texas, Airport System Subordinate Lien Revenue Bonds, Series 2002A (AMT), Series 2002B (Non-AMT), Series 2002C (AMT) and Series 2002D (AMT); authorizing the Mayor and City Controller to approve the amount, the Interest Rate, Price, Bond Insurance provider, Reserve Fund Surety provider and terms thereof and certain other procedures and provisions relating thereto, providing for the payment thereof; awarding the sale of the Bonds; authorizing the refunding and defeasance of certain refunded notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance and Reserve Fund Surety Policy; authorizing and engaging an Escrow Verification Agent and an Escrow Agent; authorizing a Co-bond Counsel Agreement and a Special Disclosure Co-counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement - was presented, and tagged by Council Member Robinson. Council Member Goldberg absent.

51. Council Member Robinson presented the following written motion that Item 51B below be amended to provide the following:
To dedicate 1.7% of the total Hotel Occupancy Taxes provided to the Cultural Arts Council to the operation of the Ensemble Theater - **TAGGED BY COUNCIL MEMBER SEKULA-GIBBS** - was presented. Council Member Goldberg absent.

Council Member Robinson stated that on Item 51 he was going to pull it down, that it was his understanding that the parties had agreed to continue some discussion with the department to come up with some new mechanism for next year's contract relative to funding. Council Member Goldberg absent.

Mayor Brown stated that Council Member Robinson withdrew Item No. 51. Council Member Goldberg absent.

51a. Council Member Vasquez presented the following written motion that Item 51B below be amended to provide the following:

To dedicate 1.7% of the total Hotel Occupancy Taxes provided to the Cultural Arts Council to the operation of the Talento Bilingue de Houston - **TAGGED BY COUNCIL MEMBER SEKULA-GIBBS** - was presented.

Council Member Tatro moved to refer Item No. 51a to the administration, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0807 ADOPTED.

51b. ORDINANCE approving and authorizing contract between the City and **THE ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the Support of the Arts Community - (**This was Item 21 on Agenda of June 26, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON AND SEKULA-GIBBS**) - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0608 ADOPTED.

MAYOR'S REPORTS

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

Mayor Brown stated that they would move to the financial report and called on Ms. Sylvia Garcia, City Controller.

Ms. Garcia stated that she was pleased to present the Financial and Operations Report for the period ending May 31, 2002, that the report pretty much spoke for itself, that there had been no significant changes from last month they just made a couple of changes in the Sales Tax and Property Tax area, that she would rather just focus on some good news, that as she reported yesterday to Fiscal Affairs, they did not have to borrow any money at the end of the fiscal year they ended up at \$6.4 million to the good, which was of course wonderful news for them, that she thanked them again for their cooperation in giving them the authority to borrow if they needed to, that the good news was that they did not have to, today she wanted to announce that they were finishing up their work on the TRANS borrowing and as they would recall she was present with the bid results last week, the closing was this morning and was for \$175 million to start the new fiscal year with an interest rate right under 1.6%, that all of that was good news since the interest rate was probably one of the lowest that they had ever seen for the history of the City of Houston and certainly got them ready for the next fiscal year, that again there were no material changes in this month's report and were beginning to close out the fiscal year and proceed with the new one that started just yesterday. Council Member Goldberg absent.

Dr. Scheps stated that the Controller covered the interesting points that he was going to cover as well except for one, in his letter he did note that their Sales Tax Revenue, they believed, would end the year almost what was originally projected, despite the problems that occurred during the year, and there was a table in his letter which compared Houston's sales tax to their sister cities where they had a very strong sales tax base, almost 5% growth year over year, whereas Dallas, for example, was minus 7.58% and so forth, so they were very fortunately to have gotten through this with that sales tax intact, that the only thing he would mention was that their report was substantially the same as last month and they were projecting an ending balance higher than the Controller, if they ended up being right then they would have built balance for the second year in a row and if the Controller ended up being right they would have had a flat year where the ending balance was approximately equal to the beginning balance and that concluded his report. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that since they had less control over sales tax than they did on anything else it seemed that it was very much subject to the economy and they could not really take credit or blame for the sales tax issue, and Dr. Scheps stated that with the exception of the Special Purpose Annexations, that was one thing that would be an important measure in 2003, that she was correct, and Council Member Sekula-Gibbs asked Dr. Scheps if he would be able to do comparison data from other cities for ambulance and Municipal Courts so they could see how they were performing next to the other cities in the State, and Dr. Scheps stated that they would do their best, that she had certainly asked that before on ambulance and it was much more problematical, that they had an analysis on Los Angeles, but because the Medicare reimbursement rates were different it was very hard to get those percentages to where it was apples to apples, but they were trying and certainly thought that on Municipal Courts they could prepare one, and Council Member Sekula-Gibbs requested that they compare the cities within Texas. Council Member Goldberg absent.

Council Member Parker moved to accept the Financial and Operations Report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0808 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item No. 2 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Members Galloway, Goldberg and Berry absent. MOTION 2002-0809 ADOPTED.

2. RECOMMENDATION from Director Finance & Administration Department for approval of membership in the Gulf Coast Regional Mobility Partners - \$50,000.00 - General Fund - was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Members Galloway, Goldberg and Berry absent. MOTION 2002-2002-0810 ADOPTED.

Council Member Robinson stated that he wanted to say this was one of the big items they would pass along with their Legislative package when they get to that later on in the year because it was the first time since he had been at Council that they would have a really regional wide focus on that issue and it was going to be real important to them relative to the funding that was going to come out of Austin and the Clean Air Issues as well, that he wanted to thank the partnership for taking the lead and working with HGHC and the City on the issue as well as the

County and the other partners and thanked the Mayor for pushing it to get it where it was today. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she too wanted to applaud the City for supporting the Gulf Coast Regional Mobility Partners, that it was an excellent way to increase their clout at the State and National level and asked who would actually serve on that as a partner and Mayor Brown stated that he served on it. Council Member Goldberg absent.

Council Member Berry stated that he thought it was the Chief Executive of every entity that served on those and also wanted to add to Council Member Robinson's comments, that he had been very impressed with what they were doing and this was frankly what they asked the partnership to do, which was to bring regional solutions to the table and was glad that the City was supporting this and hoped it would succeed because he thought it would be good for the City. Council Member Goldberg absent.

CONSENT AGENDA NUMBERS 1 through 49

MISCELLANEOUS - NUMBERS 1 through 3

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaques for Parks to Standard Program - Phase II, Bid Package No. 5 Linkwood and Oak Forest Parks, GFS F-0363-05-3 - **DISTRICTS A - TATRO and C - GOLDBERG** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0811 ADOPTED.
3. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **DAVID P. MCANINCH** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0812 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$99,168.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Memorial Fitness Center Improvements, GFS F-0363-90-3 - 04.94% over the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0813 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,592,540.20 and acceptance of work on contract with **JALCO, INC** for Improvements at Upper Brays Wastewater Treatment Plant, GFS R-0265-03-3 (4286-4) 00.32% over the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0814 ADOPTED.

PROPERTY - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower, Brown & Gay Engineers, Inc, on behalf of Union Building Corporation (Chuck Crawley, president) and John F. Denton, for abandonment and sale of a 15-foot-wide storm sewer easement, from East 4th Street connecting east to a TxDOT storm sewer easement to White Oak Bayou, and a portion of a 15-foot-wide alley, between Lots 1, 2 and 3, and Lots 14, 15 and 16, Block 307, in exchange for the conveyance to the City of right of way for cul-de-sacs at the terminus of East 4th Street and East 4½ Street, a 10-foot wide sanitary sewer easement, and a 20-foot-wide storm sewer easement connecting east to a new 20-foot-wide TxDOT storm sewer easement to White Oak Bayou, all located in the Houston Heights Addition, Parcels SY2-048A, SY2-048B, AY2-162A, AY2-162B, DY2-031 and LY2-035 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0815 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Perry J. Radoff of Bernstein, Radoff, Trachtenberg and Serafin, L.L.P., on behalf of Finima-America, Inc., a Delaware corporation (Russell S. Molina, president) and Rockrose Holding, Inc., a Delaware corporation (Russell S. Molina, president) for the sale of a 30-foot-wide strip of land, subject to the existing easements, and located west of Vickery Drive, in exchange for the conveyance to the City of a 25-foot-wide sanitary sewer easement and a 10-foot-wide water line easement east of Vickery Drive, all within the W.C.R.R. Company Survey, Abstract 934, Parcels SY2-057, DYO-022 and KYO-023 **STAFF APPRAISERS - DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0816 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 15

9. **NORITSU AMERICA CORPORATION** for Digital Mini-Lab Photographic System for Fire Department - \$140,462.37 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0817 ADOPTED.
13. **L. N. MCKEAN, INC** for Emergency Storm Sewer and Channel Repairs for Department of Public Works & Engineering - \$337,400.00 - Street & Drainage Maintenance Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0818 ADOPTED.
14. **HUFFMAN REFRACTORIES, INC** for Emergency Flash Dryer Repairs for Department of Public Works & Engineering - \$63,898.60 - Enterprise Fund - was presented, moved by

Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0819 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 48

23. ORDINANCE approving and authorizing a Termination of Tax Abatement agreement between the City of Houston, Texas, **FEDERAL EXPRESS CORPORATION, DNA HEATHROW FOREST, LTD, IDLEWILD INVESTMENT COMPANY, L.P., DAVID S. WOLFF** and **HOUSTON PROCESSING LIMITED - DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0609 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and **HOUSTON AUTO AUCTION, INC** for Auctioneering Services for Finance and Administration Department - Revenue - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0610 ADOPTED.
27. ORDINANCE appropriating \$47,039.51 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **ALIANZA GROUP, INC** for Construction of Sanitary Sewer Lines in Sections 1 and 2 of Los Arboles Subdivision, CIP R-0800-65-03 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0611 ADOPTED.
29. ORDINANCE appropriating \$96,456.61 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and the partnership, **GSX INTERNATIONAL, INC/MORGAN KENDAL HOMES, INC** for Construction of Water and Sanitary Sewer Lines in the White Oak Terrance II Subdivision, CIP S-0800-69-03 and R-0800-69-03 - **DISTRICT B - GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
30. ORDINANCE appropriating \$54,105.66 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **ROYCE LAND, L.P.** for Construction of Water and Sanitary Sewer Lines in Royal Palms Subdivision, CIP S-0802-01-03 and R-0802-01-03 - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0612 ADOPTED.
31. ORDINANCE awarding contract to **ACCURATE WATER METER SERVICES, INC** for Repair, Testing and Certification of Backflow Preventers for Public Works and Engineering Department, providing a maximum contract amount - 3 Years with two one-year options - \$359,000.00 Enterprise Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent

- on personal business. Council Member Goldberg absent. ORDINANCE 2002-0613 ADOPTED.
32. ORDINANCE finding no special benefit to the abutting owner of property described as Tracts 20B, 20H, 20J and 20K, out of the David Henson Survey, abstract No. 328, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-1460, passed November 17, 1993, for the initiation of a paving project for the permanent improvement of a portion of Magnum Road in the City of Houston, Texas - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0614 ADOPTED.
33. ORDINANCE appropriating \$2,680,968.00 out of Park Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **M2L ASSOCIATES, INC (TEAM M2L)** for Design and Construction Phase Services in connection with the Parks and Recreation Department Master Plan Phase I Implementation, GFS F-0504C-02-2; providing funding for project management and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0615 ADOPTED.
37. ORDINANCE appropriating \$711,000.00 out of Public Library Consolidated Construction Fund and \$895,000.00 out of Fire Consolidated Construction Fund as an additional appropriation for professional services contract between the City of Houston and **GREYHAWK NORTH AMERICA, L.L.C.** for Project Support and Management Services (approved by Ordinance No. 00-955); providing funding for project management and contingencies relating to the construction of facilities financed by the Public Library Consolidated Construction Fund and the Fire Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0616 ADOPTED.
38. ORDINANCE appropriating \$267,749.00 out of Public Library Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PEARSON ENGLISH ARCHITECTURAL DESIGN, INC** for Professional Architectural Services relating to The Americans With Disabilities Act Renovations for Lakewood Branch Library, Flores Branch Library and Pleasantville Branch Library, GFS E-0057-01-2, E-0010-01-2 and E-0061-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0617 ADOPTED.
39. ORDINANCE appropriating \$427,930.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for the Design of the Transportation/Economic Development in Near Northside, CIP N-0774-01 (SB9112); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was

presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0618 ADOPTED.

40. ORDINANCE appropriating \$508,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **COBOURN LINSEISEN & RATCLIFF, INC** for Design of West Gray Sanitary Sewer Replacement and Emnora Lane Sanitary Sewer Replacement, CIP R-2011-35-2 (WW4854); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO and D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0619 ADOPTED.
42. ORDINANCE appropriating \$5,695,695.00 out of Street & Bridge Consolidated Construction Fund, and \$1,493,712.00 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** for Neighborhood Street Reconstruction Project No. 436A, GFS N-0368-02-3 (SB9001); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0620 ADOPTED.
44. ORDINANCE appropriating \$2,511,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ENVIRONMENTAL ENGINEERS AND CONSTRUCTORS II, LTD.**, for Chocolate Bayou Wastewater Treatment Plant Improvements, GFS R-0512-10-3 (WW4768-03); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0621 ADOPTED.
46. ORDINANCE appropriating \$2,844,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Denver Harbor Subdivision, GFS S-0035-77-3 (WA9799); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0622 ADOPTED.
48. ORDINANCE appropriating \$43,650.00 out of Fire Consolidated Construction Fund, and awarding construction contract to the **TREVINO GROUP, INC** and professional services contract for engineering and testing with **GEOTECH ENGINEERING & ENVIRONMENTAL SERVICES** for Fire Station 27, CIP C-0072-01-3; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund \$2,720,250.00 CDBG Funds - **DISTRICT H -**

VASQUEZ - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2002-0623 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$5,662,252.95 and acceptance of work on contract with **WILLIAMS INDUSTRIES, INC** for Southeast Service Center, GFS L-0029-01-3 - 10.27% over the original contract amount **DISTRICT I - ALVARADO** - was presented, moved by Council Member Tatro, seconded by Council Member Robinson. Council Member Goldberg absent.

Council Member Quan stated that he knew this was a case that started prior to the Mayor's administration where it seemed that haste made waste, that there was an effort to get the project moved, but yet faulty design and as a result they were looking at numerous change orders and cost overruns, that he knew the department was not necessarily responsible but he again cautioned them that they take efforts to not be in such a hurry as to delay a good ground work and design before they moved forward on other projects like it, and Mayor Brown stated that he thought the problems that this project encountered had been corrected. Council Member Goldberg absent.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0820 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **LUBER BROS., INC** for Grounds Keeping Equipment for Parks & Recreation Department \$48,552.00 - Parks Special Revenue Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0821 ADOPTED.
11. **ACUSHNET COMPANY** - \$77,200.00 and **WILSON SPORTING GOODS CO.** - \$30,600.00 for Resale Items for Pro Shops for Parks and Recreation Department - Park Special Revenue Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0822 ADOPTED.
12. **WORLDWIDE ENVIRONMENTAL PRODUCT, INC** for Vehicle Emissions Analyzer System for Department of Public Works & Engineering - \$34,500.00 - Fleet Management Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that the item did not actually cause any concern for her specifically was an opportunity to ask the administration if they were aware that there was a

program at the University of Houston that was actually developing tailpipe testing for diesel. Council Member Goldberg absent.

Mayor Brown stated that they were aware of the program and in fact were in discussions with them now for a joint project and something would come back to Council sometime in the not too distant future. Council Member Goldberg absent.

Council Member Ellis stated that he had the opportunity to meet with Mr. Hall and Dr. Berger yesterday and it was his understanding that the administration had added \$3 million in next year's budget to help assist with exactly what they were talking about. Council Member Goldberg absent.

Council Member Robinson stated that he hoped as they moved forward other programs that were being discussed, that they take up the challenge that Governor Perry had laid out and see if they could work with TXDOT, METRO and the County to incorporate into their construction contracts a provision relative to incentivizing the industry to move cleaner equipment and clean fuels, that it was his understanding that if they were to get the construction industries pollution output reduction up to 65% as opposed to the 17% now under the SIP they would actually close the gap and have a fully balanced SIP, that he would like to work along with the administration on that issue as well as the diesel fuel issue. Council Member Goldberg absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0823 ADOPTED.

15. **PUMPS OF HOUSTON, INC** - \$51,044.00, **RELIABLE PUMPS, INC** - \$81,849.80, **JERSEY EQUIPMENT OF HOUSTON, INC** - \$149,900.00 and **INTEGRAL LOGISTICS CORPORATION** \$54,600.00 for Various Types of Pumps for Department of Public Works & Engineering \$337,393.80 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0824 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION approving the action of the City of Houston Industrial Development Corporation for its Air Cargo Revenue Bonds (Perot Development Houston LP Project) Series 2002 - was presented, and tagged by Council Member Ellis. Council Member Goldberg absent.
18. ORDINANCE amending **CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Auto Wrecker Services at Police Scenes; containing other provisions relating to the foregoing subject; providing for severability - was presented.

Ms. Taylor stated that there were speakers today on the public session on that item and so they were not able to take it up until after the public session. Council Member Goldberg absent.

At 9:32 a.m. Mayor Brown stated that they would move to the Public Session and requested the City Secretary to call the list of speakers. Council Member Goldberg absent.

Council Member Sekula-Gibbs moved to suspend the rules to hear Ms. Dorcas Ukpe out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member

Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0825 ADOPTED.

Council Member Alvarado moved to suspend the rules to hear Ms. Jennifer Lacoss out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Goldberg absent. MOTION 2002-0826 ADOPTED.

Ms. Dorcas Ukpe, 1527 Beaconshire Rd., Houston, Texas 77077 (713-500-9314) appeared and stated that she was on the faculty of the University of Texas Health Science Center Houston School of Public Health and was a Nutritional Specialist, that she was present on her own and was not speaking on behalf of the school, that she would like to commend the Mayor and City Council Members for the initiative they took earlier to adhere the City of Houston from being listed as the fattest City and on the way to being the fittest City, that Shape Up Houston and Get Lean Houston, which she recommended, were very good initiatives for the City, that in health care they had what was called performance improvement and basically what that meant was that whatever they were doing was not good enough and they continued to work on it to make sure they got better at what they did, that once the Houstonians were ready to get lean, the majority needed a lot of help and education to start shaping up, that she was present because she was concerned particularly about the children, that there was a report that informed them that there were more diabetics among the school age children, that exercise was very important but she would like to stress that they spend more time also on nutrition education, not to tell them to stop eating fried chicken, but to educate them how they could incorporate the fried chicken, hamburgers and the refried beans into the food they ate so they would continue to exercise and use food in a healthier way. Council Members Goldberg, Wiseman, Ellis and Parker absent.

Mayor Brown stated that he wanted to thank her for her interest in this issue, that as she knew they did have a very new but very extensive program, that they kicked off "Get Lean Houston" and would make sure that someone from the program would get in contract with her and take advantage of her expertise and her interest in this subject matter, in fact they wanted to urge everyone to get involved, it was a community initiative and they wanted to have nutritionists, dietitians, medical people, exercise people, fitness people, everyone could play a role. Council Members Goldberg, Wiseman, Ellis and Parker absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Upke stated that she was teaching at the University of Texas Health Science School of Public Health, that she believed there were studies out there between less time at home and less time to eat together as a family and more time on the run with obesity, that she contacted some fast food restaurants that most of them patronized and requested something as simple if they would consider adding fruit to the kids package meals and all of the ones she talked to said they had not done that, but would research and look into it, that her idea was to add fruit to the kids meals to offer more variety, if they eat a little bit of the fruit maybe they would not finish the french fries, that if they ate the fruit they would get some fiber, which they probably knew fiber was what they were lacking more of. Council Members Goldberg, Wiseman, Ellis and Parker absent.

Council Member Alvarado stated that she encouraged Ms. Upke to get involved with "Get Lean Houston", that she knew they were putting together a task force that was going to focus, not just on being more physically active, but also nutrition and also educating both the youth and the general population about obesity and the diseases that it leads to, that she thought there were a couple of people from the La Barda group who she knew would be more than happy to talk with her and if others in her field were interested in offering comments, they had expressed an interest to be open to hearing that. Council Members Goldberg, Wiseman, Ellis and Parker absent.

Ms. Jennifer Lacoss, 1200 Travis, Houston, Texas 77002 (713-308-2600) appeared and stated that she was a DNA Analyst with the Houston Police Department Crime Lab and very soon to be employed with the Austin Police Department Crime Lab, that she was speaking of her own accord, that would like to thank them for the quick action concerning some of her issues that had been raised and hopefully they had all had the opportunity to read the letter she had sent them, that she had met with a couple of the Council Members, that she would like to thank them for the allotment of the \$600,000 in additional funding to address the rape kit backlog problem that they had at the City, but she would like to take the opportunity to educate them further on what some of the complications with it were, that it was not simply a matter of taking a rape kit and sending it out to a company and saying "here you go guys, analyze it", that there was going to be a lot of front end work by the crime laboratory that had to be done before the rape kits could be analyzed by the outsourcing agencies, that the staffing levels were going to be an issue concerning this, with their current levels they were not going to be able to even touch the outsourcing issues, what had to happen in the laboratory before they even send the kits out was actually opening the sexual assault kits up and trying to determine if there were important body fluids, such as semen or saliva in each rape kit, that they did not want to send a rape kit that did not contain these items for outsourcing because that would be a gross waste of money, so what they had to do was to analyze each case in house before they could actually send it out, to do this they were going to need a lot more people, they could not keep up with what they were currently getting in to the laboratory, and would ask that they consider the hiring of a lot more analysts, these were people who needed special qualifications to do this work it could not be done by any technician, it had to be people with special qualifications and as she said before at the current levels they could not even keep up with what was coming in their doors, they were continuing to increase their backlog on an annual basis, of at least 1,000 sexual assault kits, that the other part of this, once the outsourcing was done and they received data from the outsourcing agency, the DNA profile, those all had to be entered at their laboratory into a DNA database called CODIS, Combined DNA Index System, what had to happen there was a qualified DNA analyst had to sit down with each individual profile and type it in manually into the system so that it could be uploaded into the State and National databases for comparison, that they were also receiving a robot that would help to automate the DNA process and again she would thank them for approving that, but again it was not going to help them either without more hands to fully realize the potential of the robot, they were going to generate all of the DNA samples with the robot and then they were going to sit until a DNA analyst could actually load them onto the next instrument and analyze that data, that also she wanted to explain the weight of everything that had been coming down with the new legislation, what they were facing, that with the expansion of the DNA database they were not only testing sexual assault kits anymore and loading those into the database, it could also be used for crimes such as robberies, hit and runs, major assaults and drug cases, the new legislation that had been introduced included that each person that had been arrested would have to submit a DNA sample for the database, that data had to be entered by them as well, that also the post conviction DNA testing had become a big issue, they estimated that there were fifty requests in the entire State of Texas last year, and she believed in Houston alone they had between 100 and 200 requests this year alone, so obviously they were inundated with those, that finally she would just like to say she hoped they would consider that there would be a need for a continued and long term funding and support to address these issues. Council Members Goldberg and Wiseman absent.

Upon questions by Council Members, Ms. Lacoss stated that she was moving to Austin because she obtained a new job and financially it was a good move for her, that financially she could not really afford to stay in Houston any more, that the number of staffing was a hard question to answer, that initially they needed probably another 5 or 6 analysts, just to handle what was coming in the door and after that they would need several more people just to handle the backlog, that she did not know where the \$600,000 was going, there was a proposal to hire 5

additional people that had not been approved and then use \$300,000 of that to out source the kits, that as of recent the attitude was changing, in the past it had been a long battle and knew that lots of people had raised the issue before and it had always been a matter of funding and getting that funding. Council Member Robinson absent.

Mayor Brown stated that the \$500,000 would go to out source the cases and \$100,000 would go to fund overtime for the personnel that were working in the lab, but he wanted to point out that the Police Department expected to receive a grant for \$1 million, hopefully it would come about in July, on the issue of salaries, Human Resources had already approved making adjustments up to 15% of the crime lab job family and the other major issue was the roof over there, the Police Department had received three proposals for the design and build and progress was being made on that item as well, so all had been taken care of.

Council Member Alvarado stated that she wanted to thank Ms. Lacoss for taking an interest even though she was leaving, that she too wanted to thank the administration and Council Members Robinson and Parker, but hoped the department would take as a serious consideration the points that Ms. Lacoss had made regarding the outsourcing and the impact that it could have on the end result and also they needed to work so that the crime lab reaches accreditation, that because they were not accredited there were certain federal grants that they were missing out on, so she hoped they kept that in mind as they continued to fund staffing, purchase additional equipment and also making improvements to just the physical part of the lab. Council Members Galloway, Goldberg and Ellis absent.

Representative Ken Yarborough, 1214 W. 43rd., Houston, Texas 77018 (713-263-1516) appeared and stated that today he wanted to talk them about Item No. 20 on the Agenda, Candlelight Place, that they had over the last couple of years the no bridge people who had been present at Council one or two times and had come and told the City Council what they felt about this particular subdivision, that as he looked at the Request for Council Action he was struck by a couple of things, the fact was that the City ordinance allowed them to buy property at less than appraised value and it was on page 3 of the paperwork he had, but the transaction that they had was that the Harris County Taxing Authority taxes the neighborhood of Candlelight at \$6 per square foot for the land, that what the City was doing was getting it at a fire sale and were selling it at a fire sale, 32 ½ cents, last time he figured it out it was about a \$5.67 difference than what the taxing authority did and what they were buying and selling this particular piece of property for, that it was no way near fair market price or fair market value and they were again talking about a tremendous loss to tax payers because there was going to be quite a bit of square footage that would be coming over that would be coming back to the City and he was sure that the landowners out there, who had been calling his office about the ad valorem taxes that they had in the City and the County and watching it rise at 10% per year, would like to have the appraisers come out and work their property because he guaranteed them they would have something to fall back on, that he had not been able to figure out, from the paperwork he had, the lot sizes, but when he got further back into the proposition he found that part of the agreement was on the water and sewer lines, which the City could do, was reimburse the particular developer if the homes qualified as affordable housing, that \$6 per square foot taxed property seemed to be a little far fetched for affordable housing, that this was the thing, the residents again were opposed to the bridge because they felt there would be flooding and the final thing was that there was also a lawsuit that the City was involved in right now that the citizens of Candlelight had lodged against the City of Houston and that litigation was working its way through the court system right now and this may be a little premature until that got done. Council Members Galloway, Goldberg, Ellis and Berry absent.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) approached the podium and attempted to speak out of turn, but was escorted out of the Council Chambers by a Houston Police Officer. Council Members Galloway, Goldberg, Ellis and Berry absent.

Mr. Juan Hernandez, 1001 Pinemont, No. 92, Houston, Texas 77018 (281-830-2921) appeared and stated that he was present regarding Item 18, the wrecker ordinance, that he was present to voice his opinion in regards to zoning the towing industry in the City of Houston, that it was the second time he was present before Council and like before he strongly supported the City of Houston zoning any HPD scene in which towing was involved such as persons vehicles being towed away and accidents, that zoning would keep wreckers from creating bigger traffic at an accident scene, for example if there were five zones, like there were before, the wreckers would have to chose one zone only and wreckers from that zone would tow from an HPD scene versus five wreckers from five different zones showing up at an accident scene on the freeway, that would be 25 wreckers blocking the freeway at an accident scene, therefore creating a bigger traffic problem than the accident itself, that zoning the towing industry not only will regulate and organize the wreckers, but would benefit the citizens of the City of Houston and keeping the streets safer and not being hit by a wrecker trying to fly across town to make it to an accident scene. Council Members Galloway, Goldberg, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Upon questions by Council Member Ellis, Mr. Hernandez stated that his father was an owner of a wrecker service, but as far as open zones like it was when they deregulated the E tag they had been for it and for safety, that some of the wreckers were for the amendment but some were not, but it was really a safety issue and these wreckers were causing a great traffic hazard, that he had been at accident scenes himself where it was a one car accident and there were up to 20 wreckers at the accidents scenes, with cars swerving around wreckers trying to avoid them and causing a bigger accident, that the ones opposed to it were usually the violators, that right now they had a vast majority of wreckers who were not in Houston when the City had ordinances, that they went from having 5 wreckers at an accident scene to 20 wreckers at an accident scene, that they were running all over town, there were wreckers who were just passing through the City and as long as they had a Texas Tow Tag they were allowed to tow in the City of Houston, they did not where they were from. Council Members Galloway, Goldberg, Alvarado, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Mr. Paul Jackson, 3602 Southmore, Houston, Texas 77004 (713-520-5411) appeared and stated that he was present in favor of the ordinance that they were talking about and wanted to give a special thanks to the Council Members and the City Attorney office who spent special time with the ordinance, that there was frustration of the motorists who had been in accidents, that tow drivers exhibit extreme competition and he felt that it was due to no zones, people running in and out and being extremely aggressive and sometimes they cause problems, inconvenience to motorists when their cars were towed out of the area of the tow, that it was very inconvenient for people who were trying to regain their vehicle or even trying to locate it, that also a better working relationship with a smaller group was working in the zone, that if they knew the guys they were working with and they had a chance to kind of govern each other and basically the mature drivers knew right from wrong and knew what they were supposed to do, that they could communicate and respect the rules that govern drivers and look out for each other and they talk to each other, that something that was very important was to increase the level of professionalism that they had before zones and he guessed he did not like to see himself and his guys looked on as just a tow driver, that he felt like they offered a service to the City and to the citizens of the City, that it was hard when they saw frowns on their faces because it was a bad situation when they had to see a tow truck, and it was just gaining their respect back and that was why he felt that zoning was very important. Council Members Galloway, Goldberg, Alvarado, Berry and Robinson absent. NO QUORUM PRESENT

Mr. Ken Ulmer, 12515 Rosewood Way, Houston, Texas 77041 (713-896-8383) appeared and stated that he was in the towing and storage business, that first and foremost on behalf of himself, Jeanette Rash, and all of the companies they collectively represent he would like to sincerely thank them for their support and tremendous investment of time and energy toward the issue regarding tow trucks, especially Council Members Ellis and Parker for their efforts in spearheading the several months worth of work to create what he considered a great ordinance for the towing industry and the City of Houston, that it was the ordinance that was passed in December of 2001, but issues beyond everyone in Houston's control, that ordinance had been on hold and now six months later it was being considered for implementation, that he and Ms. Rash and the 61 companies that signed the petition in favor of it stood firmly behind the ordinance and supported every effort to pass and implement the ordinance today just as they did six months ago, that he had been in the towing industry all of his adult life, it was he was best at, it was what he and his family did every day, that towing industry, like many other industries, was a complete and total mystery to anyone not involved and engaged in on a day to day basis, that citizens, police and emergency personnel were affected and had interactions with the industry every day but were largely unaware of what, why and how things affected their industry, that he was unaware of no outside source, public, private or government, that tracked or kept record of complaints, trends or statistics on any pertinent data related to this industry, therefore for the most part the people with the most insight, the experts, were the people engaged in towing operations day in and day out and he was one of those people, he was engaged in the towing industry seven days a week, 365 days a year and had invested a lot of time and effort and had gone to other cities and looked at their incident management programs, attended incident management seminars, that some of the cities had been involved in these things for years and had been investing a lot of time and effort towards this issue and he thought it was time that they moved on something and thought this was a good thing to move on, that he had given a lot of thought and consideration to the ordinance and sincerely believed the implementation of the ordinance would have a positive and lasting effect on what he did everyday. Council Members Goldberg and Alvarado absent.

Ms. Lynn Cason, 305 Reinicke, Houston, Texas 77007 (713-861-4210) appeared and spoke against any funding for day labor centers for illegal aliens and continued to voice her personal opinions until her time expired. Council Member Goldberg absent.

Mr. David Galdomez, 14300 Corner Stone Village, No. 300, Houston, Texas 77014 (281-376-0235) appeared and stated that he was present because of the denial for the MDBE status of his company, that there were three partners in his company and they each had one third ownership in it, that the reason they were denied was because they did not fulfill the code of ordinance in Section 4 (9c) of Code 426 that as required that the socially and economically disadvantaged owners must possess the power to direct or cause the direction of the management and policies of the firm, that specifically they thought that Greg Young, one of the partners and a young non minority male, was the president of the company, that a section of their bylaws said that subject to such supervisory powers if any as may be given by the board of directors or the chairman if there was an officer the president should be the Chief Executive Officer of the corporation and shall subjectively control the board of directors, have general supervision and direction to control the business and officers of the corporation, that it stated in number three that Mr. Young, as president, may obligate a permit and restrictions, that his actions were subject to the control of the board of directors, that all three partners held a seat on the board of directors and two of them were minorities and basically they controlled 66% of the company, that another section of their bylaws established that in order to have a quorum they had to have two out of three members in the board, they also had cumulative voting, basically two votes would establish a majority, that Section 401 states that appointment of officers was only done by the board of directors, that basically any action that was done by any of them had to

be full control of the members, in this case two minority members had 66% ownership therefore they controlled the company and they were being denied because the committee understood that they did not control the company, that he spoke with a member of Council Member Alvarado office. Council Members Goldberg, Alvarado and Berry absent.

Mayor Brown stated that he had a right to appeal that decision and Mr. George Edwards of Affirmative Action office was present and would meet with him and give him all the information needed about the appeal. Council Members Goldberg, Alvarado and Berry absent.

Upon questions by Council Members, Mr. Galdomez stated that he spoke to a member of Council Member Alvarado's office and explained the situation and read the denial letter to him he pointed out that he basically had no advice how to appeal the denial and told him to come to Council, that Greg was the President, Earl Longoria was the Secretary Treasurer and he was the Vice President, that the only reason that Greg was the President was because when they started the company the two minorities were much younger than Greg and they wanted to establish more of a corporate presence and they wanted to have something that looked more established and he had that appearance, that he felt that they were denied because Greg had the title of president and was a non minority, that they all three worked with clients and there was no special license required for their type of business, that they had not joined any other minority business council's, that this was their first attempt. Council Members Tatro, Parker and Berry absent.

Mayor Brown stated that Mr. Edwards was present and would meet with him right now. Council Members Tatro, Parker and Berry absent.

Ms. Rochella Cooper, 241 Reinicke, Houston, Texas 77007 (713-864-7241) appeared and voiced her personal opinions in opposition to using \$100,000 for the proposed day labor site in the Washington Avenue area for illegal aliens until her time expired. Council Members Parker and Berry absent.

Mr. Cecil H. McBroom, Jr., 12342 Market St., Houston, Texas 77015 (713-455-0992) appeared and stated that he had a bar at 12342 Market Street and in September of 2001 he received a violation from the TABC that he was selling under closure, which he had no idea he had the closure because he had not received a letter, that they told him he had two options, either withdraw his renewal or go to City Council and ask for a variance under Section 109.33 of the Alcohol and Beverage Code, that the bar had been there since 1972 which fell under the grandfather clause and he had the bar himself for about 13 years and this was the first violation they had against the bar and he was told by the office in Houston that he could get a variance, that he was within 937 feet of a school, which was on I-10 and May Road and the main entrance faced I-10 and he was three blocks from there on Market Street at the end of Maxey Road, that he wanted a variance of 63 feet, that there were other bars located next to him and he would like to see about getting a variance. Council Members Berry and Robinson absent.

Mayor Brown asked Mr. Bibler to respond to this, that his sense was that this issue was with TABC and the only way he knew that he could address that was to get legal counsel, and asked Mr. Bibler to address the request for variance, and Mr. Bibler stated that there was a State law that allowed cities and counties to grant variances with one exception involving a very unique circumstance where some permits had been issued by mistake, the City had never indulged in the practice of granting variance, even though the law had been on the books for sixty or seventy years, that if it was Council's pleasure to do that then he guessed that they needed to set up a process to intake them and run them through some sort of committee or review process or something like that, that what had happened was rather unique, when the State passed the alcohol free zone law regarding schools they said that if a premises within one of those school

alcohol free zones got his permit suspended for various causes including the one now of selling without a permit or with permit suspended that they would lose their grandfathering and what had happened to him was that he had lost his grandfathering otherwise he could stay there forever as long as he continued to renew his license for year to year. Council Members Berry and Robinson absent.

Upon questions by Council Member Wiseman, Mr. McBroom stated that his license was not suspended that he had to either pay a fine or take a closing, that he had a barmaid that worked for him for one night who had sold to an intoxicated person, that he went to a meeting and they told him he had the option of either taking a closing, pay the fine or go to a jury trial, that at the time he could not afford a closing and could not afford to hire a lawyer, so he chose to pay the fine and they told him he would get a letter from Austin stating when to pay the fine or if he felt he wanted to take the closing to go ahead and take the closing and ignore the letter and he never received either one of them, that he chose the option of paying the fine and they told him he would get a certified letter from Austin stating the date that the closure would take affect or where he should pay the fine, that he contact an agent in Austin and asked him about the letter and he got a little rude and said he was going to set him up for a jury trial and he called back and talked to him again and went ahead and took the rest of the closing time, which was about 6 days of it, that this was his only means of support, that he did not know at the time that he was under closure when the violation happened. Council Member Berry absent.

Mayor Brown stated that if he were interested in pursuing the variance that he would suggest that he send a letter and put it in writing and let them do the staff work to see where it would go from there. Council Member Berry absent.

Mr. Joseph Pleasant, 8602 Woodlyn, Houston, Texas 77028 (713-631-5933) appeared and stated that he was a resident of District D and a member of Solid Rock Community Development Corporation and was speaking on his own behalf, that he was present regarding Zip Code 70420 which involved the development of hike and bike trails citywide, that GFS-N-04-20312 File No. N-04-2031 for the hike and bike trails along the Halls Bayou from Tidwell Park to Lake Forest, that he would like to know what date was set for the ground breaking for this project, who was the individual that he may contact and monitor the progress for the proposed project and he would like to suggest that metal venting booths be placed along the trails in strategic areas for the purpose of creating revenue to help pay for the project, that he would also like to suggest that the local civic clubs along the trail be given the privilege to adopt portions of the trail that run through their neighborhoods for the purpose of beautifying the area, this trail was very much needed for the edifying of their community, and asked that they grant him the information that he requested which was very much important to their community. Council Member Berry absent.

Mayor Brown stated that Mr. Gary Norman was present and would meet with him to make sure he would get the information that he requested. Council Member Berry absent.

Ms. Lynne Bracken, 4034 Woodshire, Houston, Texas 77025 (713-664-5485) had reserved time to speak, but was not present when her name was called. Council Member Berry absent.

Ms. Nora Gomez, 6043 Luddington Dr., Houston, Texas 77035 (713-729-9227) had reserved time to speak, but was not present when her name was called. Council Member Berry absent.

Ms. Arinan Gomez, 6043 Luddington Dr., Houston, Texas 77035 (713-729-9227) had reserved time to speak, but was not present when her name was called. Council Member Berry absent.

Mr. Johnny Robinson, 8450 Bigwood, Houston, Texas 77078 (713-631-1758) had reserved time to speak, but was not present when his name was called. Council Member Berry absent.

Ms. Maxine Ridley, 8522 Furry No. B, Houston, Texas 77028 (713-491-7723) had reserved time to speak, but was not present when her name was called. Council Member Berry absent.

Ms. Nora Gomez, 6043 Luddington Dr., Houston, Texas 77035 (713-729-9227) appeared and stated that she was present to tell them how disappointed she was by the actions that the Mayor's staff had been taking, that if they thought that Westbury was a White and rich only neighborhood and that everybody had a swimming pool in their backyard, and she displayed an envelope and stated that the envelope was from HISD approving her daughter for a free lunch and breakfast and school, that one had a voucher for a free uniform for Girl Scouts, that ribbons she displayed, her daughter had them at the JCC only two weeks after she joined the swim team, that they were a Fifth, Fourth, Second, and First Place, that because of the actions of the Aquatics Department her daughter would not be able to compete on the swim team, and she just joined, that she and her daughter, in Houston, learned how to swim in the summer program, she as an adult and her daughter as a child, that they could not afford to pay a private instructor or could not afford to pay the JCC or the YMCA, they did not have a pool in their backyard, and also she invited them to her house so they would see that her neighbors were not all White and truly not rich, that for them to imagine how many more people, like her, were in the same boat, only children that swam year round could really get good for a competition, that they were not at the lifeguard level or good for the Olympics, but they would not drown, that she would like to thank Mr. Stackle, Mr. Llyod Jones and Ms. Teresa Pollard because even if they did not get paid they invested all of this time and energy with all the children and on top of that they got treated like they had no brains or a heart, that she could not imagine what they would do if they had the money or the power, because the brains and the heart they had and a lot of it, that any program would ask for numbers, but this one, the Aquatics Department, was working very hard to eliminate numbers, what happens when they could not explain bureaucracy and red tape to a child, what happens when they could not explain their motive, fun had no boundaries. Council Members Tatro, Galloway, Wiseman, Ellis, Quan and Tatro absent. NO QUORUM PRESENT

Mayor Brown stated that the Acting Director of the Parks Department was present and would ask him to meet with her. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Council Member Goldberg moved to suspend the rules to hear from Mr. Roy Wilson, Acting Director, Parks and Recreation, seconded by Council Member Alvarado. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Upon questions by Council Member Goldberg, Mr. Wilson stated that he thought the issue, if he was understanding correctly, was the number of youngsters they were allowing in the swim competition that would begin on Saturday, that they had 31 teams and of those 31 teams they were allowed 3 youngsters per event, there were events for boys and girls so in actuality a team could have 6 members from their particular swim team to participate and because there were 31 teams, he thought a speaker last week mentioned that the programs lasted a long period of time, and they were trying to control the length of time for the youngsters outside, so that was why there were 3 youngsters per event in the competition beginning this Saturday, that it was also a safety factor as well, that they went by the rules of other cities and other Texas cities were abiding by the same rules, that they did have a meeting with all of the coaches back on June 16th

and all of the rules were explained at that time to the coaches and the coaches accepted the rules, they used the same rules last year, that if they allowed unlimited number of swimmers per event the swim meet could actually last 2 or 3 days. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Council Member Goldberg asked Ms. Gomez who was the coach of their team and Ms. Gomez stated that it was Ms. Teresa Pollard and Mr. Lloyd Jones, and Council Member Goldberg asked Mr. Wilson if he knew if those particular coaches were also at the June 16th meeting, and Mr. Wilson stated yes. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Council Member Goldberg asked Ms. Gomez if they had not explained the rules to her and Ms. Gomez stated that yes, they explained the rules and also told them that whoever the other groups were they did not have as many swimmers as the Westbury Swimming Pool group did, that their group was between 120 to 130 children and most of them were graduates of the Learn to Swim Program, and Mr. Wilson stated that he had explained yesterday that Westbury could have their own meet and use the pool for a meet and through the process of elimination decide which youngsters would represent their team at the swim meet, that because there were 31 other teams they just could not allow unlimited number of participants, that all teams were striving for 3 per event. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Mayor Brown stated that it seemed that was the answer to their dilemma if they held a meet and had the competition and the three who were successful could be the ones who represent Westbury. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. NO QUORUM PRESENT

Council Member Goldberg moved to suspend the rules to hear Mr. Lloyd Jones and Ms. Theresa Pollard out of order, seconded by Council Member Parker. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Members Tatro, Galloway, Wiseman, Ellis, Quan, Berry and Robinson absent. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Mr. Lloyd Jones, 3839 Southmore, Houston, Texas 77004 (713-524-3771) appeared and stated that members of their swim team were present with him, that they had the opportunity to work with Mr. Wilson and try to resolve their problems, that Mr. Wilson was very clear in his explanation that there was an issue with fairness to other pools, there was an issue concerning time, there was an issue of the rules having been explained, that he took the time to read the rules and took the time to go to Mr. Wilson's manual, the manual for operations from the Aquatic Program, that there was no reference in the manual to any limitation on the number of events that the children could swim, there was a mention of the number of events that an individual swimmer could swim. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Wilson stated that their complaint was that they were trying to give the children an opportunity to swim, that was all they had asked for, their situation was unique because they had 100 to 130 kids swimming, any other team in the City had no more than 30 children, it was misrepresentation to even tell the Council if there were 31 other teams participating, there may have been 15 coaches at the previous coaches meeting, there may be another 100 kids in the whole City swimming, this represented 50% or more of the City's entire program, that the manual was the one that was provided to the pools that Mr. Wilson and, he assumed the Program Director, Mr. Washington, supplied to the pools in May that

governed swimming. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that Mr. Jones brought up a good point, if his program had three times as many participants as other programs, was there discretion in the rules to allow more participants by his team, and Mr. Wilson stated that at the coaches meeting in June they presented a new list of rules so the manual he was referring to was obsolete at this point because they presented the new rules at that particular meeting, if they allowed an unlimited number of swimmers from one team to participate then it really was not competition, it was Westbury against Westbury, and that was why they suggested they hold their own swim meet and through the process of elimination decide who would represent their particular team, and Council Member Goldberg asked Mr. Wilson if Mr. Jones brought up the problem at the meeting, and Mr. Wilson stated that he did not attend the meeting, but he met with Mr. Jones last Tuesday and the only issue they discussed last Tuesday was changing the date, this was not brought to his attention until yesterday. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg asked Mr. Jones why this was not brought to the attention of the Parks Department earlier, and Mr. Jones stated that it was a non issue as of last week, they were then called by Ms. Pollard, the head coach, and had a phone conversation with Mr. Rodney Rogers, the competitive program, and at that time he told them only 3 kids per event, there would be no other kids swimming, that was different from the discussion they had at the coaches meeting, where they discussed it and Ms. Pollard raised the issue and he asked the question, they had 130 kids this did not help them, would they make the same arrangements that they did last year when the kids did swim and Mr. Rogers represented at that time that it was not a real big problem so it was a non issue, the word Mr. Rogers used was that the kids would swim exhibition, in layman's terms that meant that there may be 15 kids from Westbury swimming, the first 3 children would swim and if they were the fastest times they would place and move on, everyone else would get the chance to swim but they would not place or score, but they would participate and get the chance to get a ribbon, they would get to swim, that was all they had asked from the beginning. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown asked Mr. Wilson if that was what he had suggested, and Mr. Wilson stated that opportunity existed at Westbury and they would be happy to work with the Westbury team and do a swim meet with just that team so that they could compete, that they would work with Westbury and try to develop an activity that they could all agree to, and Mayor Brown stated that it sounded fair and Mr. Wilson would work with them and try to work out any disagreements or differences, and asked Mr. Jones to meet with Mr. Wilson and see what they could work out. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Theresa Pollard, 5023 Stillbrooke, Houston, Texas 77035 (713-283-8447) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Kenneth Leonard, 4302 Los Angeles, Houston, Texas 77032 (no phone) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Bernadine Morris, 10911 Albury, Houston, Texas 77096 (713-272-0481) appeared and stated that she called the civic association club in the Northbrook Subdivision and was told that her house was in District 6, that she was upset because they were paying civic association fees

of \$470 per year, that they had 245 houses and 205, the treasurer said had paid, 17 plus 4 were in collections and would go to an attorney, that those of them who could not pay the civic association dues they still tacked on 10% interest, that right now hers was \$493.50 and she lived on a fixed income so she wanted to know who decided if they could come and take their houses like that, because she saw last year on television where this lady did not pay her civic association dues and they were trying to take her house; that she had another question, that there was a big bayou that was behind her house and a couple of weeks ago they heard on the news about all of the snakes, that she already had two of them in her yard, the grass was very high to where they were even sneaking in her fence and coming in, who cuts that grass, who could she let know how long that grass was. Council Members Tatro, Galloway, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would ask Mr. Bibler to address her first question, and Ms. Morris asked if they had the right to tack on 10%, and Mayor Brown stated that was not something that was controlled by the City Council or any element, that he paid them to his civic association, for example, and the people that they elect to the office were the ones, through the meetings, determined what they do and if she had some concern about that his recommendation would be to attend the meetings and voice her concerns and was assuming they met once a month, that was the only way she could address that, it was not an issue for the City Council to address, that the bayou's were maintained by the Harris County Flood Control District and that was who she had to call. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston No. 1107, Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

At 10:57 Mayor Brown stated they would return to the business agenda and requested the City Secretary to call the next item. Council Members Tatro, Galloway, Wiseman, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

18. ORDINANCE amending **CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Auto Wrecker Services at Police Scenes; containing other provisions relating to the foregoing subject; providing for severability - was again before Council.

Council Member Tatro stated that he understood the intent of the ordinance but did think for lack of a better phrasing, they were passing some bad laws in Amendment F, that he supported Amendment A, but Amendment F simply read "it shall be unlawful for any auto wrecker that is not under current and valid police authorized tow service agreement to respond to a police

scene or to be or remain at a police scene”, that it was a hindsight issue and understood they were trying to limit the number of wreckers showing up but in his opinion it would not accomplish it.

Council Member Ellis stated that they had held it up for some six to seven months and had not implemented it as they were waiting for the Supreme Court decision on the Stuckey Case, that it was Legal’s opinion that they did have the authority to implement the amendments and the ordinance and he would encourage everyone around the table to vote yes on it, that he thought it was a step in the right direction.

Council Member Robinson stated that if the wrecker companies wanted to sue the City to bring clarity to the issue because they thought it was bad then do it, but he did not want them to stand on the sideline.

Council Member Tatro asked if it would be so precise as to negate Amendment F or could it throw the entire ordinance out, and Mr. Bibler stated that first of all he wanted to advise that there was a definition of a police scene, which he believed resolved a number of Council Member Tatro’s issues that it was not set forth in the ordinance that they were discussing today because they were already in the existing document that was being amended so they did not need to restate it in today’s ordinance, secondly, yes, as he pointed out in his transmittal memo for the ordinance, that the latest round of litigation had to do with what the City’s authority over safety was, there were people who were taking the position that it only related to things like whether the brakes work on the truck and if that was the case then they might as well throw out the whole ordinance because they could not just do any thing any more and he agreed with the people who said it was time to litigate this, if they wanted to take the City on they could but there could be no meaningful ordinance if they take that restrictive view of what the City’s authority was under the guise of safety, that if their position prevailed there would not be any point in having an ordinance that he could think of.

After further discussion a vote was called on Item No. 18. Council Members Quan and Tatro voting no, balance voting aye. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Robinson absent. ORDINANCE 2002-0624 ADOPTED.

At 11:05 a. m. upon motion by Council Member Parker, seconded by Council Member Quan, the City Council recessed for a Joint Session with the Harris County Commissioners Court. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business.

Pursuant to Sec. 61.158 (c) of the Texas Water Code a Joint Session of the City Council of the City of Houston and the Harris County Commissioners Court has been called for Tuesday, July 2, 2002, at 11:00 a.m., in the City Council Chambers on the second floor of City Hall, located at 901 Bagby in Houston, Texas, for the purpose of nominating and appointing the Chairman of the Board of Commissioners of the Port of Houston Authority of Harris County, Texas, per the notice separately posted.

NOTE: The City Council will reconvene in the City Council Chambers, City Hall, Second Floor, 901 Bagby, Houston, Texas as soon as practical thereafter following the Joint Session to conduct the regular session.

At 11:12 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Ellis and Berry absent.

19. ORDINANCE relating to penalties for violation of certain Safety Codes that were adopted by or are enforced by the City; containing other provisions relating to the foregoing subject; providing for severability; containing a savings clause - was presented. Council Members Galloway, Goldberg and Ellis absent.

Council Member Alvarado stated that she wanted to thank the administration for moving on the item, that it was one of her budget amendments, that she knew there questions about what kind of residents this would bring in and her intent was never for it to be a way of generating revenue but more to address the issue of bringing people into compliance with the Building Codes and was something that was very important to their civic association and neighborhood organizations and wanted to thank them for moving so quickly on it. Council Members Galloway, Goldberg and Ellis absent.

Council Member Berry stated that he had heard from several home owner associations how much they appreciated this and wanted to commend Council Member Alvarado on it and thought it was a great idea and supported it as well. Council Members Galloway, Goldberg and Ellis absent.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Members Galloway, Goldberg and Ellis absent. ORDINANCE 2002-0625 ADOPTED.

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Del Norte Drive, Diamond Street, and Rosslyn Road Street rights of way containing an aggregate of 43,237 square feet of land, more or less and a sanitary sewer easement containing 2,000 square feet of land, more or less, being out of the Deroloc Addition, Sam McClelland Survey, A-544, Harris County, Texas, vacating and abandoning said tracts of land to **CANDLELIGHT DEVELOPMENT JOINT VENTURE**, the abutting owner, in consideration of owner's dedication of a street right of way easement containing 4,735 square feet of land, more or less, a utility easement containing 3,237 square feet of land, more or less, two sanitary sewer easements containing an aggregate of 3,452 square feet of land, more or less, payment of \$10,990.00, and the construction of a bridge across a 70-foot-wide drainage ditch, and other consideration to the City - **DISTRICT A - TATRO** - was presented, and tagged by Council Members Quan and Sekula-Gibbs.

Council Member Quan stated that he had to agree that Representative Yarborough raised some very interesting points and knew the appraisal that was previously provided was substantially higher and stated that he wanted to tag the item.

Council Member Robinson stated that he intended to vote no when the idea came up and was glad that Council Member Quan tag it, that he had asked when they did appraisals how did those appraisals compare to what the Harris County Appraisal District was carrying the property at because of the issues that were raised several months back by several Council Members, but now they clearly had an item that had been pointed out that the appraisers they hired had appraised the property significantly below the appraisal district, that was his concern.

Council Member Sekula-Gibbs stated that she wanted to add her tag to the item also.

21. ORDINANCE approving and authorizing first amendment to an Auto Racing Agreement between the City and the **TEXACO GRAND PRIX OF HOUSTON LLC - DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Goldberg.

22. ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY** to extend the term and provide up to an additional \$121,000.00 of Community Development Block Grant Funds for the operation of a Homeless Services Database and Provision of other Homeless related information services, which amount includes a limitation on additional funding in the amount of \$96,942.00 - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0626 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF HOUSING and COMMUNITY AFFAIRS (TDHCA)** for inspection of all on-site construction of manufactured housing in accordance with the applicable building code and rules and regulations promulgated by the TDHCA - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0627 ADOPTED.
26. ORDINANCE approving and authorizing a third amendment to contract (approved by Ordinance No. 93-1513) between the City of Houston and **ACS STATE AND LOCAL SOLUTIONS (formerly known as LOCKHEED-MARTIN IMS CORPORATION)** for Billing and Collection Services - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0628 ADOPTED.

Council Member Sekula-Gibbs stated that this was a short term contract, an extension through October with the company now known as ACS, who used to be Lockheed-Martin and it was her sincere hope that the administration would negotiate very hard with the group and make sure that their contract was linked to performance and not just a guaranteed sum of money that was given to them with no strings attached because they had not proven to be very responsible in obtaining the ambulance fees that the City deserved, that it had been an ongoing situation and was a serious matter. Mayor Brown absent. Mayor Pro Tem Quan presiding.

28. ORDINANCE appropriating \$101,132.05 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **CANDLELIGHT DEVELOPMENT JOINT VENTURE** for Construction of Water and Sanitary Sewer Lines in Candlelight Place Subdivision, Section 3, CIP S-0800-70-03 and R-0800-70-03 - **DISTRICT A - TATRO** - was presented, and tagged by Council Member Robinson. Mayor Brown absent. Mayor Pro Tem Quan presiding.
34. ORDINANCE appropriating \$5,136,177.00 out of Park Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **THE PARK TEAM PLUS** for Design and Construction Phase Services in connection with the Parks and Recreation Department Master Plan Phase I Implementation, GFS F-0504A-02-2; providing funding for project management and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0629 ADOPTED.

35. ORDINANCE appropriating \$3,340,978.00 out of Park Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **CLARK CONDON ASSOCIATES** for Design and Construction Phase Services in connection with the Parks and Recreation Department Master Plan Phase I Implementation, GFS F-0504B-02-2; providing funding for project management and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0630 ADOPTED.
36. ORDINANCE appropriating \$1,119,068.00 out of Park Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SUNLAND ENGINEERING COMPANY** for Program Management Services in connection with the Parks and Recreation Department Master Plan Phase I Implementation, GFS F-0504-01-3; providing funding for project management and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0631 ADOPTED.
41. ORDINANCE approving and authorizing amendment to construction management contract between the City and **UNITED ENGINEERS, INC** (approved by Ordinance No. 2000-283), CIP S-0517-08-3 (WA10650) - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0632 ADOPTED.
43. ORDINANCE appropriating \$6,202,205.00 out of Street & Bridge Consolidated Construction Fund, and \$411,609.00 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** for Neighborhood Street Reconstruction (NSR 439), GFS N-0372-01-3 (SB9000); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0633 ADOPTED.
45. ORDINANCE appropriating \$1,811,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Construction of Waterline Replacement in Meyerland Subdivision, GFS S-0035-65-3 (WA10592); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0634 ADOPTED.
47. ORDINANCE appropriating \$2,081,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TJ&T ENTERPRISES, INC** for 36-Inch Water Line along Beamer Road from Scarsdale Boulevard to Dixie Farm Road, GFS S-0900-77-3 (10576); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0635 ADOPTED.

49. ORDINANCE appropriating \$334,881.28 out of Park Special Fund for payment of partial judgment relating to lawsuit styled **TEXAN LAND & CATTLE COMPANY** v. City of Houston **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0636 ADOPTED.

MATTERS HELD - NUMBERS 50 through 52

50. ORDINANCE appropriating \$31,144.69 out of Park Consolidated Construction Fund as an additional appropriation for construction of Parks to Standard Program - Bid Package No. 40 Clinton Park, GFS F-0363-40-3 under construction contract with **PARALLAX BUILDERS, INC (approved by Ordinance No. 01-0113) - DISTRICT I - ALVARADO - (This was Item 8 on Agenda of June 26, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0637 ADOPTED.

- 50a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 5 in the amount of \$31,144.69 on contract with **PARALLAX BUILDERS, INC** for Parks to Standard Program - Phase II, Bid Package No. 40 - Clinton Park, GFS F-0363-40-3 - **DISTRICT I - ALVARADO - (This was Item 8a on Agenda of June 26, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented, moved by Council Member Quan, seconded by Council Member Robinson.

Council Member Goldberg stated that he was going to support the item although he did not think they should continue doing business like this, that it was a construction project and yet it was way over budget and part of the reason they were over budget was because they were buying furniture, that he wanted to know when was buying furniture part of a construction project, that the other part of the problem was that a lot of the extra charges and the change orders had to do with termite infestation, if they simply would inspect their City buildings for termite infestation they would probably save more money in the one project, that he thought all buildings, whether they were 10, 20 or 25 years old absolutely needed to be inspected for termites, that thousands of dollars was lost in this project because of termite destruction, that he would like to see some sort of policy of termite inspection on some of the older buildings so they could avoid this, and Mayor Brown stated that he agreed with him and they would follow up on it. Council Member Parker absent.

A vote was called on Item No. 50a. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. Council Member Parker absent. MOTION 2002-0827 ADOPTED.

52. ORDINANCE appropriating \$45,500.00 out of Public Health Consolidated Construction Fund and approving and authorizing first amendment to professional architectural services contract between the City of Houston and **LEVY ASSOCIATES ARCHITECTS, INC** for Renovation of the Lyons Health Center (as approved by Ordinance No. 00-195), GFS H-0049-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund -

DISTRICT H - VASQUEZ - (This was Item 35 on Agenda of June 26, 2002, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS) - was presented.

Council Member Sekula-Gibbs stated that she tagged the item last week because she had concerns that it was a band-aid rather than an appropriate measure for the Lyons Health Center, that the center was 51 years old and had been remodeled twice, that it was one of the busiest centers that they had, that part of the \$45,000 was for the creation of an entrance and exit for people who had tuberculosis to separate them from other patients, that the question for her was would it be better to use \$2.3 million to renovate a very dilapidated structure or bite the bullet and have \$5 million or so to build a new structure, that it was a very serious decision that the department head had to make, that unfortunately the CDBG money that could be used for Health Department construction was not allocated and had not been allocated in any consistent manner, that it was not just a Health Department Issue but money from the Building Services Department as well, the CDBG money, that she would like to request from the administration that they look very carefully at what was happening with the CDBG money.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business. ORDINANCE 2002-0638 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that Sunday night he had the privilege of representing the Mayor at the opening ceremonies for the National Convention of the American Council of the Blind in Houston, that they had over 2,200 delegates from around the Country attending the convention and they were very pleased to learn of the City's efforts on the issue of visitability, that he knew that several Council Members had spoken to him about it and they had passed that as part of their budget to make Houston a City that was more adaptable for persons with handicaps and disabilities, that the group certainly appreciated their efforts and the work of Ms. Kim King of the Mayor's Office for Person's with Disabilities and Mr. Robert Bartlet who was the chairman of the commission was very active with the Council. Council Member Goldberg absent.

Council Member Quan stated that he wanted to welcome all of the delegates who were coming into town this weekend for the NAACP National Convention in Houston, that it promised to be another great event in Houston right after the LULAC Convention last week. Council Member Goldberg absent.

Council Member Quan stated that they had two people at the public session to talk about day labor sites and knew that the Mayor had a master plan on that issue and they were ready to get going working on it to see how they could implement the master plan. Council Member Goldberg absent.

Council Member Quan stated that he wanted to wish everyone a Happy Fourth of July. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor Brown for opening up the Houston Hall of Fame, that it was in the entrance of the George Bush Ballroom at the George R. Brown Convention Center, that it was very beautiful and very tastefully done, and also for the efforts of Mr. Tollett and Ms. Ullrich.

Council Member Parker stated that they had just confirmed up the date for the Houston birthday celebration, that letters would be going out today for the nominee for the Houston Hall of Fame and thought they would be pleased with the selection. Council Member Galloway absent.

Council Member Parker stated that they recently passed a civility ordinance for the City of Houston and while she did not support the ordinance she did think that when they passed on ordinance they needed to enforce it, that yesterday one of her staff members was out on the 700 block of Main Street and observed a man apparently sleeping on the sidewalk and there were several HPD officers at the next intersection doing traffic control and she asked one of them to check into the situation and the officer was very accommodating but was not aware there was a new civility ordinance, that he said he had read something in the newspaper about it but was not going to enforce it because it had not been mentioned at roll call, that she knew it took a little while to get the ordinances out into the public, which brought her to the real point which was that she continued to hear from civic associations that the sound ordinance that they passed last year was not being enforced by officers, particularly the booming stereo systems in cars, that the officers did not appear to know that it was something that they could now enforce and she would ask if possible to know what they could do to spread the word on the ordinance so they could be enforced, and Mayor Brown asked the Chief to take care of that. Council Member Galloway absent.

Council Member Parker stated that she wanted to note the passing of two Houstonians, one of her neighbors, Mr. Bobby Shriver, who had been battling cancer for a very long time was the founder and guiding light for Houston After Care, which had an outreach program and did rehabilitation for men with substance abuse problems, that his service would be next Wednesday night at Saint John's Church downtown, that also she would like to note the passing of a well known Houstonian, Mr. John Walzel, who was a well known jeweler in town and one of their organizers of the Human Rights Campaign effort in Houston, that he was on vacation on Fire Island and apparently had a heart attack this weekend, that his services were pending. Council Member Galloway absent.

Council Member Alvarado stated that there was a play coming to town called Veteranos Legacy of Valor, that it was a production that would highlight the lives of Hispanic Congressional Medal of Honor recipients, that she wanted to thank Convention and Entertainment, Ms. Ullrich and her staff as the City was a sponsor of the production, that it would highlight people that they all knew of such as Sergeant Macario Garcia and Mr. Roy P. Benevidez, that it would start on July 4 and run through July 7 at the Wortham. Council Member Galloway absent.

Council Member Alvarado stated that she wanted to thank Mayor Brown for going out on a tour of some of the downtown establishments who had a lot of concerns about the construction and various projects going on in their blocks, that she thought it made an impact. Council Member Galloway absent.

Council Member Berry stated that he wanted to thank Mr. Roy Wilson, Acting Parks Director, that they had several occasions since he became Acting Director to call on him and he had been very responsive and very professional. Council Member Galloway absent.

Council Member Goldberg stated that as to the CACHE money in the coming years with more hotels coming on line and the redevelopment of downtown the HOT tax would become much larger and CACHE's portion of money they would be getting would be much larger and he thought it was a very dangerous precedent to set when there was an established board that doles out the money, that reviews the applications of everybody and interviews people, for Council Members to interfere and start to put pressure on people for certain groups, that it was just something that he thought Council Members should absolutely keep their hands off of and was something that they did not need to be involved in. Council Member Galloway absent.

Council Member Goldberg stated that he had talked to someone in Building Services

regarding the termite inspections and they knew of no such inspections done by the City of their buildings and wondered if they could refer it to a committee or setup some sort of policy where there was a program started to inspect buildings, and Mayor Brown stated that they would just get it done and would not need a committee to do that. Council Member Galloway absent.

Council Member Wiseman stated that she wanted to thank Mr. Harish Jajoo was a true professional and wonderful to work with and was always available when they had issues to address and problems that popped up unexpectedly, that she had an opportunity to visit with Mr. Issa Dadoush and was very impressed with how professional and courteous he was, that in the Human Resources Department, Mr. Lonnie Vara and Mr. Jerry Walker were very quick to respond to a request from her office to meet on an issue regarding health benefits for City employees that was going to be an issue in the northeast side. Council Member Galloway absent.

Council Member Wiseman stated that she wanted to wish her Chief of Staff, D'ann Marro a very Happy Birthday tomorrow. Council Member Galloway absent.

Council Member Robinson stated that one of the things he had been an advocate for at the table was to respect Council Members prerogative to deal with people, that he was not going to use the word lie, but the folks from the Cultural Arts Council came to see him and told him one story, that they had changed the rules and talked to the folks from the Ensemble, that the folks from the Ensemble came and told him they got a letter in the mail and nobody talked to them, that second if one is at a million dollar budget the funding from the Cultural Arts Council gets reduced because within the overall pool of money they give the Cultural Arts Council, City tax payer money and visitor money an automatic percentage is set aside for the Museum and Theater District and they do not deal with anybody else out of those two pools, his position was that the whole pool ought to be open to everybody and like in the Affirmative Action Ordinance once they cross a certain threshold everybody graduates, one can not have a multi hundred million dollar budget and not graduate, their 25% in the budget keeps getting bigger every year because of the more hotel occupancy tax, but if they have a million dollar budget and graduate and get cut out of CACHE funding, that they may have a fundamental disagreement but he did not want anybody saying he was trying to jack anybody up or twist arms, when people come to him and tell him one thing and his constituents tell him another story then he had an obligation to make sure everybody gets together and talk and dialog and thought that everybody in the arts community in the City out to have access to CACHE funds and it should not be the little people that get graduated out of the pool, that he thought the contract needed to be changed, that he thought they needed a graduation clause and the graduation clause should apply to all the CACHE money and there should not be any set aside for the Museum and Theater District it should be a \$9 million pool and there be graduation criteria applied across the board to everybody.

Council Member Robinson stated that he understood that the day labor ordinance that he and Council Member Ellis had talked about relative to sanctioning people for picking up day laborers on the street was supposed to be in the committee and if that was correct he wanted to thank him for moving forward with that simultaneously with the overall effort to develop a master plan because he thought they had to do both to show the community that they understand that it was a supply and demand issue and the more they could move people to a safe site it made it safe not only for the workers but also for the neighborhoods.

Council Member Robinson stated that he wanted to thank Ms. Kim King, Ms. Dana Simmons, Houston Association of Realtors, Ms. Toy Woods, Home Builders and Mr. Haines, they had a series of meetings over the last several weeks on the visitability ordinance, that Ms. King met with the representatives of the various disability organizations and they had come up

with a list of criteria they would like to see incorporated into an ordinance and he thought they were making some real good progress, that Council Member Quan's office had been involved in several of the meetings that he had the opportunity to attend and hoped they could get that done in a relatively short period of time.

Council Member Robinson stated that he would really like to see the Legal Department help them along with Ms. Berger to come up with some kind of draft language that they could discuss in one of the committees relative to incorporating into their construction ordinance a preference for those companies that move to cleaner vehicles and fuel, so if they could achieve an increase in terms of reduction from 17% in terms of off road construction vehicles to 70% they would actually have a SIP that did not have what was called a mid course correction and it would be less susceptible to challenge and loss of the federal funds for having that hole in the doughnut.

Council Member Robinson stated that they had a number of accidents and loss of life related to trucks yesterday and he would ask that the City Attorney's office could look at some best practices from around the Country, there were a couple of cities as he understood it, and believed that Boston was one of them, that the trucks were restricted in terms of what time of day they could come into or out of a city to do deliveries and pickups and normally it was in the evening hours and businesses had made the adjustment because they had less traffic on the streets and hoped he could get some help on that.

Council Member Robinson stated that he wanted to thank Mayor Brown because he understood that last week or within the next two weeks they would have a public hearing on no trucks in the left hand lane on Hwy 225, yesterday he had the opportunity to meet with the TXDOT folks and HPD and there had not been a death on the I-10 corridor where they implemented the no trucks in the left hand lane, and that was one of the few areas in the City with the volume it had that had not had a fatal accident and in fact TXDOT intended to go to the Legislature next session, and because of their experience in Houston, ask the Legislature if they could have the authority as opposed to the individual municipalities to designate no trucks in the left hand lane so they could do more of them at a faster basis.

There being no further business before Council, the City Council adjourned at 11:46 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards out of city on personal business. Council Members Keller and Vasquez absent on personal business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary