

City Council Chamber, City Hall, Tuesday, October 15, 2002

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 15, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Dan Doherty, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office, Ms. Sonja Ojeda and Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:44 p.m. Mayor Brown stated that Council would begin presentations. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Vasquez, Alvarado, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she was present to present a proclamation in honor of Disability Employment Awareness Month and invited Dr. Mark Natowsky, president of Disability Policy Consortium of Greater Houston, and those with him to the podium and presented him a proclamation celebrating October as "Disability Employment Awareness Month" which enhanced public awareness of the value and potential of people with disabilities. Dr. Natowsky thanked Council for the proclamation and stated it was very important to get the message to the community as employment for the disabled was very important. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Vasquez, Alvarado, Quan and Robinson absent. (NO QUORUM PRESENT).

Council Member Sekula-Gibbs thanked Dr. Natowsky and those with him for their hard work and stated that all of Council was supportive; and in the last weeks had been working on a change in the housing ordinance so they could support the access of visitability. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Quan and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Cantu stated that he wanted to recognize the Houston Soccer Association and its founder and leader Victor Delgadillo and invited him to the podium along with Ms. Sheila Post, with Parks and Recreation. Mr. Cantu stated that Mr. Delgadillo had led the group for thirty years and presented him a proclamation for Soccer having become a favorite sport and for it providing fellowship and relaxation while contributing to a good mental and physical health and proclaiming October 15, 2002, as "Houston Soccer Association Day", in Houston, Texas. Mr. DelGadeo thanked Council for the proclamation on behalf of himself and the league. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Quan and Robinson absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to highlight an upcoming event important to her district, Saturday the Johnson Space Center was sponsoring Discover NASA Day at the George R. Brown Convention Center and it was an opportunity to rediscover space and she urged all Houstonians to take part; that the World Space Congress was one of the most exciting and prestigious events ever held at the George R. Brown, it was the world's largest space event representing 11,000 visitors from 100 countries and took place once every ten years; that the economic impact of the ten day show was \$11,000,000; that this Friday and Saturday the public was invited at no charge and invited Ms. Barbara Zelon with the Johnson Space Center and Ms. Kendra Perkins with NASA Government Affairs to the podium. Ms. Perkins thanked Council for the opportunity to be present and stated that an overview of what World Space Congress was would be it was a gathering of leading space organizations worldwide held once every ten years and would be in Houston October 10 – 19, 2002, it was a global event and over 13,000 would be present with scientific and government leaders and would be based partly on the new vision for the next twenty-five years of space and culminating with Discover NASA Day on the final day. Ms. Zelon stated that the main purpose of Discover Nasa Day was to inspire youth and there would be many astronauts present along with learning and fun; and presented the Mayor and Council Members with a CD about Starscapes, the face of

human space flight which was all about inspiration and invited them and those in the City of Houston to join them. Council Members Edwards, Vasquez, Alvarado and Robinson absent.

At 2:04 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Goldberg invited Reverend Hung L. Chee, Vice President of the Texas Buddhist Association and Abbot of the Jade Buddha Temple to the podium to lead everyone in prayer and Council Member Goldberg led everyone in the pledge of allegiance. Council Member Vasquez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Vasquez absent.

Council Members Keller and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Vasquez absent.

Council Member Galloway stated that her person for presentation was now present and stated that she would like Ms. Odessa Sayles to remain seated as she was tired; that she had contributed much time and energy to the community and presented a proclamation to her for her active civic involvement, her many contributions towards the betterment of the City of Houston and congratulated her and commended her for her distinguished work in the community; and proclaimed October 15, 2002, as "Odessa Sayles Day" in Houston, Texas. Council Member Vasquez absent.

Council Member Parker moved to suspend the rules to place Mr. Kenneth James as the last speaker on Agenda Items, seconded by Council Member Berry. All voting aye. Nays none. Council Members Tatro, Goldberg, Vasquez, Alvarado and Robinson absent. MOTION 2002-1125 ADOPTED.

Ms. Cheryl Simmons, 7414 Woodpecker Bend, Humble, Texas 77396 (281-441-4714) appeared and stated that she was present asking support for 4 Families regarding the food and beverage contract at Hobby Airport; that she was hired with Trails Management in 1993 and advanced now to assistant manager and supervised fifty employees and this year would reach \$3,000,000 in sales; that today she had a career and a future instead of a job. Council Members Tatro, Goldberg, Vasquez and Alvarado absent.

Council Member Quan thanked Ms. Simmons for coming and upon questions, Ms. Simmons stated she had volunteered to come as she wanted to support them and she oversaw the one unit at Intercontinental Airport. Council Members Tatro, Goldberg, Vasquez and Alvarado absent.

Council Member Edwards moved to suspend the rules to hear Mr. John Florez after Mr. Kenneth James, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Goldberg, Vasquez, Alvarado and Robinson absent. MOTION 2002-1126 ADOPTED

Mr. Ricardo Molina, 3737 Crossview, Houston, Texas 77063 (713-266-2042) appeared and stated that he was present also asking for Council's support for 4 Families food service contract; that it was a chance for the Council to show true support for Houston businesses by supporting the local contract; and thanked them in support for their support. Council Members Tatro, Goldberg, Vasquez, Alvarado and Robinson absent.

Council Member Quan thanked Mr. Molina for coming and upon questions, Mr. Molina stated that he had an interest in this; that they mainly had seated restaurants and had not had a fast-food before, but his was quick service to begin with having the ability to turn out plates in two to three minutes. Council Members Vasquez and Alvarado absent.

Ms. Duni Hebron, 14907 Mission Hills Dr., Houston, Texas 77083 (281-564-0397) appeared and stated that she was present on behalf of 4 Families asking for Council's support for the Hobby concessions; that all of them were experienced restaurateurs having served the community for years and they were a diverse group who had served Houston for decades and would make Council proud and with their support Council would know they had made the right decision. Council Members Vasquez and Alvarado absent.

Mrs. Gigi Huang, 5850 Valley Forge, Houston, Texas 77057 (832-256-9383) appeared and stated that she was present to speak on impressions, maximizing a good first and last impression for the City of Houston for every traveler who passed through the Houston Hobby Airport; that she was proud to be a team member of the 4 Families Group bidding for the food concession at Hobby; that 4 Families represented the best of Houston's restaurants and 4 Families wanted what was best for Houston and who was better to serve those visiting Houston. Council Members Vasquez, Alvarado and Parker absent.

Council Member Sekula-Gibbs stated that she was told it was unrealistic to think any airport food would be of good quality; and upon questions, Ms. Huang stated that she could change that. Council Member Sekula-Gibbs stated that at the airport she asked a flight attendant where she would suggest eating and she said she did not eat at the airport and she hoped that would change; and Ms. Huang stated that they had very good fresh food that you could eat while waiting or take on the plane and that was their commitment to deliver quality food at the airport. Council Members Vasquez, Alvarado and Parker absent.

Mr. Chris Pappas, 642 Yale Street, Houston, Texas (713-869-0151) appeared and stated that they had won the process of selection on issues critical to the process and Council would be receiving a letter to match the percentage rent as written into the contract as prepared by the City of Houston Legal Department if they had not already received it; that page 24 would show all terms and conditions dealing with economics were the same and they believed 4 Families would generate in higher sales and that would generate in higher rent for the city; and concessions at the airport were the first taste of Houston to greet visitors. Council Members Vasquez, Alvarado and Parker absent.

Mr. Peter Boudreau, 2058 Morningside Dr., Florence, Kentucky 41042 (859-384-3541) appeared and stated that he was vice president of Business Development CA1 Services and was present to thank Council for the careful deliberation and attention in the contract process regarding Items 110 A & B; that CA1 tried to put together the most versed, creative and financially sound proposal they could and it came with their sixty year knowledge and their partners; that they wanted to put their very best forward and they did; that he understood the award of the selection was only that and now it was for Council to decide and hoped they would consider all that had been put before them. Council Members Vasquez, Alvarado and Parker absent.

Upon questions by Council Member Goldberg, Mr. Boudreau stated that in the proposal process they were asked for one bid, which they did, and they would deliver what they said they would; that there was only a certain amount of dollars to be had. Council Member Goldberg stated that what Mr. Boudreau was doing then was calling a statement from the Director of Aviation ludicrous because he said the revenue stream from two different teams would be different; and Mr. Boudreau stated they would be different but it could only get to a certain level, you could not deliver something that was not there, but the difference was his group had 60 years experience in an industry that changed every week and they would deliver a special package of services and restaurants. Council Member Goldberg stated that he had also heard that you did not go to eat the food at Hobby Airport and if that was the experience he was relying on then he thought it did guide Council Members. Council Members Vasquez and Parker absent.

Upon questions by Council Member Edwards, Mr. Boudreau stated that since 9-11 he had not experienced any losses causing them to default on their current obligations because CA1 guaranteed each and every contract they were associated with. Council Members Galloway, Vasquez, Parker and Robinson absent.

Mr. Kenneth James, 2131 Green Oak, Kingwood, Texas 77339 (281-359-9959) appeared and stated that that when 4 Families went before the selection committee they talked about people, who they were and what they were going to do; that they were going to bring food service cultures from their restaurants on the streets into Hobby and that was why the committee wanted 4 Families; that the other group was trying to tell Council they did not know people and that was not true, they were restaurateurs not concessionaires and they developed people; that Council knew for sure the committee said 4 Families had the best of everything and the one thing Mr. Vacar said Council wanted was the rent and 4 Families had already executed the contract and had copies of it and they would pay the rent CA1 proposed, but the one thing different on the contract executed by 4 Families was that the names on the signature line were known; and he was asking for Council to support their contract. Council Members Galloway, Edwards, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared, presented a map and stated that two weeks ago he came before Council with an issue concerning the closing of the ramps at Allen Parkway and he was told Chief Wong would be helping him and he had not yet heard from him; that Council Member Edwards called but it was still not resolved; that many things were affecting the festival and he was told today that one-third of the site was under construction and they had been on schedule for about one year. Council Members Galloway, Edwards, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Quan, Mr. Florez stated that the part of the map with the red line was under construction and the vendors were told where they would be, the event was in 73 hours and he found it hard to believe. Council Member Quan stated that he would be upset as well and he felt the city should look into it and see how he could be accommodated; and upon further questions, Mr. Florez stated that it was an HPD issue and they had a good plan but someone who was sitting in a suit was saying it did not work when the person working it knew that it did work and he was furious; that many wanted the festival back on Westheimer and it would happen; that at least they could get his ramps opened. Council Members Galloway, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that she was confused at the memo; and upon questions, Mr. Florez stated that he understood the Eleanor Tinsley Park would be leveled and become an eating area with benches, etc., and a fence was now completely around it and they were starting today instead of two days later. Council Member Edwards stated that with the festival she wondered if the construction was causing a safety issue; and Mayor Brown stated that it was his understanding there was no street construction, it was construction in the park; that he would have Ms. Dillard meet with him and cut through all departments involved and see what could be done. Council Members Tatro, Galloway, Alvarado, Parker and Sekula-Gibbs absent.

Mr. Randolph Scott, 7024 Knox, Houston, Texas 77091 (713-691-3423) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Alvarado, Parker and Sekula-Gibbs absent.

Ms. Jane Cahill, 21121 Lubbock, Houston, Texas 77007 (713-880-1723) appeared and stated that she was the first vice president of the Old Six Ward Neighborhood Association and this Sunday October 20, 2002, from 1:00 p.m. to 5:00 p.m. they would host their Eleventh Annual Victorian Houston Tour of Homes; that she was present inviting the Mayor and Council to come see their historical resources; that they lost much of their historical integrity because Houston lacked a historic preservation ordinance and although the city enacted an ordinance in 1995 the loss of historic integrity continued unabated because the ordinance was only voluntary; that on

Monday, October 21 the Quality of Life and Neighborhood Protection Committee would begin consideration of amendments to that ordinance; and their association, the Houston Homeowners Association and Greater Houston Preservation Alliance developed a top ten list of endorsements and because substantive consideration on amendments required informed participants her board implored all Council Member to become familiar with historic resources at stake at come out on their tour. Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs and Berry absent.

Mr. Hector H. Garcia, 1715 Morris, Houston, Texas 77009 (713-223-5297) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs and Berry absent.

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, Alvarado, Parker, Sekula-Gibbs and Berry absent.

Mr. Al Yazdchi, 2100 Tanglewilde Dr. #662, Houston, Texas 77063 (713-447-3237) appeared and stated that parking management in the City of Houston was the most horrible organization; that they booted his vehicle for \$2,800 for parking meters that he had to pay and why would he have to pay all that when he had seen no tickets; that it was not right to get booted for bogus parking violations on a ridiculous forty tickets; that the city should go after violent crime and when he called parking management they hung up on him; and he asked a number of times to see the tickets, but they told him pay and get your car and then they would help him get his money back but no one helped so he was suing the city. Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs and Berry absent.

Mayor Brown stated that he understood Mr. Yazdchi had 42 tickets that were not resolved; and upon questions, Mr. Yazdchi stated that he had never seen the tickets, but his car was booted and he had a hearing but he was told to pay the money and he did but he wanted his money back. Council Members Tatro, Parker, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Goldberg, Mr. Yazdchi stated that he sold the car that had the ticket; that he did a change of ownership and the list of tickets were dated after he sold the car. Council Member Goldberg stated that if he had that evidence and wanted to present it to his office he would look at it. Council Members Tatro, Parker, Sekula-Gibbs and Berry absent.

Upon questions by Mayor Pro Tem Quan, Mr. Yazdchi stated that some tickets were before he owned the car; that his father was ill the day he was booted and his attorney told him to pay, get the car and they would get his money back. Mayor Brown, Council Members Tatro, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mr. Yazdchi stated that he bought the car from an auction house and received clear title; that the court seized the car and a lady bought the vehicle and the tickets were before and after he had it. Mayor Brown, Council Members Tatro, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Mr. Albright would assist him at this time and if he could not get a result he should call his office. Mayor Brown, Council Members Tatro, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Galloway moved to suspend the rules to hear Ms. Carol Doe Porter after Ms. Gloria Salinas, and was seconded by Council Member Edwards. All voting aye. Nays none. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1127 ADOPTED.

Ms. Gloria Salinas, 6810 Japonica, Houston, Texas 77087 (713-921-0906) appeared and stated that in May her neighbor laid down a foundation which looked like they were to build a driveway and garage and she called 311 and building permits then rushed out and cited him for having no builders permit but he kept building; that she called 311 again and they connected her to code enforcement and he was given more tickets but she had wanted him to stop building so close to the property line, but she was told there were no deed restrictions and nothing to keep builders from building where they wanted; that they did have deed restrictions and she was really upset as she had no support from the city. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she knew that was not just happening in their neighborhood but throughout the city and that went back to her issue of a database for deed restrictions so again she was stressing a central point for individuals to call in and find out about deed restrictions and have questions answered. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he felt all were in favor of that; and he had information that showed inspectors went to the site today and determined all work was in compliance with the exception to an add on at the rear of the house and the owner should permit that this week. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Keller, Ms. Salinas stated that she did not know who the builder was, but the contractor came over and told her sister they would get theirs. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they came and threatened them; and Ms. Salinas stated that was correct. Mayor Pro Tem Quan stated that Ms. Hargrove with Planning would assist her at this time and see what could be done. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he would like the name of the builder and you could not go onto someone else's property to build and it could not hang over into her airspace. Mayor Brown, Council Members Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Carol Doe Porter, 303 Heidrich, Houston, Texas 77018 (713-545-6274) appeared and stated that for the last three months her family and Kid Care had been under attack by Wayne Dolcefino with Channel 13 and every story was a lie or grisly distorted; that for weeks the Houston Chronicle had not published her response to their editorial which accused her of mismanagement and fraud; that her family never received Kid Care funds for which they did not work for and when they labored it was definitely below their market value; that she thanked the Mayor, Council and citizens for allowing her to receive the Kid Care matching grant and also thanked Mr. Young, the Mayor's Assistant, for helping them navigate through the maze of city bureaucracy; and asked that the Mayor and Council reserve judgment of her and her family until after the independent audit she ordered was completed. Mayor Brown, Council Members Galloway, Wiseman, Alvarado, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he toured the facility and it was impressive and suggested that any Council Member who had questions about city dollars should go tour the facility; and upon questions, Ms. Porter stated that the audit should be complete in about two weeks. Mayor Brown, Council Members Galloway, Wiseman, Alvarado, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Ms. Porter stated that Houston was the fourth largest city in the United States and second to Detroit in having the largest number of hungry children; that over 200,000 attended HISD and of that 70% were on free and reduced meals; that her organization had been doing this for years and now every major donor had left except Mac Haik Ford. Mayor Brown, Council Members Galloway, Wiseman, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Shelly J. Cuthbert, 2101 Fountainview Dr. #C-58, Houston, Texas 77057 (713-782-4277) appeared and stated that she was present to describe a problem and ask for approval of a solution; that she lived in a condo in southwest Houston, but a woman wanted to install a dryer vent in their pool area and the property manager and board president approved it; that there was no local Houston code to prevent it but there was a State Administrative Code, Rule 265.2 that would prevent it, but the Houston Code Office said she had to have the Council's confirmation to be adopted for local use. Mayor Brown, Council Members Galloway, Wiseman, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Ms. Cuthbert stated that a dryer vent was permitted to be installed in the brick wall; that it was a violation of the Texas Administrative Code although locally Houston was not bound by it until Council voted to do so. Mayor Brown, Council Members Galloway, Wiseman, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Ellis, Ms. Cuthbert stated that it was in the Texas Administrative Code, Title 25, Part 1, Chapter 265, Subchapter L, Rule 265.2; that the lady had bad knees and it was hard for her to walk so she bought a stack unit; that people normally placed vents on the walk side not the poolside, but the new board of directors followed their own will and she felt it was bad for their health; that she spoke with Mr. Tony Balay with the City of Houston. Mayor Brown, Council Members Galloway, Wiseman, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Council Member Ellis volunteered to work with her and he would follow-up with her. Mayor Brown, Council Members Galloway, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Tatro, Ms. Cuthbert read from the state code and stated that Mr. Balay advised that with Council's passage the code would be in effect preventing the dryer vent. Council Member Tatro stated that if Mr. Balay were that sure of himself he would ask for his personal signoff on it. Mayor Brown, Council Members Galloway, Wiseman, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Amin Behzadpour, 2101 Fountainview #C-60, Houston, Texas 77057 (713-782-4277) appeared and stated that he lived in a condo in southwest Houston and was present as he had run out of solutions; that they had a board which made their own laws and did not follow those by the State of Texas and he was present asking for Council's suggestions against their violations. Mayor Brown, Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he appreciated Mr. Behzadpour coming today and the code referred to was promulgated by the State Legislature and enforcement of it was a civil matter and he would need an attorney to take action against the board if he felt there was a violation of his rights under their rules, but it did not violate a city code. Mr. Behzadpour stated they did not take care of the property and there was rust in the tubs; and Mayor Pro Tem Quan stated if there were health violations they could go to the Health Department regarding the operation of the premises; and he believed their initial course of action would be to organize homeowners who did not believe the board was acting properly and call for a special election and remove the board and place those in office more responsive. Mayor Brown,

Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (713-697-4253) appeared and stated that he was present regarding vehicles parked on sidewalks in his area; that he did not know if HPD was unable or unwilling to ticket to keep vehicles off but it was blight and set a bad example and caused obstruction and damage to public right-of-ways; that it was unsafe and inconsiderate of those who did not care about others; that an example was 609 Patton, a grocery store/taco place and many others followed their example; and he was asking Council to please help in correcting the flaw as it was not a few but was extensive. Mayor Brown, Council Members Tatro, Galloway, Ellis, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he felt Mr. Castillo was correct and it was a matter of education to a large extent; that it seemed people did not have a common courtesy to not park on sidewalks or curbs and public opinion needed to be changed; Ms. Mattie Terrell was present and would assist him at this time. Mr. Castillo stated that much sidewalk damage had occurred because of parking. Mayor Brown, Council Members Tatro, Galloway, Ellis, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Vasquez thanked Mr. Castillo for coming to Council and stated that he knew this was a chronic problem not only on the north side but all over the city and it was because people did not have the common courtesy to not block sidewalks and he appreciated Mayor Pro Tem Quan involving Neighborhood Protection, but the Police Department also needed to be involved and he understood they would follow-through; and he agreed they should help educate property owners and inspectors should be very aggressive and maybe change the rules to where they could charge the owner of the property and not just the driver. Mayor Brown, Council Members Tatro, Galloway, Ellis, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Madgelean Bush, 2720 Sampson, Houston, Texas 77004 (713-651-1530) appeared, presented information and stated that the Martin Luther King, Jr. Community Center would be celebrating 35 years of community service; that they served about 350 children per month and she had a contract since November 1970 to do services for those children, but last week she received a letter saying it would no longer be funded and that meant as of November 1 the children would be out on the street; that if you did not take care of their children you were putting them back on welfare; that the reason given was because her insurance was cancelled and she met with the insurance board because they redlined her particular neighborhood and she believed it was because the Olympics 2012 was coming through; and she was asking for Council's help in not placing the children on the streets. Mayor Brown, Council Members Galloway, Ellis, Parker, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he saw her letter from the Child Care Council of Greater Houston that they would be terminating her grant because of insurance and the company would not give insurance because; and Ms. Bush stated it was cancelled because they could not pay and they could not pay because Child Care would not release the money, but she wanted Council to find some way she could continue to keep the children by another grant, etc. Mayor Brown, Council Members Galloway, Ellis, Parker, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Ms. Bush stated that she was looking at \$60,000. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated someone was present from Housing who would visit with Ms. Bush at this time. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jared Pearman, 2125 Augusta Drive, Houston, Texas 77057 (713-436-5957) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Yin Zhang, 8206 Gold Tee, Houston, Texas 77036 (281-618-8647) appeared and stated that she practiced Falun Gong and worked with physical therapy patients; that she started playing the music at work and the patients liked it and it made them feel better and they wanted copies. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Zhang for sharing and stated that he knew others were present to also speak on Falun Gong. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jason Wang, 4454 South MacGregor, Houston, Texas 77021 (713-842-2814) appeared and stated that the persecution of Falun Gong had lasted more than three years and hundreds of people were tortured by Chinese police; that many Falun Gong practitioners were sent to mental hospitals because of pressure to do so and his mother was one of those; and he was asking for assistance to stop the persecution. Mayor Brown, Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that he was told many in China were not seeking medical attention and they were dying. Mr. Wang stated that was propaganda to justify their persecution of Falun Gong. Mayor Brown, Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Yvonne Marcotte, 3 Middleton Rd., New Durham, New Hampshire 0355 appeared and stated that Council may be amazed that a foreign government was currently carrying out a systematic effort to slander and harass law abiding citizens in Houston; that she had practiced Falun Gong and knew the benefits; that Congress had called for an end to Jiang Zemin's persecution and on the eve of his visit here in Houston she was asking Council to say very clearly that they did not take kindly to his vicious campaign in their land. Mayor Brown, Council Members Galloway, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Ginyu Li, 5606 Bissonnet #127, Houston, Texas 77081 (713-790-0815) appeared and stated that her husband went to Beijing and handed a letter to the Chinese government stating the benefits of Falun Gong and was placed in jail, tortured and died last year; that she went to many places for help including the media; and her child and thousands of children suffered because their parents practiced Falun Gong. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council regretted her loss; that he would point out on July 24, 2002, Congress by a vote of 420 to 0 sent a joint resolution condemning persecution of

Falun Gong practitioners to the Chinese government. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Shen Li, 5606 Bissonnet #127, Houston, Texas 77081 (713-790-0815) appeared and stated that her family practiced Falun Gong and knew how good it was and appealed in Beijing where her husband was placed in jail and she was deported back to Canada; that she had appealed for her husband's release and was finally released this year with the help of the Canadian people; and was present today appealing to the city. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jack Yetiv, 2640 Fountainview #120, Houston, Texas 77057 (713-975-6111) appeared, presented information and stated that eight years ago he appeared in front of Council complaining of unconstitutional conduct by city inspectors and police officers and many things he complained about were repeated, at least at the K-mart raid a few weeks ago; that Council ignored his complaints and it resulted in a lawsuit he filed against the City of Houston and the jury rendered a verdict against the city resulting in a loss of half a million dollars; that he was present to tell Council after the Texas Supreme Court declined review of his case which was what led to his appealing to the United States Supreme Court city inspectors and a police officer did the exact same thing they did eight years ago and it was approximately eight days after the K-mart raid; that the officer had no idea what the violation was he was threatening his staff with jail for and kept repeating the concept he was going to go ahead and arrest him and it could be sorted out later; that he remembered when he was listening to the tape when former Chief Bradford came before City Council and a Council Member said it sounded like you could beat the rap but you could not beat the ride and that was precisely the same principal; and when he listened to the tape of the K-mart raid discussion where all Council Members questioned Chief Bradford and not one of them seemed to know it had been going on for a long time; and he did not beat the city at trial with a good attorney as he represented himself and he won and it was because his position was right. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Yetiv stated that he bought an apartment complex in Spring Branch and if you wanted to buy drugs there you could; that he dropped several million into it and cleaned it up and actually lived there several years; that Helen Huey had promised folks it would be demolished and he kept trying to get building permits for months and could not get them until he came up with those documents from her office doing illegal things and there was a raid and violations of the Fourth, Fifth and Fifteenth Amendments. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Yetiv stated that it was Officer C. E. Hall who was the main perpetrator and two city inspectors; that he had citations against her for something he supposedly did not do with the apartment complex itself and the city inspector has withdrawn one, but the second was completely unfounded also; that if something was wrong there the manager ought not to be the responsible party. Council Member Tatro stated that if he would like him to try and facilitate a meeting either with the officers or Neighborhood Protection supervisor or director he would be happy to. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that she felt it a stretch to relate his situation with the K-mart raid and she had no questions. Mayor Brown, Council Members Galloway, Wiseman, Ellis,

Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Yetiv stated that what was ramped with officers and inspectors were violations of Constitutional rights though details were different as Council Member Parker suggested; that his manager was cited for not having occupancy inspection documents posted and should not have been as she was only the manager and not responsible. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Sariah Piedra Santa, 10157 Westview, Houston, Texas 77043 (713-467-9500) appeared and stated that the day Mr. Yetiv spoke of she had been sitting with her co-manager in the office and it was closed; that she opened the door and the officer forced his way in and she asked if she could help him; that he then asked if she was the manager and she said yes she was one of them and could help him, but then he asked if she was Blanca and she said no Blanca was in her office with someone, but she could help him and again he said no she could not and told her to sit down; that she thought he was looking for a resident and she said she could pull whatever file he needed and then he said no the problem was the failure to have occupancy permits so she said he should sit down and Blanca would help him when she finished; that he then told her to get her ID right then or he would put her a __ in jail and her son was there thinking she was going to go to jail and she sent him away and said why would she go to jail and he said she was refusing to give him information; that he then walked in Blanca's office when she was with a resident and asked for both their ID. Ms. Santa's time expired. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he regretted the situation; and upon questions, Ms. Santa stated that the officer's name was listed in the information. Mayor Pro Tem Quan stated that if she would like she could file a complaint and they could take a statement today; and Ms. Santa stated that she would like to finish her statement. Ms. Santa stated that she did not have her ID but gave him her name and the officer said, "If you don't show your a __ in court I'm taking your a __ to jail."; that she asked why she would go to jail when she did not even get a ticket and if she had not been as strong as she was she would have cried. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro stated that he appreciated Ms. Santa coming to Council and letting them know what occurred, but for records sake he felt she should file a formal complaint so it would be on the officer's record. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that she was going to say about the same as Council Member Tatro; that if Ms. Santa wanted to make a complaint it should be a formal complaint, but she wanted to also say that when they went to a sexually oriented business they did not cite the owner they would cite the manager on duty and in a bar looking for a liquor license they did not cite the owner but also cited the manager on duty and she wanted her to be aware that she was the manager on duty and when she responded to that then she was the responsible party; that if it happened the way she said it did she should complain, but that was the policy and they took minimum wage bookstore managers to jail all the time for violations owners should be responsible for. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that was not the type of action condoned and he regretted she went through it; that Assistant Chief McClellan was present and may be able to assist her. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Annie Eversole, 5402 Glade, Kingwood, Texas 77339 (281-360-3234) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Marian S. Cross, 2141 W. Alabama, Houston, Texas 77098 (713-942-9522) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Peggie Cain, 2919 Rigel, Houston, Texas 77088 (281-447-7768) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jane Dai, 3822 North Braeswood #116, Houston, Texas 77025 (713-927-9383) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Darlene Hosea, 8031 Cannon, Houston, Texas 77051 (713-731-8415) appeared and stated that she wanted 100,000 of the wallets she was showing purchased by the City of Houston; that she was an inventor, journalist, mother, etc., and she was showing a new product that would not be found anywhere; that it could be a power card and school I.D. wallet; that she put a lot on the line and it was a quality item; that she had no support from HISD or METRO and she needed support from Council; that she felt she was being discriminated against. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he believed she received a call today from Mr. Gregg Simpson with the Library Department who wanted to speak to her about her wallet and he was present at this time to speak with her. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Prophet Joseph Omo Omuari, 15 Charleston Park, Houston, Texas 77025 (713-665-1925) appeared and stated that he was a struggling artist himself and sang for Council until his time expired. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Brown, Council

Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Ricky Hurt, 2500 W. Mt. Houston #142, Houston, Texas 77038 (281-448-0959) appeared and stated that he was a member of the Bandit Sign Coalition and October 22, 2002, would be the anniversary for when President Lyndon Banes Johnson signed the Highway Beautification Act in 1965 which became the basis for the state, city and county laws and ordinances regarding signs along the roadways and he would like to see the Mayor, Council, County Judge and Commissioners work together and proclaim October 22 as "Bandit Signs Awareness Day"; that he was sending signs to politicians who had signs placed in right-of-ways telling them how many were pulled up and asking that they educate their volunteers regarding the law. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Hurt for all his efforts. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that she appreciated him picking up all the signs he did from the street; and upon questions, Mr. Hurt stated that he had not made a formal request. Council Member Parker stated that she and Mayor Pro Tem Quan would follow up on that. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Hurt stated that as for who the biggest culprits were he would put homebuilders at the top of the list, as they were year round and then political and satellite people. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-847-5100) appeared and stated he was the official president of the United States and present to file charges on the imposter Mayor Brown and voiced his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Richard Hilzendager, 7380 Moline Street, Houston, Texas 77087 (713-643-9239) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Richard Vela, 4039 Erby, Houston, Texas 77087 (713-645-7109) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Mei Gong, 6401 Ranchester #132, Houston, Texas 77036 (713-686-3304) appeared and stated that she would like the quality of the water checked; and voiced her opinions regarding the practice of the Chinese government's harassment in opposition to the practice of

Falun Gong practitioners until her time expired. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Gong for coming and stated that as for the water issue he believed Ms. Dillard was present and might could help her; and he believed the City of Houston had superior water. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:43 p.m. the City Council recessed until 9:00 a.m., Wednesday, October 16, 2002. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 16, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 16, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Ms. Susan Taylor, Senior First Assistant City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:15 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated that the first items of business would be public hearings. Council Members Goldberg and Parker absent.

The City Secretary stated that there were 13 hearings and no one had reserved time to appear at any of the hearings that were posted and Mr. Gary Wood would make comments on the hearing.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on a proposal for the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Cimarron Municipal Utility District and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas

Mr. Wood stated that the first hearing was on the Cimarron Municipal Utility District and under the agreement the City would annex for limited purposes commercial property within the district located at Grand Parkway and I10 and the City would provide health inspection services within the area and levy sales taxes and split the sales tax receipts with the district on a 50 50 basis.

Council Member Robinson moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2002-1128 ADOPTED.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Clear Brook City Municipal Utility District and certain territory located in the vicinity of Clear Brook

City Municipal Utility District, in Harris County, Texas

Mr. Wood stated that the second hearing was on the Clearbrook Municipal Utility District was on a Strategic Partnership Agreement and limited purpose annex, the City would annex for limited purposes commercial areas in the vicinity of Beamer Road and Scarsdale Boulevard, that the City would levy a sales taxes and split the proceeds of the sales tax with the utility district on a 50 50 basis, the City would provide health inspection services within the area to be annexed.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2002-1129 ADOPTED.

3. **PUBLIC HEARING** on a proposal for the City of Houston and **CY CHAMP PUBLIC UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Cy Champ Public Utility District and certain territory located in the vicinity of Cy Champ Public Utility District, in Harris County, Texas;

Mr. Wood stated that the third hearing on the Cy Champ Public Utility District was on a strategic partnership agreement and under the agreement the City would annex about 50 acres in the utility district for limited purposes and levy a sales tax within that area and split the proceeds of the sales tax 50 50 with the utility district, the City would provide health inspections and police services within the area to be annexed for limited purposes.

Council Member Quan moved to close the hearing, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1130 ADOPTED.

4. **PUBLIC HEARING** on a proposal for the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Horsepen Bayou Municipal Utility District, in Harris County, Texas

Mr. Wood stated that the strategic partnership agreement for Horsepen Bayou Municipal Utility District agreement provides for the City to annex for limited purposes commercial property within the utility district, the City would levy the sales tax over that area and split the proceeds of the sales tax with the utility district 50 50 and the City would provide health inspection services within those areas annexed for limited purposes. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1131 ADOPTED.

5. **PUBLIC HEARING** on a proposal for the City of Houston and **MASON CREEK UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Mason Creek Utility District, in Harris County, Texas

Mr. Wood stated that the proposed agreement with the Mason Creek Municipal Utility District would provide for the City's annexation for limited purposes commercial areas within the utility district which was located at I-10 and Road, the City would levy the sales tax in that area and split the proceeds of the sales tax 50 50 with the utility district and provide health inspection services in the area annexed for limited purposes. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1132 ADOPTED.

6. **PUBLIC HEARING** on a proposal for the City of Houston and **PRESTONWOOD FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Prestonwood Forest Utility District and certain territory located in the vicinity of Prestonwood Forest Utility District, in Harris County, Texas

Mr. Wood stated that the proposed agreement with the Prestonwood Forest Municipal Utility District would provide for the limited purpose annexation of commercial areas within the utility district located on State Highway 249, that the City would levy a sales tax over that area and split the proceeds of the sales tax with the utility district and the City would provide health inspection services within the district. Council Members Quan Robinson absent.

Council Member Parker moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2002-1133 ADOPTED.

7. **PUBLIC HEARING** on a proposal for the City of Houston and **WEST PARK MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within West Park Municipal Utility District and certain territory located in the vicinity of West Park Municipal Utility District, in Harris County, Texas

Mr. Wood stated that the proposed agreement with West Park Municipal Utility District would provide for the limited purpose annexation of the commercial areas within the utility district, the City would levy sales taxes within the commercial areas and the City would split the sales taxes 50 50 with the utility district and the City would provide health inspection services within the areas annexed for limited purposes. Council Members Quan and Robinson absent.

Council Member Parker moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2002-1134 ADOPTED.

8. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY UTILITY DISTRICT NO. 6** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Utility District No. 6 and certain territory located in the vicinity of Harris County Utility District No. 6, in Harris County, Texas

Mr. Wood stated that under the agreement proposed with the Harris County Utility District No. 6 the City would annex for limited purposes commercial areas located along State Highway 6 within the utility district, they would levy their sales taxes within those areas annexed for limited purposes and would split the sales taxes 50 50 and would provide health inspection services within that area. Council Member Robinson absent.

Council Member Sekula-Gibbs moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1135 ADOPTED.

9. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 36 and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 36 the City would annex for limited purposes commercial areas within Harris County Utility District No. 36, they would levy their sales tax and split the sales taxes with the utility district 50 50 and the City would provide health inspection services within the area to be annexed for limited purposes within District No. 36. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1136 ADOPTED.

10. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 81 and certain territory located in the vicinity of Harris County Municipal Utility District No. 81, in Harris County, Texas

Mr. Wood stated that under the proposed agreement with the Harris County Municipal Utility District No. 81 the City would annex for limited purposes commercial areas in Harris County Municipal Utility District No. 81 along Mason Road, the City would levy the sales taxes and split those sales taxes collected with the utility district 50 50 and the City would provide health inspection services within the area to be annexed for limited purposes. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1137 ADOPTED.

11. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 221 and certain territory located in the vicinity of Harris County Municipal Utility District No. 221, in Harris County, Texas

Mr. Wood stated that under the proposed agreement with the Harris County Municipal Utility District No. 221 the City would annex for limited purposes commercial areas located in the district on I-45 North at Richey Road, that the area within which the City would annex they would levy the sales tax and split the sales taxes 50 50 with the utility district and provide health inspection services within that area. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1138 ADOPTED.

12. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 230 and certain territory located in the vicinity of Harris County Municipal Utility District No. 230, in Harris County, Texas

Mr. Wood stated that under the proposed agreement with the Harris County Municipal Utility District No. 230 the City would annex for limited purposes commercial areas within the district located on State Highway 249, the City would levy sales taxes within the district areas that they were annexing for limited purposes and provide health inspection services within those areas. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1139 ADOPTED.

13. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 321 and certain territory located in the vicinity of Harris County Municipal Utility District No. 321, in Harris County, Texas

Mr. Wood stated that under the proposed agreement with the Harris County Municipal Utility District No. 321 the City would annex for limited purposes commercial areas located in District No. 321 adjacent to I45 and West Road, the City would levy sales taxes within that area and split the sales taxes evenly with the utility district, that the regulatory plan for this district was being corrected to indicate that the City would be providing health inspection services, there was an error in the original regulatory plan. Council Member Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. Council Member Robinson absent.

Council Member Vasquez stated that basically they were creating the strategic partnerships in lieu of annexation and Mr. Wood stated that was correct, that the agreements were done entirely with the cooperation and consent to the utility districts themselves, that it was a more accommodating, more cooperative and more collaborative approach, that utility districts had the option of entering into an agreement and had the option of refusing to entertain an agreement, that they find that these are mutually beneficial. Council Member Robinson absent.

A vote was called on Item No. 13. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1140 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 110, 110a and 110b out of order, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1141 ADOPTED.

110. MOTION by Council Member Ellis/Seconded by Council Member Vasquez to amend Item 110B below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc., **TAGGED BY COUNCIL MEMBER ROBINSON** - was presented.

Council Member Ellis stated that he would withdraw the amendment.

Mayor Brown stated that Council Member Ellis withdrew his amendment.

Upon questions by Council Member Vasquez, Council Member Ellis stated that what had taken place in the last week, Mr. Hall and the Legal Department, as well as the administration had been working with him to draft an ordinance that would more or less make all owners in any legal entity disclose their ownership, at that time they could go and review whether they owed property taxes, that his office had been doing that, they reviewed all of the principals in Item No. 110 and none of them owed property taxes at this time, and Mayor Brown stated that they certainly agreed with the intent of Council Member Ellis and would do what was necessary to carry out that intent, and Council Member Ellis stated that there were some items that he was going to bring up later on where individuals did owe property taxes and he would be asking for a

delay or for a tag at that time, that it was his understanding that the ordinance would be on next weeks agenda and asked the Mayor if that was correct.

Mayor Brown asked Mr. Hall if they could make it by next week, and Mr. Hall stated that consistent with the Mayor's direction they had labored mightily to try and draft both an affidavit and an ordinance to respond to Council Member Ellis's request, that he thought there needed to be some discussion about it and thought he was going to engage in it.

Council Member Ellis stated that he would not be withdrawing on all of the other items that were tagged because there was still some issues and he had not been able to investigate every one of them, that Ms. Stein had stated that they were working diligently now to try to find the owners of each of the legal entities and he thought they were operating in good faith but wanted to be able to evaluate them prior to voting on them, so there would be a number of items he would be tagging and a number of items that he would have a motion to delay on, and Council Member Vasquez stated that Council Member Ellis had commented earlier that as far as his understanding it and looking at the principles in terms of CA One that nobody owed any taxes, and Council Member Ellis stated that was correct, that he thought the person who had been in the media had been excluded, that it was his understanding, and Mayor Brown stated that was the case.

Council Member Vasquez stated that obviously Council Members were going to want to see a draft ordinance and asked Mr. Hall when he would provide it for them, and Mr. Hall stated that they could remember that this was a specific request from Council Member Ellis, that they provided him at 5:00 p.m. yesterday, a copy of a draft ordinance and affidavit that he was now reviewing and thought that he intended to discuss a little bit later, if that was what he wanted to offer, that this was not an administration offering, it was an offering by Council Member Ellis, he would obviously make whatever tweaks he wanted to make and present to his colleagues, and Council Member Ellis stated that he would provide a copy of the draft, that it was actually sent to Ms. Stein and would assume that she would send it out, and Mayor Brown stated that she would distribute it to all Council Members.

Council Member Vasquez asked if Mr. Charles Bush was permanently removed from CA One and not be allowed on the contract, and Mr. Hall stated that consistent with the discussions that had been held, the spirit of the affidavit and ordinance was that nobody could do business until they had paid all of their taxes, so he would be treated like everybody else in the City until he was able to satisfy the requirements of the provisions he would not be allowed into the contract, if he did, whether it was next week or ten years from now, he would be treated like everybody else, he would be examined the same way they would be examined, that he would have to meet the same standard as everybody else to be back on, that Council Member Ellis's amendment tries to assure that people who they did business with had paid their taxes, that the sum and substance of the discussion about Mr. Bush was that he owed the City taxes and would not be allowed back in until he satisfied those taxes and not just for Houston, that as he understood the agreement that had been made, he would have to pay all of them in Harris County before he would be allowed back in and so would everybody else.

After further discussion by Council Members, Mr. Hall stated that as to the provision in the Charter that said if they owed a debt to the City they could not do business with the City, something similar to that actually says that the Controller could not issue a warrant if that was the case, and as they knew in this contract, they were paying the City, so that provision would not apply; that they sent a memo to the Council Members about the policy issues that they needed to discuss, that he thought there was room for discussion of all of the issues and he would frankly encourage that to happen so they could work it through.

Mayor Brown stated that Council Member Ellis had taken the lead on the issue and they were trying to comply with what he had requested and if he wanted to send it before a committee, certainly it would go before a committee, and Council Member Ellis stated that this

was one of those issues that he thought they could just bring to the full Council for consideration as opposed to taking it to a committee, where they could debate it next week at the table and make certain amendments that they saw fit to make, that as far as selective process of just going after companies they did not like and so forth, that was not the intention, the intention was to make it transparent, they were going to review every company that wanted to do business with the City of Houston, that was his intention, that it may be some of his colleagues intention to use it as a tool to go against certain companies, but that was not his intention, that his intention was to make sure that individuals and corporations would pay their ad valorem property taxes to the school district, Harris County and the City of Houston.

After further discussion, Council Member Vasquez stated that he had a discussion about the process and moved to suspend the rules to hear from Mr. Richard Vacar, seconded by Council Member Parker. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1142 ADOPTED.

Council Member Vasquez stated that as part of the letter that was presented by CA One to Council Members it talked about any replacements that were recommended by CA One would require the Aviation System's prior approval and asked Mr. Vacar what that process was, how long it took, etc., and Mr. Vacar stated that generally the way it worked on a substitution, on an MWBE or DBE, was that he was forwarded a letter making the request, and Affirmative Action does the review to make sure the substituted party met the requirements and if that was the case ordinarily they approved it, that the signoff was by both Affirmative Action and by Aviation, that the contract was with the City through the Aviation Department and the Director had the general discretion, that it was not really discretionary, whether he could do it or not, essentially if they met the requirement, he did it, that it was ultimately his responsibility with the help of Affirmative Action, that ordinarily they could do it within a few weeks, depending how much review Affirmative Action had to do, and Council Member Vasquez asked if it was to pass today, then how did that process begin, how long would it take, and how did it impact the overall elements of the contract, and Mr. Vacar stated that they would have to make a request to him at some point and then he would just follow the procedure he discussed and if it met all the requirements contractually and with Affirmative Action, he would approve it, that CA One was under no obligation to actually submit a name forward, and Mr. Vacar stated correct, as long as they met the requirements of the existing contract, they could leave it where it was and not substitute anyone, if they wanted to substitute later then they would use that procedure. Council Member Edwards absent.

110a. WRITTEN Motion by Council Member Tatro to amend Item 110B below as follows:

Written amendment to Agenda Item 45: Ordinance approving and authorizing a Food and Beverage Concession Agreement at William P. Hobby Airport between the City of Houston and **CA ONE SERVICES, INC**

The City Council hereby authorizes and directs the administration to prepare a food and beverage concession agreement with 4 Families of Houston JV for the food and beverage concession at William P. Hobby Airport containing substantially the same terms and conditions as the proposed food and beverage concession agreement with **CA ONE SERVICES, INC**, including the levels of compensation currently proposed by CA One Services, Inc. The changes to the agreement shall reflect only the differences in the parties and the respective members of the teams. The new contract shall be placed on the agenda no later than October 23, 2002 council meeting. TAGGED BY COUNCIL MEMBERS TATRO and QUAN - was presented.

Council Member Tatro stated that last week he put the amendment on the table to give Council an opportunity and a choice to weigh in on the process and have an opportunity to go straight up or straight down, voting for 4 Families or CA One, that Council would remember that the 4 Families group had agreed to all of the same percentages in the original CA One bid so basically mirroring the financial contribution to the City, therefore taking that financial issue off the

table and basically an identical contract to Council so Council would have an opportunity to weigh in and vote for one of the proposals which they believed would be best, that they then tagged the amendment to remove the problem of the Open Meetings Act and they had the amendment on the table today so that Council would have that choice, and that he had a question which involved statements made by Mr. Hall before, that if the City turned down the CA One contract that they would go back out for an RFP and his question was with this amendment in front of them, approval of the amendment would mean that the majority of Council had indicated that the contract should be awarded to 4 Families, that obviously it was not an executed contract so it would need to come back to Council, as the amendment said, no later than next week, October 23, 2002, and asked Mayor Brown that to try to resolve the issues that Mr. Hall had brought up about what would happen if Council turned down CA One, that obviously an approval of the amendment would indicate that Council recommended and wanted to move ahead with the 4 Families, and asked if it would be the Mayor's intention to honor the majority of Council and bring back to them, as the amendment said, an executed contract for adoption at the next Council meeting.

Mayor Brown stated probably not, that there were some very serious issues that he was proposing, Charter issues and legal issues, so the answer was probably no, and Council Member Tatro stated that the Mayor would not follow through with the request from Council, and Mayor Brown stated that as he had said before there were some very serious Charter issues and some very serious legal issues that he would have to certainly confer on, and Council Member Tatro stated that he was not sure what those Charter issues were and thought that Council was clearly the Legislative body and thought the will of Council spoke loudly to the direction that they wanted to pursue and wanted to pursue business, and Council Member Tatro asked Mr. Hall if it was passed would it not be an ordinance.

Mr. Hall stated no, and Council Member Tatro asked what it would be, and Mr. Hall stated that it would be an amendment to an ordinance that was on the table, that he had proposed an amendment to an ordinance that was before Council and there was no way to change what that was, and Council Member Tatro stated that it would amend the ordinance and then if it were ratified it would become the ordinance, and asked if that was correct, and Mr. Hall stated that he was going to tell him in as clear language as he could, that what he had done was essentially a nullity, because if he did what he just said, without passing the ordinance that it amends, he would have done nothing, if he passed the amendment and killed the ordinance that it amends, he would have done nothing, that if they passed the amendment and pass the ordinance it amends, they would have passed the contract to CA One, that was what he had done, and Council Member Tatro stated that he appreciated whatever Mr. Hall had just said, but he thought it boiled down to what Council wanted to adopt, do they move forward, and he obviously heard resistance from the administration.

Council Member Parker stated to Council Member Tatro that he knew that she did not intend to support the substitution for a number of reasons, she thought that what they were in effect saying was that, Company A "we like your deal, but we think you're schmucks and Company B, we really like you, but your deal is not as good, so we are going to take Company A's deal and give it to you because we like you", that she found that offended the process, however she was even more offended by the attitude of the administration that they were not going to deal in a head's up manner with the desires of Council, and she would strongly encourage the administration to realize that if a majority of Council voted for Council Member Tatro's motion that it was the clear wish and desire of Council to proceed in that direction and they would have a train wreck afterwards if they did not acknowledge that Council had a different course that it wanted to follow and then she would strongly urge the administration to respect that, again she was going to encourage Council not to support Council Member Tatro's motion, but if it won it needed to win and stand alone and they needed to support it, it was this kind of debate and discussion that added to the general distain that the public held for elected officials. Council Member Robinson absent.

Mayor Brown stated that he wanted to clarify something, they all had an obligation to follow the law and the Charter was their constitution, there were State laws, there were bid laws and all of that must be followed, that if this did not comply with the law, he did not think they or anyone else would ask the administration to do something that was not consistent with the law, that was the position that he took.

Council Member Keller stated that he appreciated what Council Member Parker stated and thought that was in the field of fair play and thought that was what most of them stood for and thought that what they were hearing now was insulting to CA One and to 4 Families, that it brought to light why Council ought to have their own legal representation every time something came to a head at the table.

Council Member Tatro stated "I would ask Council's indulgence as we proceed, last week I made an amendment, we tagged it to put the issue on the table, this week working through, let me defer for a second, the Mayor's continued to cite illegal, illegal, illegal, and Anthony has said its illegal, illegal, illegal and I respect their opinions but unless somebody's going to bring suit against Council for its actions, they're opinions and there's a substantial amount of opinion out there that's to the opposite effect that this is not illegal, that this is a legislation, the ordinance we pass and the Mayor administers the will and the City ordinances, and hearing the Mayor say he's not going to administer I think is the substantial cause for concern, I beg your indulgence Council Members we need to make a substitute motion, and Council Member Tatro presented and distributed the following amendment:

"Written Amendment to Agenda Item 110b, the Amendment Offered by Council
Member
Bruce Tatro

The following is offered as an amendment to the amendment previously presented by Council Member Bruce Tatro. Strike the former amendment as shown below.

~~Written Amendment to Agenda Item 45: Ordinance Approving and Authorizing a
Food and Beverage Concession Agreement at William P. Hobby Airport between
the City of Houston and CA ONE SERVICES, INC.~~

~~The City Council hereby authorizes and directs the administration to prepare a food and beverage concession agreement with 4 FAMILIES OF HOUSTON JV for the food and beverage concession at William P. Hobby Airport containing substantially the same terms and conditions as the proposed food and beverage concession agreement with CA ONE SERVICES, INC., including the levels of compensation currently proposed by CA ONE SERVICES, INC. The changes to the agreement shall reflect only the differences in the parties and the respective members of the teams. The new contract shall be placed on the agenda for the October 23, 2002 council meeting.~~

Substitute the following:

City of Houston, Texas, Ordinance No. _____

AN ORDINANCE APPROVING AND AUTHORIZING A FOOD AND BEVERAGE CONCESSION AGREEMENT AT WILLIAM P. HOBBY AIRPORT BETWEEN THE CITY OF HOUSTON AND 4 FAMILIES OF HOUSTON, JOINT VENTURE; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 20___.

APPROVED this ___ day of _____, 20___.

Mayor of the City of Houston, Texas

FORM 132.M
(Approving/Authorizing)

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary
(Prepared by Legal Dept.)
(RNR:jr 09/18/02) Sr. Assistant City Attorney)
(Requested by Richard M. Vacar, Director, Department of Aviation)
(L.D. File No. 0048600099)
U:\WPFILES\ORDINANC\CAISVCS.W7PD"

Council Member Tatro stated that the gist of this motion is what we have is an executed contract from 4 Families, it would be a substitute motion, substitute amendment, basically placing on the table an exact duplicate of the CA One contract, it doesn't give the Mayor a directive, it is simply a fully executed contract, signed by the parties, absolutely identical, and the administration can check it out over the next week, to the CA One contract, substituting the names and substituting the parties, but for monetary purposes and for all other purposes it is absolutely identical to the contract proposed by the administration, now I place this on the table, we want to place this on the table as an amendment to give Council an opportunity to vote on the contract, to authorize and approve the executed contract, that is not necessarily executed by the Mayor, but 5 days after Council approval, regardless of whether the Mayor decides to sign or not, the contract becomes law, and if the administration is not willing to go forward with implementing the contract, and we have the executed contract right here and I submit that to the City Secretary, then Council will have an opportunity to look at that, then this contract will, if ratified by Council, and again I intend to tag and I intend to tag the amendment and ask for a delay on the whole issue, to basically do what we did two weeks ago, the administration has stated it would not move forward with the process, it will not come to Council with an approved contract, so what I am doing is substituting an already executed contract by 4 Families, it is my belief that upon adoption next week of the approved contract, regardless of the Mayor's actions, that contract will become law, and Anthony, I see you're shaking your head and we'll have that debate at that point and time, so I am putting on the table this new amendment, Mayor I offer that, again what it does is it gives, it doesn't direct the Mayor to go and initiate the contract, it is an approved contract in all sense of the words it's identical to the CA One, and obviously we would like the Legal Department and Council Members to review that, and it's my opinion, much like Mr. Hall's opinion, that upon passage of this executed contract that would become the law of the City, regardless of the signature of the Mayor or not, again I offer that as an amendment."

Mayor Brown stated that it was offered as an amendment in writing and did not require a second, and asked Council Member Tatro if he had submitted his own contract as well, and Council Member Tatro stated that was a fully executed contract, and Mayor Brown asked who wrote that one, and Council Member Tatro stated it was prepared by Vinson and Elkins and Mayor Brown asked who they worked for, and Council Member Tatro stated that they were working for 4 Families, that they basically duplicated word for word the contract, so please over the next week he thought the administration should check the contract, and Mayor Brown asked who wrote it particularly, what attorney wrote it, and Council Member Tatro stated that who wrote the contract, he guessed, the Legal Department, and Mayor Brown stated, no, the one he was submitting, and Council Member Tatro stated that they mirrored CA One, and Mayor Brown asked who was the architect of his contract and Council Member Tatro stated that he did not understand the question, that contract was originated by the City Attorney's office, and Mayor Brown stated he was confused and asked what was the one that he was submitting, who wrote that one, not the Legal Department, the one that he submitted said it was prepared by the Legal Department, and Council Member Tatro stated that it was a substitute, and Mayor Brown stated that it said it was prepared by the Legal Department and they did not write the one that he was submitting and asked who wrote it, and Council Member Tatro asked where did it say, prepared by Legal Department, and Mayor Brown stated right here, and stated that it was not accurate, was it, and Council Member Tatro stated that he needed to see it, that it was a substitute, and Mayor Brown stated that he submitted it, and Council Member Tatro stated that he apologized, and Mayor Brown stated to erase that part of it, and Council Member Tatro stated that he would,

that the Mayor was absolutely right, that it was a sentence that should not be included because it was literally a mirrored copy of what was submitted except for the name changes and there may be one like that and that was why he asked Anthony Hall in the Legal Department to look over it in the next week to see that it was a valid contract, he was not the lawyer, but to see that it was literally an executed contract and able to move forward with adoption by Council.

Council Member Goldberg stated regarding the legalities or illegalities of changing just the percentages, they had already set a precedent, the Compaq Center deal, they amended the amounts of money, Lakewood Church paid them \$22 million more money and then it was approved, so he did not see any problems with changing the terms in the RFP, it was pretty much identical, they had done it before and thought they could do it again.

Council Member Sekula-Gibbs asked Council Member Tatro if his amendment today was basically a duplication of the contract, that he was basically saying that 4 Families would accept the same contract that was offered to CA One, was that correct, and Council Member Tatro stated that was correct, and it was executed by the parties of 4 Families, and Council Member Sekula-Gibbs stated that was not an amendment in her mind that would be anything other than an acceptable amendment, he was not changing substantively, he was just making a line item, he was not altering it, he was just substituting A for B, and Council Member Tatro stated that it was a substitution of basically what he proposed two weeks ago, and Council Member Sekula-Gibbs stated that as she understood it there was precedent for that, that to her that was what amendments were all about, that was why they had amendments, and gave the balance of her time to Council Member Tatro to explain.

Council Member Tatro stated, "because basically when we came to the table two weeks ago the amendment at that time was to authorize the Mayor to proceed forward with bringing us back a signed contract with the 4 Families group, that's now on the agenda, the Mayor's indicated that he had no intention, unfortunately, of following through with his requirement after Council adopts its policy and adopts its legislation, I think that's rather unfortunate statement, as several Council Members had echoed, so to get around the Mayor, actually getting with the parties and having a signature, we have submitted this executed contract which is for all intents and purposes a mirror image of the CA One contract that was drafted by the Legal Department, that it is my opinion that upon ratification of that contract, and again I am going to tag that contract because of the Open Meetings Issues that were involved and I would ask Council's support on that, substitute the whole contract, as opposed as to having the Mayor move forward, next week we would vote on an executed contract, that in my opinion becomes law, becomes an ordinance, as the CA One would from this date if it were approved", and Council Member Sekula-Gibbs asked what was the problem with voting on it today and just say vote on it as it was, one contract was identical to the other, and Council Member Tatro stated "and that's a good point, last week we said look, if there is an open meetings issue out there, I don't believe there is, but the administration's clearly desirous of throwing everything at this it can, to remove that possibility I would ask Council's indulgence to go one more week for the substitute contract amendment, and Council Member Sekula-Gibbs asked if it did not pass would they vote on it today, and Council Member Tatro stated "no I would ask for a postponement of the main item as well, to remove that off the table, from possibly us, this Council, again, violating some Open Meetings Records Act".

Council Member Robinson stated that two weeks ago he moved that they delay the vote so that this item could be posted because he agreed with Council Member Parker on the feel of fairness argument, that they were going to vote, to put it up and vote it up or down, they had two weeks and nobody, Council Member Tatro, told them that he wanted to change something again and ask for another delay, that he would prefer to just vote on Council Member Tatro's contract, if he had the votes and if it was an issue, it could be posted, or passed, because he said there was no notice issue, if it did not it was down and then they would vote on the main item, but he intended to vote in opposition of any delay because he extended that courtesy two weeks ago

because he thought that Council Member Tatro had his act together for the Council to be ready to vote when they got back to Council.

Mayor Brown stated that he would make a ruling that he thought was appropriate at this time, that what Council Member Tatro had introduced in writing was a substitute amendment that could be voted on today, for his amendment, and Council Member Robinson stated that he would ask Council Member Tatro to lift his tag so they could vote, for the amendment, that he would like to move the item, and Council Member Tatro stated that he would be happy to do that, and Council Member Robinson stated that he would like to call the question and have a roll call vote on the amendment, and Mayor Brown stated they had too many people talking, that they should come back to some semblance of order and Council Member Robinson stated that he would reclaim his time and stated that as he understood it Council Member Tatro had agreed to lift his tag and they could vote on his amendment and would request a roll call vote on Council Member Tatro substitute amendment, and Mayor Brown stated that it was a substitute for Item No. 110a.

Council Member Vasquez asked for a point of order and stated that he appreciated Council Member Tatro effort on the substitute and thought that a straight up vote was what was best for Council and worked best for the City of Houston as a whole, that he wanted to understand what it was that Council was about to consider and about to do and asked Mr. Hall if he, as the legal opinion, ruling that this was, or was giving advice to the Mayor that this was appropriate to vote on today, and Mr. Hall stated that the Mayor had not asked him for any advice but his opinion was that this was germane to the amendment that he offered last week, if it was valid then it was germane to the amendment he offered last week, and Council Member Vasquez asked if Council Member Tatro's amendment was to pass then what happens to the main item, and Mr. Hall stated that it was an amendment to the main item, that was what he offered, and Council Member Vasquez asked if it was an amendment to the main item, and Mr. Hall asked if he was talking about the one they were about to vote on right now, that it substituted for the amendment that Council Member Tatro offered last week, and Council Member Vasquez stated that they were voting on an amendment that was a substitute for an amendment, and Mr. Hall stated that the written amendment that he had offered, he said, was a substitute to the amendment that he made last week, that was the question that was before them right now, and Council Member Vasquez asked if the substitution passed, first of all, and Mr. Hall stated that the amendment Council Member Tatro made goes away, and Council Member Vasquez stated yes, and then they vote on the amendment as amended, and Mr. Hall stated that what the Mayor had presented was Council Member Tatro's written amendment, it was to substitute for the amendment that he offered last week, if it passes it is adopted as the substitute, the other amendment goes away, they then would have to vote on the ordinance as amended, that they would have three votes, and Council Member Vasquez stated that to be clear they had three votes, a vote on the substitution, a vote to pass the amendment and then a vote on the main item as amended, and Mr. Hall stated if they all passed, yes.

Mayor Brown asked Council Member Robinson what was his motion, and Council Member Robinson stated call the question.

Ms. Stein asked if there was a second to his calling the question and Council Member Quan stated second.

Council Member Robinson move to call the question, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2002-1143 ADOPTED.

Mayor Brown stated that a roll call had been called for and stated that first of all they were voting on Council Member Tatro's substitute amendment, to allow him to substitute the amendment for Item 110A

ROLL CALL VOTE:

Mayor Brown voting aye
Council Member Tatro voting aye
Council Member Galloway voting aye
Council Member Goldberg voting aye
Council Member Edwards voting aye
Council Member Wiseman voting aye
Council Member Ellis voting aye
Council Member Keller voting aye

Council Member Vasquez voting aye
Council Member Alvarado voting aye
Council Member Parker voting aye
Council Member Quan voting aye
Council Member Sekula-Gibbs voting aye
Council Member Berry voting aye
Council Member Robinson voting aye
MOTION 2002-1144 ADOPTED.

Mayor Brown stated that now they would vote on the substitute amendment.

ROLL CALL VOTE:

Mayor Brown voting no
Council Member Tatro voting aye
Council Member Galloway voting no
Council Member Goldberg voting aye
Council Member Edwards voting no
aye
Council Member Wiseman voting aye
Council Member Ellis voting no
Council Member Keller voting aye

Council Member Vasquez voting aye
Council Member Alvarado voting no
Council Member Parker voting no
Council Member Quan voting aye
Council Member Sekula-Gibbs voting
Council Member Berry voting aye
Council Member Robinson voting no
MOTION 2002-1145 ADOPTED.

Mayor Brown stated that they would now vote on Item No. 110b as amended.

Mayor Brown stated that he would ask for a clarification of what they would ultimately be voting on at this time and called on Mr. Hall, and Mr. Hall stated that he thought what Council had done was something that probably had not happened in the annals of government in the City of Houston, if now the amended ordinance passes they would have awarded a contract for the same services to two different parties, that it was an amendment to the original contract and recommendation from the Department of Aviation so it amends that and they would be passing both of them, that he did not think that had ever happened in the history of the City, so he was not sure how one would resolve that, they would have passed two contracts at the same time, that it amended the agenda item, so they had a recommendation to award a contract, the agenda item, that it was an amendment that would award the same contract to a different group, that was what he was explaining to Council Member Tatro at the beginning.

Upon questions by Council Member Quan, Mr. Hall stated that the problem was, as he explained to Council Members last week, it was not a substitute, if they recalled the way Council Member Tatro started was to amend the original contract to direct the Mayor to draft another contract and all that business, now with the substitute he had proposed an amendment that would award the contract to a different group, but not as a substitute, that was not what he did, that was the problem, that was what they were explaining earlier, it was an amendment to the present ordinance, that the substitution was an amendment to the ordinance that was on the agenda, his substitute was a substitute for what he offered last week, and it was an amendment to the ordinance that was the agenda item.

After further discussion, Mr. Hall stated that Council Member Tatro obviously had a problem with a posting issue and he thought it was offered as an amendment and not a substitute to deal with that posting issue, he was not sure why it was done that way, that there was a difference between a substitute and a regular amendment, a substitute was an amendment, but a specific kind of amendment, that this was not a substitute, that any amendment would change the main item, that this did change the main item, that he was not sure what the impact of the change was because it was not a substitute, that they were not sure what the impact was of an amendment that was two contracts in effect, that presented two contracts, that they had lots of issues on the table, but this specific one was Roberts Rules of Order and it was a question of two weeks ago when Council Member Tatro offered his amendment it was not offered as a substitute, that he

was offering a substitute for his other amendment, that it said he was offering an amendment to the amendment.

Council Member Tatro stated "I think we are getting into a discussion of parliamentary procedure and what Council's intention is and what Council's intention isn't, I think the last vote was clearly an intent of Council to award the contract to 4 Families, Anthony, I want to make a motion to try to clarify and to encapsulate what I believe the will of Council is here, a motion to strike CA One from the contract and take what's been adopted as the amendment and substitute it, what would the gist, I mean, that would clearly, legal aside, it clearly clears the floor with Council's full intention", and Mr. Hall stated that was what they had been talking about all the time, if he had done that that would have obviously had to be interpreted as a substitute, that was not what was done, and Council Member Tatro stated, "okay, then it would be totally proper, at this point just to clear the air, and make a motion to strike CA One from the contract and I guess adopt what, I mean substitute what has already been voted on and authorized by Council", and Mr. Hall stated that he would have to visit with the Chair on that because as he knew there was a motion pending on the floor right now, so yes, that was the whole issue, he had hit the issue on the head, that was not what was done, there was not a motion to substitute, and he frankly thought it was because of the notice issue, and Council Member Tatro stated, "I am not sure what the motion on the floor is", and Mr. Hall stated that the motion on the floor was to adopt the contract as amended by this (and he held up Council Member Tatro's new amendment), that was the motion on the floor, and Council Member Tatro stated, "I think that's for discussion right now", and Mr. Hall stated no, the motion that was on the floor was to adopt the agenda item as amended by that piece of paper, and Council Member Tatro stated, "we're discussing that".

Council Member Tatro stated, "well I would like to make a motion to clear it up and basically do what I said, to strike", and Mr. Hall stated that he had to visit with the Chair about that, and Council Member Tatro stated, "okay, well here's the motion, so my fellow Council Members can understand, the motion is to strike, as we just discussed, CA One from the contract and substitute the 4 Families item that has just been authorized and passed by Council, I don't think we're kidding each other here, I think the intent is fully known, so it is to try to get around what you're talking about, and it's this dual contract issue, to strike CA One and substitute the 4 Families adopted amendment that's been, as the main item", there how's that for Legal", and Mayor Brown asked Mr. Hall to give them a legal opinion, and Council Member Tatro stated, "that's my motion and it's been seconded", and Mr. Hall stated that he was going to give them his legal opinion and not his general opinion of observation, that there was a motion pending on the floor, it was a motion to adopt the agenda item, that was listed on the agenda as 110 as amended by the most recent piece of paper that was distributed, the question then was could there be another motion that was offered, that it would have to be to the main item at this point, and the question was to add to essentially the main item a provision that it be struck and only the amendment remain, he guessed, was the substance of what would be offered, he was assuming that was what the motion was, and he supposed that if the Mayor accepted that it could be in order, but he did not rule on that, the Mayor did, that in effect they had to delete one of them and that was what that would do, and Council Member Tatro stated, "I am not a lawyer and I am getting a little weary of how lawyerly we now all have to be with fine lining our amendment, I agree with Anthony, that's the gist of exactly what we're doing, I've stated it multiple times, it is to delete or strike CA One, and I've said it before, and now I'm concerned about every word I say because it could be interpreted in some other fashion", and Mr. Hall stated that probably one of the reasons, at least in his observation in the City, they had never had this situation before in the history of the City, he said that, and that was why he thought they had all the discussion, and Council Member Tatro stated, "I have previously made the motion and it has been seconded by Council Member Sekula-Gibbs and it is effectively, as you say, deleting the CA One portion of this issue", and Mr. Hall asked if he was doing an amendment to the main item to delete half of it, that was what he was doing, just so it was clear, that was what he understood he was doing.

Council Member Goldberg moved to call the question on Council Member Tatro's last amendment deleting CA One, seconded by Council Member Keller. All voting aye. Nays none.

Council Members Edwards and Robinson absent. MOTION 2002-1146 ADOPTED.

Mayor Brown stated that now they would vote on the item itself, which would be Council Member Tatro's amendment to strike CA One and substitute the 4 Families and they would take a roll call vote.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2002-1147 ADOPTED.

Mayor Brown stated that the motion carried, and Mr. Hall stated that now they had to vote on the main item, and Mayor Brown stated that now they would vote on the main item as amended.

110b. ORDINANCE APPROVING AND AUTHORIZING A FOOD AND BEVERAGE CONCESSION AGREEMENT AT WILLIAM P. HOBBY AIRPORT BETWEEN THE CITY OF HOUSTON AND 4 FAMILIES OF HOUSTON, JOINT VENTURE; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY. - was presented.

Council Member Tatro stated that he wanted a point of order and asked Mr. Hall to tell them what the item was now that they were voting on one more time, and Mr. Hall stated that he and Ms. Taylor had been feverishly conferring, that they believed that the substitute, that they had passed, that they considered his written substitute, so they had the record fairly clear the written amendment, for Agenda Item 110a, and Council Member Tatro stated he would withdraw his question, that it was quite evident what the motion was.

Council Member Galloway stated that from what she had seen happening around the Council table today, she had a recommendation that she would like to bring up, that maybe perhaps, what she thought they should do was eliminate all directors positions, so that the Council could go ahead and decide as to what was best for all contracts for the City, that maybe they should not think about the expertise of the various directors and what they brought to the table because she saw that it was quite embarrassing for the City as whole and maybe they should start negotiating all the contracts and going through them and scrutinizing them, that she just wanted to add that note.

Council Member Vasquez stated that he wanted to be clear on what it was that they were attempting to do, so his question was, the amendment they just passed, the substitute of 4 Families for CA One and now they were voting on the main item as amended, was that correct, and if the item passed that would in effect give the contract to 4 Families, was that correct, and Mr. Hall nodded yes.

Council Member Sekula-Gibbs moved to call the question, and Mayor Brown stated that she was the last person on the list, so they would now vote on the main item as amended and called for a roll call vote on Item 110b as amended.

ROLL CALL VOTE:

Mayor Brown voting no
Council Member Tatro voting aye
Council Member Galloway voting no
Council Member Goldberg voting aye
Council Member Edwards voting no
aye
Council Member Wiseman voting aye
Council Member Ellis voting aye
Council Member Keller voting aye

Council Member Vasquez voting aye
Council Member Alvarado voting no
Council Member Parker voting no
Council Member Quan voting aye
Council Member Sekula-Gibbs voting
aye
Council Member Berry voting aye
Council Member Robinson voting no
ORDINANCE 2002-0929 ADOPTED AS
AMENDED.

Council Member Robinson moved to suspend the rules to consider Item No. 78 and 102 out of order, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2002-1148 ADOPTED.

78. ORDINANCE approving and authorizing contract between the City of Houston and **ACS STATE AND LOCAL SOLUTIONS, INC** for Ambulance Fee Collection Services for the Finance & Administration and Fire Departments - 5 Years with 3 one-year options - was presented, and tagged by Council Members Sekula-Gibbs, Tatro and Vasquez. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she wanted to tag Item No. 78 to give her a little time to review the contract, that she just received the contract yesterday, even though she requested it on September 29, 2002 and requested the RFP but it was not made available to her, in fact it was denied to and she did not know why, that it did appear on her desk yesterday and she would like to have some time to review it and hopefully work with Mr. Gray over the next week and see if they could not come up with some ideas that would be better. Council Member Wiseman absent.

Mayor Brown stated that Item No. 78 was tagged by Council Members Sekula-Gibbs, Tatro and Vasquez. Council Member Wiseman absent.

Council Member Parker stated that she was glad the item was tagged, it came up in committee yesterday and in the intervening week she would really like an answer to the question that Council Member Sekula-Gibbs raised, which she thought was the primary consideration was the technology was being offered and whether it was the best available technology, the fact that the firefighters would be using a stylist to enter information instead of the swipe technology they were going to use in the Police Department where they could take drivers license information directly, for example, so if someone would answer that she would appreciate it, and Mayor Brown stated they would get an answer for her. Council Member Wiseman absent.

Council Member Berry moved to suspend the rules to consider Item No. 99 and 99a out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2002-1149 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 70 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1150 ADOPTED.

102. ORDINANCE approving and authorizing contract between the City of Houston and **ACRES HOME CENTER FOR BUSINESS AND ECONOMIC DEVELOPMENT, INC** to provide a grant of Community Development Block Grant Funds in the amount of \$300,000.00 for construction of a Small Business Assistance Center at 6112-1/2 Wheatley Street, Houston, Texas - **DISTRICT B - GALLOWAY** - **(This was Item 23 on Agenda of**

October 2, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG - was presented. All voting aye. Nays none. ORDINANCE 2002-0930 ADOPTED.

Council Member Galloway stated that she was very excited about Item No. 102 and the new development for the Acres Homes Center for Business and Economic Development, that it was going to give many small businesses an insight as how to run their business and they did have Mr. Roy Malonson who would also be heading up the project, so she was very excited about it.

99. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 99A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **TAGGED BY COUNCIL MEMBER ROBINSON** - was presented.

Council Member Ellis moved to postpone Item Numbers 99 and 99a for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1151 ADOPTED.

99a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration to award to **SOUTHWEST STAINLESS L.P. dba HUGHES SUPPLY** - \$343,778.00, **HYDRAFLO, INC** - \$284,772.00 and **TRUMBULL INDUSTRIES, INC** - \$205,374.00 for Fire Hydrant Repair Parts Contract for Department of Public Works & Engineering - Enterprise Fund - **(This was Item No. 20 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented, and postponed for one week by Motion 2002-1151.

70. ORDINANCE approving and authorizing a Loan Modification Agreement between the City of Houston and **UPLIFT FOURTH WARD, INC** to provide for the consolidation of the \$81,196.00 balance of a repayable loan and the \$464,900.00 balance of a performance based loan, thereby resulting in a performance based loan in the amount of \$546,096.00 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0931 ADOPTED.

Mayor Brown stated that he now wanted to go to the start of the agenda and asked Mr. Richard Lewis, Director, Information Technology and Ms. Barbara Gubbin, Director, Houston Public Library, to come forward, that he wanted to use his time on the agenda, the Mayor's Report, to hear from Mr. Lewis and the Director of the Library.

MAYOR'S REPORT – Briefing on status of SimHouston project implementation
Richard Lewis, Director of Information Technology Department
Barbara Gubbin, Director of Houston Public Libraries

Mr. Lewis stated that he had briefed the Council's Transportation, Technology and Infrastructure Committee twice on the SimHouston Project, that the first briefing was on July 19, 2002 and then there was a mention of a previous briefing on July 24, 2002, when he briefed the committee on the Voice Over IP Project, so this would be the third that he had addressed the SimHouston Project to either a committee or the City Council, that he wanted to define SimHouston, that Sim Desk was the product that was being marketed by Internet Access Technology Incorporated, that Sim Desk was a Microsoft Office Suite like product that was accessed through the internet anywhere in the world and provided word processing spreadsheets, address contact calendar, emails and file storage, among other functions that the software provided, that there were seven other modules that were provided with the product, that the City made an investment of \$5.1 million and it had been reported in the press that there was

a \$9 million investment and that was not the case, they had appropriated \$5.1 million and that was the limit of their financial liability under the agreement, the \$9 million number came into play when they calculated the expense in years four through six, where the City had the right to extend the contract, that there were two reasons why the investment was made, in his view, the first reason was to bridge the digital divide and to provide all citizens of Houston, the greater Houston region, with the ability to use office productivity tools similar to Microsoft Words Office Suite, it was done at a fraction of the cost of a citizen buying that suite, \$1.70 per user versus several hundred dollars for that type of software, the second reason was to provide the City with an alternative to the Microsoft Monopoly that existed today for these type of office productivity tools and those were the two reasons, that Phase I of the contract involved deploying the product on the 550 public access computers at the 36 locations operated by the Houston Public Library, that Phase I also required that the software be tested during a 30 day trial period that could be extended if there were deficiencies noted and it was extended, the testing of that product started on June 28, 2002 and was completed on September 30, 2002, that 390 elements were tested during that period of time involving the five modules that were deployed as part of Phase I, the product had performed and they were in the process of accepting the Phase I work, that at this point he would ask Ms. Gubbin to discuss the utilization by the library patrons. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Robinson absent.

Ms. Gubbin stated that as Mr. Lewis had said the product was available on the 550 public access computers at the Central Library, the Clayton Library for Genealogical Research and the 34 branch libraries, that they had as of October 9, 2002, 62,300 accounts set up, that people had to have a Houston Library Power Card in order to setup an account and that number 62,300 represented approximately 8% of library cardholders, they had saved over a quarter of a million documents on the servers using their accounts, that what they knew was that the software was extremely easy to use and there was very little intervention to help people use the software and it was anecdotal evidence because they did not require people to tell them what they were doing on the software but staff had told her that the primary use of the word processing software was to produce resume's followed by producing school reports, doing homework and producing correspondence. Council Members Galloway, Goldberg, Wiseman, Ellis and Keller absent.

Mr. Lewis stated that due to the positive nature of the test and the satisfactory utilization at the Houston Public Library and the expanded and ongoing criminal investigation which was occurring, the project was entering a crucial period, with the acceptance of Phase I the City of Houston incurred a payment obligation to IAT, under the Mayor's direction he had been receiving advice from the City Attorney and the Acting Police Chief and the Mayor had also directed him that he keep the City Council Members informed of their status and they started that Wednesday evening and had met with as many Council Members since that time as they possibly could to keep them informed, that they were beginning to enter Phase II and Phase III of the contract, that Phase II was the deployment of the product on the 13,000 desktops within the City, with the goal of reducing the desktop support requirements, which was largely through staffing throughout the City organization, reducing the purchase of Microsoft Licenses and reducing the cost of equipment replacements, those were the three areas of savings, that there was a \$1.6 million savings in the 2003 Budget that needed to be realized, that Phase III was an organized broad public deployment, with training and marketing obligations by IAT using a website to download the product onto a personal computer or picking up a CD at one of the Houston Library locations and loading the product in that manner, that as Ms. Gubbin had stated, just under 4% of the population was using the system today, that was a little bit under 8% of the cardholders and people were lining up at the Houston Public Library to wait their turn for the 30 minutes when they could use the product, the product had been a success through Phase I. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis and Vasquez absent.

Council Member Parker stated that Phase I was the rollout at the library and Ms. Gubbin was essentially saying that it was very successful and they had tripled the number of users in just a relatively short number of time and asked if there was any of Phase I that involved non library computers, and Mr. Lewis stated no, not according to the contract, and Council Member

Parker asked if they were to stop the contract today and only wanted to use it in the library what would be their financial obligations and what would be their financial obligations if they said they just wanted to scrap the whole thing, and Mr. Lewis stated that it was a question that Ms. Taylor, Legal Department, needed to answer. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis and Vasquez absent.

Ms. Taylor stated that the contract was structured so that it was actually one \$5 million license fee that related to a million perpetual licenses, that they were licensed on a perpetual basis for a single fee of \$5 million, the contract was structured so that they pay out that one \$5 million payment over two different \$2.5 million payments and then there was an additional approximately \$100,000 to \$150,000 that related to bandwidth, storage fees, maintenance and that sort of thing, so their obligation at this point upon accepting Phase I was \$2.5 million, if they terminated the contract at this point so that they did not continue with the 3 year contract, then they were entitled to be reimbursed for a portion of that \$2.5 million related to the balance of the 3 year term, but they had not purchased any licenses because it was one bundle of licenses for one complete fee, so they could get out of the contract, although they had financial obligations to date but they would not have acquired any licenses, so the money would essentially have gone for the pilot period.

Council Member Parker stated that they had a projected savings in this years FY2003 Budget of \$1.6 million and asked if that was predicated on rolling out the SimHouston Program within City Departments and Mr. Lewis stated that was correct, and Council Member Parker asked if they were going to be able to meet that goal and if not did it come straight out of the bottom line in his department, and Mr. Lewis stated that currently it was currently budgeted in his department but he was going to do everything he could to achieve that goal and believed the contractor would do everything they could to help them achieve that goal, and Council Member Parker stated that Microsoft came and visited with her before the original vote and seemed to be completely caught off guard that they were proceeding with it and asked if it was true that Microsoft had come back to the City and offered to renegotiate the license fees, and Mr. Lewis stated that not with him directly, he thought that his predecessor was discussing an Enterprise License Agreement with Microsoft and the information he had was that it was done between June 2001 and June 2002, but there was nothing that was agreed to by the parties as he understood, and Council Member Parker stated that she almost drove off of the road when she saw an airplane banner saying "Save SimHouston" and she was not a fan of those airplane banners to begin with and then she understood and got started being bombarded with emails and apparently folks who were using SimHouston in the public libraries got a popup message saying they ought to contact City Council Members and she wished that Mr. Davis was present so that she could express to him how unhappy she was to be lobbied on a service that she was paying for and how bonehead that action was and asked if it was true that they got a popup message and Mr. Lewis stated that he was provided a hard copy of the message Monday evening and when he discussed it with Mr. Davis yesterday he assured him that the message had been sent to oblivion. Council Member Galloway absent.

Council Member Quan asked if the payment of \$2.5 million was due when, and Ms. Taylor stated that the first \$2.5 million was due upon acceptance of Phase I, and Mr. Lewis stated that they were in the process of accepting it, it was not accepted as of today, but he was moving forward with the acceptance process, and Council Member Quan stated that he understood there was an OIG investigation in the works at this time and if there was any idea how that was progressing, and Ms. Taylor stated that was correct and she had been in regular contact with the OIG as well as the D.A.'s office and they were continuing their investigation and believed that the OIG at least was nearing the conclusion of their investigation and had taken statements from the majority of the folks that they intended to, that what the D.A.'s office would do was a little less clear, and Council Member Quan asked Mr. Lewis if they were under any obligation to accept Phase I and proceed to Phase II or could they delay that a bit while they were waiting for the OIG investigation to be concluded, and Mr. Lewis stated that it was his view that the positive test results for Phase I, the utilization of the product in the Houston Public Library by the patrons of

the library, together with the \$1.6 million savings that was in the approved budget were all reasons to move forward with the implementation of Phases II and III, it also was his view that the contractor had performed in light of what he just described and that they needed to continue the process of completing the acceptance, and Council Member Quan asked if they found, through the OIG investigation, that bid laws were violated or there was a problem in the process, where did that put them.

Ms. Taylor stated that if there was a determination that there was a bid law violation in the award of the contract then the bid laws provide that the contract would be void, at which point they would be dealing with an issue of quantum meruit where the City would have an obligation to the contractor for the value of the benefit that they received and accepted, but the contract itself would be void, and Council Member Quan stated that his feeling would be that they proceed with caution on it, that he saw the benefit and was happy to hear Ms. Gubbin's report of how successful it had been, but if they were looking at a potential voided contract, spending \$2.5 million at this time seemed pretty shaky, and Ms. Taylor stated that at this point there was no suggestion from the OIG that they had found anything that suggested a bid law violation, and Mayor Brown stated that they were monitoring that in the Legal Department and as Ms. Taylor pointed out there was no indication whatsoever of any problem at this time, but it would be carefully monitored. Council Member Galloway absent.

Council Member Robinson stated that if something came back from the OIG or the District Attorney he did not want to obligate them in Quantum Meruit, but they had to pay for the fair value for what they received and his only question was why not a standstill position until they hear from both agencies on their final repair, and Mr. Lewis stated that they had a contractual obligation to the IAT to make payment upon acceptance, that they had no reason, other than the administrative process of completing the acceptance, that they had no reason to do anything otherwise, that what he was saying very clearly was that the contractor had performed and they had a performance obligation insofar as payment was concerned, the specific provision had to do with acceptance, and he had stated that the process was moving forward and had not been completed, when it was completed they had an obligation to pay the contractor under the terms of the agreement that was approved by City Council, that what was left in the acceptance of Phase I was transmitting the acceptance testing documentation to the contractor and pointing out two areas that they wanted a response on and receiving their response back in writing and judging that the response was satisfactory for him to accept the product, that maybe it would take a week or two.

Council Member Robinson asked Ms. Taylor of there was anything in the contract to what he was calling a standstill on Phase II implementation until they got some answers, and Ms. Taylor stated not expressly, that the contract provided a couple of relative things, she guessed, to his question, one was that Mr. Lewis had indicated that the contract provided that the City shall accept the product upon it performing appropriately and at the point of acceptance they shall make the payment, it also had a provision, however, for a suspension of performance during which time the contractor and the City were to agree upon the terms for that, but the City was obligated to pay them any standby costs that they would incur for that suspension, essentially staying on the hook to the City but not providing additional services, so they could take a suspension, they would have some costs associated with that and they had already incurred or just on the cusp of incurring the initial \$2.5 million, and Council Member Robinson asked if the suspension would be less costly to them if at some point the contract were voided and they accepted Phase II, would it not be from an economic point be better to just suspend for the moment until they had an answer as opposed to moving forward and they get a bad answer, and Ms. Taylor stated that on a certain level they would have to look at the financial implications of what their expenses could be during that standby period for which the City would be paying but receiving no benefit and balancing that against proceeding forward with the role out of Phase II, obtaining some benefit from that and always being in the position of being able to terminate the contract down the line if there were concerns about it or conceivably the contract become void if that was how things evolved, but they would be receiving a benefit for any obligation that was

accruing during that point, she guessed they would have to balance out a perhaps less payment for no benefit against perhaps a higher payment if it would occur or accrue to them a benefit, and Council Member Robinson stated that he guessed what he would like some help on with the numbers and asked what would the suspension cost them in terms of standby costs versus moving forward on Phase II, and they would have to pay for Phase II if the contract stays in existence or if it were void on the theory of Quantum Meruit and what kind of liability had the City been subject to in the past if they were to cancel the contract and it turned out that there was no basis for terminating the contract, and Mayor Brown stated they would get that to them. Council Members Vasquez and Parker absent.

Upon questions by Sekula-Gibbs, Ms. Taylor stated that they were a hair from owing \$2.5 million, they were required to pay \$2.5 million upon acceptance of Phase I and as Mr. Lewis had indicated they were almost at pro forma distance from acceptance of Phase I, and Mr. Lewis stated that he thought that there had been 62,300 of the 3 million licenses that had been assigned, that they were getting utilization data, and Ms. Gubbin stated that they were using at the Central Library, Clayton Library and all 34 branch libraries, and Mr. Lewis stated that the return on investment estimates that were prepared previously assumed that they would be able to use it on about 50% of the desktops in the City and today that was about 6,500, that currently they had about 10 or 15 in his department that had loaded the product and they were beginning to do the Phase II deployment planning, that they were moving in the direction of Phase II, and Ms. Gubbin stated that they did not have any desktops in the library, it was only being accessed by the public on the public access terminals, it was not being used by library staff, that there were approximately 550 terminals in the libraries. Council Members Keller, Parker, Quan and Berry absent.

Ms. Taylor stated that if they thought about it in terms of Phase I essentially being the pilot to establish that the product worked, could be accessed, get the bugs out of it, etc., as she said initially it was a single payment of \$5 million that they owed for the 3 year period and it was set up rather than making a one time \$5 million payment that they would require it to have gone through a pilot and establish its success there, which was the library system and the public access and then they would half of the money and they would do the further roll out, but it was not so much the number of users as the experience of establishing that it did work and could be adequately accessed. Council Members Keller, Parker, Quan and Berry absent.

Mr. Lewis stated that the second acceptance that he had to perform was at the completion of both Phase II and Phase III and Phase III was the broader public roll out, where they could download the product through the website or pick up a CD at the Houston Public Library, that as part of Phase II's acceptance, he was going to consider the number of City desktops that they had effectively deployed the product on, that as part of Phase III he was going to consider the utilization of the 3 million licenses, so it was conceivable that the second payment would not be made until the very end of a third year period, he thought it would probably happen earlier than that, but it was conceivable that it could, that as to the RFP, it was his understanding that there was one respondent, that he understood that BMC Software, IBM and a number of other corporation software providers attended a pre-submission and as part of an RFP proposers had an opportunity to comment on the solicitation and express concerns if they thought it was slanted one way or another and his experience recently on the Voice Over IP Project was that two proposers had filed letters with the City indicating their concerns that the solicitation was slanted, that he did not believe any proposer went on record during the previous period suggesting that the RFP was biased, that the two that filed complaints were Siemens and Ortel, that eleven other proposers indicated the process was fine and they looked forward to giving them competitive proposals, that no one filed a complaint on the SimDesk, that he had not spent a lot of time looking at the previous RFP because that was within the purview of the Inspector General, but would reiterate that the normal course of an RFP was to provide comments on the solicitation document. Council Members Keller, Parker, Quan and Berry absent.

Ms. Taylor stated that there would not be a problem with the Bid Law by the fact of a single bidder proposing, that could sometime be an indication that there was something restrictive or inaccurate or incorrect about the specifications and in this case the indication was, from all of the technical people that they were aware of having looked at it, that there was nothing restrictive about the specifications and that anyone could have proposed and that was the real key from the Bid Law standpoint, but also that there was a pre bid conference at which five or six of the firms attended and they had the opportunity and the purpose of a pre bid was to have been asked questions, suggest changes and that did not happen, no one asked for changes to be made and no one suggested that there were problems with the specs at that point. Council Members Keller, Parker, Quan and Berry absent.

Council Member Wiseman stated that as to the written public announcements and the aerial banners, Mr. Lewis comments to her at a meeting was that he was unaware of the warning statement that was posted on the site, that she had a real issue with that because according to the contractual agreement, Section 6 (n), under Publicity, contractor shall make no written public announcement or written release of information concerning the agreement unless the release had been submitted to and approved in writing by the director, that clearly represented a violation of the agreement on the part of the contractor and she took great issue with it and thought it was important that the City Council go ahead and exercise their authority as given to them under the contract to inspect the contractors books and records to determine in what other methods the agreement was violated with respect to that section, that she would like to know if email messages were sent to the account holders, for one, that they had a lot of doubts on the Council with respect to the contract and then to have evidence that the contractor had indeed violated the agreement already, she wanted a further investigation into it. Council Members Quan and Berry absent.

Council Member Tatro stated that he used the system yesterday at 6:00 p.m. and thought he sent most Council Members the email, that the pop up message that Council Member Parker and Council Member Wiseman talked about was in the system in the library as of 6:00 p.m. yesterday and they clearly had a violation of the contract, and asked who wrote the technical specifications for the RFP, which City employee wrote those technical specifications that were placed in the RFP. Council Members Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Mr. Lewis stated that he did not know who wrote the specification; that he did not consider his response to Council Member Wiseman's notice to him that the warning was on the site as either nonchalant or indifferent, he discussed it with Mr. Davis the next business day and he assured him that the warning message had been deleted and the email message that he received in the morning indicated that it was not and he notified Mr. Davis of that and told him that if it was not they had some issues that they needed to discuss and asked Ms. Jefferson to follow up on that and he had not received a report back, they were not proceeding blindly forward, they could be assured, his eyes were wide open on the project and the Inspector General was the body that reviewing the propriety of the procurement. Council Members Tatro, Vasquez, Sekula-Gibbs and Berry absent.

Council Member Edwards asked Ms. Taylor if the pop up messages were adjudicated as being breach of contract or whatever the proper legal term was, where did that put them regarding the City's ability to say they were stopping payment or stopping moving forward, and Ms. Taylor stated that as to payment, the payment was earned by the performance that was gone to date and so they had obligations for payment for performance up to date; if that pop up message were viewed to be a breach of contract, there was a provision in the contract for termination for cause, that termination for cause arises in a situation where the contractor had failed to perform, whether the pop up message being loaded would constitute a fail to perform she would not want to offer an opinion at this point, if it were then the City would be in a position to either terminate for cause or to allow the contractor an opportunity to cure that default, which was a fairly common process, where they simply would stop doing whatever it was that violated

the contract and they would move forward. Council Members Vasquez, Sekula-Gibbs and Berry absent.

Council Member Edwards asked if Mr. Davis was aware that what they did was wrong, and Mr. Lewis stated that he called a meeting at 2:00 p.m. yesterday and had them in City Hall to tell them how much he was concerned about their actions of the last week and he thought it was made very clear to them that they had to communicate with him with response to all activities being conducted and associated with the contract, that Ms. Gubbin was at the meeting and he thought she could vouch for the severity of the conversation on this question. Council Members Vasquez, Sekula-Gibbs and Berry absent.

Mayor Brown stated that he wanted to thank Mr. Lewis and Ms. Gubbin for being present. Council Members Vasquez, Sekula-Gibbs and Berry absent.

At 11:32 a.m. Mayor Brown stated that they would now move to the consent agenda. Council Members Vasquez, Sekula-Gibbs and Berry absent.

Council Member Galloway moved to suspend the rules to consider Item 84 and 59 out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Sekula-Gibbs and Berry absent. MOTION 2002-1152 ADOPTED.

84. ORDINANCE appropriating \$12,886,400.00 out of the Water & Sewer System Consolidated Construction Fund awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for 72-inch water line along W. 12th Street, N. Post Oak Road, and Westview Drive from 1000 feet east of Hempstead Road to Silber Road (6E-2), GFS S-0900-72-3 (WA10645); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund **DISTRICTS A - TATRO; - B-GALLOWAY and H - VASQUEZ** - was presented, and tagged by Council Members Galloway and Ellis. Council Members Vasquez, Sekula-Gibbs and Berry absent.
59. RESOLUTION in support of City Employees' access to quality Medical Care - was presented. Council Members Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to thank the Legal Department for helping her with the language of the resolution and also mention to everyone that the letters of complaint that had been sent by Members of Council had been accepted by the Texas Department of Insurance regarding the resolution, that she thought it would be accepted by the Texas Department of Insurance as a very serious statement of concern by the City and would be supportive of them in their investigation, they were currently making an investigation but when they had an entire City Council and a Mayor calling for an investigation it lent significant teeth to the process, so she would encourage their support of the resolution. Council Members Vasquez and Berry absent.

Council Member Robinson stated that he wanted to thank Council Member Sekula-Gibbs and the administration for putting it on the agenda, that this was something that he had been seriously concerned about, that a couple of weeks ago he read them a letter he received from Ms. Linda Tidwell about her situation with HMO Blue and knew every time he talked about health insurance he got a report from the Human Resources Department that tells them everything is okay, it is not really that bad, so to avoid any issue about whether or not it was just one isolated circumstance he decided just to survey the City employees, and displayed a stack of 1,500 responses, that he could not bring all of them, from City employees talking about how bad and what kind of problems they had run into, that it was not an isolated issue, it was a serious and significant issue across the board, not only for the current employees, but after they talked to the retirees in the Police and Fire Department and the regular municipal system, it was a problem

for all 62,000 employees, and he hoped they would hasten the process within the administration in looking at alternatives to the current HMO Blue system, and he wanted to continue working with them, he believed it was Mr. Haines on that issue. Council Member Berry absent.

Mayor Brown stated that because of Council Member Robinson's earlier efforts the matters had been referred to the Texas Department of Insurance and they were already conducting an investigation based upon his earlier identification of the issue. Council Member Berry absent.

After a lengthy discussion by Council Members a vote was called on Item No. 59. All voting aye. Nays none. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding. RESOLUTION 2002-0031 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 25, 63 through 68, 16 and 17 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Berry and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1153 ADOPTED.

25. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,316,880.39 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION CO.** for Terminal C Restroom Renovations at George Bush Intercontinental Airport/Houston, Project 490E, CIP A-0322 - 03.46% less than the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Ellis and Vasquez. Council Members Parker, Berry and Robinson absent.
63. ORDINANCE approving and authorizing two lease agreements between the City of Houston and **ABCO AVIATION, INC** for Two Hangars at William P. Hobby Airport; containing provisions relating to the subject - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Members Vasquez and Ellis. Council Members Berry and Robinson absent.
64. ORDINANCE approving and authorizing lease agreement by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for a site to accommodate the Remote Transmitter/Receiver for Runway 8/26 at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Vasquez. Council Members Berry and Robinson absent.
65. ORDINANCE approving and authorizing lease agreement by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, to accommodate the Remote Transmitter/Receiver Facility Site at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Vasquez. Council Members Berry and Robinson absent.
66. ORDINANCE approving and authorizing lease agreement by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for sites to accommodate Runway 14/32 Navigational Aids, an Access Road and a Facility at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Vasquez. Council Members Berry and Robinson absent.
67. ORDINANCE approving and authorizing lease agreement by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for sites to accommodate Runway Navigational Aids, an Access Road and a Facility at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was

presented, and tagged by Council Member Vasquez. Council Members Berry and Robinson absent.

68. ORDINANCE approving and authorizing lease Agreement by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, to accommodate the Air Route Traffic Control Center at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Vasquez. Council Members Berry and Robinson absent.

Council Member Keller moved to suspend the rules to consider Item No. 80 after Item No. 17, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1154 ADOPTED.

16. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT AREA) BOARD OF DIRECTORS:**

Position 1 - **MR. WILLIE COLEMAN, JR.**, reappointment, for a term to expire August 31, and to serve as Chair, for a term to expire December 31, 2002

Position 3 - **MR. WILLIAM B. DEANE**, reappointment, for a term to expire August 31, 2004

Position 5 - **MS. MARIA FERNANDEZ-POWELL**, appointment, for a term to expire August 31, 2004

- was presented. Council Members Berry and Robinson absent.

Council Member Galloway moved to postpone Item No. 16 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1155 ADOPTED.

17. REQUEST from Mayor for confirmation of the reappointment of the following to the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**

MR. WILLIE COLEMAN, JR., Chair, for a term to expire December 31, 2002

Position 7 - **MS. SANDRA MCMULLAN**, for a term to expire August 31, 2004

Position 9 - **MR. JOHN CORNETT**, for a term to expire August 31, 2004

- was presented. Council Members Berry and Robinson absent.

Council Member Galloway moved to postpone Item No. 17 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1156 ADOPTED.

Council Member Tatro stated that they were doing a couple of reinvestment zones, with this obviously being Greenspoint and they had some Parks Board and other board nominations coming behind this and with reference to Council Member Ellis's recent initiative to the encompassing of the delinquencies that they all talked about, property taxes and maybe fines, the affidavit might be appropriate for nominations to boards, whether they be a non profit reinvestment zone or the boards and commissions that each of the Council Members sit on, so he would reference that to Council Member Ellis in the ongoing ordinance that he was going to draft up. Council Members Berry and Robinson absent.

80. ORDINANCE approving and authorizing professional consulting services contracts between the City of Houston and **HBC ENGINEERING, a division of TERRACON, INC** and **BROWN AND CALDWELL** for General Environmental Services, GFS D-0073-09-2

and D-0073-10-2 \$261,950.00 - Grant Fund - was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2002-0932 ADOPTED

CONSENT AGENDA NUMBERS 14 through 85

MISCELLANEOUS - NUMBERS 14 through 24

14. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON PARKS BOARD**, for terms to expire January 1, 2005:
 - Position Seven - **MS. TERRY HERSHEY**, reappointment
 - Position Eight - **MR. ROBERT ROWLAND, III**, reappointment
 - Position Nine - **MR. BRADY F. CARRUTH**, reappointment
 - Position Twelve - **MR. ANTHONY R. CHASE**, reappointment
 - Position Fifteen - **MR. MICHAEL CHOU**, appointment

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1157 ADOPTED.
15. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS, also known as FIFTH WARD AREA**, for terms ending June 21, 2004:
 - Position 2 - **MR. HARVEY CLEMONS, JR**
 - Position 4 - **MS. ELEANOR D. JONES**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1158 ADOPTED.
18. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$66,966.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1159 ADOPTED.
19. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** for 1 Year Utility Subscription Program Fee - \$81,016.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1160 ADOPTED.
20. RECOMMENDATION from Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2003 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1161 ADOPTED.
21. RECOMMENDATION from Acting Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRIARHILLS PROPERTY OWNERS ASSOCIATION, INC** and **WEST AIRPORT HOMEOWNERS ASSOCIATION** for Law Enforcement Services of 3 Deputies from Harris County Constable Precinct 5 - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson

absent. MOTION 2002-1162 ADOPTED.

22. RECOMMENDATION from Acting Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **COURTYARD WESTWAY HOMEOWNERS ASSOCIATION** for Law Enforcement Services of 1 Deputy from Harris County Constable Precinct 5 - **DISTRICT A- TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1163 ADOPTED.
24. RECOMMENDATION from Director Finance & Administration Department and the City Controller for approval of a purchaser term sheet for the sale of Tax and Revenue Anticipation Notes, Series 2002A (the "Series 2002A Notes"), and awarding the sale of the notes to the successful proposer - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1164 ADOPTED.

PROPERTY - NUMBERS 30 through 39-4

30. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Prisciliano Martinez, for abandonment and sale of ±9,336-square-foot, fee-owned portion of Clearwood Drive, out of Lots 8, 9 and 14, Block D, Hales Addition, E. Pelligrini Survey, Parcel SY3-009 - **STAFF APPRAISERS - DISTRICT I- ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1165 ADOPTED.
31. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, for abandonment and sale of portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for the conveyance to the City of right of way and the construction of cul-de-sacs at both dead-end points, all out of Block 3, J. O. Ross Subdivision, Parcels SY3-010, AY3-039A and AY3-039B - **STAFF APPRAISERS DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1166 ADOPTED.
36. ORDINANCE appropriating \$21,550.25 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Del McCarthy, et al., to acquire Parcel Number C97-6, for the Dumas Lift Station Project; GFS/CIP R-1309-22-1 **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2002-0933 ADOPTED
- 36a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Del McCarthy, et al, Cause Number 763,743, for acquisition of Parcel C97-6; for the **DUMAS LIFT STATION PROJECT**; GFS/CIP R-1309-22-1 - \$21,550.25 - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1167 ADOPTED.

37. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Sterling Trust Company, et al, Cause Number 772,897, for acquisition of Parcel A99-114 for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Pinemont-W. Little York)**; CIP/GFS N-0546-01-1- \$42,540.00 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1168 ADOPTED.
38. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Anrem Corporation Inc., a Texas corporation, et al, Cause Number 736,738, for acquisition of Parcel AY1-009 for the **HIGH STAR LIFT STATION PROJECT**; CIP/GFS R-0267-05-2 \$47,671.00 - **DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1169 ADOPTED.
39. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels A97-348 and A97-353, located at the intersection of Ley Road and Woodwick Drive, owned by Union Pacific Railroad Company, Pat Moran, Real Estate Manager, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587B-00-1 \$44,254.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1170 ADOPTED.
- 39-1. RECOMMENDATION from Director Department of Public Works & Engineering to authorize the acquisition of Parcel 3A, by voluntary conveyance or by condemnation proceedings for the acquisition of Water Transmission Easements and rights-of-way for delivery of treated surface water from the Northeast Water Purification Plant; said parcel being further described by metes and bounds within Schedule 1 attached to the Request For Council Action - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1171 ADOPTED.
- 39-2. RECOMMENDATION from Director Department of Public Works & Engineering to authorize the acquisition of Parcel 3B, by voluntary conveyance or by condemnation proceedings for the acquisition of Water Transmission Easements and rights-of-way for delivery of treated surface water from the Northeast Water Purification Plant; said Parcel being further described within Schedule 1 attached to the Request For Council Action - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1172 ADOPTED.
- 39-3. RECOMMENDATION from Director Department of Public Works & Engineering to authorize the acquisition of Parcel 7, by voluntary conveyance or by condemnation proceedings for the acquisition of Water Transmission Easements and rights-of-way for delivery of treated surface water from the Northeast Water Purification Plant; said parcel being further described by metes and bounds within Schedule 1 attached to the Request For Council Action - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1173 ADOPTED.

39-4. RECOMMENDATION from Director Department of Public Works & Engineering to authorize the acquisition of Parcels 8.5A-3, 8.5A-4, 8.5A-5, 8.5A-6, 8.5A-7, 8.5A-8, 8.5A-9, 8.5B, 8.5C, 8.5, by voluntary conveyance or by condemnation proceeding for the acquisition of Water Transmission Easements and rights-of-way for delivery of treated surface water from the Northeast Water Purification Plant; said parcels being further described by metes and bounds within Schedule 1 attached to the Request For Council Action - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1174 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 52

52. Omitted

RESOLUTIONS AND ORDINANCES - NUMBERS 62 through 76

62. ORDINANCE finding and determining that public convenience and necessity no longer require that continued use of Englemohr Street (Formerly Amos Street) and Sarah Avenue, from Fannin Street to Daniel Street, being out of Knights Main Street Addition, Harris County, Texas; vacating and abandoning (i) Parcel SY2-009A, a 10,148 square-foot portion of Engelmohr Street (ii) Parcel SY2-009B, a 20,357 square-foot portion of Sarah Avenue to Charles G. Shears abutting owner, in consideration of his payment of \$73,979.00 and \$148,403.00, respectively, and other consideration to the City, and (iii) Parcel SY2-036, a 10,145 square-foot portion of Englemohr Street, to Treeline Partners, Ltd., abutting owner, in consideration of its payment of \$73,957.00, and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2002-0934 ADOPTED

71. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SECOND WARD COMMUNITY DEVELOPMENT CORPORATION** for Day Labor Site Services at 2 North Sampson Street - \$35,000.00 - **DISTRICT H – VASQUEZ** had been pulled from the Agenda by the Administration, and was not considered.

73. Omitted

76. Omitted

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

23. RECOMMENDATION from Acting Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **WESTCHASE DISTRICT** for Law Enforcement Services of 1 Sergeant and 5 Deputies from Harris County Constable Precinct 5 - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1175 ADOPTED.

Council Member Quan moved to remain in session beyond the noon hour to complete the agenda, seconded by Council Member Parker. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1176 ADOPTED.

ACCEPT WORK

26. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$562,434.54 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.** for Construction of Asphalt Overlay Projects (Freeway/Pine Valley) and (Overbrook/Bayou Oaks) Neighborhoods to Standard-Tier VIII, GFS N-1037-19-3 (OL-2019) - 20.82% under the original contract amount - **DISTRICT I - ALVARADO** - was presented.

Council Member Ellis stated that he would tag Item No. 26 and Council Member Keller stated that they were current on taxes and Council Member Ellis stated that he would remove his tag.

Mayor Brown stated that Council Member Ellis removed his tag and a vote was called on Item No. 26. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1177 ADOPTED.

27. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$973,008.50 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for 69th Street Wastewater Treatment Plant Improvements, GFS R-0265-14-3 (4760-01) - 01.02% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Ellis. Council Members Berry and Robinson absent.
28. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$532,945.15 and acceptance of work on contract with **R & B GROUP, INC** for Green River Lift Station Rehabilitation, GFS R-0267-68-3 (4276-28) - 01.18% over the original contract amount - **DISTRICT B- GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Ellis. Council Members Berry and Robinson absent.
29. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,040,583.62 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation in Almeda Sims and Southwest Service Areas, GFS R-1003-01-3 (4733-1) - 12.54% under the original contract amount - **DISTRICTS C- GOLDBERG and G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Edwards, Galloway, Alvarado and Keller. Council Members Berry and Robinson absent.

Council Member Alvarado stated that she wanted to make note that this item had an unsatisfactory MWBE rating on it, and Mayor Brown stated that it had been corrected on the first report. Council Members Berry and Robinson absent.

PROPERTY

32. ORDINANCE appropriating \$686,580.00 out of Convention & Entertainment Construction Fund Number 618 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Billy Marlin, Trustee, et al., to acquire Parcel Number AY1-047, for the Extension of Avenida De Las Americas Project (Rusk-Texas); GFS/CIP B-0069-00-1 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0935 ADOPTED

- 32a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Billy Marlin, Trustee, et al, Cause Number 769,617, for acquisition of Parcel AY1-047; for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT (Rusk-Texas)**; GFS/CIP B-0069-00-1 \$686,580.00 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1178 ADOPTED
33. ORDINANCE appropriating \$785,609.00 out of Convention & Entertainment Construction Fund Number 618 to pay the amount of the Agreed Final Judgment and the costs of court in connection with the eminent domain proceeding styled City of Houston v. Frank Kalas and Albert Kalas, et al., to acquire Parcel Number AY1-048, for the Extension of Avenida De Las Americas Project (Rusk-Texas); GFS/CIP B-0069-00-1 - **DISTRICT I - ALVARADO** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that in their research they found that while this was an eminent domain proceeding and they were going to pay some individuals for some property that they were taking from them they also were delinquent on some other properties, so he was going to tag the item at this time and hopefully the Controller or the Legal Department could tell them what exactly they could do, if they could withhold whatever that delinquency was from the payment, that he thought that would be appropriate. Council Members Vasquez, Berry and Robinson absent.

Mayor Brown stated that Item No. 33 was tagged by Council Members Ellis and Keller. Council Members Vasquez, Berry and Robinson absent.

- 33a. RECOMMENDATION from City Attorney to settle a lawsuit styled City of Houston v. Frank Kalas and Albert Kalas, et al, Cause Number 765,741, in connection with eminent domain proceedings for acquisition of Parcel AY1-048; for the **EXTENSION OF THE AVENIDA DE LAS AMERICAS PROJECT (Rusk-Texas)**; GFS/CIP B-0069-00-1 - \$785,609.00 - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Ellis and Keller. Council Members Vasquez, Berry and Robinson absent.
34. ORDINANCE appropriating \$796,440.00 out of Convention & Entertainment Construction Fund Number 618 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Urban Farmers, Ltd., a Texas Limited Partnership, et al., to acquire Parcel Number AY1-050, for the Extension of Avenida De Las Americas Project (Rusk-Texas); GFS/CIP B-0069-00-1 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0936 ADOPTED
- 34a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Urban Farmers, Ltd., a Texas Limited Partnership, et al, Cause Number 768,211, for acquisition of Parcel AY1-050; for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT**; GFS/CIP B-0069-00-1 - \$796,440.00 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1179 ADOPTED
35. ORDINANCE appropriating \$167,795.00 out of Convention & Entertainment Construction Fund Number 618 to pay the amount of the Award of Special Commissioners and all costs

of court in connection with the eminent domain proceeding styled City of Houston v. Kenneth R. Cunningham, Jr., Trustee, et al., to acquire Parcel Number AY1-053, for the Extension of Avenida De Las Americas Project (Rusk-Texas); GFS/CIP B-0069-00-1 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0937 ADOPTED

- 35a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Kenneth R. Cunningham, Jr., Trustee, et al, Cause Number 772,198, for acquisition of Parcel AY1-053; for the **EXTENSION OF AVENIDA DE LAS AMERICAS PROJECT (Rusk-Texas)**; GFS/CIP B-0069-00-1 - \$167,795.00 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1180 ADOPTED

PURCHASING AND TABULATION OF BIDS

40. **AMEND MOTION #99-2076, 12/8/99, TO EXTEND** expiration date from December 8, 2002 to December 8, 2003, for Badge Card Printer Supplies and Accessories for Aviation Department, awarded to **PLASTIC CARD SYSTEMS, INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
41. **INTERNATIONAL TRUCKS OF HOUSTON** for Pavement Marking Vehicle for Aviation Department - \$139,827.88 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1181 ADOPTED
42. **GBS ENVIRONMENTAL, INC** - \$50,500.00 and contingencies for an amount not to exceed \$53,025.00 and **HAZARD ASSESSMENT LEADERS, INC** - \$101,668.00 and contingencies for a total amount not to exceed \$106,751.40 for Asbestos and Lead Abatement Services for Fire Stations 3, 47 and 59 for Building Services Department - Fire Department Revolving Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1182 ADOPTED
43. **AMEND MOTION #99-1774, 10/19/99, TO EXTEND** expiration date from October 26, 2002 to October 26, 2003, for Portable Intensive Care Systems for Fire Department, awarded to **MEDTRONIC PHYSIO-CONTROL CORPORATION** - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
44. **FERNANDEZ AND SON** for Demolition Services for Planning & Development Department \$37,960.00 and contingencies for an amount not to exceed \$39,858.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Keller, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
45. **FERNANDEZ & SON** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development - \$33,105.00 and contingencies for an amount not to exceed \$34,760.25 - General Fund - was presented, moved by Council Member Keller, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

46. **SMITH-MOBLEY, INC** for Emergency Purchase to Secure Dangerous Buildings and Site Clean-up Services for the Planning & Development Department - \$36,788.00 - General Fund - was presented, moved by Council Member Keller, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
47. **WILLIS DEMOLISHING/DISPOSAL COMPANY** for Securing of Dangerous Buildings and Site Clean-up Services for the Planning & Development - \$25,109.00 and contingencies for a total amount not to exceed \$26,364.45 - General Fund - was presented, moved by Council Member Keller, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1183 ADOPTED
48. **AAA DEMOLISHING COMPANY** for Demolition and Site Clean-up Services for the Planning & Development - \$34,580.00 and contingencies for a total amount not to exceed \$36,309.00 Dangerous Building Consolidated Fund - was presented, moved by Council Member Keller, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
49. **AAA FLEXIBLE PIPE CLEANING CO., INC** - \$840,000.00 and **AB CLEAN, INC** - \$570,000.00 for Sewer Cleaning Services for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
50. **INDUSTRIAL TX CORP.** for Emergency Repair to Alameda Sims Wastewater Treatment Plant for Department of Public Works & Engineering - \$296,640.19 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

Council Member Goldberg stated that he wanted to add his tag to Item No. 50 and would like for someone from that department to come and visit with him on the item. Council Members Vasquez, Berry and Robinson absent.

51. **AMEND MOTION #99-2039, 12/1/99, #00-961, 7/26/00 and #01-148, 2/14/01, TO EXTEND** expiration date from November 30, 2002 to November 30, 2003, for Chemical, Inorganic Metal Salt Coagulants Parts I, II and III for Department of Public Works & Engineering, awarded to **SOUTHERN IONICS, INC (formerly COASTAL PRODUCTS AND CHEMICALS), FE3, INCORPORATED/FINI ENTERPRISES, INC; GULBRANDSEN TECHNOLOGIES, GENERAL CHEMICAL CORPORATION and KEMIRON NORTH AMERICA CORP.** - was presented, moved by Council Member Quan, seconded by Council Member Keller, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
53. **CALCIQUEST, INC** for Chemical, Blended Polyphosphate for Department of Public Works & Engineering - \$149,337.10 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Keller, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
54. **AMEND MOTION #99-2085, 12/8/99, TO EXTEND** expiration date from December 8, 2002 to March 7, 2003, for Apparel, Uniforms, Caps and Patches Contracts for Various Departments, awarded to **SOUTHERN PRECISION, TEXAS STATE UNIFORMS LLC, SKAGGS PUBLIC SAFETY UNIFORMS AND EQUIP. (Bids #1 and #2), LAWMAN'S UNIFORM & EQUIPMENT COMPANY, LONE STAR UNIFORMS and R&W POLIZE ENTERPRISES, INC, DBA CENTRAL POLICE SUPPLY** - was presented, moved by

Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

55. **AMEND MOTION #99-2044, 12/1/99 and #00-477, 3/29/00 TO EXTEND** expiration date from December 1, 2002 to February 28, 2003, for Apparel, Uniform Accessories and Supplies, Parts I and II, for Various Departments, awarded to **SKAGGS PUBLIC SAFETY UNIFORMS & EQUIPMENT, AUBURN LABEL & TAG COMPANY, AB EMBLEMS & CAPS, OUTDOOR OUTFITS, LONE STAR UNIFORMS, TROOPER SUPPLY, INC, EXPOTECH USA, INC, ASSOCIATED SUPPLY, UNIFORMS PLUS, R & W POLIZE, dba CENTRAL POLICE SUPPLY, SUPER SEER CORPORATION and G. T. DISTRIBUTORS, INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
56. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Dump Trucks, Cabs & Chassis, Skid Steer Loaders and Trailer for Various Departments - \$1,890,104.58 - Enterprise, Equipment Acquisition Consolidated and Storm Water Utilities Funds - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1184 ADOPTED
57. **BAYOU FOREST PRODUCTS, INC** for Lumber and Piling for Various Departments \$544,895.00 - General Fund - was presented, and tagged by Council Member Goldberg. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that they were okay and Council Member Goldberg stated that he would remove his tag, and a vote was called on Item No. 57. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1185 ADOPTED.

58. **RIGGSBEE HARDWARE CO., INC** - \$266,083.40, **GROVES INDUSTRIAL SUPPLY CORP.** \$166,028.13, **PERFORMANCE BATTERY SUPPLY** - \$182,041.41, **TURTLE AND HUGHES, INC** - \$85,534.10 and **SECURITY SAFETY** - \$44,516.85 for Hardware Supplies for Various Departments - \$744,203.89 - General and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

RESOLUTIONS AND ORDINANCES

60. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS by adding a new SECTION 34-62** relating to the creation of the Adopt-A-Fire Station Program; containing findings and other provisions relating to the foregoing subject - was presented, and tagged by Council Members Wiseman and Tatro. Council Members Vasquez, Berry and Robinson absent.
61. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of portions of a ten-foot wide easement and two adjacent five-foot-wide aerial easements located on Block 7, Lamar Terrace Subdivision; vacating and abandoning said portions of said easements to Ironwood Homes Partners, LP, the abutting owner, in consideration of the owner's dedication of a ten-foot-wide utility easement and the payment of \$40,969.00 and other consideration to the City - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0938 ADOPTED
69. **ORDINANCE** approving and authorizing an Occupancy Agreement between **GREATER HOUSTON AREA HEALTH EDUCATION CENTER (AHEC)**, as occupant, and the City

of Houston, Texas, as owner, for space in the Acres Homes Multi-Service Center - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0939 ADOPTED

72. ORDINANCE approving and authorizing a Termination of Tax Abatement Agreement between the City of Houston, Texas and **WOODLANDS MILLWORK I, LTD. - DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw his tag, and a vote was called on Item No. 72. All voting aye. Nays none. ORDINANCE 2002-0940 ADOPTED.

74. ORDINANCE approving and authorizing sponsorship agreement between the City and **MAISON DE VILLE COUNCIL OF CO-OWNERS, INC** for Garbage Collection Service for the respective civic association - 9 Months - \$864.00 - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0941 ADOPTED

75. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **MEMORIAL VILLAGE TOWNHOUSE MAINTENANCE ASSOCIATION, INC** for Garbage Collection Service for the respective civic association - 9 Months - \$54.00 - **DISTRICT A- TATRO** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0942 ADOPTED

77. ORDINANCE appropriating \$3,000,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for purchase of Water Meters under the Water Meter contract between the City of Houston and **BADGER METER, INC** (approved by Council Motion No. 2001-1102 - was presented, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent. (Note: Council Member Ellis removed his tag later in the meeting.)

79. ORDINANCE appropriating \$27,500.00 out of Fire Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **MORRIS ARCHITECTS, INC** for the preparation of a condition assessment of the Burn Building and Drill Tower at the Val Jahnke Fire Training Academy, GFS C-0068-03-2; providing funding for project management and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0943 ADOPTED

81. ORDINANCE appropriating \$253,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional engineering services contract approved by Ordinance No. 97-361 between the City of Houston and **A & S ENGINEERS, INC** for Designing Improvements to various water production facilities CIP S-1000-AB-2 (WA10457); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

Council Member Keller stated that they were okay and Council Member Ellis stated that he would remove his tag. Council Members Vasquez, Berry and Robinson absent.

Mayor Brown stated that Council Member Ellis removed his tag and a vote was called on Item No. 81. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0944 ADOPTED

82. ORDINANCE appropriating \$476,300.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **TEXAS LIQUA TECH SERVICES, INC** for Construction of Roof Replacement for Municipal Courts Building; CIP D-0044-04-3; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
83. ORDINANCE appropriating \$857,595.47 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method GFS R-0266-R7-3 (WW4277-11); providing funding for engineering testing services and contingencies relating to construction of facilities finance by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.
85. ORDINANCE relating to the Disaster Recovery Fund; appropriating \$10,497,727.00 from the Disaster Recovery Fund for Cleanup, Recovery and Repair related to Tropical Storm Allison; appropriating \$2,798,893.00 from the Disaster Recovery Fund and authorizing a transfer of such funds to the Convention & Entertainment Revenue Fund - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0945 ADOPTED

NON CONSENT AGENDA - NUMBERS 86 through 88

PROPERTY

86. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Art Martinez of Texas Engineering and Mapping, on behalf of Houston Independent School District (HISD), authorizing the sale of: (1) the former Ludington Drive Water Well Site Number 49, located within Reserve K1, Block 65, Westbury, Section 3, and the abandonment and sale of; (2) Ludington Drive, from Chimney Rock Road east to its dead-end, located within Block 65, Westbury, Section 3, (3) a ±38-foot wide drainage easement, (4) a 10-foot wide utility easement, and (5) a 15-foot wide storm sewer easement, all easements located within Westbury, Section 4, and a right of entry for Houston Independent School District, Parcels SY3-005A through E - **APPRAISERS - DISTRICT C - GOLDBERG** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Goldberg named Ms. Jasmine C. Quinerly of DGK Coleman and Sons and Mr. Travis R. Cooper of Travis Cooper and Associates Real Estate Appraisers as appraisers and moved approval of the recommendation, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1186 ADOPTED.

87. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rex L. Kesler, Attorney and Counselor at Law, on behalf of 259 West Gray Partnership (Robert A. Frederick, Managing Partner), for abandonment and sale of the remaining portion of a 15-foot wide alley, from O'Neil Street ±100 feet north to its terminus, located within Block 1, Fair Ground Extension, Parcel SY3-011 - **APPRAISERS - DISTRICT I - ALVARADO** - was presented. Council Members Vasquez, Quan, Berry and Robinson absent.

Council Member Alvarado named Mr. Frank Flores and Mr. Charles Rencher as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Quan, Berry and Robinson absent. MOTION 2002-1187 ADOPTED.

88. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John Tsertos, on behalf of 1717 West Webster L.P. [1717 West Webster, Inc. (John Tsertos, president), general partner] and Robert J. Rose, for abandonment and sale of the remaining portion of a 15-foot wide alley, from West Webster Avenue ±175 feet south to its terminus, located within Block 5, Fair Ground Extension, Parcels SY3-013 and SY3-017 - **APPRAISERS - DISTRICT D - EDWARDS** - was presented. Council Members Quan, Vasquez, Berry and Robinson absent.

Council Member Edwards named Ms. Shiela Stewart and Mr. Samuel Stewart as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Quan, Berry and Robinson absent. MOTION 2002-1188 ADOPTED

MATTERS HELD - NUMBERS 89 through 111A

89. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,543,450.26 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for construction of Infrastructure Improvements in the St. George Place Subdivision, GFS N-1033-03-3 (N-1033-03) - 08.79% under the original contract amount **DISTRICT C - GOLDBERG - (This was Item 61 on Agenda of August 28, 2002, POSTPONED BY MOTION #2002-1022)** - was presented. Council Members Vasquez, Quan, Berry and Robinson absent.

Council Member Goldberg stated that they had a lot of problems with the project and were not satisfied that the work had been completed correctly and moved to refer Item No. 81 back to the administration until the work was complied with, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Vasquez, Quan, Berry and Robinson absent. MOTION 2002-1189 ADOPTED.

90. MOTION by Council Member Ellis/Seconded by Council Member Keller to amend Item 90A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. Council Members Vasquez, Quan, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 90 and 90a for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Quan, Berry and Robinson absent. MOTION 2002-1190 ADOPTED.

- 90a. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,161,144.22 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Binz Street Paving from Alameda Road to South Main, GFS N-0611A-35-3 (N-0611A-35) - 06.02% under the original contract amount - **DISTRICT D - EDWARDS - (This was Item 3 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented and postponed for

one week by Motion 2002-1190. Council Members Vasquez, Quan, Berry and Robinson absent.

91. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 91A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **TAGGED BY COUNCIL MEMBER ROBINSON** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 91 and 91a for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1191 ADOPTED.

- 91a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from the Director Department of Public Works & Engineering for approval of final contract amount of \$2,145,606.67 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of Chimney Rock from Luddington to Benning Road, GFS N-0681-01-3 (N-0681-01) - 04.98% over the original contract amount - **DISTRICT C - GOLDBERG** - **(This was Item 4 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented and postponed for one week by Motion 2002-1191. Council Members Vasquez, Berry and Robinson absent.

92. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 92A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **TAGGED BY COUNCIL MEMBER ROBINSON** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 92 and 92a for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1192 ADOPTED.

Council Member Ellis stated that he wanted to make a statement to all of the contractors and individuals who wanted to do business with the City, if they would provide them with the information they needed to run the background checks it would expedite things greatly, so if his colleagues had any complaints from different contractors and so forth to just say to provide them with the information and they would not delay it any longer. Council Members Vasquez, Berry and Robinson absent.

- 92a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,127,239.04 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of WCID No. 47 Wastewater Treatment Plant Expansion, GFS R-0523-01-3 (4718-01) - 02.92% under the original contract amount - **DISTRICT E - WISEMAN** - **(This was Item 5 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and ELLIS)** - was presented and postponed for one week by Motion 2002-1192. Council Members Vasquez, Berry and Robinson absent.

93. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 93A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal

entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. – **(TAGGED BY COUNCIL MEMBERS ROBINSON and ELLIS)** – was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Galloway stated that she wanted to refer Item No. 93 and No. 93a back to the administration, and Council Member Ellis stated that if she did that he would withdraw his motion on Item No. 93 and asked if she wanted to refer the main item and Council Member Galloway stated yes.

93a. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,158,171.67 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of 84-inch water main along Kelley and Gold from east of U.S. 59 HOV Lane to west of UPRR, Contract 6B-1, GFS S-0900-55-3 (WA10628) - 00.46% under the original contract amount - **DISTRICT H – VASQUEZ** – **(This was Item 6 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and ELLIS)** – was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw his motion on Item No. 93 and Council Member Keller stated that the district representative was not present and Mayor Brown stated that did not prevent Council Member Galloway from making the motion if she so desired, seconded by Council Member Ellis. Council Members Vasquez, Berry and Robinson absent.

Council Member Tatro stated that this was in Council Member Vasquez's district and he was just wondering if she had discussed it with Council Member Vasquez and asked if a weeks delay would be more appropriate and Council Member Galloway stated that she would go with a weeks delay, that she would not mind a compromise. Council Members Vasquez, Berry and Robinson absent.

Council Member Galloway moved to postpone Item No. 93 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1193

94. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 94A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. – **(TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Goldberg stated that on 94a, 94b and 94c he was going to vote no, that he had met with the Aviation Department and the reason they were paying about \$13 million for a Harris County Toll Road was really still unexplainable, there was an agreement that was reached prior to this administration, it was a different administration and there was never any written explanation about why they were paying \$13 million so Harris County could collect 50 cents on the toll road, that he used it before and they made revenue off of it even though the City paid for it and he could not in good conscious vote yes on it, that he would be voting no. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw his motion on Item No. 94.

94a. ORDINANCE appropriating \$63,034.10 out of Airports Improvement Fund as an additional

appropriation for construction of the Hardy Toll Road Connector Flyover at George Bush Intercontinental Airport/Houston (Proj. No. 497B), CIP A-0261, under contract with **CHAMPAGNE-WEBBER, INC, TEXAS**, approved by Ordinance 98-1003 - **DISTRICT B - GALLOWAY** – **(This was Item 7 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG, KELLER, VASQUEZ and ROBINSON)** – was presented. Council Member Goldberg voting no, balance voting aye. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0946 ADOPTED.

- 94b. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 94C below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. – **(TAGGED BY COUNCIL MEMBERS ROBINSON and VASQUEZ)** – was presented.

Council Member Ellis stated that he would withdraw his motion on Item No. 94b. Council Members Vasquez, Berry and Robinson absent.

- 94c. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$6,127,929.29 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Hardy Toll Road Connector Flyover at George Bush Intercontinental Airport/Houston (IAH), Project 497B, CIP A-0261 - 06.06% over the original contract amount - **DISTRICT B - GALLOWAY** – **(This was Item 7a on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON, VASQUEZ and KELLER)** – was presented, moved by Council Member Tatro, seconded by Council Member Keller. Council Member Goldberg voting no, balance voting aye. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1194 ADOPTED.

95. MOTION by Council Member Ellis/Seconded by Council Member Keller to amend Item 95A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented.

Council Member Ellis moved to postpone Item No. 95 and 95a for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1195 ADOPTED.

- 95a. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **INDUSTRIAL ELECTRICAL SERVICES, INC** to Furnish and Install Transformers for Convention & Entertainment Facilities Department - \$36,497.00 - Enterprise Fund - **(This was Item 13 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented, and postponed for one week by Motion 2002-1195. Council Members Vasquez, Berry and Robinson absent.

96. MOTION by Council Member Ellis/Seconded by Council Member Vasquez to amend Item 96A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented.

Council Member Ellis stated that he would withdraw the motion on Item No. 96. Council Members Vasquez, Berry and Robinson absent.

96a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **TURF INDUSTRIES (c/o VOPAK)** for Perennial Rye Grass Seeds for Parks & Recreation Department - \$57,597.90 General and Park Special Revenue Funds - **(This was Item 15 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1196 ADOPTED.

97. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 97A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 97 and 97a for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1197 ADOPTED.

97a. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #99-2153, 12/21/99 and #2000-407, 3/22/00, TO EXTEND** expiration date from December 21, 2002 to December 21, 2003, for Water Meter Locking Devices Part I and II, for Department of Public Works & Engineering, awarded to **J & L PATTERNS/CAS PAR, MCGARD, INC and E. J. BROOKS COMPANY** - **(This was Item 17 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented, and postponed for one week by Motion 2002-1197. Council Members Vasquez, Berry and Robinson absent.

98. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 98A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 98 and 98a for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1198 ADOPTED.

98a. MOTION by Council Member Keller/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Finance & Administration Department to award to **SOUTHWEST STAINLESS L.P. d/b/a HUGHES SUPPLY** for Gate Valves, Tapping Valves and Sleeves for Department of Public Works & Engineering - \$227,107.19 - Enterprise Fund - **(This was Item 19 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented and postponed for one week by Motion 2002-1198. Council Members Vasquez, Berry and Robinson absent.

100. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 100A below, to exclude any payment to any individual, company, corporation, LLP, LLC,

general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - (**TAGGED BY COUNCIL MEMBER ROBINSON**) - was presented.

Council Member Ellis stated that he would withdraw the motion on Item No. 100. Council Members Vasquez, Berry and Robinson absent.

100a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2001-899, 8/8/01, TO INCREASE** spending authority from \$650,000.00 to \$910,000.00 for Heil Garbage Truck Bodies Aftermarket Replacement Parts for Solid Waste Management Department, awarded to **WESTERN REFUSE & RECYCLING EQ., INC** - (**This was Item 21 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON**) - was presented. All voting aye. Nays none. Council Members Vasquez, Berry and Robinson absent. MOTION 2002-1199

101. RESOLUTION approving the issuance and sale by **HOUSTON HOUSING FINANCE CORPORATION** of Multifamily Housing Revenue Refunding Bonds Concord At Palm Center Apartments Series 2002A and Subordinate Multifamily Housing Revenue Bonds Concord at Palm Center Apartments Series 2002B and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT D - EDWARDS** - (**These was Item 22 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS TATRO, KELLER and SEKULA-GIBBS**) - was presented. Council Member Tatro voting no, balance voting aye. Council Members Vasquez, Berry and Robinson absent. ORDINANCE 2002-0947 ADOPTED.

101a. ORDINANCE approving and authorizing: (1) a Subordination Agreement with the **FEDERAL HOME LOAN MORTGAGE CORPORATION**; (2) an Assignment, Assumption and Consent Agreement with **CONCORD AT PALM CENTER, LLC; CONCORD AT PALM CENTER II, LLC; BANK ONE, NATIONAL ASSOCIATION**; and the **HOUSTON HOUSING FINANCE CORPORATION**; (3) a release of lien on leasehold; and (4) an endorsement to Performance-Based Note in connection with the refinancing of the Senior Bond Financing for the Concord at Palm Center Apartments - **DISTRICT D - EDWARDS** - (**These was Item 22A on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBERS TATRO, KELLER and SEKULA-GIBBS**) - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent. ORDINANCE 2002-0948 ADOPTED.

103. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 103A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - (**TAGGED BY COUNCIL MEMBER ROBINSON**) - was presented. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw the motion on Item 103. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

103a. ORDINANCE approving and authorizing contract between the City and **GULF COAST CONCESSIONS AND CATERING** for Food and Beverage Concessions at Brock Park Golf Course and Sharpstown Park Golf Course - 2 Years with three one-year options -

Revenue **DISTRICTS B - GALLOWAY and F - ELLIS - (This was Item 30 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent. ORDINANCE 2002-0949 ADOPTED.

104. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 104A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 104 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent. MOTION 2002-1200 ADOPTED.

- 104a. ORDINANCE approving and authorizing contract between the City of Houston and **CALLIER & GARZA, L.L.P.** for Legal Services related to a lawsuit styled Carlos Dale Speck, III, et al v. City of Houston and Kenneth Wenzel, U.S. District Court, Southern District of Texas, Houston Division, Civil Action H02-0236 - \$45,000.00 - Property and Casualty Fund - **(This was Item 32 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented, and postponed for one week by Motion 2002-1200 ADOPTED. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

105. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 105A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

Council Member Ellis moved to postpone Item No. 105 for one week, seconded by Council Member Tatro. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent. MOTION 2002-1201 ADOPTED.

- 105a. ORDINANCE appropriating \$165,190.05 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Housing and Homeless Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **TCH LAND, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines in the Kingspoint Gardens Subdivision, CIP S-0800-68-03 and R-0800-68-03 - **DISTRICT E - WISEMAN** - (This was Item 36 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON) - was presented and postpone for one week by Motion 2002-1201. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

106. MOTION by Council Member Ellis/Seconded by Council Member Tatro to amend Item 106A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw the motion on Item No. 106. Council Members Galloway, Goldberg, Vasquez, Berry and Robinson absent.

- 106a. ORDINANCE appropriating \$230,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for Miscellaneous Projects for the Houston Airport System, Project No. 409I, CIP A-0138, A-0489 and A-0490 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO - (This was Item 37 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez, Berry and Robinson absent. ORDINANCE 2002-0949 ADOPTED.

107. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 107A below, to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw the motion on Item No. 107. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

- 107a. MOTION by Council Member Ellis/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering to **AMEND MOTION #2002-890, 7/31/02** to reflect the correct final contract amount of \$1,203,136.62 on contract with **RAY SMITH CONSTRUCTION, INC** for Construction of Woodridge Improvements, IH-610 South Loop to Winkler, GFS N-0695-01-3 (SB9013) - **DISTRICT I - ALVARADO - REQUIRES THREE MOTIONS - (This was Item 39 on Agenda of October 2, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent. MOTION 2002-1202 ADOPTED.

108. MOTION by Council Member Ellis/Seconded by Council Member Tatro to amend Item 108A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBERS GALLOWAY and ROBINSON)** - was presented.

Council Member Ellis stated that he would withdraw the motion on Item No. 108. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

108a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from City Attorney for additional funding of an existing contract between the City of Houston and **LOCKE, LIDDELL & SAPP, L.L.P.** for Professional Litigation Support Services \$100,000.00 - Property and Casualty Fund - **(This was Item 41 on Agenda of October 2, 2002, POSTPONED BY MOTION #2002-1121)** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. MOTION 2002-1203 ADOPTED.

109. MOTION by Council Member Ellis/Seconded by Council Member Goldberg to amend Item 109A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw the motion on Item No. 109. Council Members Galloway, Vasquez, Berry and Robinson absent.

109a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **A B DICK CO.** for Print Shop Supplies for Various Departments - \$123,474.42 - General and Central Service Revolving Funds - **(This was Item 42 on Agenda of October 2, 2002, POSTPONED BY MOTION #2002-1122)** - was presented. All voting aye. Nays none. Council Members Galloway, Vasquez, Berry and Robinson absent. MOTION 2002-1204 ADOPTED.

111. MOTION by Council Member Ellis/Seconded by Council Member Parker to amend Item 111A below, to exclude the City of Houston from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes by the aforementioned entities are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County, etc. - **(TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that he would withdraw the motion on Item No. 111. Council Members Galloway, Vasquez, Berry and Robinson absent.

111a. ORDINANCE approving and authorizing contract between the City of Houston and **SACHNOWITZ & CO.** for Marketing/Advertising Support Services for the Houston Airport System 3 years - \$1,800,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I- ALVARADO** - **(This was Item 46 on Agenda of October 2, 2002, POSTPONED BY MOTION #2002-1124)** - was presented. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Sekula-Gibbs stated that on Item 111a she inquired with the department people at the Aviation System about how they offered the particular contract, because she felt that some of the biggest advertising firms in the City were unaware of it and she would just like to suggest to the Aviation Department that whenever contracts like these were offered to make sure that some of the local firms that were MWBE be aware of the situation. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Alvarado stated that she too had raised the same issue and was surprised that she did not see some of the big firms like Lopez Negarette or Boon DeLeon on

there, that she had some strong concerns about the whole contract, \$1.8 million, she knew that the Convention and Visitors Bureau also submitted a proposal and it seemed like they would perhaps look for ways of saving money and work with them on this effort and was not sure why they would not explore those options or why they were ruled out, that she would be voting against it. Council Members Galloway, Vasquez, Berry and Robinson absent.

A vote was called on Item No. 111a. Council Members Alvarado, Sekula-Gibbs and Tatro voting no, balance voting aye. Council Members Galloway, Vasquez, Berry and Robinson absent. ORDINANCE 2002-0950 ADOPTED.

Council Member Ellis stated that he would remove his tag on Item No. 77. Council Members Galloway, Vasquez, Berry and Robinson absent.

77. ORDINANCE appropriating \$3,000,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for purchase of Water Meters under the Water Meter contract between the City of Houston and **BADGER METER, INC** (approved by Council Motion No. 2001-1102 - was again before Council. All voting aye. Nays none. Council Members Galloway, Vasquez, Berry and Robinson absent. ORDINANCE 2002-0951 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that they all saw in the news recently about the water main that busted on Cullen and Clay and knew that Council Member Alvarado had sent the Mayor a memo on that, that he was concerned that they were not being more responsible on that and just wanted to follow up on it as well, that it just seemed ashamed that these people lost their cars and all the damage that happened to their houses and the City did not seem to be facing much responsibility, that they should really look into what happened with that pipe and do everything they could to assist their citizens in that area. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Quan stated that he would like an update on what was going on with the expungements on the Kmart episode and knew that Mr. Hall was checking with the State Bar of Texas regarding solicitation and he was hoping they had reached a resolution on that, and Mr. Hall stated that they had not yet, that they were still pursuing it and their intent and desire was to engage a firm who would give them a substantial discount and would agree to represent all of the people in the class over there on this action and were trying to get clearance for that. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Quan stated that yesterday the Fire Department had a demonstration regarding the assessment center and that was something that had come up, especially with the Black firefighters and unfortunately it was on a day where they had Council, but would like the Fire Department to maybe bring back the presentation on what they had to offer regarding that assessment center. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Quan stated that this weekend they would have the Asian American Festival at Hermann Park and would like to invite everyone to that event. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Sekula-Gibbs stated that she would like to call attention to AMCare, which was a very large HMO provider in the City, was withdrawing from the market and the reason they were withdrawing was not because they wanted to withdraw, they were being forced to withdraw, they had lost money and were unable to provide services because they were close to bankruptcy, that they had over 50,000 patients in the area, half were Medicare Medicaid and half were private and the half that were private, the 28,000 statewide and 19,000 in Houston, had the option of going with HMO Blue, that option was given to them by the State, so now basically HMO

Blue was going to pickup another potentially 19,000 patients in the Houston area and those patients were going to be given probably similar options which were poor to what were given to the City employees, that she just wanted to add that HMO Blue was making a lot of money, they recorded \$22 million in profit last quarter in the Houston area and they needed to take that into account when they negotiate with them. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Sekula-Gibbs stated that former Chief Eddie Corral who suffered a heart attack and was recovering at Memorial Herman Hospital and asked that everybody keep Chief Corral in their prayers, that he had given 46 years of service to the Fire Department. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Parker stated that some months ago she had asked for an update on the Festival Ordinance and believed they had a Festival Ordinance first draft about two years ago and this came up periodically, that Council Member Quan mention the Asian Festival this weekend and one of the purposes of having a uniform Festival Ordinance was to have consistent policy of when the City would sponsor an event, when they would not, when they would waive City fees and expenses and when they would not, etc., that she was still waiting and the City was still and would sure like to hear where they were on it and would appreciate an update. Council Members Galloway, Vasquez, Berry and Robinson absent.

Mayor Brown asked Mr. Haines what was the holdup, and Mr. Haines stated that there was a draft ordinance that was put together but it did not address the most comprehensive policy of marketing and special events, they held it pending, as they may recall an action was taken as part of the last budget, and would be happy to give them an update on that initiative at the next Fiscal Affairs meeting, and Council Member Parker stated that she would really like an ordinance and Mr. Haines stated that he would talk with her. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Parker stated that there were a number of home tours in Houston this weekend, and two of them dealt with historic neighborhoods, since the Neighborhood Protection and Quality of Life Committee was actually dealing with the Historic Preservation Ordinance if Council Members were interesting in seeing an operating Historic District, it would be the Old Sixth Ward and the home tour was Sunday afternoon from 1:00 p.m. to 5:00 p.m. and tickets were available the Dowell Elementary School Park or Arness Antiques on Washington, that there was also an Historic Home Tour in Eastwood, in Council Member Alvarado District and that was a possible Historic District, it was not a designated district yet but they had a number of Historic Homes, that was on Saturday and Sunday from 12:00 p.m. to 5:00 p.m. and tickets were available at Lanthrop Elementary School and she would encourage Council Members to enjoy the home tour, but also to talk to some of the owners of the properties as to how they felt about the ordinance. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Alvarado stated that she wanted to follow up on Council Member Quan's comments regarding the flood that occurred in her district, that she went out there yesterday with her staff and they went door to door and she was devastated by what she saw, that in just a matter of 30 minutes people had several feet of water inside their homes, one family lost their pet, some people lost their cars, some folks had just remodeled their homes and her concern was that somehow these folks were going to get lost in the bureaucracy of who was responsible and who was liable for the damages and she did not know where it came from but someone at the City said that it was an Act of God so they were not liable and she did not know how a 60 inch pipe busting was an Act of God, that it was 40 years old, so she hoped that the Legal Department was doing everything that they could to figure a way out on how they bring some relief to the folks that suffered damages, that she wanted to thank Mr. Vanden Bosch who was out there until the wee hours of the night and very early in the morning with his crew, that she also wanted to thank Mr. Jeff Taylor as well from Public Works and Ms. Joan Johnson with the Hotel Motel Association, they had to put some folks up in some rooms and she was able to get

some of those rooms comped. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that at the request of some of his colleagues he was going to have an emergency Regulatory Affairs Meeting at 1:00 p.m. on Monday to discuss the proposed ordinance. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that today was National Disability Mentoring Day and keeping in the spirit of that he had a student present, Mr. Chad McMillian from the University of Houston and after reading his resume he thought he might be learning a lot more from him than Mr. McMillan would be from him, that he was a graduate student working on a Media Productions Master, that he had a Bachelor's in Political Science and History and taught English to the International Students, for the past four years, at the University of Houston and he was rebuilding the student television station and stated that he wanted to recognize Mr. McMillan. Council Members Galloway, Vasquez, Berry and Robinson absent.

Council Member Goldberg stated that this Saturday was going to be Museum Day in the Museum District and all of the museums would be open for free, it was especially suited for families to come down and take a look at some of the museums that they may have never visited or did not even know existed, that they had a Medical Museum, the Holocaust Museum and the Cultural Arts Museum and they were all right there in one easy to get to and accessible by walking area in the Museum District, that it would start at 10:00 a.m. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Goldberg stated that he wondered if the administration could arrange for someone to talk to him about a Funday in the Park that was scheduled on Saturday and understood that it was being canceled because the contract was not signed or there were some complications with the contract, that he thought it was the first Funday coming up that was being canceled, but if someone could get back with him on when they would start the Funday or when they could expect to see that happen, and Mayor Brown stated that there was an agreement that he was to provide certain information and he had not done it yet so the ball was in his court, and Council Member Goldberg stated that they were waiting on that organization together. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that she submitted a memo to Mr. Litke last week requesting assistance with respect to an issue she was contacted on by constituents in the Clear Lake area and it had to do with crews that had been hired by the City to remove bandit signs, that she felt very strongly about bandit signs and had been out to the Clear Lake area to personally remove bandit signs, but from what she understood the crews were removing legally posted political signs, they had an election coming up and given that the signs were of a political nature and subject to federal protection she wanted to insure that the City and its contractors were not collecting signs that were legally placed and asked the Mayor if he could assist her in addressing that she would appreciate it, and Mayor Brown stated that just because they were political signs it did not make them legal, but if it was legally posted then it was a different story, and Council Member Wiseman stated that legally posted signs were being removed, that they were being erected in private property that was both residential and commercial private property as well, and Mayor Brown stated that they would look at it. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that another issue was bringing back an old problem and that was Kingwood Cable, that there was a story that was printed in the Kingwood Observer regarding a man who had purchased a new home in the Kingwood area and Kingwood Cable was not providing cable out in the area because as they put it to the constituent, they were in the process of negotiating the sale of their cable company and therefore could not provide the cable service, that she received information from another constituent that they were declined service because they were told that they were too far away from the nearest line, which was really just

a few yards, that she had some concerns, Kingwood Cable was under contractual obligation through their franchise agreement to provide cable service, regardless of the fact that they were in negotiations to sell, that this was exactly the kind of thing she was concerned about with the firm when she brought up the issue when they were looking at extending the franchise agreement and she asked Mayor Brown that he direct the Finance and Administration Department to look into the matter, that she thought it was of a serious nature. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that she was contacted by a constituent whose security alarm had gone off recently, his daughter had accidentally set it off and was not present when the security called to determine whether or not it was just a false alarm, the security company attempted to dispatch HPD and when they tried HPD informed them that according to their records the constituent did not have a permit and therefore would not send a patrol car so the security company then contacted the Constable's office and they did send someone over, the constituent was very concerned over the fact that it was his daughter who was there alone, and she agreed that they had a real problem if they were not dispatching aid because of a permit issue, which the constituent felt he did renew his permit, they were talking about a paperwork issue then, the fact was when a call for aid was made she thought it was important that they send some response, if they had an issue with someone not obtaining or renewing the permit, she thought they were clearly in the right to put in a process to fine the constituent, but to not send service, she thought, was inappropriate and was grateful that they did not have a serious incident, but they very well could have, so she would like for that to be taken into consideration. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that she would like to reiterate a request that she made to Mr. Lewis during the meeting with him to discuss the IAT contract, that she asked him to provide her with specific documentation as to the analysis and evaluation process for Phase I of the project. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that they were dealing with fire stations that needed upgrading and repair, that was their responsibility and they as a City needed to provide for the infrastructure for the facilities and equipment for the very people who worked day in and day out to protect them and she was alarmed to see that they had before them on the agenda a request to start a charity program for the fire fighters, that the fire fighters did not need their hand outs they needed their respect, they were professional men and women who provided a service and should be paid for their services and should be able to go to work day in and day out in appropriate facilities and appropriate equipment. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that on the accounts in the library it might be four documents per account, but they had hundreds of people using the same computers, that they were only given so much time to use the computers so other people could use them, so if they had hundreds of people with four transactions per account that really added up. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that when he was police chief they went to the community and the leadership in the community provided them with police storefronts and they had about 30 throughout the City right now and the same concept was being applied with the Fire Department, it was not neglecting the Fire Department, that he thought it helped the bonding between the people and those two agencies, the community provided the furniture and all of that in the police storefronts and it had worked out extremely good for over a couple of decades and it was a good program and it was brought forth and not charity, it was something that he thought was in the best interest of everybody involved. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she wanted to thank Mr. Jeff Taylor, with the Utilities Maintenance Division, he was able to help one of their constituents who had a two year problem with the sewage backup and he took care of, that Mr. Eric Dargen, Right of Way Maintenance, the same incidence, the residents of the Airport Boulevard would like to thank him for taking care of the cave-in in the street. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she would like to address the HMO issue, that her concern about the HMO contract was not based on fear, it was based out of the issue that if they tear down they would have to be able to build up and she was just concerned that they would be in the mode to where they could build up if they needed to tear down, and thought it was disingenuous to just call for the removal of something and not have something as a backup, that it needed to be done responsibly and not whimsical, that she thought that Council Member Robinson had a long history of talking about it and had done the work to prepare, her concern was that she was not an attorney and she had seen Farmers Insurance pull out and there was not a long big notice, they pulled out, but her concern might be naïve, but it was a concern not based on fear but based on what she saw happening in the State and no one really taking any issue with it until after its happened. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she wanted to talk about process, that she resented as a Council Member being brought an issue regarding a contract that had been mediated and taken care of in a process and then she had to fight about it without having the same opportunity that the judges who adjudicated the contract, had to listen to, basically she did not know about anybody else, but she was lobbied by the two groups and she did not have the same opportunity as the judges who made their decisions, that maybe other folks did, she did not know, but she was just speaking about her experience, that she would like to say that if City Council was going to have a say in it, that their say was before the thing was done, before the contract was adjudicated by either the department head, that she would go with what Council Member Galloway said, they needed to get rid of the department heads, that she thought the people who did the study had a little bit more experience than she did, that she would like to suggest to the administration that they look at the process and then maybe Council could have a vote before the contract was awarded and have all of the discussions they had now before the contract was awarded, that she did not know if it was doable, but personally she would like to have the same information that the judges had when they made their scoring. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she would like to encourage everybody to go out and vote, that early voted started October 19, 2002. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Tatro stated that he had stated sometime ago that Council used to sit and review RFP's before they went out or sign off or vote on the RFP, that had been removed from Council so their opportunity now was only when the contract came before them. Council Members Galloway, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent.

Council Member Goldberg stated that regarding the Funday he received a call on it and on the part of the people who wanted to put on the Funday, they had already signed all of the documents and it was being hung up by the Small Business Committee, with Marlin Mitchell and he was just wondering if he could get a meeting with him or find some explanation of why he was not approving the papers. Council Members Galloway, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 12:55 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and

Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary