

City Council Chamber, City Hall, Tuesday, October 22, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 22, 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; Ms. Deborah McAbee, Division Chief, Land Use Division, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:04 p.m. Mayor Pro Tem Quan stated that Council Member Galloway would begin with the presentations. Mayor Brown, Council Members Ellis, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Galloway invited the Chinese American Relief Effort Group to the podium and presented them a Proclamation for helping underprivileged school children facilitate culture exchange and promote community harmony and honoring them for their outstanding service to the North Forest Independent School District; and proclaiming October 22, 2002, as the "Chinese American Relief Effort Day" in the City of Houston, Texas. Mr. Wong stated that on behalf of CARE he was proud to receive the recognition for the group and appreciated all of the support they received. Mayor Brown, Council Member Ellis, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman invited Mr. Richard Allen, president and CEO of Space Center Houston to the podium, and stated that the Space Center was the jewel of the City of Houston and presented him a Proclamation which stated that Space Center Houston was a state of the art visitors center showcasing America's past, present and future space flight program and had seen a total of more than 8,000,000 visitors over the ten years of its existence; that it provided thousands of students the opportunity to participate in hands-on programs and provided an annual economic impact of \$45.4 million to the Clear Lake Area and employed an average of 340 employees annually, wished them continued success and proclaimed October 16, 2002 as "Space Center Houston Day" in Houston, Texas. Mr. Allen stated that it was an honor and privilege to accept the proclamation. Council Members Keller and Berry absent.

Council Member Robinson stated that Miss Maggie Noel started playing golf at the age of six with the Lone Star Golf Association and was now in high school and the third ranked woman golfer in the state and the twenty first in the entire country to graduate from high school in the year 2006; that she had won many awards and was outstanding academically; that her goal in life was to get a full scholarship to college and become the first African American Doctor to play on the Ladies Professional Golf Association Tour; and invited Maggie, her Mom and Dad, members of the Lone Star Golf Association and her coach and member of the Houston Fire Department Mr. Rick Flanagan to the podium and presented her the proclamation proclaiming October 22, 2006 as "Maggie Noel Day" in Houston, Texas. Miss Noel thanked her Mom and Dad and the Lone Star Golf Program for their support and the City of Houston for the recognition. Council Member Tatro absent.

At 2:16 p.m. Mayor Brown called the meeting to order and Council Member Wiseman led everyone in prayer and in pledging allegiance to the flag. Council Member Tatro absent.

At 2:17 p.m. the City Secretary called the roll. All present.

Council Members Wiseman and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

At 2:18 p.m. Mayor Brown requested the City Secretary to call the list of speakers.

Council Member Goldberg moved to hear Ms. Betty Hunter-Beatty, Ms. Mela Malini and Mr. Donald Thomas out of order, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2002-1205 ADOPTED.

Ms. Gay Donehoo, 7214 Blandford Lane, Houston, Texas 77055 (713-686-8021) appeared and stated that she and her husband had lived in the Afton Village Subdivision in Northwest Houston for about twenty-two years and she was present asking that their street project number 438 be completed by the Council restoring its construction funds; that last November the Administration put its proposed \$775,000,000 bond project program before the voters and the citizens of Afton Village voted for the authorization knowing it would improve their fifty year old streets and their drainage; that funds for their project were included in the CIP for six years, but then the new bonds were voted to be issued and the Administration took the construction funds out of the proposed CIP; that if the city ignored them now they would have difficulty getting approval for future bond elections; that almost \$700,000 had already been spent on their project for planning and design and she would ask that they finish projects started and amend the proposed CIP to restore their construction funds.

Council Member Tatro stated that Ms. Donehoo brought up two very important points, one being that the CIP bonds were passed last November and not only project 438 was in the CIP but there were several park projects which had been gone over in great detail and now those also had plans changed; that another issue she brought up was the design issue of the project and they were well into the design phase and now the construction funds were not there; and upon questions, Ms. Donehoo stated that she was in a home where water pooled because of the lack of drainage and they were having more and more flooding. Council Member Tatro stated that he appreciated her coming and pointing out that the design phase dollars would be evaporated under this CIP as that was not a wise investment.

Upon questions by Council Member Berry, Ms. Donehoo stated that the project was a complete reconstruction of the streets including drainage. Council Member Berry stated that he had received many calls and E-mails from her community and he was sure the other Council Members did also.

Mr. Harold Kaufman, 7126 North Hampton, Houston, Texas 77055 (713- 686-5350) appeared and stated that he was a resident of Afton Village and he and the other residents were requesting that the proposed CIP plan be amended to restore funding for their neighborhood street reconstruction project CIP No. 0371; that neighborhood project no. 438 was for drainage and street reconstruction for the Afton Village Subdivision and the Lakeview Subdivision which had been added; that they were located between Silber and Antoine in District A and the Lakeview Subdivision was located south of Memorial Drive in District D; that they were not requesting sidewalks as they were trying to economize the project, but their street design and water outlets were not adequate and had led to flooding of streets and homes; that they had first requested the reconstruction in 1985 but were turned down and in 1991, because of the worsening of the condition the then Council Member Larry McKaskle spent funds from his own office budget to install a temporary asphalt overlay and the city promised the storm sewers and reconstruction of streets with concrete would occur later; that in 1995 citizens of Afton Village petitioned the city and the Administration and Council approved their improvements in their 1996, 1997, 1998, 1999, 2000, 2001 and 2002 Capital Improvement Plans and in 2002 the request for Council Action was signed to approve the professional engineering contract for the design of project 438 and the funding was approved, but the proposed 2003 CIP includes no construction funds for the project and only includes \$.9 million for redesign and that was planned for fiscal year 2007; that no additional design should be needed as the now design should be sufficient; and presented petitions from 283 residents in the area asking that funding be restored; that it was promised by the city and planned by them for seven years and now it should be finished.

Council Member Tatro stated that he appreciated Mr. Kaufman coming and giving Council

Members the background on the project.

Council Member Parker stated that she also appreciated Mr. Kaufman coming today and her senior aid had started working on the project when she worked for Council Member Huey; that it was an old project and she had talked to Public Works about putting it back in and would support the District Council Member in trying to get it back on track.

Ms. Mela Malini, 3822 N. Braeswood No. 151, Houston, Texas 77025 (713-661-8407) appeared and expressed her personal opinions regarding the President of China and the persecution he took with him, the practice of Falun Gong and the reservations cancelled by the Homestead Hotel for the Falun Gong practitioners. Council Members Keller and Wiseman absent.

Upon questions by Council Member Goldberg, Ms. Malini stated that rooms were reserved under the name of Falun Gong and some rooms had already been paid for but then more than fifty rooms were cancelled. Council Members Keller and Wiseman absent.

Council Member Edwards stated that if the allegations were true she was not sure as to how the city could address them, but if people were being marginalized and reservations being cancelled she had incurred such treatment personally during her youth and she thought this country was past that, and would like to know if it could be investigated. Council Members Keller and Wiseman absent.

Mayor Brown stated that this was a private concern and he was not sure the city would have any jurisdiction. Council Member Edwards stated that she was not going to debate whether it was private, but from her own experiences she knew people used the fact it was a private business to do as they wished and she would like the city to get to the root of it; and Mayor Brown stated that assuming it happened he would see what they could do. Council Members Keller and Wiseman absent.

Ms. Betty Hunter-Beatty, 4701 Westheimer, Houston, Texas 77012 (713-661-8407) appeared and expressed her personal views of Falun Gong and the Chinese government's harassment and persecution in opposition to that practice. Council Member Wiseman and Berry absent.

Upon questions by Council Member Edwards, Ms. Hunter-Beatty stated that she was a plaintiff in a case filed in the Supreme Court in Queens County in New York City and the reason the case was filed was because members of the Chinese Consulate consistently harassed the Falun Gong practitioners. Council Member Berry absent.

Upon questions by Council Member Goldberg, Ms. Hunter-Beatty stated that someone spoke at their press conference this morning about criminal acts here in Houston and she would have them call his office with that information and what the Houston Police Department's actions were; that in New York the precincts for China Town had not been as responsive as they wanted but the other precincts had excellent response; that there was pressure from the Chinese Consulate with their constant letters putting fear in the petitioners and the police. Council Members Tatro, Wiseman, Sekula-Gibbs and Berry absent.

Upon questions by Mayor Brown, Ms. McAbee stated that based on the information available to them right now it appeared the matter was private between people seeking reservations at the hotel and the hotel itself and it would not involve the City of Houston; that they would go back and look at it to be sure the city had no authority. Council Members Tatro, Wiseman, Sekula-Gibbs and Berry absent.

Mr. Donald Thomas, 1035 W. Donovan Street, Houston, Texas 77091 (281-927-8460) appeared, presented information and stated that he was a native Houstonian and was present

seeking resolution on the maintenance of a drainage right-of-way; that he was trying to identify the responsible government entity and have regular maintenance on the right-of-way initiated; that the City of Houston had pointed fingers at the Harris County Flood Control and Harris County stated it was the City of Houston's responsibility; that residents had been keeping it up with their own lawnmowers and that was negligence on the city's part; that in his presentation was a letter indicating in October 1998 there was an interlocal agreement executed giving the responsibility of the easement to the city; that he had some options with one being to deed the drainage easement equally to residents so they could maintain it and second was for the city to do the job. Council Member Wiseman absent.

Council Member Galloway stated that she had many of such ditches in her district and she went through the problem with the city and county both saying it was not theirs on a day to day basis; that she was going to have each government entity state they did not own the property and then she was going to recommend giving the property to the residents; that she had at least four such cases in her district. Council Member Wiseman absent.

Upon questions by Mayor Brown, Council Member Galloway stated that she was getting the same response from both entities and had the same letters Mr. Thomas received. Mayor Brown stated that someone would work with her and try and find who the proper owner was and have them take care of the property. Council Member Wiseman absent.

Upon questions by Council Member Quan, Mr. Thomas stated that it used to be an open ditch and Harris County Flood Control did maintain it, but about two years ago they covered it in a project upgrade and according to the agreement it is now the city's responsibility; that it is in the 1000 block of West Donovan and then it crosses and goes down Park Plaza. Council Members Wiseman and Goldberg absent.

Mayor Brown stated that Mr. Robert Friederlein was present and would meet with him at this time to get details and then they would follow-up. Council Members Wiseman and Goldberg absent.

Ms. Ginger Woodyard, 4103 Levonshire, Houston, Texas 77025 (713-666-5777) appeared and stated that she was present regarding her car having been towed from in front of her house due to a wrong Code violation; that arrangements were made to have the car picked up at 1:00 p.m. and the car was towed at noon; that the Judge had dismissed the ticket based on the wrong time of the violation so she had requested a tow hearing for reimbursement, but when walking into the hearing Assistant City Attorney Teague was on the front row in conversation with the wrecker driver and she realized the case had already been decided after the driver told her she would not win the case because the owner of the Holmes Road Storage and Towing had given the politicians what they wanted; that after she explained the wrong Code violation the City Attorney acting as attorney for the towing and storage company began being rude and asking questions of no significance; and she was now asking for her \$200.00 reimbursement. Council Member Wiseman absent.

Upon questions by Council Member Ellis, Ms. Woodyard stated that the Beechnut Sergeant said his men would not do that because they had a friendly three day rule; that the car was parked in the 9200 block of Lakeland in the street at her driveway; that she found her first ticket at midnight on September 4 and on September 5 the car was to be picked up by one o'clock because that was the time the other ticket would be issued, but the other ticket and the towing took place at twelve and she didn't know about the second ticket until she got to the Holmes Road Storage Lot; that according to the ticket it was Officer Frank Mora from the Beechnut Station who wrote the ticket; that the Judge was the one who said she should have a tow hearing and she believed if it were left to the Judge at the hearing she would have been reimbursed as he was very nice. Council Members Wiseman and Keller absent.

Upon questions by Council Member Ellis, Ms. McAbee stated that she did not know how

the tow hearings worked and she thought they would have to look into it to see which role Mr. Teague played. Council Members Wiseman and Keller absent.

Council Member Ellis stated that an Aid from his office would come and get additional information from her and they would look into the matter. Council Members Wiseman and Keller absent.

Upon questions by Council Member Quan, Ms. Woodyard stated that the Judge at the hearing was a very nice individual who kept looking at the City Attorney like he knew it was wrong, but the attorney would not go along; that she thought the Judge's name was John Chase. Council Members Wiseman and Keller absent.

Upon questions by Mayor Brown, Ms. Woodyard stated that she felt she was found liable because she was not offered her reimbursement, but if there was a ruling by the Judge finding her liable he said it in the nicest way and she did not comprehend it. Mayor Brown stated that the information he had showed she was found liable and would not be reimbursed if that was the case, but he would have Mr. Cantu check and see if that was the ruling and then they would get back with her. Ms. Woodyard stated that she did not think it was right for people to do things wrong for political reasons and charge citizens; and Mayor Brown stated that he agreed with that. Council Members Wiseman and Keller absent.

Upon questions by Council Member Galloway, Ms. Woodyard stated that the Judge ruled the citation was in error and she should not have received it so she went to the hearing to get her money refunded, but the Assistant City Attorney was acting as attorney for the Holmes Road Company. Council Member Galloway stated that she did not know why the City's Attorney would be representing the towing company in a towing hearing and perhaps they could get to the bottom of the matter and maybe have her money refunded. Upon further questions by Council Member Galloway, Ms. Woodyard stated that you were supposed to have twenty-four hours and the second ticket was issued within twenty-three hours. Council Member Wiseman absent.

Mayor Brown stated that it would all be looked into and someone would get back with her. Council Member Wiseman absent.

Council Member Alvarado moved to suspend the rules to hear Mr. Richard Vela out of order after the next speaker, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2002-1205-A ADOPTED.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak but was not present when his name was called. Council Member Wiseman absent.

Rev. James Nash, 8309 Brandon Street, Houston, Texas 77051 (713-738-2997) appeared with Mrs. Nash and Ms. Mercy Green and Ms. Green stated that she was representing Rev. Nash and staff on behalf of the Marcy O'Keefe Activity Center; that they would be celebrating their grand opening on Saturday, October 26 from 10:00 a.m. to 6:00 p.m. with ribbon cutting at 11:00 a.m. and they were inviting the Mayor and Council to come celebrate if their schedules would allow; and personally thanked Sandra Strachan in Council Member Quan's office for her assistance and support; that the center was designed for the community and would focus on their needs such as training, guidance and leadership and would have youth programs to build self esteem and teach morals and self-respect; that there would also be senior citizen programs and a focus on HIV and AIDS as there was an epidemic in the Sunnyside and South Park areas; that they would like to partnership with some city programs and organizations to build their programs to higher heights and would appreciate Council's assistance; and presented brochures to all Council Members and T-shirts to the Mayor and Council Members Quan, Edwards, Parker and Berry. Council Members Wiseman and Alvarado absent.

Rev. Nash stated that he designed the T-shirt and they were presenting them in thanks for

Council Members support; that they wanted to do their part in making Houston successful; and introduced Mrs. Nash who stated that it was an honor to be present and she hoped they would wear the T-shirts. Council Member Wiseman absent.

Council Member Parker stated that she would encourage Council Members to attend and thanked them for appearing before Council. Council Members Galloway, Wiseman and Keller absent.

Council Member Berry stated that he appreciated what they were doing in the area. Council Members Galloway, Wiseman, Keller and Vasquez absent.

Council Member Edwards stated that the Mayor's HIV Task Force met on Fridays at 10:00 a.m. in the Urban Ministry and if he was not already a member she would like his participation. Council Members Galloway, Wiseman, Keller and Vasquez absent.

Mayor Brown stated that he and Council appreciated all they did within the community. Council Members Galloway, Wiseman, Keller and Vasquez absent.

Mr. Richard Vela, 4039 Erby, Houston, Texas (713-645-7109) appeared and stated that he had lived in Houston since 1974 and was last present on September 10 asking for Council's assistance, to review the circumstances regarding his indefinite suspension from the Houston Airport System; that it was a violation of the Mayor's policy and unequal treatment and punishment which led to his termination with the City and there was still unfinished business; that the civil service hearing was on August 27 and the last check he was to receive should have reached him in September with a balance of 1,845.9 hours of unused sick time and 109.57 hours of unused vacation time, but a mistake was made on the 201 Form and he had not yet received his check; that over the last month he had seen cases before Council which he thought were unjust city employee terminations and the disparity treatment and double standards continued; that he had been with the city 17 years, 11 months and 20 days and released on a discrepancy on a travel report when other discrepancies were found even with department managers and they were allowed to be corrected; that he had tried to resolve the matter and the city needed experienced employees; that Mr. Fred Ellis, the electrical supervisor at Bush Intercontinental Airport, had 9 years with the city and 7 years at the airport as supervisor and they were both devoted to their career and both terminated over a single incident without any regard to their clean records and contributions to the city; and requested a meeting with Mayor Brown. Council Members Galloway, Wiseman, Ellis, Vasquez, Parker and Quan absent.

Mayor Brown stated that he had information he was terminated from the department with a hearing on August 27, 2002 and the Civil Service Commission sustained the commission; and upon questions, Mr. Vela stated that was correct but he felt the evidence submitted by the Assistant City Attorney was not correct and when they had an interview with the manager of Human Resources he stayed silent when he could have had answers dismissing the case as he had reimbursed the city in December of the previous year but when asked he said no. Council Members Galloway, Wiseman, Ellis, Vasquez, Parker and Quan absent.

Upon questions by Mayor Brown, Ms. McAbee stated that she would like to agree with him and it was her understanding he was correct in that it was the last appeal other than the Civil Courts, but she would prefer to refer the item to Ms. Acosta for confirmation. Mr. Vela stated that a previous Council Member, Council Member Castillo, told him he knew of cases where the Mayor had overruled and brought back employees. Mayor Brown stated that it was his understanding that when the Civil Service Commission ruled it was permanent, but it would be looked into and clarified and someone would get back with him. Council Members Galloway, Goldberg, Wiseman, Vasquez, Parker and Quan absent.

Upon questions by Council Member Keller, Mr. Vela stated that he felt the Commission did not get the correct facts and an assistant manager who knew the correct facts stayed silent

when he was asked if he had reimbursed; that the charge could have been dismissed but people stayed quiet and refused to help; that his exact reason for termination was a violation of the Mayor's policy in which he charged \$18.00 for alcohol to the meal portion of his travel expense. Council Member Keller stated that a lot of people would fall under that; and Mr. Vela stated he did not do it to try and defraud the city but it was expenses incurred on a week's trip; that the expenses had exceeded \$200.00 and he asked for reimbursement of \$117.00 using receipts he had and he tried to explain it to the manager of Human Resources but he refused to take his revised travel report; that Mr. William Hamby was the Assistant Manager of Maintenance at Hobby Airport and his supervisor and Mr. Hamby's supervisor was Meg Lanaro, Manager of Hobby Airport. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Quan absent.

Mayor Brown stated that the issue would be looked into and someone would get back with him. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Quan absent.

Ms. Sylvia Calderon, 1123 Dumbull, Houston, Texas 77023 (832-283-2319) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Wiseman, Vasquez, Parker and Quan absent.

Mr. Ymaray Trevino, 5518 Hialeah, Houston, Texas 77092 (713-232-6762) appeared and stated that he came with one request but now had two, he had just been ticketed at the meter and hoped to be able to have it dismissed; that his main issue was to obtain an update for a street lighting request made prior to May 1999; that it was basically a request to have four street light poles installed in the 5500 block of Hialeah Drive within District A and he had a letter from the Senior Assistant Director of the Public Works and Engineering Department from May of 1999 which stated the block was surveyed and four poles would indeed illuminate the area adequately, but the request was to be presented to the Housing and Community Development Department for funds and then he was to receive a follow-up; that it had now been three years and he had contacted Council Member Tatro's office several times and the Neighborhood to Standard Coordinator and several other departments for follow-up and because of his failed attempts he was present seeking direction. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Robert Fiederlein was present and would work with him in getting answers to all his questions and procedures necessary. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Pam Lang, 3209 Little York Road #2004, Houston, Texas (281-931-6305) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Twilight Freedman, 3002 Triway, Houston, Texas 77043 (713-939-7534) appeared, presented information and stated that she was appalled to hear there was an idea proposed by street builders to divert the HOV lane from US59 onto West Alabama; that it was a horrible idea to remove the bike lane; that it jeopardized the whole neighborhood and the school children along West Alabama; that she was a bicyclist and after working to get a bike lane on the street and being vulnerable and finally getting cars used to bicyclist and coexisting and going smoothly to then take the lane away jeopardized their lives and jeopardized the funds for highways; and she was asking that Council not accept such a proposition. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Freedman stated that she had been a part of the meetings happening in the community and she did appreciate her support. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Lee Castillo, 828 Alexander, 77008, Houston, Texas (713-921-0567) appeared and stated that he was present with a complaint against the Solid Waste Department; that he owned 828 Alexander and he had placed some cut trees out on the property as it was his heavy trash pickup day; that on October 11, last Friday, a gentleman named M. Renfro came by and gave him a warning with three infractions; that the infractions were he had the wrong date and was putting out the pickup before the scheduled time, it was a non-residential unit and not approved for city service which meant it was a vacant lot, and trees of lot which he did not know what that meant; that he told the gentleman many of his neighbors had vacant lots and they had pickups, but Mr. Renfro said there was a city ordinance and they did not pickup on city lots; that he had spoken with the Mayor's Office and Legal Department and the bottom line was his heavy trash was not picked up; that Ms. Coffee called him a contractor and said his heavy trash could not be picked up; that Mr. Richard Cantu said Legal told him he did not meet the guidelines for a contractor and it should be picked up; that he had met all conditions and neighbors were placing there stuff there and he would like it picked up. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Ms. Coffee was present and would work through the issues with him. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Pam Lang had reentered the Chamber and she would recall her at this time; that she would be followed by Ms. Paula Harrison. Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Pam Lang, 3209 Little York Road #2004, Houston, Texas (281-931-6305) appeared, presented information and spoke on her family's background until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Lang stated that she was present to find out what it took to become a Council Member; and would like a little more time to speak. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she would extend Ms. Lang's time. Ms. Lang spoke on things she had seen in Houston and stated that she was proud to be a Houstonian and was not a yes person and her extended time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he appreciated the fact she would like to be involved in Houston's political system and registration to run for Council began in February; that she could get information on all requirements from the City Secretary's Office. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Paula Harrison, 12261 Fondren #303, Houston, Texas 77035 (no phone) appeared and presented a list of eight proposals to Council some of which were that the Cuney Homes Government Apartments be for African immigrants and Black people; that all male African Immigrants between ages of 18 to 30 be national guard members there; that they have free trolley service to Third Ward and that they have new home construction. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Harrison for her suggestions. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 6000 Telephone #408, Houston, Texas 77087 had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) appeared and stated that he was the president of the United States and Council was all being charged for trying to prosecute him during his presidency; that he was filing official charges because the voters had the right to know about the November 5 Mafia candidates of the county and state election. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was the United Nations King and when he came to speak October 1 the police officers present harassed him and threw him against walls and in the elevator; that Council sat there and watched and he wondered if they were being rewarded for that. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that if he had a complaint it could be filed with Internal Affairs. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 3:46 p.m. upon motion by Council Member Keller and seconded by Council Member Sekula-Gibbs, City Council recessed until 9:00 a.m., Wednesday, October 23, 2002. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 23, 2002.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 23, 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. Anthony Hall, City Attorney; Mr. Al Haines, Chief Financial Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 9:09 a.m. Mayor Brown reconvened the meeting of the City Council and stated that they had again this week a number of public hearings. Council Members Wiseman and Alvarado absent.

Council Member Robinson moved to suspend the rules to consider Item No. 30 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Wiseman and Alvarado absent. MOTION 2002-1206 ADOPTED.

30. ORDINANCE relating to impairment of use of sidewalks and crosswalks; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Robinson and Tatro. Council Members Wiseman and Alvarado absent.

Council Member Robinson stated that he wanted to thank the administration for bringing it forward, that he wanted to give the Houston contractors an opportunity to look at a couple of minor changes they made in the ordinance to make it more user friendly in terms of the right-of-way that they would provide the pedestrians so he wanted to give them a chance for a week to visit with the ordinance, himself and Mr. Vanden Bosch, and also to thank the Legal Department and Mr. Al Haines. Council Members Wiseman and Alvarado absent.

MAYOR'S REPORT

HEARINGS - 9:00 A.M.

The City Secretary stated that they had 13 hearings scheduled and had one speaker that was scheduled to appear on the one listed as Number 9, no one had reserved time to speak on any of the others. Council Members Tatro and Wiseman absent.

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 - was presented.

Mr. Wood stated that the hearing on the proposed Strategic Partnership Agreement regarding Cimarron Municipal Utility District covered territory they would annex for limited purposes at the intersection of Highway I-10 and the Grand Parkway, that under the agreement they would split the sales taxes they would levy in the areas evenly with the district and provide public health services within the area. Council Members Tatro and Wiseman absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2002-1207 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 - was presented.

Mr. Wood stated that the proposed agreement with Clear Brook City Municipal Utility District would allow the City to annex for limited purposes commercial property near the intersection of Scarsdale Boulevard and Beamer Road, the City would levy sales tax in the area and would split the sales tax evenly with Clear Brook City Municipal Utility District and they would also provide health inspection services within the area to be annexed.

Upon questions by Council Members, Mr. Wood stated that in the first description he had a

more general term of public health services, health inspection was what they would be providing in the area, that it was for food service, that it was health inspections, that they were not anticipating increasing resources provided in any of the areas, there was a relatively small number of additional locations included in all of these cases and since the Health Department charged fees to cover the cost of health inspections it should be offset, that in addition to the sales tax they were also collecting fees from all the restaurant establishments for any health inspection services that they provide, that there was a permit involved and it offset the cost of the inspections, that every restaurant would have to get a permit and pay that fee, that it was his understanding that it would not require additional resources to provide the services within the areas, that it was a relatively small number of restaurants and food service establishments in those areas. Council Member Tatro absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2002-1208 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 - was presented.

Mr. Wood stated that the proposed agreement with Cy Champ Public Utility District covered an area at the intersection of Cutten Road and FM1960 and the City would annex for limited purposes and would levy the sales tax in that area and split the sales tax evenly with the utility district, that within the 50 acre area they would provide police services as well as health inspections and street lighting costs for a section of 1960. Council Members Tatro, Goldberg and Sekula-Gibbs absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Goldberg and Sekula-Gibbs absent. MOTION 2002-1209 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 - was presented.

Mr. Wood stated that the Horsepen Bayou Municipal Utility District agreement would allow the City to annex for limited purposes territory near the intersection of West Little York and Eldridge Parkway, the City would levy the sales tax in that area and provide health inspection services, the City would split the sales tax evenly with the utility district. Council Members Tatro, Goldberg and Wiseman absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1210 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 - was presented.

Mr. Wood stated that the agreement with the Mason Creek Municipal Utility District would allow the City to annex for limited purposes property within the district between Greenhouse

Road and Fry Road on the south side of interstate Highway I-10, they would levy the sales tax in that area and split the sales tax evenly with the utility district and the City would provide public health inspection services in that area. Council Members Tatro and Goldberg absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1211 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 - was presented.

Mr. Wood stated that the agreement with the Prestonwood Forest Municipal Utility District would allow the City to annex for limited purposes territory at the intersection of State Highway 249 and Shroeder Road, that in the area in question they would levy the City's sales tax and split it evenly with the Prestonwood Forest Utility District and the City would provide public health inspections in that area. Council Members Tatro and Goldberg absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. Council Members Tatro and Goldberg absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Wood stated that the State law provided for voting rights for people who were in areas that were annexed for limited purposes and under State law it says that they were able to vote for the governing body of the municipality and for Charter changes, so that meant yes they were allowed to vote in local elections of the City. Council Members Tatro and Goldberg.

A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1212 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 - was presented.

Mr. Wood stated that the West Park Municipal Utility District agreement would allow the City to annex for limited purposes the commercial property within the West Park Municipal Utility District located at Fry Road and I-10, they would levy the sales tax in that area and split the sales tax evenly with the utility district and the City would health inspection services within the area to be annexed for limited purposes. Council Members Tatro and Goldberg absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1213 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 - was presented.

Mr. Wood stated that the agreement with the Harris County Utility District No. 6 would allow

the City to annex for limited purposes commercial property located in the district near the intersection of Clay Road and State Highway 6, that the City would levy the sales tax in that area and split it evenly with the utility district and provide health inspection services within that area. Council Members Tatro and Goldberg absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1214 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 - was presented.

Mr. George Peckman, had reserved time to speak, but was not present when his name was called. Council Members Tatro and Goldberg absent.

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 36 would allow the City to annex for limited purposes commercial property within the district which was located at Airtex and I-45 North, that the City would levy the sales tax in that area and split it evenly with the Utility District 36 and provide health inspection services within the territory annexed for limited purposes.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1215 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 - was presented.

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 81 would allow the City to annex for commercial property along Mason Road in the Vicinity of Highland Knolls Boulevard, that the City would levy the sales tax in that area and split it evenly with the utility district and provide health inspection services within the area annexed for limited purposes. Council Member Alvarado absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1216 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 - was presented. Council Member Alvarado absent.

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 221 would allow the City to annex for limited purposes commercial property located in Utility District 221 near the intersection of I-45 North and Richey Road, that the City would levy the sales tax in that area and split it evenly with the utility district and provide health inspection services within that area. Council Member Alvarado absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1217 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 - was presented. Council Members Berry and Robinson absent.

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 230 would allow the City to annex for limited purposes commercial property located along Highway 249 and Cypress Boulevard, that the City would levy the sales tax within the area annexed and the City would split the sales tax evenly with the utility district and provide health inspection services within the area annexed for limited purposes. Council Members Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Goldberg absent. MOTION 2002-1218 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 - was presented. Council Members Berry and Robinson absent.

Mr. Wood stated that the proposed agreement with the Harris County Utility District No. 321 would allow the City to annex for limited purposes commercial property located along I-45 and West Road, located within the utility district, that the City would levy the sales tax in that area and split it evenly with Utility District 321 and the City would provide health inspection services within that area. Council Members Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1219 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 69 and 29 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1220 ADOPTED.

69. **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 – **(This was Item No. 78 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, TATRO and VASQUEZ)** - was presented.

Council Member Sekula-Gibbs stated that Item No. 69 addressed the emergency medical system ambulance billing contract that was scheduled to be awarded to ACS, the company that bought Lockheed out approximately a year ago, that the administration had been working very hard to sort out some problems that she had with the contract and she wanted to thank Mr. Gary Gray and Dr. Phillip Scheps for addressing her concerns, that she really appreciated it and thought it would be in the best interest of the City and offered the following written amendment:

Motion by C.M. Sekula-Gibbs

“That the proposed contract between ACS State and Local Solutions and the City of Houston posted as Item 69 on the October 23 agenda be amended as follows:

1. Exhibit “A”, Section II is amended to renumber the subsection entitled “Software, Hardware, and Wireless Interface” as subsection (a) and a new subsection (b) is added to read as follows:
 - (b). Magnetic Card Reading Equipment:

In addition to the technology implementation defined in the Contract, at the cost of the City, the Contractor shall successfully install and integrate during Phase 1, the following equipment and software modification in every ambulance unit (subject to the total liability limit set out below) based on the following cost schedule:

<u>Description</u>	<u>Unit Price</u>
Magnetic Card Reader Device	\$150 (per unit)
Powered Hubs (12v to 5v)	\$100 (per unit)
Software Modification	\$30,000 (inclusive of all units)
Implementation costs	\$22,500 (inclusive of all units)

The City’s total liability due to this single provision shall not exceed \$250,000. Any changes, reductions or increases, in price from Contractor’s suppliers will be passed on to the City. Upon successful implementation and acceptance by the City, Contractor shall invoice the City for all costs as defined herein per Section IV of the Contract. All payments to Contractor for this equipment will be made only from Net Collections.

Contractor shall maintain and support all equipment and software as required under the terms of this Contract at Contractor’s actual cost, which shall not exceed \$25,000.00 per year.

Section 2. Exhibit “B”, Payment of Fees, is amended to add a new Section III to read as follows:

III. Payment for Card Reading Equipment and Maintenance:

Upon acceptance of all of the Card Reading Equipment set out in Exhibit “A” 11(b) by the City, Contractor shall invoice the city for all costs of the Equipment as set out in Exhibit “A” and the City shall pay the invoice out of Net Collections in addition to any percentage fees owed for the month in which the invoice is received.

Contractor shall invoice the City on a semi-annual basis for Card Reader Equipment maintenance, which shall be payable only from Net Collections.”

Council Member Sekula-Gibbs stated that what they had discovered was that ACS in their initial thought process said that this would cost about \$200,000 to \$250,000 in order to implement, that they estimated that a 1% increase in billing would generate \$600,000, so if they even had a fraction of 1% improvement in their billing they would cover that cost, but once they got down to the nitty gritty to find out how much it really would cost to purchase the devices from Motorola or an equivalent company and install them it turned out for 101 ambulances it would really cost only about \$77,000, so that was a pleasant surprise, it usually went in the other direction but in this case the cost was actually reduced, that basically the contract would be amended to include the implementation of magnetic card reading equipment and the contractor would work with the City and shall invoice the City on a semi annual basis for the card reader equipment and it would be payable from the net collections and she asked that they accept the amendment. Council Member Berry absent.

Council Member Ellis asked if Council Member Sekula-Gibbs stated that it was \$600,000 and asked if that was per annum and Council Member Sekula-Gibbs stated yes because the net billing was \$77 million gross, so if they could improve that by 1% it was \$600,000, and Council Member Ellis asked who purchased the technology, and Council Member Sekula-Gibbs stated that the City would, that it was really their first step into technology, that it had been paper driven before this. Council Member Berry absent.

Council Member Ellis asked if they went out with an RFP to purchase the technology or did they have someone in mind, how was that going to work, and the F&A representative stated that it was his understanding that Motorola provided the actual reader devices, and Council Member Sekula-Gibbs stated that ACS was actually the purchaser and the City purchased from ACS and they decide how to do the finer details. Council Member Berry absent.

Council Member Parker stated that she wanted to thank Council Member Sekula-Gibbs for pushing the issue and also wanted to thank F&A for meeting with her to allow her to follow up a little bit, that this was current technology, the swipe card readers, but the State of Texas was going to go to an upgrade on the drivers licenses for a two dimensional bar code system and her concern was that they did not invest in one type of technology and then two years or so when the State finally moved forward then they would be behind the curve again, but they had already anticipated that and were planning to transition to that once the technology changes and since the cost was so low on the initial purchase she thought they were making a good effort and she wanted to thank the department for working with them.

Council Member Vasquez asked Council Member Sekula-Gibbs if in her amendment was she making two changes, one general change but with two component parts and Council Member Sekula-Gibbs stated yes, in terms of the language of the contract, yes, that it basically was an expansion on the technology implementation definition and then a change in the payment portion.

A vote was called on Council Member Sekula-Gibbs motion to amend Item No. 69. All voting aye. Nays none. MOTION 2002-1221 ADOPTED.

A vote was called on Item No. 69 as amended. All voting aye. Nays none. ORDINANCE 2002-0952 ADOPTED.

Mayor Brown stated that he also wanted to thank Council Member Sekula-Gibbs for being persistent and getting something done that would certainly help the City in long run, they appreciated her efforts.

29. **ORDINANCE AMENDING ARTICLE I OF CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to add a new Section 15-4 relating to the disclosure of owners of entities bidding on, proposing for or receiving city contracts - was presented.

Council Member Ellis stated that he wanted to make three amendments, that under Section 15.4, subsection (c) on the second page he would like to amend it to read:

(1) In addition the contracting entity simultaneously shall provide an affidavit listing all business entities that are owned at least "10%", instead of 1%, or more by any of the owners listed in the above required 5% ownership list"

That he wanted to make another amendment, that he thought it would assist the City Secretary in keeping a log:

(2) The city secretary should compile and maintain a log of the owners included on the

contracting entity's list "who are recommended for award".

In the last sentence of subsection (c):

(3) The city secretary and city controller shall make such lists "and log" available to council members who request them.

Council Member Vasquez stated that he would second Council Member Ellis's amendments.

Council Member Robinson stated that he had passed out a written copy of his amendment and it would have to be adjusted because of the changes in Council Member Ellis's language and where they set it in but not the substance of the language, and Council Member Ellis stated that it did not affect Council Member Robinson's language, and Council Member Robinson stated that what his language basically stated was that since the City Secretary was compiling the list of the 5% and 10% ownership that they share with the City Controller who was developing the database on who owed the City what and that she cross reference it against the database and provide Council with a list of the information that came out of the database and distributed the following amendment to Section 2(c):

"The city secretary will send a copy of the list to the City Controller on a weekly basis. The City Controller working with the city's delinquent property tax collection firm, city's Director of Finance and Administration and Tax Assessor Collectors (Harris, Fort Bend and Montgomery) will produce a weekly list of debts owed to the city by those on the contracting entity lists. The city secretary and City Controller shall make such lists available to council members who request them." and asked that Council Member Ellis accept that as a friendly amendment, and Council Member Ellis stated that he accepted it and seconded it.

Mayor Brown stated that they had now four amendments.

Council Member Vasquez stated that he wanted to go back to Council Member Ellis's first amendment where he was changing the 1% to 10% and Council Member Ellis stated that the reason he did that was because everybody had expressed great concern from the standpoint of if they had a 1% ownership it would be extremely difficult for some larger corporations to come in and disclose all of that information, that if they had a 5% ownership in a legal entity and wanted to do business with the City they wanted to know who those individuals were and then they were going to request that if they owned 10% in any other corporation or partnership they were going to request that information as well, that the 1% just made it too difficult and thought they would get backlogged, that it was just for reporting purposes, that there was no teeth to it at this point and time, not until, based on Council Member Robinson's amendment, the City Controller does the background check and provides them with the information, that this was not an ordinance barring, it was just disclosure, they just wanted to know who they were doing business with and basically Council Member Robinson's amendment put that responsibility to go and look up these individuals on the Controller's shoulders, and Council Member Vasquez stated that in the committee meeting Council Member Ellis had mentioned that he had a commitment from the administration to put together an ordinance, and Council Member Ellis stated that it was his understanding, and he would not speak for the administration, that the administration was on board to move forward with an ordinance that would prohibit them from entering into contracts, excluding low bid contracts, with any individuals who owed debts to the City of Houston, that Ms. Susan Taylor, Legal Department, gave them that commitment and believed the administration was on board with this as well.

Council Member Vasquez stated that in the committee meeting Ms. Taylor indicated that it would a couple of weeks to get that done and asked her if she had refined her estimate of how long it would take to get that ordinance situated and Ms. Taylor stated that what she indicated at the committee meeting was that within a couple of weeks they would have a better handle of

how long it would actually take them and that she would report back to the committee within a couple of weeks as to how long it might take for them to develop such a template or an outline or a structure for an ordinance, obviously as they discuss it there were still any number of issues that needed to be resolved, but in a couple of weeks they would have a better handle on how long it would take them to put the structure of it all together, that at that point she could certainly report to them on where they were in drafting an ordinance, that their goal was to try to narrow for Council and the committee the options in some of the open areas that might be workable, that might be legal and practicable and to try to bring those back to the group, so they would give them what ever information they had at that time.

Mayor Brown stated that while Legal was speaking he would ask that they give their assessment of the four amendments that had been put before them, and Mr. Hall stated that they were going to split it up, that they had a task force that they had put together to try to deal with the merited issues, many of them issues of first impression in Texas, as they, at least at this point, were able to determine, that he was going to speak to the first one that changes the 1% to 10% and make certain that Council understands precisely what it did from a practical standpoint, that they had been talking about business entities, individuals or corporations that proposed to do business with the City, listing their 5% owners, that was the baseline requirement, that was what they had been doing over the last couple of weeks, getting that disclosure brought to Council, understand that the additional requirement though was that in addition to those business entities who wanted to do business with the City listing their 5% owners, they now were requiring those 5% owners to list their other business interests that had nothing to do with that business or the City, that was a very onerous requirement and he was not sure one that they could reasonably expect compliance with, because even though they were saying it was voluntary compliance no responsible individual was going to be willing to swear to that when it was about somebody else who had just invested in the business, that was what that required and he thought that it would be well for Council to think about it some, that he did not think it was workable, he thought it would put them in a position that no Council Member really wanted them to be in. Council Member Berry absent.

Council Member Tatro asked that aside from the 10% change if he could reiterate the other two amendments, and Council Member Ellis stated that the other two amendments were brought to him by Ms. Taylor and thought that at the request of the City Secretary, to make her job easier, and they read, if they were looking at subsection (c) on the second page, the City Secretary shall compile and maintain a log of the owners included on the contracting entities list and then it adds "who are recommended for award", and then on the last sentence it would read, "The city secretary and city controller shall make such lists "and log" available to council members who request them", that basically Champagne Webber did a lot of business with the City of Houston, so if she could make a log of that she would not have to go back and look it up every time they were on the agenda, and Ms. Taylor stated that the point of the amendment was so that as bids were open, right now they were requiring all of the bidders or proposers to provide their list of 5% owners, rather than having Ms. Russell then compile a list of all of those owners for all of those bidders, what she would compile was a log of just those who were being recommended to Council for award, so they would get the list of the owners of those companies who were coming to Council for award and not the 10 or 15 perhaps were high bidders and were not coming to Council for award, they would have the list submitted and it would be available to Council and would be a public record, but it would not be something she would maintain in a database, unless they were actually recommended for award. Council Member Berry absent.

After further discussion by Council Members, Council Member Ellis stated that this was a temporary measure and they were going forward, he would move to omit under Section 15-4, subsection (c), starting on the third sentence omit "In addition the contracting entity simultaneously shall provide an affidavit listing all business entities that are owned at least 1%, or more by any of the owners listed in the above required 5% ownership list", seconded by Council Member Vasquez. Council Member Berry absent.

Council Member Ellis further stated that they would discuss it in committee as to how they could have full disclosure, that his intentions were, if they were going to make it transparent, and he did not want people setting up shell companies and transferring properties over into those shell companies, so it was going to be complete and total full disclosure, he wanted this temporary measure to pass today and that was why he would omit it but he would like to address that issue in committee and further extent during the Regulatory Affairs Committee, that he would take down his first amendment, with the permission of the Chair, that he was taking down his first motion, which was changing from 1% to 10%.

Mayor Brown stated that they still had four motions on the table, three from Council Member Ellis and the first one was to delete the sentence he just went through.

Council Member Robinson stated that there was just an observation from the Legal Department that in the language of his amendment they should change the word "list" to "log", so the two locations where they had "list" and "lists" they said to change it to "log", that he got the message from Ms. Taylor so it would be consistent with the language, and Ms. Taylor stated that it was simply to be consistent with the amendment, for Anna who was going to maintain a log and so that was what they would do the research on. Council Member Keller absent.

A vote was called on Council Member Ellis amendment to delete "In addition the contracting entity simultaneously shall provide an affidavit listing all business entities that are owned at least 1%, or more by any of the owners listed in the above required 5% ownership list". All voting aye. Nays none. Council Member Keller absent. MOTION 2002-1222 ADOPTED.

A vote was called on Council Member Ellis amendment which added "which were recommended for award". All voting aye. Nays none. Council Member Keller absent. MOTION 2002-1223 ADOPTED.

A vote was called on Council Member Ellis amendment to add the words "list and logs" in the last sentence. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-1224 ADOPTED.

A vote was called on Council Member Robinson amendment as revised to read as follows:
"The city secretary will send a copy of the log to the City Controller on a weekly basis. The City Controller working with the city's delinquent property tax collection firm, city's Director of Finance and Administration and Tax Assessor Collectors (Harris, Fort Bend and Montgomery) will produce a weekly list of debts owed to the city by those on the contracting entity logs" The city secretary and City Controller shall make such lists and logs available to council members who request them. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-1225 ADOPTED.

A vote was called on Item No. 29 as amended. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2002-0953 ADOPTED.

CONSENT AGENDA NUMBERS 14 through 41

PROPERTY - NUMBERS 21 and 21A

21. ORDINANCE appropriating \$163,142.00 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. Ten Belt, Inc., a Texas Corporation, et al., to acquire Parcel Number KY0-107, for the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**; GFS/CIP S-0900-47-2 - **DISTRICT A-TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0954 ADOPTED.

- 21a. 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. Ten Belt, Inc, a Texas corporation, et al, Cause Number 763,845, for acquisition of Parcel KYO-107; for the **KATY-ADDICKS WATERLINE EASEMENTS PROJECT**; CIP/GFS S-0900-47-2 - \$163,142.00 **DISTRICT A-TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent. MOTION 2002-1226 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 22 through 28

22. **AMEND MOTION #99-2074, 12/8/99, TO EXTEND** expiration date from December 8, 2002 to December 7, 2003, for Audio Control System Replacement Parts for Aviation Department, awarded to **FORD AUDIO SYSTEMS, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1227 ADOPTED.
24. **AMEND MOTION #2002-638, 6/5/02, TO INCREASE** award to purchase fifteen additional Chemical Storage Tanks and Sight Gauges for Department of Public Works & Engineering, awarded to **IMG CORPORATION** for a total increase of \$61,650.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1228 ADOPTED.
28. **CSB MATERIALS, INC** - \$721,455.85 and **NATURE'S WAY RESOURCES, INC** - \$83,976.00 for Top Soil, Bank Sand, Clay-Filled Dirt and Compost for Various Departments - General, Enterprise, Storm Water Utilities and Parks Special Revenue Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1229 ADOPTED.

ORDINANCES - NUMBERS 29 through 41

33. ORDINANCE amending Ordinance Number 02-76 to increase the maximum contract amount for contract between the City of Houston, Texas and **HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY** for Boiler and Machinery Insurance – was presented. All voting aye. Nays none. ORDINANCE 2002-0955 ADOPTED.
36. ORDINANCE approving and authorizing an Occupancy Agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0956 ADOPTED.
39. ORDINANCE appropriating \$57,760.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **CLAUNCH & MILLER, INC** for Airfield Drainage and Pavement Repair at George Bush Intercontinental Airport/Houston, Project No. 542, CIP A0459 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2002-0957 ADOPTED.
40. ORDINANCE appropriating \$565,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing contract between the City of Houston, Texas and **WINGO SERVICE COMPANY, INC** for Water Meter Instrumentation, Calibration and Repair Services for the Public Works & Engineering Department, CIP S-0958-01-04;

providing a maximum contract amount - 3 Years with two one-year options - \$712,750.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0958 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

14. REQUEST from Mayor for confirmation of the appointment of **MR. SAMUEL K. EATON**, to Alternate Position 4, Panel One, of the **BUILDING AND STANDARDS COMMISSION**, for a term to expire December 31, 2003 – was presented, moved by Council Member Quan, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1230 ADOPTED.
15. RECOMMENDATION from Director Department of Finance & Administration to approve proposed Fiscal Year 2003-2007 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the approved CIP documents – was presented, and tagged by Council Members Tatro and Keller.

Council Member Goldberg stated that he had an amendment that he would like to pass out, and Mayor Brown stated that the item was tagged at this point and Council Member Goldberg stated that he just wanted to place his amendment, that it was just an amendment that was moving around some funds within District C on some projects, the amount of money in each fiscal year stayed the same, it just gave preference to some of the neighborhood wishes, that it was all within District C.

Council Members Tatro and Keller removed their tag to allow Council Member Goldberg to offer his amendment.

Council Member Goldberg offered the following written amendment:

FY03-07 CIP Recommended Modifications

Amend the FY03-07 CIP to include:

- 1) Transfer FY2005 S&B Funds from Project N-0737 to Projects N-0378 and N-0383 for design.
- 2) Transfer FY2003 and FY2005 S&B Funds and Metro Funds from Project N-0571 to N-0737.

Council Members Keller and Tatro tagged the amendment and Item No. 15.

Council Member Ellis asked Council Member Goldberg for some clarification and asked if the funding sources were the same and he was not moving any projects from any other districts, just doing it internally in District C and Council Member Goldberg stated that every one of those projects that he was moving the funds around were only in District C.

Mayor Brown stated that both the item and the amendment had been tagged.

Council Member Keller asked Council Member Goldberg if he had met with staff from Public Works, if it was concerning them, and were they aware of that and agreeable to work with him on that, and Council Member Goldberg stated that he met with Mr. John Silva and they discussed it and it was just a matter of priority to moving things around.

16. RECOMMENDATION from Director Aviation Department to provide technical services to the **HAS DEVELOPMENT CORPORATION (HASDC)** for participation in proposed projects in China, Mexico and Africa - **DISTRICTS B - GALLOWAY; E - WISEMAN and I – ALVARADO** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Edwards absent. MOTION 2002-1231 ADOPTED.
17. ORDINANCE appropriating \$85,456.95 out of General Improvements Consolidated Construction Fund as an additional appropriation for construction of Third Ward Multi-Service Center, GFS D-0070-01-3 under construction contract with **THE TREVINO GROUP, INC** (approved by Ordinance No. 99-1179) - **DISTRICT I – ALVARADO** – was presented. Council Members Edwards and Wiseman absent.

Council Member Sekula-Gibbs stated that she had some questions about the size of additional monies appropriated for the item and had asked that but did not have any answers yet so she would like someone to visit with her about it if possible and would tag the item. Council Members Edwards and Wiseman absent.

Council Member Ellis stated this group was delinquent in their ad valorem property taxes to the City, County and school district dating back from 1985, so he would request that the principles in the corporation go and take care of those matters prior to next week, and would tag the item as well, and Council Member Keller stated that he would add his tag to the item also. Council Members Edwards and Wiseman absent.

Council Member Goldberg stated that he was also tagging the item for an additional reason, there were a lot of design flaws and he understood that it was possible that they would look to the Legal Department for compensation from the architect and would like for someone to meet with him on it, both from Building Services and the Legal Department to see exactly how much the City could get in compensation due to the numerous design flaws, and Mayor Brown stated they would have someone meet with him. Council Members Edwards, Wiseman and Robinson absent.

- 17a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 12 in the amount of \$92,762.89 on contract with **THE TREVINO GROUP, INC** for Third Ward Multi-Service Center, GFS D-0070-01-3 - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Ellis, Sekula-Gibbs, Keller and Goldberg. Council Members Edwards, Wiseman and Robinson absent.

ACCEPT WORK

18. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$645,900.50 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.** for Construction of Asphalt Overlay Projects in North Montrose - Neighborhoods to Standard-Tier VII, GFS N1037-07-3 (OL-2007) - 11.65% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Edwards, Wiseman and Robinson absent. MOTION 2002-1232 ADOPTED.
19. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,532,343.00 and acceptance of work on contract with **NATIONAL AMERICAN INSURANCE COMPANY, INC** for Sanitary Sewer Rehabilitation in Upper Brays, GFS R-1040-08-3 (4260-15) - 02.37% over the original contract amount - **DISTRICTS C- GOLDBERG and G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Edwards and Robinson absent. MOTION 2002-1233

ADOPTED.

20. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,612,242.59 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Rehabilitation of District 54 Pump Station and a New Pump Station at District 73-1, GFS S-1005-AB-3 (10457-2) - 02.99% under the original contract amount - **DISTRICTS C - GOLDBERG and E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Edwards and Robinson absent. MOTION 2002-1234 ADOPTED.

PURCHASING AND TABULATION OF BIDS

23. **AMEND MOTION #2002-559, 5/15/02, TO INCREASE** award to purchase eight additional Arrowboards for Department of Public Works & Engineering, awarded to **RENTAL SERVICE CORP. - PRIME EQUIPMENT** for a total increase of \$38,310.00 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Edwards and Robinson absent. MOTION 2002-1235 ADOPTED.
25. **HOLMAN BOILER WORKS, INC** for Emergency Flash Dryer Repairs for the Department of Public Works & Engineering - \$106,822.50 - Enterprise Fund – was presented.

Council Member Keller stated that this entity had outstanding delinquent property taxes since 1999 and would tag the item and would urge them to take care of it. Council Member Robinson absent.

Mayor Brown stated that Item No. 25 was tagged by Council Member Keller. Council Member Robinson absent.

26. ORDINANCE appropriating \$70,864.50 out of Water & Sewer R & R Fund for purchase of Lead-Based Abatement Services for Public Works & Engineering Department (CIP R-0509) – was presented. Council Member Robinson absent.

Council Member Ellis stated that this group had some delinquent taxes as well and would tag the item at this time. Council Member Robinson absent.

Council Member Sekula-Gibbs asked who the entity was on Item No. 26 and Council Member Robinson stated that it was Mr. Robert Malone. Council Member Robinson absent.

- 26a. **AAR, INC** for Lead-Based Paint Abatement Services for Department Public Works & Engineering \$67,490.00 and contingencies for an amount not to exceed \$70,864.50 - Water & Sewer R & R Fund – was presented, and tagged by Council Member Ellis. Council Member Robinson absent.

27. **JAX CORPORATION DBA MARCUS PRODUCTS COMPANY** for Automotive, Anti-Freeze for Various Departments - \$165,459.75 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Robinson absent.

Council Member Ellis stated that this was another group that had some delinquent taxes and would tag the item at this time. Council Member Robinson absent.

Council Member Parker stated that on Item No. 27 it was a purchase of antifreeze for the various departments and she had been raising the issue over the years about more

environmentally friendly products, there were some animal safe antifreezes on the market and the prices had been dropping, that she appreciated Purchasing going back out and doing a quick survey to find out what the price differential was and it was enough to go to the traditional antifreeze but she would appreciate Purchasing getting into a routine habit of looking for things like that, that they do it on lower polluting vehicles and they also needed to look at other products as they went through. Council Member Vasquez absent.

ORDINANCES - NUMBERS 29 through 41

31. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 5-foot-wide utility easement containing 1,500 square feet of land, more or less, being out of Lots 5 and 6, Block 4, Subdivision of Tract 5, Dixieland Subdivision, Harris County, Texas; vacating and abandoning said tract of land to Houston Independent School District, abutting owner, in consideration of owner's payment of \$1,125.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0959 ADOPTED.
32. ORDINANCE issuing a permit to **CHRIST CHURCH CATHEDRAL, HOUSTON** for maintaining, using, occupying, operating and repairing certain vault space adjacent to Block 55 S.S.B.B. and within portions of Prairie Avenue and Fannin Street; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0960 ADOPTED.
34. ORDINANCE amending Ordinance Numbers 02-230 and 02-276 to increase the maximum contract amounts for property insurance for the City of Houston, Texas – was presented. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she had some questions about the item, that basically they were increasing the insured value of the three buildings and asked if that was correct, and Mayor Pro Tem Quan stated that was what it seemed they had, and Council Member Alvarado stated that looking at the numbers it looked as though those buildings were under insured by \$59 million, that she knew it was a procedural thing they were correcting, but asked how did that mistake happen and who was responsible for that. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado moved to suspend the rules to hear from Ms. Tina Paquet, Finance and Administration Department, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-1236 ADOPTED.

Ms. Paquet stated that there were actually two items on the RCA, the Compaq Center item had been withdrawn and the memo was submitted by the department yesterday, that the increase in value for 1200 Travis was an error and that error was information that came to them annually at renewal and they were responsible for reviewing that information and they were redoubling their efforts to make sure the information was accurate, that they were sorting the information when it came to them by tiers to make sure their larger buildings were insured adequately, so they were making efforts to make sure it did not happen again, and Council Member Alvarado stated that she was told the error was in place since 1999 and asked how did they not know about that, that it was a large amount to not know about, and Ms. Paquet stated that was correct and they were responsible for reviewing that, that they had failed to do the search by tiers to make sure their buildings were where they should be but the error had been

corrected and they would not do that again, that the insurance for the 911 center was effective November 6, 2002 and the property insurance responsibility fell to the City. Mayor Brown and Council Members Tatro, Galloway, Wiseman, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Upon further questions by Council Members, Ms. Paquet stated that the error was found during the RFP process for the April 1 renewal of the current policy and they were advised to make the change after the coverage was found so it would not disturb the insurance markets, that they consulted John L. Wortham, the City's broker on a method that would be acceptable to the insurance underwriters to put an accurate value for insurance purposes on the building and their recommendation was to use a similarly situated building, which they used 611 Walker and the insured value per square foot, that they took the square footage of the 1200 Travis building and used the same value and it was accepted by the underwriters, that they had multiple underwriters on their policy and Westchester Fire was the lead, that she did not bring the list with her but could provide that to them of all of their underwriters, that there was a real estate appraisal done whenever the building was renovated and that was the original basis for the value that they had carried. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 34. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0961 ADOPTED.

35. ORDINANCE approving and authorizing an Occupancy Agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION, INC, HEAD START PROGRAM**, as occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0962 ADOPTED.
37. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **RANGER SPECIALIZED GLASS, INC** for Glass Replacement & Repair Services for Various Departments – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0963 ADOPTED.
38. ORDINANCE amending Ordinance Nos. 99-697, 99-615, 99-614, 99-1037 and 99-901 to set maximum contract amounts on various Professional Consulting Services Contracts for the Asbestos and Lead Program – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she was tagging Item No. 38 so she could have a little time to review the performance and also the current technology of the companies they were consulting with for lead testing and asbestos abatement. Mayor Brown absent. Mayor Pro Tem Quan presiding.

41. ORDINANCE appropriating \$17,556,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund (CIP A-0369) and \$3,000,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund (CIP A-401), awarding construction contract to **CHAMPAGNE-WEBBER INC, TEXAS** for construction of the Rehabilitation of Taxiways “SA” and “SB” at George Bush Intercontinental Airport/Houston, Project 549; providing funding for engineering testing - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Vasquez. Mayor Brown absent. Mayor Pro Tem Quan presiding.

42. 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, 2004; 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

- **(This was Item No. 16 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1155)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Galloway moved to postpone the reappointment for Position 1 for 30 days, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1237 ADOPTED.

Council Member Galloway moved to adopt Positions 3 and 5, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1238 ADOPTED.

43. 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

- **(This was Item No. 17 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1156)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Galloway moved to postpone the reappointment of the Chair position for 30 days, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1239 ADOPTED.

Council Member Galloway moved to adopt Positions 7 and 9, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1240 ADOPTED.

44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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** – (This was Item 25 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS ELLIS and VASQUEZ) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1241 ADOPTED.

45. 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 \$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** – (This was Item 27 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1242 ADOPTED.

46. 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 \$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** – (This was Item 28 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1243 ADOPTED.
47. 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 \$3,040,583.62 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** – (This was Item 29 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY, EDWARDS, ALVARADO and KELLER) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that they still showed that there were some taxes that were owed on Account #0920342 under Kinsel Industries Inc. and moved to postpone Item No. 47 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1244 ADOPTED.

48. 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** - (This was Item No. 33 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS ELLIS AND KELLER) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he had talked to Legal and they felt that they could not hold the item up because it was a judgment and he would request that the Controller look into this, that Frank Kalas and Albert Kalas whom they were going to be paying \$785,000 to, presently were delinquent in their property taxes on their other properties and he would request that the Controller take a look at it and see if there was some way that they could offset it, that the Legal Department stated that they could not because it was a judgment and needed to go into the court registry. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Mr. Hall, under the City Charter, had indicated that if a debt was owed to the City then the Controller could not issue a check, and Mr. Hall stated that there was a Charter provision that stated that a warrant could not be issued, but as Council Member Ellis had explained this was the product of a court judgment and they did not have a choice. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Robinson asked if they could put a lien on it once they turned it over to the court registry and Mr. Hall stated that he did not know the details of the research that Council Member Ellis had done but if it had been reduced to judgment than obviously they did not have a

lien to put on it, and Council Member Robinson asked if they had not could they at least find out where they were in the process as it related to their delinquent tax firm, and Mr. Hall stated that their tax collection firm was the one who did that work, and Mayor Pro Tem Quan asked Mr. Hall if he could so instruct their tax collection firm on that. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 48. Council Members Tatro and Keller voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0964 ADOPTED.

48a. 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** – (This was Item No. 33A on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS ELLIS AND KELLER) - was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. Council Members Tatro, Keller and Sekula-Gibbs voting no, balance voting aye. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1245 ADOPTED.

49. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to **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** – ((This was Item No. 40 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1246 ADOPTED.

50. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to **AMEND MOTION #99-1774, 10/20/99, 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** – (This was Item 43 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1247 ADOPTED.

51. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – (**This was Item 44 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he wanted them to know that this group was delinquent, but they went and paid this week, so the system was working. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item 51. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1248 ADOPTED.

52. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 45 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1249 ADOPTED.

53. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 46 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 53 for one week, seconded by Council Member Tatro, Council Member Ellis stated that they sent him a letter saying they were not going to pay until they appropriated the funds for them in the contract, but they were delinquent back to 1985, that he would encourage them to pay, that it was a substantial amount and broken down into a number of different accounts. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Council Member Ellis motion to postpone Item No. 53 for one week. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1250 ADOPTED.

Council Member Ellis moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Department, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1250-a ADOPTED.

Mr. Wells stated that he just wanted to go on record to say that this was an emergency and the work had been performed, and Mr. Hall stated that Mr. Wells was saying that the work that was listed in the RCA, six properties that were secured had already been done on an emergency basis, and Mr. Wells stated that he had been in contact with the company once he had received the notification from Council Member Ellis's office, that in fact they had sent him the letter and he had been working with them trying to get some of the items handled and they indicated to him that the work had already been done and they said they would pay the taxes as soon as they got money. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mr. Hall stated that where the work had already been performed, in the end, they were going to be required to pay, that Council needed to know that, that if they asked for the work to be done on an emergency basis and they went out and did and the City accepted it, then in the end they were going to have to pay it. Mayor Brown and Council Member Edwards absent. Mayor Pro Tem Quan presiding.

After further discussion by Council Members, Council Member Keller asked Mr. Wells to get him the six properties that the entity conducted work on and the exact itemization as to what was wrong with them and what work they did. Mayor Brown and Council Member Edwards absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that he also had a question about the particular property, that in the RCA they looked up the school that was requesting it and the school was not even in the City limits and the school was not even near the property, that on top of that he would like to know how this company was chosen, did they have a list of companies and was it an approved list and along with the questions that Council Member Keller was asking if he could get answers to how they went about on an emergency basis picking a company to do the work. Mayor Brown and Council Members Edwards and Robinson absent. Mayor Pro Tem Quan presiding.

54. MOTION by Council Member Keller/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 48 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Ellis stated that this was another group that went and paid their taxes over the past week. Mayor Brown and Council Members Edwards and Robinson absent.

A vote was called on Item No. 54. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. MOTION 2002-1251 ADOPTED.

55. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 – This was Item 49 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. MOTION 2002-1252 ADOPTED.

56. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **INDUSTRIAL TX CORP.** for Emergency Repair to Alameda Sims Wastewater Treatment Plant for Department of Public Works & Engineering - \$296,640.19 - Enterprise Fund – **(This was Item 50 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS ELLIS and GOLDBERG)** – was presented. All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1253 ADOPTED.

57. MOTION by Council Member Quan/Seconded by Council Member Keller to adopt recommendation from Finance & Administration Department to **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.** - **TAGGED BY COUNCIL MEMBER ELLIS – (This was Item 51 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1254 ADOPTED.

58. MOTION by Council Member Quan/Seconded by Council Member Keller to adopt recommendation from Finance & Administration Department to award to **CALCIQUEST, INC** for Chemical, Blended Polyphosphate for Department of Public Works & Engineering - \$149,337.10 Enterprise Fund - (This was Item 53 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. MOTION 2002-1255 ADOPTED.

59. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to **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 – (This was Item 54 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)

Council Member Ellis stated that he wanted to ask Mr. Hall that out of all of the groups they were all paid up on their taxes except for one of the group and instead of holding it up could he amend it to exclude R&W Polize Enterprises, Inc. dba Central Police Supply, because they were the only group that was delinquent in taxes, and Mr. Hall stated that he thought so but would ask the Purchasing Agent if they were in any way inter connected or proving separate items to the City.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Department, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1256 ADOPTED.

Mr. Hall asked Mr. Wells if he understood the question, could they split them out and Mr. Wells stated that they could be split. Mayor Brown absent.

Council Member Ellis moved to delete the amounts for R&W Polize Enterprises, Inc. dba Central Police Supply and postpone for one week, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1257 ADOPTED.

A vote was called on the balance of Item No. 59 as amended. All voting aye. Nays none. Mayor Brown and Council Member Berry absent. MOTION 2002-1258 ADOPTED.

60. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to **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 - TAGGED BY COUNCIL MEMBER ELLIS – (This was Item 55 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)**

Council Member Ellis moved to delete the amounts for Expotech USA, Inc., Uniforms Plus and R&W Polize Enterprises, Inc. dba Central Police Supply and postpone one week, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1259 ADOPTED.

A vote was called on Item No. 60 as amended. All voting aye. Nays none. Mayor Brown and Council Member Berry absent. MOTION 2002-1260 ADOPTED.

61. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 - TAGGED BY COUNCIL MEMBER ELLIS – (This was Item 58 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS)**

Council Member Ellis moved to postpone Item No. 61 for one week, seconded by Council

Member Tatro. All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1261 ADOPTED.

62. 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 – **(This was Item 60 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and TATRO)** – was presented.

Council Member Wiseman asked Mr. Hall if a person wanted to donate something to the fire station right now would the City legally be able to accept their contribution, and Mr. Hall stated that obviously the question was that without a structured program it would probably turn on what it was they wanted to donate, that if someone wanted to give them money or something, Council could obviously accept a contribution that somebody made to the City for a specific project, that he thought the essence of this was to try to structure a program to both encourage and accept community adoption and assistance to the physical facilities at the fire stations and thought that was the whole purpose of this, that it did not come from Legal though so they would have to inquire of them about why and what they wanted to do specifically with the program. Mayor Brown and Council Members Goldberg, Ellis and Alvarado absent.

After further discussion, Council Member Wiseman moved to postpone Item No. 62 for one week, seconded by Council Member Tatro. Mayor Brown and Council Members Goldberg, Ellis and Alvarado absent.

Council Member Parker stated that she did not have any objections to the motion to delay for her to get information, she was going to try to address the issues she raised, they had a very extensive discussion on it in the committee and she could answer some of her questions or maybe Ms. Darcey could and they may be able to take care of it today but she did not think there was any problem with a delay for a week. Mayor Brown and Council Members Goldberg, Ellis and Alvarado absent.

A vote was called on Council Member Wiseman motion to postpone Item No. 62 for one week. All voting aye. Nays none. Mayor Brown and Council Members Goldberg and Alvarado absent. MOTION 2002-1262 ADOPTED.

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 – (This was Item 63 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ and ELLIS)** – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0965 ADOPTED.
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 – (This was Item 64 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0966 ADOPTED.
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 – (This was Item 65 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was

presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0967 ADOPTED.

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 – (This was Item 66 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0968 ADOPTED.
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 – (This was Item 67 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0969 ADOPTED.
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 – (This was Item 68 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0970 ADOPTED.
70. 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** – (This was Item 82 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0971 ADOPTED.
71. 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 – (This was Item 83 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Mayor Brown absent. ORDINANCE 2002-0972 ADOPTED.
72. 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** – (This was Item 84 on Agenda of October 16, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was presented.

Council Member Ellis moved to postpone Item No. 72 for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1263 ADOPTED.

73. 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. - (This was Item 90 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1190) – was presented. All voting aye. Nays none. Mayor Brown absent. MOTION CARRIED.
- 73a. 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 90a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1190) - All voting aye. Nays none. Mayor Brown absent. MOTION 2002-1264 ADOPTED.
74. 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. - (This was Item 91 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1191) - All voting aye. Nays none. Mayor Brown absent. MOTION CARRIED
- 74a. 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 91a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1191) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Tatro absent. MOTION 2002-1265 ADOPTED.
75. 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. (This was Item 92 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1192) – was presented, and Council Member Ellis withdrew the motion. Mayor Brown and Council Member Tatro absent.
- 75a. 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 92a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1192) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding. MOTION 2002-1266 ADOPTED.

76. 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 93a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1193A)** – was presented. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

Council Member Galloway moved to postpone Item No. 76 for two weeks, seconded by Council Member Alvarado. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez asked Council Member Galloway to state her reasons for that, and Council Member Galloway stated that there was some unfinished work in her district that had been pending for almost a year and had not been completed so she wanted to make sure that it did get completed, and Council Member Vasquez stated that he was supportive of that and hopefully Texas Sterling would get the message and not do the same in his district. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 76. All voting aye. Nays none. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding. MOTION 2002-1267 ADOPTED.

77. 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. - (This was Item 95 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1195) – was presented. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 77 and 77a for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding. MOTION 2002-1268 ADOPTED. (Note: Council Member Ellis moved to reconsider Item No. 77 and 77a later in the meeting.)

- 77a. 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 95a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1195) – was presented, and postponed for two weeks by MOTION 2002-1268. Mayor Brown absent. Mayor Pro Tem Quan presiding.

78. 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. - (This was Item 97 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1197) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 78 and 78a for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1269 ADOPTED.

78a. 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 97a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1197) – was presented and was postponed for two weeks by MOTION 2002-1269. Mayor Brown absent. Mayor Pro Tem Quan presiding.

79. 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. – (This was Item 98 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1198) – was presented, and Council Member Ellis withdrew the motion. Mayor Brown absent. Mayor Pro Tem Quan presiding.

79a. 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 98A on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1198) – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1270 ADOPTED.

80. 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. – (This was Item 99 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1151) – was presented, and Council Member Ellis withdrew the amendment. Mayor Brown absent. Mayor Pro Tem Quan presiding.

80a. 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 99A on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1151) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that the first portion of the item that had now been awarded to Hydraflo, Inc. and was before Council was originally awarded to Metro Service Consultants, it

was a low bid contract and there were some concerns as to whether they were able to perform, that he and Mr. Wells were going to do a site inspection on Friday and he was looking into this and would ask for one more week because he thought that they were able to perform and knew several Council Members were involved in this.

Council Member Ellis moved to postpone the portion that was to be awarded to Hydradlo, Inc. for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1271 ADOPTED.

A vote was called on the balance of Item No. 80a. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1272 ADOPTED.

81. 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. – This was Item 104 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1200) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 81 and 81a for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-1273 ADOPTED.

- 81a. 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 104A on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1200) – was presented and postpone by Motion No. 2002-1273. Mayor Brown absent. Mayor Pro Tem Quan presiding.

82. 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. - (This was Item 105 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1201) – was presented and Council Member Ellis withdrew his motion. Mayor Brown absent. Mayor Pro Tem Quan presiding.

- 82a. 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 105A on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1200)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0973 ADOPTED.

Council Member Vasquez stated that he was happy to go through the agenda and the process every week like this, but wanted to know what effect of having passed the tax ordinance

today would have on the process, and Council Member Ellis stated that he hoped it would make it a lot easier, that the process had been most difficult for them to find out who the principals were of different legal entities and so forth, this would make it more transparent which would afford them the opportunity to send it over to their law firm who collected delinquent taxes and they would probably send out a spreadsheet, as they did today, to all of the Council Members, that he believed, and Mr. Hall could correct him, that the process now was that any proposals that went out, he assumed starting today, would have to fill out the affidavit that they were requesting, and Mr. Hall stated that they would be, as he had indicated earlier, consistent with the changes that were made, they would be providing the affidavit with the documents, that the only caution he would make to Council was obviously those that had been in the process before today would not have that document in it, so whatever the response time was given, and he did not know if it was 30 or 45 days or whatever, those were obviously already out there, so they had to labor with this a little while longer but the ones that went out henceforth would have that document and that ordinance requirement, and Council Member Ellis stated that also anything that went out as of today would go to the Controller's office and she would do the research for them based on Council Member Robinson's amendment to that ordinance. Mayor Brown absent. Mayor Pro Tem Quan presiding.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that it was good to see, although they had to do a lot more work over the last couple of weeks, a lot of the vendors were now paying their taxes because of these Council actions and it was a significant amount of money that was coming in quickly and thought they would see the same when they did the top 100 delinquent property tax accounts that were in the City and appreciated the report he got on that from Mr. Haines and Dr. Scheps with their law firm. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he wanted to compliment Building Services, that they had a piece of land in their district for about 13 years on Breezewood, just off of Richmond and they had a ground breaking for Fire Station 83, that it was much needed and well deserved and appreciated their efforts on it and did not think it could have been done without their involvement. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that Kate Gay, his chief aide, ran three marathons in three days, that in the Lake Tahoe Ultra Marathon, Kate was the second fastest woman to finish and the sixth overall, that it was over 78 miles in 3 days. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that Mr. Eric Darden, Deputy Director of Public Works had really been a significant help to their office, that he was extremely talented and professional and had many comments from constituents that he had dealt with daily, one on one, and he hoped that it was noted and recognized how hard he worked and the example that he set for them in the City. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that they had a blood drive in their district at the Westside Command Station at 3203 S. Dairy Ashford, that it was the Albert Vasquez Memorial Blood Drive, that Officer Vasquez was killed in the line of duty, that they were hosting a blood drive in his honor on Monday, October 28, 2002, from 11:00 a.m. to 7:00 p.m., that if anybody needed directions or to find out more about it to call their office at 713-247-2007. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that as he saw in the Mayor Pro Tem's office services had been improved and he had sent a little memo around that they appreciated the donations from each Council Member to help pay for the new ice box and microwave, that they also had an intern now who was available to each of them who had a law degree and who was working on

her Master's Degree in Public Health, so if they would contact Alice Lee to work on assignments with her he would appreciate it, that about five or six Council Members had contributed to their Common Fund and he would appreciate others who had not to make a donation. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that this weekend, the Holocaust Museum would be having their Third Annual Human Race at the University of Houston. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that as far as their office went they had a series of regional Council meetings of people who would like to talk about concerns they had with the City and the first would be this Thursday night and they were welcome to call his office at 713-247-2013 to find out about the location, they provide a free meal and an opportunity to talk about how they could improve the City of Houston. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that this weekend was the Wings Over Texas Air Show and she invited everybody to come to Ellington Field and observe the beautiful air show that would be happening. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that Friday they dedicated the Houston Hall of Fame and would like to thank Mayor Brown for completing that project, that it was initiated by former Council Member Joe Roach several years ago and her deceased husband, Mr. Sylvan Rodriguez, was inducted into that Hall of Fame, that subsequently all of the photos were lost and it took about two years to find those photos and to hang them and she saluted Mr. Jordy Tollett for finding them and then Ms. Dawn Ullrich completed it and she wanted to thank them for all of their hard work, that Commander Captain John Young was inducted and they were very pleased to have such a tradition continue in Houston, that it now hung in front of the George Bush Ballroom in the George R. Brown Convention Center. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she wanted to compliment again the Department of F&A for helping with the ACS billing contract. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she wanted to thank Mayor Pro Tem Quan for his efforts in the office of the Pro Tem and not just the paperwork side, but also the amenities, it was a much nicer area. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she knew Council Members had been receiving emails from the dispatchers at the emergency center, that she did not know what the situation was, that they came to Council over a payroll issue a couple of months ago, but apparently there were still a number of issues with training and seniority, etc. and she would like to know who in the administration was addressing that if it was being addressed, if someone could follow up with her on that. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that last week Council Member Sekula-Gibbs mentioned that former Fire Chief Eddie Corral was in the hospital with a heart attack and he actually had quintuple bypass surgery yesterday and he came through surgery very well and they looked forward to a full recovery, so their best wishes to Chief Corral. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she knew that Council Member Alvarado had a Teach

for America stint this week, that it was Teach for America Week, that Council Member Alvarado had first graders on Monday and she had sixth graders this afternoon and would be out at Addicks Middle School, that it was a great program and appreciated the opportunity to participate in it, that it was a Social Studies Class so they would be talking about government. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she had been very patient for the last two weeks and her patience was wearing very thin and it was regarding the Clay Street incident that occurred with the busted water main and the homes that were flooded, that she was still waiting to hear something from the administration as to whether or not, how and when, they could bring some financial relief to the families that suffered losses, that she knew they were working on it but was urging them to please speed up the process, that they had families that had been put out of their homes, people who had damage done to their cars, people who lost pets, that she had a responsibility as a District Council Member and it was very frustrating if she had no information to relay to those individuals, that she was very grateful to the Hotel Motel Association who were able to help put up some families in hotels, but it was their responsibility, that she understood that they had an issue to deal with regarding the Tort Claims Act that was a State Law which did prohibit the City from being responsible for the claims that had been made thus far, but she thought it was their responsibility to find another way if they could not go about it that way, that they had a responsibility, that she did not like just telling people no, she liked to at least offer some options. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he had some questions for the Legal Department, that he was extremely concerned as to why the insurance companies were not having to pay, and Mr. Hall stated that they were saying it was not in the ambit of their policy coverage, that was obviously something he could not speak to because he did not know what the individual policies said, that they did not have flood insurance, that Council Member Alvarado had been working with the Mayor and thought there may be the development of at least a solution for most of the homeowners issue through housing programs that were not claims against the City, but he could not say more about it because the Mayor had not finalized that to offer some assistance and Council Member Ellis asked if there was any way they could put together a legal team, within the City of Houston's Legal Department, to review their insurance policies and then maybe take some type of law suit, that he had read something about there may be a problem with the contractor who put the line in there and asked if he had responsibility, and Mr. Hall stated that was kind of a different issue, that he asked three questions and he would try to respond, that on the first issue, he did not think they could provide representation to citizens against their insurance companies, which was essentially what that would be, but there was the possibility of exploring the liability of what appeared to be a failure of the pipe to conform to the warranties that were provided at the time it was purchased and installed, that assuming they took that route, the liability would be to the City and they would have to sue them for their housing and the City's would be for the failures of what they purchased, that all of that was being explored right now, they were frankly exploring half a dozen different avenues to try to see what problems there was for the homeowners who had damage, there may be a possibility through the Housing and Community Development Program to be able to offer some assistance, and Council Member Ellis stated that he requested last week that the Mayor put it on the agenda and have it as a Mayor's report and he would just encourage each week that they could get an update, and Mr. Hall stated that he thought they may hear something from the Mayor as early as this afternoon. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he did speak with the Mayor before he left that they were close to getting a resolution on this and their office had also contacted the United Way and Allison Relief because of the disaster they had last year, to see if they could do something similar to that, they had also referred them to Catholic Charities and they were seeing how monies could come through Housing and Community Development that may be able to fund a relief effort, because one of his concerns was how do they act quickly, that they were looking at

an immediate solution to address these peoples concerns.

Council Member Alvarado stated that she wanted to ask the administration if they would contact the Sports Authority, that she received yet another correspondence from the Harris County AFL CIO regarding the lack of contract compliance and knew that the issue had been brought up before and would like to ask the administration to intervene on that. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that as to the Clay Street issue, he wanted to commend Council Member Alvarado and her office, that he went driving around looking and as he rolled down the window and talked to people most of them, the only contact they had was from Council Member Alvarado's office. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he wanted to commend Council Member Ellis because he thought the taxes up to date issue was making a real difference, and in answer as to where this would be down the road he thought it would get out in the engineering and contractor community that if they wanted to do business with the City of Houston they had to be up to date on their taxes. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that January 19, 2003 was the Houston Marathon and this year the goal was to have a sell out, which would be 15,000 people and would be a 50% increase, but there were good reasons to believe that would happen, that he and Council Member Keller were helping them to promote it, that one of the things they asked was as much participation as they could possibly get, that they asked that he issue the challenge to every Council Member, even if they only did the four mile, they would like for them to do the El Paso half mile, that they would put together a list and circulate it and get a lot of publicity. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he wanted to issue his thanks to Teresa Orta and Chris Mays who sit at the front and was sure they had all experienced it, that everybody who came to the Council Members office's had to first check in with them and they were always pleasant and always professional and went above and beyond their job. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he would like to commend Council Member Wiseman, that most of them knew that the number two tourist attraction in the State was right here and the number local tourist attraction was the Johnson Space Center, that under Council Member Wiseman's office they were hearing a lot about it and thought a lot of good things were being done, from putting together cocktail receptions to bringing businesses aware of Johnson Space Center. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that there were five Public Works employees that he heard from citizens who had worked on a project and had done a great job and he wanted to commend them, Tim Chaney, Henry Sanchez, Melony Hood, Dwayne Marsh and Robert Venegas. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he thought they had all heard in one form or another from the Veterans Museum proponents and thought that their latest incarnation would be in Council Member Wiseman's district and all he would ask them to do was keep an open mind, that he heard from a lot of veterans and they had looked at other Veterans Museum, that it was gong to be a collaboration of a lot of different people, it was not his idea, it was a lot of different people's idea, but he hoped they would each take the time to learn what was going on there because he thought it was something that could be a real opportunity for the City of Houston to host something like that. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan

presiding.

Council Member Goldberg stated that regarding the Clay Street tragedy he did think they needed to take a look at possibly influencing the Legislature when it was in session next time to change the laws to allow them some sort of compensation in a huge tragedy like this one. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that this past weekend the City of Houston had a fun run and he was present and thought it was rather poorly attended, that it was postponed from one day to the next and asked if they could get some sort of accounting of how much City funds went into it and what the results were, that it was the Mayor's Out of the Dark Fun Run, that it was sponsored by Sea and Ski and the Mayor's office and did not know how much money went into it. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she wanted to thank the Houston Police Department substation in Kingwood, that last week she had requested their assistance after being contacted by a constituent in the Kingwood area and had moved into his new home and had yet to have street lights and it was very dark and a secluded area and after receiving her request HPD went out there to patrol and contacted the constituent to reassure them they were there, that they went out three times and personally went up to the door to let them know they were being patrolled. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she wanted to extend her condolences to the former Port Authority Chairman, Mr. Ned Holmes, on the loss of his wife Cherry Holmes who passed away Friday morning. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she would like to address a problem that they continued to have in her district and that was where they had a lot of heavy trash put out two and three days right after they picked it up, that she drove through the neighborhood right after the heavy trash has been picked up and the trash was already there, that the kids on their way to school had to get out on the street because the trash was covering the sidewalk, that she would like to propose that maybe Neighborhood Protection, the inspectors in that department, get together right after heavy trash pickup and do a sweep in a community because the best cure for something like that was word of mouth and citations issued. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she knew they talked about the historical preservation and in her district it was a very old district, with the homes being over 50 years old and she had a lot of areas that she wanted the people in her community to know what they had been discussing so she would be hosting three townhall meetings, the Acres Homes Community on Monday, October 28, 2002 at the Acres Homes Multi Purpose Center at 7:00 p.m., in the northeast at the Kashmere Multi Purpose Service Center on October 29, 2002, at 7:00 p.m. and the Pleasantville Community, who just celebrated their 50 year anniversary last year as a neighborhood, at the Judson Robinson Senior Park, on Wednesday, October 30, 2002 at 7:00 p.m. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she agreed that Teresa and Chris gelled terrific together and was proud to have them as their greeters for their City Council office because they did a magnificent job. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Keep Houston Beautiful held their awards this week and there were great efforts to beautify the City, but they would see what they could do to work with her on the sweep in District B. Mayor Brown and Council Member Vasquez absent. Mayor Pro

Tem Quan presiding.

Council Member Robinson stated that he wanted to thank Mr. Haines for visiting with him after his questions on the health care policies to give him an update that he was working on something and looked forward to his presentation to the full Council on the options that would be available to them. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he wanted to thank Mr. Haines, the Legal Department and Mr. Vanden Bosch on the Pedestrian Safety Ordinance and hoped they would pass it next week. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he wanted an update on what was going on in the Kmart issue relative to all the court issues and the towing issues, and Mayor Pro Tem Quan asked that they notify all of the Council Members on that issue, they were all concerned. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that as to the Clay Street issue she wanted to applaud Council Member Alvarado, that she had received a lot of calls from constituents in District D because they had those types of breaks all the time, that she wanted to encourage the Public Works Department to let her know where they were, that she had heard comments from Mr. Vanden Bosch that there was a lot of old infrastructure within the City so her question was how do they deal with it because she did not think it was good enough to say they would just indemnify it as a City, that she thought they had a responsibility that tied into the issue of when the building collapsed in District D earlier there was no place to go, so she was not sure how they were going to deal with that as a City, that as the Public Safety Committee she was going to look at it, but thought they had if not an implied or codified responsibility, they had a covenant with their communities so they had to address it. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she was getting a lot of calls from District D constituents regarding the insurance situation that was happening in the State of Texas, a lot of people were losing or had lost their homeowners insurance and now it was affecting the ability to have their mortgage financed and so forth, and then they had \$218 million that was returned by the State of Texas that could have gone to the children as far as health insurance, she thought that was going to have some repercussions for the City and would like for them to be pro activists to see if they had any position and was there any way they could assist the homeowners and families with the insurance burdens that were happening right now. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that the issue that Council Member Parker raised regarding the 911 dispatchers, she was getting a lot of calls on that from people not being clear on what was going on, so she would like to dovetail with what her request was to make sure it happened. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she wanted to thank Mr. Vanden Bosch and his staff for helping their staff go through the first year of CIP, that it was very interesting and very productive. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she wanted to remind everybody that it was voting time and encouraged people to please go out and vote, however they voted, that if they could get 40% of the registered voters to go out and vote they would be really doing something. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that Mr. Haines followed up with her on the HACK issue and Mr. Lonnie Vara was going to personally investigate and report back to them. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he appreciated her raising some of the issues that she did and maybe either working through TTI or the Public Safety Committee to see what they could do to respond when situations like that happened in the future so they did not just react as opposed to having a plan of action. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that it seemed that the Solid Waste Department was making up rules just on the sly, that it involved trash cans, that they had a taxpayer who owned a home and the home was rented and a trash can was delivered to the home some time ago, that the lease ended and the renter moved out and the man was fixing up the home so the home was not occupied at the time, that the Solid Waste Department, he was told, had a policy whereby if they did not see that the house was being lived in or the house was vacant they picked up the trashcan, that he did not understand the policy since the taxpayer was still paying the taxes, that they had a correspondence from the taxpayer and forwarded it to the Solid Waste Department with an explanation of why there was no one in the house and that the gentleman needed the can to make improvements on the home and if someone moved in to the home they would need the can, that he did not think that they could have the Solid Waste Department start micromanaging, weeks in and weeks out, on who gets a can and who does not, that they asked them to put back the can and they gave them basically excuses, that he thought it was very simple, the taxpayer paid for the service and until that taxpayer stopped paying taxes or was delinquent on his taxes then every house should have a can. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he hoped his pleas were heard and if not to let him know and he would see what they could do to team up with him. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that Solid Waste had obviously started the Tags for Bags program and his interest was with the holiday season, definitely with the holiday meals and gifts results in extra trash and he would like to see if they could consider a waiver for the weeks of Thanksgiving and Christmas and that way allow the citizens and the public to put out their heavy trash at no penalty and without necessarily needing extra tags for their trash, that he thought they could do it as a public service, so to speak and asked Mr. Haines if he could look into it and report back to them. Mayor Brown and Council Members Wiseman, Alvarado, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Council Member Ellis had indicated that he would like to bring an item back. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that it was Item Numbers 77 and 77a, that they had a motion to delay and he just got a call that said they had paid their taxes and moved to suspend the rules to reconsider the motion to delay Item Numbers 77 and 77a, seconded by Council Member Vasquez. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Hall stated that the reason he could do that was because it was just a procedural motion, that a motion to delay was a procedural one. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

A vote was called on Council Member Ellis motion to suspend the rules to reconsider Item Numbers 77 and 77a. All voting aye. Nays none. Mayor Brown and Council Members

Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1274 ADOPTED.

77. 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. - (This was Item 95 on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1195) – was again before Council, and Council Member Ellis withdrew the motion.

77a. 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 95a on Agenda of October 16, 2002, POSTPONED BY MOTION #2002-1195) – was again before Council. All voting aye. Nays none. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1275 ADOPTED.

There being no further business before Council, the City Council adjourned at 11:41 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Tatro. Mayor Brown and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary