

City Council Chamber, City Hall, Tuesday, October 29, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 29, 2002, Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Addie Wiseman absent on city business.

At 1:43 p.m. Mayor Pro Tem Quan began the presentations and introduced Mr. Willie Tonyston, Acting President of Prairie View A & M, and his wife; Dr. JoAnna Thamas-Smith, Provost and Vice President of Academic Affairs Dr. Gerard Rambally, Dean of Arts and Science College; Dr. Danny Kelly, of the Music School and Ms. A. Jan Taylor, Director of the Choir of Prairie View A & M; and introduced the choir who performed for Council. Mayor Pro Tem Quan invited Mr. Tonyston to the podium and presented him with a proclamation for being Texas' oldest historically Black college and university and second oldest institute of higher learning; congratulated and commended Prairie View A & M Concert Corral; and proclaimed October 29, 2002 as "Prairie View A & M Concert Corral Day" in the City of Houston, Texas. Mr. Tonyston thanked the City of Houston for the great honor and invited everyone to watch the special tonight of 125 years of Prairie View on Channel 8 at 9:00 p.m. Council Members Goldberg, Edwards, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT.)

Mayor Pro Tem Quan stated that the Houston Bar Association along with the Harris County Medical Society had been very involved in a program called IDEA, Interprofessional Drug Education Alliance, and invited the president of the Houston Bar Association, Mr. Tom Godbold and the president of the Harris County Medical Association, Dr. William Fleming to the podium. Mayor Pro Tem Quan stated that last Thursday was the tenth anniversary of the program and presented Mr. Godbold with a proclamation commending the Houston Bar Association and the Harris County Medical Society for their dedicated efforts in helping people to lead productive lives free of drugs and alcohol, extending best wishes for continued success and proclaiming October 24, 2002, as "Houston Bar Association and the Harris County Medical Society Interprofessional Drug Education Alliance Day" in the City of Houston, Texas. Dr. Fleming thanked the City of Houston for the recognition and stated that they thought they were doing good in reaching the children and were proud of the program. Mr. Godbold stated that on behalf of the entire membership of the Houston Bar Association he thanked Council for recognizing the good works that doctors did with lawyers and they appreciated the recognition very much. Council Members Galloway, Goldberg, Edwards, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT.)

Council Member Sekula-Gibbs stated that she also wanted to congratulate the efforts on behalf of the Harris County Medical Society and the Houston Bar Association as it was wonderful to see the two groups working together as they did on a regular basis, but was not often heralded. Council Members Goldberg, Edwards, Alvarado, Berry and Robinson absent.

At 1:55 p.m. Mayor Pro Tem Quan called the meeting to order and Council Member Galloway led everyone in prayer and in pledging allegiance to the flag. Council Member Tatro absent. Council Members Goldberg, Edwards, Alvarado, Berry and Robinson absent.

At 1:56 p.m. the City Secretary called the roll. Mayor Brown out of the city on city business. Council Member Wiseman absent on city business. Council Members Edwards, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Members Robinson and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Wiseman absent on city business. Council Members Edwards, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. MOTION ADOPTED.

At 1: 58 p.m. Mayor Pro Tem Quan requested the City Secretary to call the list of speakers. Council Members Edwards, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Allyson Beck, 4154 Lanark Lane, Houston, Texas 77025 (713-783-7070) appeared and stated that she was with the Braeswood Place Homeowners Association and present to speak on project N-0383 and N-0383C, neighborhood street reconstruction for Braeswood Place, that with respect to N-0383 they believed design and engineering was funded for 2004 and 2005 and actual construction for 2005 but it was about one-eighth the amount needed for the full reconstruction and following the bond elections passed in 2001 they understood N-0383C was funded for design and complete reconstruction for the balance of the neighborhood but not until 2006 and today in speaking with Mr. Robert Friederlein she understood the Braeswood Place NSR Projects were being delayed one or two years; that CIP funds previously slated for them were now being diverted to other projects; that NSR projects took years to complete and they may not be seeing completion now until 2010; and asked that their projects not be delayed for any reasons; that everyone in their neighborhoods worked very hard taking steps required to get their issues addressed. Council Members Edwards, Alvarado and Berry absent.

Mayor Pro Tem Quan stated that Ms. Beck should continue; and Ms. Beck stated that their neighborhood had suffered flooding in over 500 homes during tropical storm Allison and some were still under reconstruction and they saw street reconstruction as a way to eliminate drainage issues and flooding; that it had been 55 years since their streets were constructed; and she asked that Council do nothing to delay their projects. Council Members Edwards, Alvarado and Berry absent.

Council Member Goldberg stated that he project she referred to was a \$25,000,000 street reconstruction and was completely taken out of the CIP and whoever told her it could be delayed one to two years was basically lying because that was not the case, it was a five year plan; that the money was already accounted for and the only way to put Braeswood Place back in was to get rid of another project and that was what his amendment which would be voted on tomorrow would do, it would take funding from a project in his district and put it in the street reconstruction she referred to; that the money was coming from his district for his district, the choice was that the money was to go to the neighborhood street reconstruction or into West Bellfort and there were no other choices unless some other Council Member would like to give him funds from their district; that his amendment was taking money from a new street construction with no businesses or homes there and placing it in a neighborhood with homes and flooding. Council Member Edwards absent.

Mr. Harry Reed, 770 Post Oak Blvd., Houston, Texas 77056 (713-961-0110) appeared and stated that he was very active in civic affairs and anytime you ignored benefits to the city you were worthless to the city; that Bellfort would serve twenty-five and a half miles and there were four miles missing; that \$20,000,000 or better had been spent to put the street in and it needed \$6,000,000 or \$7,000,000 to be completed; that if the street were opened it would be bumper to bumper in sixty days as it linked the Medical Center to Pasadena and Hwy. 6 and it was the first major artery created in the city in the last 50 years; that the minute it was finished it would be filled with stores, restaurants, apartments, etc. and the tax income would be reimbursing the city for what they spent and in record time and there was no justification in holding it up any longer. Council Member Edwards absent.

Upon questions by Council Member Goldberg, Mr. Reed stated that he did not live in that area or work in the area but would still use the street. Council Member Goldberg presented a map to Council Members and stated that the street was not needed because Loop 610 connected the area; that they did not need a road when they already had a major interstate. Council Member Edwards absent.

Upon questions by Council Member Keller, Mr. Reed stated that the money had already

been spent to acquire the land and pave the existing streets and they had been sitting there years and the only way to get their money back would be to connect the streets so they could go somewhere. Council Member Edwards absent.

Upon questions by Council Member Tatro, Mr. Reed stated that a part of Bellfort was already to the west of Kirby. Council Member Tatro stated that the Administration had an interesting history of this over the last four years with the project in and out and last year it was removed completely from the CIP; and upon questions, Council Member Goldberg stated that there was no TXDOT money involved it was City of Houston and METRO moneys. Council Member Edwards absent.

Mr. Bob Barnes, 3611 Bellefontaine, Houston, Texas 77025 (713-669-1344) appeared, presented information and stated that he was President of the Stella Link Redevelopment Association and present stating that their association was formed in 1988 and their mission statement was to acquire property along the Stella Link corridor and to redevelop it for a nonprofit community purpose; that they had successfully acquired ninety acres with the seventy-five acre tract being bounded by Stella Link to the west and South Main to the East; that the proposed extension of West Bellfort would go through the entire tract joining West Bellfort from Stella Link to South Main; that the CIP budget was not only allocating money for the land acquisition and improvement for their tract but also from South Main to West Bellfort where it intersected to Buffalo Speedway; that completing the street would enhance traffic flow around Reliant. Council Members Edwards, Vasquez ad Robinson absent.

Upon questions by Mayor Pro Tem Quan, stated that it would also allow them to build a nonprofit community oriented campus for youth sports as well as additional schools; that they did not want to deny funds for other CIP projects especially, Braeswood Place, a neighborhood where he had lived for twenty-five years, but this was about a new street that he thought would enhance the entire Reliant Stadium area. Council Members Edwards, Vasquez ad Robinson absent.

Council Member Goldberg stated that the map presented showed they would be taking out parkland and putting a street right through the middle; and upon questions, Mr. Barnes stated that currently it was not being utilized as park land and they were driving on a dirt road and that Council Member Goldberg knew it as he lived less than a mile away; that he believed his major opposition to it was because he was a homeowner and did not want increased traffic. Council Member Goldberg stated that he knew the neighborhoods did not want the street to go through because of the extra cut through traffic and there was already an alternative with a major interstate and with rare exception was it backed up; and upon further questions, Mr. Barnes stated that during tropical storm Allison over 500 of their 2,200 homes flooded and flooding was severe in his part of the city and not just in his neighborhood; that his home was not one of those which flooded. Council Members Edwards, Vasquez ad Robinson absent.

Upon questions by Council Member Tatro, Mr. Barnes stated that he was President of the Stella Link Redevelopment Association, which was a nonprofit group and had acquired that property as well as the main campus. Council Member Tatro stated that they were the ones who had bought all the dilapidated apartments and knocked them down and put up the new library, etc.; and upon further questions, Mr. Barnes stated that he was correct and the property was acquired anticipating the street would go through; that historically the city had done all the engineering work for the design phase, but every time the project was in the CIP it would disappear for another project and the only tract of Bellfort not finished was that tract. Council Members Edwards, Vasquez ad Robinson absent.

Upon questions by Council Member Parker, Mr. Barnes stated that the Stella Link Redevelopment Association owned the entire tract that would house the proposed right-of-way between South Main and Stella Link. Council Member Parker stated that the association had been a great partner with the city and for the neighborhoods in cleaning up the area; and upon

questions, Mr. Barnes stated if it was required that they donate the property to get it through the CIP they would do that. Council Member Parker stated the city should not look a gift horse in the mouth; that it was a great offer and she did appreciate it. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Berry, Mr. Barnes stated that their organization had donated many parcels to other participants on main campus and they felt this would enhance and they would donate; that he had lived in Braeswood Place since 1976 and it was not his intent to come and speak against their reconstruction, but his issue with that was if it was so important why was the project not in there to begin with. Council Member Berry stated that when he drove through the area he could not believe the improvements that had been made and congratulated him on those improvements. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs thanked Mr. Barnes for coming to Council and for the work done on Stella Link and stated that folks from the Medical Center had said that would be an important avenue for ambulance traffic and she felt that was important for Council to consider; and as negative as it could be to neighbors facing West Bellfort in the subdivision if they had a medical crisis it would help them. Council Members Vasquez and Robinson absent.

Council Member Tatro stated that he would appreciate information from Council Member Goldberg as too which NSR had been in the CIP and which had not. Council Members Vasquez and Robinson absent.

Upon questions by Council Member Galloway, Council Member Goldberg stated that the CIP adopted last year had removed the Bellfort project and the street reconstruction in the community had been in the CIP in prior years; that he wanted to use the dollars going to the Bellfort project to fund the NSR. Council Members Keller, Vasquez and Robinson absent.

Ms. Alice Kuchera, 10214 Oboe, Houston, Texas 77025 (713-664-6236) appeared and stated that she was a thirty year resident of Westwood and for Item 44 and against the extension of West Bellfort; that West Bellfort went through their neighborhood and if the traffic was increased by opening it as a major artery it made only major arteries their neighborhood could exit out of; that West Bellfort serviced three schools, two churches, three apartment complexes, and a number of small businesses and they could not handle more traffic in their neighborhood. Council Members Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Goldberg, Ms. Kuchera stated that the neighborhood was against the extension of West Bellfort. Council Members Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Tatro, Ms. Kuchera stated that her neighborhood would always oppose the street extension and they had understood that when the Loop came about it took the pressure off and the funding came as a surprise because she thought it had been cancelled. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Ms. Susan Young, 2408 Bartlett, Houston, Texas 77098 (713-790-1020) appeared and stated that she was President of the South Main Center Association and was present to speak toward the transportation issue associated with Item 44; that she was speaking in support of the funding in the CIP for the completion of West Bellfort from Buffalo Speedway to Stella Link; that the project was included in the City's Thoroughfare Plan and its completion was recommended in the study performed by the Texas Transportation Institute on behalf of the City of Houston; that SMCA, her organization, served that special corridor where many of Houston's beloved institutions and attractions were located and difficult mobility and congestion problems faced the institutions and to address those many complex issues the City of Houston engaged TTI to perform the unprecedented multi mobile analysis cutting across many agency responsibilities and she knew member organizations such as the Texas Medical Center were aware of the

importance of the study and supported the implementing of the building of West Bellfort. Council Members Galloway and Sekula-Gibbs absent.

Upon questions by Council Member Goldberg, Ms. Young stated that she did not think the project would affect the Museum District, but did believe apartments between Buffalo Speedway and Fannin and access from the Willow Meadows area from a number of neighborhoods south of 610 would have important alternative routes for commute and emergency travel. Council Member Goldberg stated that he was glad she had mentioned Willow Meadows because they were actually against the extension and used 610; and Ms. Young stated that she did something similar now in her area because the thoroughfares which paralleled the highway were very bad she also drove the freeways but that caused the freeways to be clogged and there was a real opportunity to avoid the problem by building West Bellfort. Council Members Tatro, Galloway and Sekula-Gibbs absent.

Ms. Pat Rosenberg, 3701 Harper Street, Houston, Texas 77005 (713-666-3623) appeared and stated that she was present as a board member of the Stella Link Redevelopment Association and over ten years ago some had a vision for playing fields between Mark Twain and Pershing Middle Schools and as the project moved forward they realized more fields were needed because of the huge number of families with small children and additional acres were acquired just past 610 on Stella Link and they were purchased with the Bellfort right-of-way included in the Master Plan for development; that Emery/Weiner Middle and High School was then built and now had almost 300 students with room for more and fields have now been built with no cost to the City of Houston; that in the Council packets received from Mr. Barnes there was a letter from the president of the board of directors at the Emery/Weiner School supporting the street construction; and asked Council to please help them complete their vision by completing the street. Council Members Tatro, Galloway, Parker, Sekula-Gibbs and Berry absent.

Upon questions by Mayor Pro Tem Quan, Ms. Rosenberg stated that the street would not take away from any of the fields. Council Members Tatro, Galloway, Parker, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that he talked with Emery/Weiner Middle School on many occasions and they had withdrawn their support. Council Members Tatro, Galloway, Parker, Sekula-Gibbs and Berry absent.

Mr. Eric Solis, 4134 Woodcraft, Houston, Texas 77025 (713-661-3623) appeared and stated that he was a Westwood resident and in support of Item 44 and opposed to the West Bellfort Project which would cause many negative impacts in their residential neighborhood and he felt it was also a poor use of tax dollars; that if the intent of building new roads was to improve traffic flow then this was a poor solution and investment as West Bellfort could not compete with the other thoroughfares, Loop 610 and Hwy. 90; that if there was a long-term need to improve traffic flow for neighborhoods along West Bellfort then he would suggest increasing the flow of vehicles into South Post Oak/610 interchange and possibly a light rail service to the Bellfort corridor via Hwy. 90. Council Members Tatro, Galloway, Keller, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Solis stated that the Stella Link Redevelopment Program actually closed streets in their neighborhood to give children a place to play, but now wanted his neighborhood streets opened. Upon questions by Council Member Goldberg, Mr. Solis stated that he lived on the south side and the school was on the north side of the neighborhood which would be dangerous to the children and the soccer fields the association was discussing would have the street going through the middle and that seemed like a conflict. Council Member Goldberg stated that South Main was designalized and 610 was designalized and West Bellfort would have to be signalized and certainly emergency vehicles would not use it. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Sekula-Gibbs,

Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Elaine Jefferson, 3742 Maroneal, Houston, Texas 77025 (713-666-4388) appeared and stated that she was present to voice support for the West Bellfort extension and was wearing several hats today as she was a board member of the Stella Link Redevelopment Association and a parent whose boys would be using the fields; that the West Bellfort extension had a major impact on the fields as the soccer fields were at this time temporary and they were talking about at least four more fields to be used and by adding the extra fields and completing the campus as anticipated they would include more children and have a larger variety of sports and the completion would also make the campus more user friendly; that she was also an attorney and previously did tax collection work for the City of Houston and had done the tax collection cases for Death Valley which at that time had an enormous amount of abandoned apartment complexes and there was drugs, prostitution and violence; that the area was being cleaned up by development and the last piece of the puzzle was the West Bellfort extension; that she felt it was clearly an investment by the city which would have high returns and asked for Council's support. Council Members Galloway, Parker, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Goldberg, Ms. Jefferson stated that currently without the West Bellfort coming through the fields would have to be designed where the accessibility from one field to another would be crossing where the road was now and it was not paved, but the way it was designed with West Bellfort coming through would be fields that would face the street and the children could go to the fields without crossing at all; that there was nothing to her knowledge at this point which would keep her group from building accessibility. Council Members Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Berry, Ms. Jefferson stated that the playing fields were next to the Weiner School and were privately owned by the Stella Link Redevelopment Association. Council Members Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Tatro, Ms. Jefferson stated that she would support donating the land if the organization thought that was best and Mr. Barnes was a great president and indicated they were in support of whatever it took to get it done; that she lived in Braes Heights on the other side of 610 where the flooding was and she would say that her house did not flood but her car was turned into a boat. Council Members Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent.

Mr. Randy Freeman, 3800 Tanglewilde #207, Houston, Texas 77063 (713-524-5255) appeared and stated that he was present to talk about Item 44 on behalf of Mr. John P. McGovern and the John P. McGovern Foundation who had a vested interest in that part of the City of Houston; that he had since 1957 lived, practiced and been an intrical part of the Medical Center, Zoo, Museum District and was an intrical part of the South Main Center Association, Stella Link Redevelopment Association and would soon be dedicating a new park on the first campus and he strongly supported the extension of West Bellfort from Stella Link to Buffalo Speedway and hoped to see the playing fields in their new condition when the road was there. Council Members Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent.

Mr. Larry Neuhaus, 2501 Moconda, Houston, Texas 77027 (713-681-2000) appeared and stated that he was representing two constituencies, a group that owned the southeast corner of the intersection of West Bellfort and Buffalo Speedway and Bo's Place who had purchased a tract just north of the intersection; that he heard this referred to as an extension of West Bellfort but to him it was a connection of West Bellfort as it was the only unpaved section between I-45 and Eldridge Road and there was a huge investment there as a city and because of a lack of a few dollars they were not completing the investment and that was a very poor investment program; that the terminal for the METRO rail would be on West Bellfort at Fannin with a 1,500 car park and ride and anything to alleviate traffic going through the Medical Center would be great. Council Members Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Quan, Mr. Neuhaus stated that Bo's Place was a nonprofit agency set up to help children dealing with the death of a loved one; that they had peer groups and counselors and people were trying to get there from all over Houston and every access available would assist them. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Ms. Rose Michalec, 4021 Woodhaven, Houston, Texas 77025 (713-207-5412) appeared and stated that she was a resident of the Westwood Civic Club and against the extension of West Bellfort for the reasons of preserving their neighborhood, safety and did not believe it necessary; that their neighborhood was split by West Bellfort and split on other issues as half of them were zoned to Bellaire High School and half were zoned to Westbury and half had street reconstruction while half were eagerly awaiting it; that the extension of West Bellfort would only divide them further and they had South Main and 610 which she used and she never encountered huge traffic congestion and she did not see why they would want to take West Bellfort instead. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Council Member Goldberg stated that many who did not live in the area talked about the nonaccessibility due to the lack of the extension not going through; and upon questions, Ms. Michalec stated that she had lived in the area her whole life and had no problems at all getting to the Medical Center and Downtown; that she thought the increased traffic would compromise the safety of their children and it was a threat. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Tatro, Ms. Michalec stated that she was on the west side of Stella Link and both sides of West Bellfort and would be opposed to the extension of West Bellfort anytime it was to come up again. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Edwards, Ms. Michalec stated that without West Bellfort being opened there was less access to their neighborhood and with its extension there would be increased traffic and increased speeds; that they were concerned with those not living in their area passing through. Council Members Galloway, Sekula-Gibbs and Robinson absent.

Mr. Robert Smith, 9301 Willowview, Houston, Texas 77080 (713-722-8995) appeared and stated that he was present a number of times before Council and found out how powerful and dirty politics could be when Inspector Joe Sanchez put him under such pressure that he was placed in the hospital over it; that he had received a couple of tickets on property he was trying to sell and a civil hearing was held and he was in the hospital so his dad had gone to it and he was fined \$1,000.00 a day for eleven days; that the title to the house he was trying to sell was now being held up and he had to sign an affidavit with the title company so if it was necessary to get the house sold the money would be put in escrow and he found it funny that he was earning the city \$10,000 to \$20,000 a month in fines and yet he was having this problem; that he bought a special camera and took pictures of the cars and the location and never had to go to court and testify the car was there, it was strictly a volunteer thing and he felt the city was cutting off its nose to spite its face. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Mr. Paul Bennett, 4127 Wuthering Heights, Houston, Texas 77045 (713-433-5232) appeared and stated that he was present regarding his concern over the hiring practices by the City of Houston; that since 1999 he had applied for jobs titled Senior Communications Specialist at least eight times; that in Spring of 2001 he applied for the job three times each being in a different department and he was informed it could take up to six weeks before an interview was granted; that from 1999 to 2001 he had never received an interview and felt it unlikely everyone had more experience since he had applied eight times and thought race might be a factor so he tested his theory and on August 25, 2002, he applied once again for the job with the same title in

Public Works and Planning and Development listing all the same job experience as before but checked the White box instead of Black box for the EEOC requirements and put his degree was from the University of Texas instead of TSU and on Friday, August 29, 2002, less than five days after he submitted his application he received a call from Ms. Susy Hargrove in Planning asking him for an interview the following week; that before his interview he called the Mayor's Office and two City Council Members and told them what he had done and called Ms. Hargrove it was his belief the only reason she called was because the White box was checked on the EEOC sheet and Ms. Hargrove said that was not the case and that the EEOC questionnaire went to another department and she never saw it and she did not look at where he graduated from but focused on his experience and last week, some eight weeks after the six week cutoff for interviews he was informed she recently submitted another candidate to the Human Resources Department for Senior Communications Specialist. Council Members Tatro, Galloway, Sekula-Gibbs and Robinson absent.

Council Member Berry stated that what he just told Council was very disturbing and should not happen; and upon questions, Mr. Bennett stated that he did not know who had been hired in the positions he had applied for; that he had never received a call before and did not know if anyone even saw his application; that the day of the interview he had told Ms. Hargrove what he had done and she allowed him to correct his paperwork and they proceeded with the interview which lasted about one hour. Council Member Berry stated that if what he said altered the result that much there was a lot to be learned and he appreciated his perseverance; and upon further questions, Mr. Bennett stated that he really had wanted to work for the city because he was from Houston and was tired of travel and what the economy in Houston allowed. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that she knew the two of them had the discussion when the incident occurred, but if she remembered correctly he was to get back with her; that she had checked with Human Services and the applications did split but she would appreciate talking further with him about it. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Council Member Alvarado stated that she appreciated Council Member Edwards looking into it, but even if the applications were split it still sounded suspicious and that was just one incident they were hearing of; that this city celebrated its diversity and was noted for the best place for African Americans to live and hearing this was embarrassing and she hoped for clarification or explanation as to what was happening with the applications. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that she talked with Ms. Erlic with EEOC and hoped they could check into it further; that she was hopeful he had been looked at for his experience and education, but in order to move further she needed him in that partnership. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Council Member Alvarado stated that she would appreciate Council Member Edwards letting her know what she finds; and Council Member Edwards stated that she would and asked if Council Member Alvarado wanted to help and she stated that she did. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Council Member Parker stated that she would like to know if Mr. Bennett had a list of which jobs he applied for and then to see who had actually been placed in those positions; and Mr. Bennett stated that he wondered if something would be in the computer system by social security or something. Council Members Tatro, Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Mayor Pro Tem Quan stated that the letter he had from Mr. Vara stated that his application was still pending with Planning and Development and that he had also interviewed with the



Finance and Administration Department; and upon questions, Mr. Bennett stated that he had not interviewed with Finance. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Pastor Winston James, 214 Holdale, Houston, Texas 77022 (713-884-8938) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Williams, 5838 Southgood, Houston, Texas 77033 had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

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

Ms. Glenda Holmes-Moore, 2615 Arbor #1, Houston, Texas 77004 (713-635-9425) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Mr. Christian Nilsson, 4454 South MacGregor, Houston, Texas 77021 (713-842-2814) appeared and presented a statement in which he stated that Falun Gong, a qigong and meditation practice from China was based on truthfulness, compassion and tolerance; that he came to Houston to show the peacefulness of Falun Gong during Jiang Zemin's visit to Houston; that tens of thousands of Falun Gong practitioners had been imprisoned, beaten, tortured and forced to flee from their homes and all because the head of China, Jiang Zemin, was personally jealous of that popularity; that Falun Gong had taught him to look at himself, always consider other first and walk a righteous path; and thanked American people and American government for the great support of Falun Gong. Council Members Tatro, Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that he thanked him for believing in what he believed enough to come before Council. Council Members Tatro, Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that for his information the City of Houston planned to issue a proclamation in support of those principles of truthfulness, compassion and tolerance and in commemorating the sixth anniversary of Mr. Lee giving the first lecture on Falun Gong in Houston, Texas. Council Members Tatro, Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Ms. Angel Hunghill, 18 Spy Glass, New York, New York 14450 (713-842-2814) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Keller, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Ms. Rubie Dixon, 6463 Cambridge Glen, Houston, Texas 77035 (713-728-0714) appeared and stated that she had been present many times in the past speaking on behalf of the Coswell People II, Incorporated and the disabled community and several years she began an organization created to enhance the lives of blind and disabled persons in the City of Houston and they knew main stream corporate America, until recently, had closed their doors and minds as to hiring persons with disabilities; that the arts in Houston was one of the many areas for a person with disability to have a difficult time forming accessibility; that several months ago she applied for a grant with CACHH the Cultural Arts Center of Houston and Harris County and she was not told

you had to have a certain score on the ground; that she was totally blind and her secretary was legally blind and the work was magnificent and the grant was good; that she was asking Council for a letter of endorsement asking CACHH for a reconsideration because grant money for their organization was so greatly needed; that also she and a member of her organization went to the computer lab at CACHH and was told they were not wanted at the lab and that was to be for all individuals who applied to the Cultural Arts Center and she felt they were discriminated against. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that his office would be willing to talk with her and find out how the process worked and she should call Ms. Sandra Strong in his office at 713-247-2013; and they would be glad to see what they could do. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Charles X. White, 4302 Reed Road, Houston, Texas 77051 (713-734-3499) appeared, presented information and stated that he was present because of unanswered questions by the City Planning Department's director Mr. Robert Litke; that since May of 2002 he asked two basic questions to be answered by the director of that department with the first being Mr. Litke made a change from the president of the Sunnyside/South Park Neighborhood and they requested that he give them the guidelines he followed to make the change and they also asked what validation process he used to validate the information to make the change and since May he had refused to answer that question; that they put a call to the National Association of Parliamentarian and they were studying the issue with two local representatives; that they said it sounded unethical and they were now asking the Council Committee on Ethics to see if a policy or procedure could be crafted that would not allow a department head to refuse a reasonable request by a citizen for so long; and they wondered how many other areas such happened and would like something done to prevent it from happening in the future. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Mayor Pro Tem Quan stated that he knew the two of them and talked about it privately and he received a copy of his correspondence, which he would be forwarding to Mr. Litke for review and an update. Council Members Galloway, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she would appreciate Mr. White giving her office a copy of his questions so they could assist him. Council Members Galloway, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Tatro, Mr. White stated that Mr. Litke had made a change in the Super Neighborhood Organization. Upon further questions, Mayor Pro Tem Quan stated that he broke up the Super Neighborhood from three together to him having one and then two others being created without letting him know. Mr. White stated that it was without communicating with the existing board and he would not even be present if he had answered their questions; that it was done with no letter or written notice and when they asked for the validation rights they had no response so they were asking for the policy so in the future they could play the game; that they sent request through the Mayor's Office and the Office of the Inspector General and National Association of Parliamentarian. Council Members Galloway, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she would like to sit and speak with him because there was a lot of conflict in the information and she felt the only way to solve it was to get all the players in the room together; and Mr. White stated that was something they had been asking for since May. Council Members Galloway, Ellis, Sekula-Gibbs, Berry and Robinson absent.

Council Member Vasquez moved to suspend the rules to have Mr. Lee Castillo follow Mr. Jimmy Hooker, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Wiseman absent on city

business. Council Members Galloway, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1276 ADOPTED.

Mr. Jimmie Dunne, 1306 W. Brooklake, Houston, Texas 77077 (281-584-9707) appeared and stated that he was present because there was a very unfair property tax system in the county; that Council may have seen the article by Claudia Feldman in Sunday's Houston Chronicle about the ten most expensive homes in Harris County and the unfair tax system very much benefits the million dollar plus homes to the detriment of everyone else; that the number four house on her list on Willowridge Street had an appraised value with the Appraisal District of \$10,000,000 yet in the year 2000 the house was listed privately for sell at \$26,000,000 so it was accessed at only about 40% of its market value; and it was unfair to everyone else who was having to make up the taxes not paid on those multi-million dollar homes; that there should be full disclosure of the sales prices of all real estate property; that it was a matter of fairness and apparently it took a state law to change it so he was urging Council Members to pass a resolution urging the state legislature to pass such a law. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that sounded like an excellent suggestion especially when Council was looking at a budget shortfall and certified tax rolls were at \$1.5 billion less than what was anticipated; and if he had anything in writing he would certainly give it to Council Member Alvarado's Legislative Committee; and Mr. Dunne stated that he had E-mailed everyone that morning. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 5959 Westheimer, Suite 212, Houston, Texas 77057 (214-878-9489) appeared, presented information and stated that he represented Texans Super Shuttle which was a local ground transportation company providing shuttle bus service to the greater Houston area; that they were formed in February 2002 in a response to a void created in the local ground transportation industry by Coach USA who at the time decided to discontinue its service under the express shuttle name which left Houston's traveling public without shuttle bus service; that Texans Super Shuttle Service was now the second largest in Houston and 100% minority owned; that they currently served passengers to and from George Bush Intercontinental/Houston and William P. Hobby Airports and today was asking for Council's support and assistance in providing shuttle service to those currently underserved areas of Houston which included the Galleria, Reliant Park, Houston Medical Center and the Downtown Convention Center areas and a study commissioned by the City of Houston Aviation Department confirmed that the major destination points were being underserved. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he knew this was a timely topic as the Airport System had come with a recommendation, but subsequently they decided to hold back on the recommendation because of a decline in the economy, but would recommend he go to Council Member Ellis's Regulatory Affairs Committee to get dialogue restarted. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that some of Mr. Mbala's comments were incorrect; that there was a Regulatory Affairs Meeting where it was discussed by Council Members and a town hall style meeting in which ground transportation businesses were invited to attend and at the meeting based on the study, which was old, they decided the market conditions did not necessarily apply to today and based on that a decision was made to allow a table for one year which would allow the market conditions to return to what they were prior to 9-11 and that was his understanding of what was actually done. Mr. Mbala stated that Council Member Ellis had conceded that not all members of the ground transportation were notified and his company certainly was not on the list of those to notify. Council Member Vasquez stated that he would suggest then his only recourse of action would be to make a personal appeal to the Mayor and

invited him to return when the Mayor was present. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jimmy Hooker, 6713 Conley, Houston, Texas 77021 (713-320-1649) appeared and stated that since April he had been trying to get a job on the rail system with the City of Houston but for some apparent reason those he asked on the job for directions to the company did not speak English; that earlier that morning he asked the superintendent on the job, a Caucasian, where his company was located and was told North 45, but could give no address; and he could not understand how on the job they spoke no English. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Hooker stated no one at the company on site spoke English except the one Caucasian and he did not know the company address and he felt that was discrimination. Mayor Pro Tem Quan stated that Mr. Cantu would call TSC Construction and get the address he needed to go apply for work; that they were not required to speak English and only when applying for citizenship did you need the basic English knowledge. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lee Castillo, 828 Alexander, 77008, Houston, Texas (713-921-0567) appeared and stated that he was present last week; that he was on the property that he owned, 828 Alexander, when a gentleman named M. Renfro came by and gave him a warning stating they would not pick up the debris which was trees because of three infractions; and the one they were most adamant about was number five stating it was a non-residential unit and not approved for city service which meant they did not pick up on vacant lots and that was not true; that Ms. Coffee called him and said they did pick up on vacant lots, but that he was a contractor so he called Legal and they said he did not meet the guidelines for a contractor. Council Members Galloway, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Vasquez, Mr. Castillo stated that he had limbs of trees to be picked up. Upon further questions by Council Member Vasquez, Mayor Pro Tem Quan stated that according to Solid Waste Mr. Castillo's violations were that he placed the limbs out after the proper placement time and he had hired two others to cut down the trees; that per the ordinance the items must be placed for collection no later than 7:00 a.m. on the scheduled collection day and the department did not collect debris unless it was generated by work performed by the resident of the property. Mr. Castillo stated that it was his property and he saw nothing that said you could not place anything out after 7:00 a.m. Council Member Vasquez stated that it seemed nitpicky to go on such technical things and the city should be about serving citizens and meeting their needs. Mr. Castillo stated that now since the debris had been there so long people were throwing junk onto it and now he was told the city did not need to pick up because it was mixed; and he had a receipt to show he had rented a chainsaw and his son and a friend did the cutting. Council Member Vasquez stated that he would ask Mayor Pro Tem Quan to see what he could do; and Mayor Pro Tem Quan stated that he would direct this to the Director of Solid Waste and see what could be done; and Mayor's Citizen Assistance Office would follow-through with Mr. Castillo. Council Members Galloway, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he wanted to talk about World Bank and wanted Council to put a freeze on everyone's account that had more than \$5,000 and stop the railroads and slow down the port and wanted Council Member Quan deported. Council Members Galloway, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (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 was present again stating the November 5 elections should be stopped as all candidates were of the Mafia

organization and he was demanding emergency protection. Council Members Galloway, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (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. Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

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

At 4:15 p.m. upon motion by Council Member Tatro and seconded by Council Member Edwards, City Council recessed until 9:00 a.m., Wednesday, October 30, 2002. Mayor Brown out of the city on city business. Council Member Wiseman absent on city business. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 30, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Wednesday, October 30, 2002, with Mayor Pro Tem Quan 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, 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. Mayor Lee P. Brown out of the city on city business.

At 9:09 a.m. Mayor Pro Tem Quan reconvened the meeting of the City Council and stated that the first order of business was the financial reports.

## **MAYOR'S REPORT**

**9:00 A.M.** - **REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Silvia Garcia, Controller, stated that she was pleased to present the Monthly Financial and Operations Report for the period ending September 30, 2002, that with regard to the General Fund of FY2002 their estimates included an upward revision in the Fiscal Year of 2002 ending Undesignated Fund Balance of \$1 million, this would end their Undesignated Fund Balance at \$83.3 million or at about 6.93% of Expenditures less Debt Service, just shy less of the 7.5% mandated by Council; that with regard to the General Fund for the past months report, as to Revenues, first about Sales Tax Collections, the amounts received in the first two months of the Fiscal Year had been virtually flat, Dr. Barton Smith suggested a 3.17% increase in FY03 over FY02, their projections incorporates Dr. Smith's report, adjusted two months of actual collections; as to Gas Franchise Fees they bring good news, they had increased projections by \$3 million and was based on correspondence from Centerpoint, personnel and mirrors their anticipated payments to the City; Municipal Court Fines continued to be flat and they had not changed their estimate for FY03 because they were still assuming that the new Traffic Enforcement Task Force would result in a positive impact on the revenue source before the end

of the Fiscal Year; that on the Expenditure side, they had made no adjustments from last month and it brought them to a projected net activity for a Fiscal Year 2003 allowing for budgeted Any Lawful Purpose Fund transfer of \$4.1 million to about a \$19.6 million shortfall, it was \$3 million less than that which they projected last month, they believed that a strategy, including some of the items that were mentioned by Mr. Haines yesterday, needed to be developed quickly and focused so they could make sure that they could recover any anticipated negative activity, that concluded her report with regard to the Monthly Report and stated that they also had on the agenda today the Investment Quarterly Report for the quarter ending September 30, 2002, that as of this time they had a total of approximately \$2.9 billion invested in various investment pools, that the General Pool, which included among other funds the City's Operating Funds, comprised about 59% of the total investment portfolio, approximately 77% of the City's investments were currently invested in agency securities such as FANNIE MAE, FREDDIE MACK and the Federal Home Loan Bank, the remaining amounts were invested in a variety of instruments including United States Treasuries, obligations, municipal securities, high grade commercial paper, repurchase agreements and money market accounts, that securities contained in the City's investment portfolio's generally had a Triple A or equivalent long term rating and at least an A1 P1 short term rating by the major bond rating companies, indicating a portfolio of the highest quality and the lowest credit risk, that for the quarter ending September 30, 2002 the General Portfolio yielded an average of 3.651% based on the amortized cost of the portfolio, and that concluded both of her reports. Council Members Edwards, Keller and Berry absent.

Mayor Pro Tem Quan stated that Mr. Al Mays would present the F&A Report.

Mr. Mays stated that Dr. Scheps was out of town on vacation and that was why he was present giving the report, that F&A General Fund projections could be found on Page 7 of the Monthly Report, that their projections for the General Fund Revenues had remained the same as reported last month except for Municipal Courts Fines and Forfeits, that they had adjusted the Fines and Forfeits Revenue Projection, decreasing it by \$5 million, that as discussed at the Fiscal Affairs Committee meetings held on October 1 and 15, 2002, although traffic ticket issue had increased dramatically in the first quarter, averaging about 78,000 tickets per month, largely as a result of the new Traffic Enforcement Division, collections had lagged, collections were about at the same level the first quarter as they were last year at this time, that they expected, however, because of the lag in collecting revenue after tickets were issue, to catch up, however they had reduced their projection by \$5 million; that in regard to expenditures in the General Fund, their projections remained as projected last month, exactly the same, with three months worth of activity they saw no reason to make any adjustments at this time; that in regard to other funds, the Enterprise Funds and the Aviation Fund, they had adjusted the revenues for the landing fees and lowered it by \$6 million, that it was a result largely of the passing on of reduced expenditures for security on to the airlines, that security costs, because of the reorganization of the staffing at the airports, had gone down, there was an additional adjustment of \$2 million in the September report for HPD security and an adjustment of \$1 million down for contract security for a total reduction of \$3 million; that in the Water and Sewer Fund they had also lowered their revenue projection for the first quarter, revenues for Water and Sewer through the first quarter were down by 9.5% and it was just July through September, largely because of the wet weather, they expected that they may have to make further adjustments because they all knew that October had been a wet month also and may cause them to make further adjustments, that in all other funds in the report, their projection remained as budgeted and that concluded his report. Council Members Edwards, Alvarado and Berry absent.

Council Member Tatro asked Mr. Mays if in Municipal Court Revenues did it contain, in the Fines and Forfeitures, all the revenues and fines from the areas and downtown, including the Cottswold Project and Mr. Mays stated yes, and Council Member Tatro asked if the Municipal Courts group segmenting or parceling out revenues and fines specifically related to the Cottswold area, and Mr. Mays stated that he did not know but could find out for him, that he was not sure if they were tracking it separately and Council Member Tatro stated that under Net Current Activity there was a transfer of Any Lawful Purpose Fund for \$4.1 million and asked

what that was and Mr. Mays stated that the \$4.1 million was revenue associated with improvements that were made in the TIRZ areas that were General Fund related, they were Water and Sewer improvements that were General Fund related and as a result revenue from the Water and Sewer Fund was projected to cover that. Council Members Edwards, Vasquez and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Garcia stated that the rate of return had been generally a little bit above the 3% as she indicated, that it looked like 3.6% and was slightly less than it was a year ago, for obvious reasons the markets had been changing and as they got new dollars and had to invest at the current interest rates they had lost some yield, but it was expected, that as to the rating of the City of Houston bond, it depended on which fund they were talking about, but generally they had AA and they did report to Fiscal Affairs yesterday that they were going to get a rating on their portfolio, they were talking to S&P about doing that and thought it was good to establish a bar, not just for the current administration but for future administrations and to insure investors and the public and the taxpayers that they did have indeed a AAA credit rating on their portfolio, they very much wanted to be able to attain that status and would be doing that very soon, that they would love to have AAA rating in all of their three funds and in their portfolio as well and her goal was to try to do that. Council Members Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that she had a question for the administration and would like for Mayor Pro Tem Quan to carry it back to Mayor Brown and stated that the Health Department was probably going to be targeted again in some form or fashion in terms of cuts, because every department would face some cuts, that it was already a skeleton department and they were unable to reach their goals in terms of immunizations and women who were pregnant could not get a prenatal appointment until often after the baby was born, so her request to the administration was to let them please look at regionalization of their Health Department right now, that she thought it was time again to revisit the notion of combining with the County and combining with the Hospital District. Council Members Keller, Vasquez and Berry absent.

Mayor Pro Tem Quan stated to Mr. Mays and Mr. Haines that there was mention made yesterday at the Fiscal Affairs meeting about a report on water and sewer rate and thought there was an indication that the report would be forthcoming in the near future and asked if they could give them an estimate of the time on that, and Mr. Mays stated that Mr. Haines stated that at the next TTI meeting. Council Members Keller, Vasquez and Berry absent.

Council Member Parker moved to accept the Monthly and Investment Reports, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1277 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 49, 44 and 44a out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1278 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 32 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1279 ADOPTED.

49. 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** - **(This was Item 30 on Agenda of October 23, 2002,**

**TAGGED BY COUNCIL MEMBER ROBINSON**) – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-974 ADOPTED.

Council Member Robinson stated that he just wanted to thank the Legal Department, Paul Bibler and Mr. Hall, Mr. Haines in the Mayor's office, for working with them in committee to get the item before City Council, that it was an item that dealt with trying to make sure in construction areas downtown they had a pedestrian walkway in all instances and after about six to nine months the administration was going to report back as to whether or not they ought to move from downtown to a citywide implementation, that he also wanted to thank Mr. Vanden Bosch, Public Works Director, for working with them on the item. Council Member Berry absent.

Mayor Pro Tem Quan state that it was certainly a well needed measure and thanked Council Member Robinson for his work. Council Member Berry absent.

Council Member Alvarado stated that she would like to thank Council Member Robinson for his leadership on it and knew that he had been for several months on it and also wanted to thank the administration, that she knew they had a lot of issues, especially in the downtown area and some areas in the eastend part of her district, and Council Member Robinson stated that as she knew this coming in committee they would be dealing with the issue she raised about dangerous crossings and would be looking at that, with the help of the administration to move forward. Council Member Berry absent.

44. MOTION by Council Member Goldberg to amend Item 44A below, to include:  
Transfer FY2005 S&B Funds from Project N0737 to Projects N0378 and N0383 for design Transfer FY2003 and FY2005 S&B Funds and Metro Funds from Project N-0571 to N-0737 – (TAGGED BY COUNCIL MEMBERS KELLER and TATRO) was presented.

Council Member Goldberg stated that he was asking the Council Members to support the amendment, that when the CIP bond elections were on the ballot last year, several neighborhoods in his district were put into the CIP with the promise that if they supported our City bond elections, they would get their Neighborhood Street Reconstruction projects, now they found out that they were doubled crossed, he had several Neighborhood Street Reconstruction projects that for all intent and purposes were eliminated this year in the CIP, that were in the CIP last year, that the NRS's were in long enough to get their vote and taken out as soon as the bonds passed, that a vote for this amendment was a vote to restore an NSR to his district without taking funds out of another Council Members district, that there was a critical need in restoring funds to these NSR's, a few weeks ago they experienced one of the reasons why, when the flooding occurred in Council Member Alvarado's District on Clay Street many pointed the blame to aging water lines, that if they voted for his amendment they were voting to replace the aging waterlines in those neighborhoods, did they really need another Clay street fiasco where they sit around Council Chambers scratching their heads because they legally could not do anything for another neighborhood that was flooded because of the City's neglect; that on the subject of flooding, neighborhoods that this funding would benefit were the neighborhoods that flooded during Tropical Storm Allison, that while they all had sympathy for the homes that got flooded in Council Member Alvarado's district, the number of homes that got flooded in just one of those subdivisions was 500, that was 500 homes that had water in them in just one of the subdivisions, that during a week where the headlines in the Chronicle and the top story on all the news stations detailed the flooding in their City streets and even at Bush Intercontinental Airport, were they really ready to turn their backs on the neighborhoods that flood in order to fund a project that did not solve any flood related problems; that he wanted to address some of the issues that were brought up yesterday during the Public Session, they received some information, yesterday and today, that West Bellfort was shown on plans in 1953, what they were not telling them was that at the time the plan was created, there was no 610 Loop, that when the Loop was built, it eliminated the need for the West Bellfort extension, that as a matter of fact a special exit was created especially to tie into West Bellfort from 610 where the commercial



property begins, that about the use by the Medical Center for ambulances, the use was preposterous, West Belfort was an East-West street that at it's closest point was 2.5 miles south of the Medical Center, that would mean that an ambulance would still need a 2.5 mile north-south connection to get to the Medical Center, that looking at the proposed West Belfort Blvd, an ambulance only had 2 North-South connections to get to the medical center, that one was Main Street and the other was Highway 288, neither of those connections needed West Belfort to get to the Medical Center, they both used Loop 610, that another reason why West Belfort would not be used by ambulances was between Main and Highway 288, on the proposed West Belfort Street, there were 10 intersections, that on the Loop 610, in that same area, there was zero, that all of the people that spoke against the amendment either did not live in the area or had a financial interest in the land where the new extension would run through, that people that actually lived the area and would be effected by it told the Council that it was not needed and that they would not use it, that one of the things that the Stella Link Redevelopment Association did not tell them was that on another project they planned, they requested the City to abandon all of the streets going through the property, they demanded that they abandon all of the streets so they would not have any extensions going through their property, that it was pretty disingenuous of a group who was now seeking the aid of the City, that bureaucrats by and large put the CIP together, not the Council Members who were elected to run the city, once in a while they even let them have a say in the priorities of what their districts should be, but for all their efforts this year's CIP really proved that it was a fluid document, that in every Council Member's district, he thought just about every district, projects that were once in were either out or pushed back, that for all the district Council Members who had CIP projects coming on in 2005 and beyond, how safe were they with their projects with the new administration, how comfortable were they with the fact that they could count on all the support of their fellow district Council Members, that when he ran for office he campaigned and was elected on those priorities, that as the constituents in his district supported his priorities, he requested that they support a District Council Member's recommendation when it came to building roads. Council Members Tatro and Berry absent.

Council Member Vasquez stated that he thought when they started the CIP process this was one of the things he had mentioned, that basically they were pulling a bait and switch on the public and the public had been through the process of getting petition's and getting involved in the process and at the same time a policy decision was made this year to change all that and the public was not notified, that while the problems that Council Member Goldberg mentioned all the Council Members were facing, but thought that his particular problem shown a light on that policy decision and how really, in his opinion, should have been thought out differently, that at the time he thought he had made a request that somehow the public and everybody who had signed petitions and whose projects were going to be affected be notified in writing, but evidently that had not occurred, that while this particular item was a district issue, it was also a little bit broader than that but he did want to go on record to say that he was going to support Council Member Goldberg amendment and believed that it was a vote in supporting the citizens of that particular neighborhood and if they were going to make an error or mistake, he thought it was always best to err on the side of the public and the citizens of the neighborhoods of the district, that he was going to be supporting it and encouraged other Council Members to do so as well. Council Member Robinson absent.

Council Member Keller stated that he supported the Storm Water Management Program and carried some of the water on the Storm Water Management Program, but did think that this was a fight that was going into the next year and next couple of years if they were going to represent that the Storm Water Management Program was replacing the priorities, that he agreed with drainage being a emergency priority, but it was never represented that if they supported the Storm Water Management Program that they were actually going to put their neighborhood projects on the back burner and they all knew that was not the case, that they were hoping that the bond election would facilitate both and accelerate a priority, but they did not know that there would be a forfeiture or a delay of that, that he thought all of them could point to a project or two in their districts that had been taken away or delayed, but he wanted the administration to be careful in saying when they made the decision to initiate the Storm Water

Management Program then basically it was saying that they knew what they were doing, so obviously they knew they were going to get their projects delayed, that he would like Mr. Haines to address what he said as far as replacement in priority with the memo that he wrote to Council Member Edwards this morning.

Mayor Pro Tem Quan asked Mr. Haines to respond to that, that he thought they had a memo dated this morning, and Mr. Haines stated that it was correct, that he would just simply ask Council to reflect back when the CIP was originally introduced to the Council at a combined Fiscal Affairs and TTI Committee meeting, that in that presentation of the CIP they identified a conflict and that conflict was pretty simple, and that was that in April 2002 the City Council adopted a Storm Water Management Plan for which there was no capacity to fund it completely, when they began to develop the CIP, what they began to look at, was a prioritization recognizing that there were serious drainage problems throughout the community, the beginning of which would be those ten major projects, their effort at that time, in formulating the CIP, was look at priorities and what they did was look at essentially identify a deferral of many of the NSR's and that presentation was fully disclosed at that joint committee meeting and he believed that most of Council was there at that time, and Council Member Keller told him to go back and reprioritize those NSR's, to meet with Council Members individually and to meet with public community leaders individually and separately and they did that, and out of that they resubmitted the CIP to them last week, which incorporated and put back in several NSR's because they literally went out on the street and talked to and surveyed those areas independent of what, as Council Member Goldberg described, the bureaucracy did, they went out and looked at them and out of that one project out of Council Member Goldberg's district, for example, was reinstated, there were several others that were put back into the CIP and those were disclosed to the Council last time, that the conflict, he thought, was pretty simple and that was that they did not have sufficient bond authorization, out of last year's bond program, to fund the Storm Water Management Plan, they had asked for probably nearly two months, that had been how long it had been since they met with the combined committees, to meet with the Council Members to ask for their input and to incorporate where they possibly could those modifications and that was the basis upon which the memorandum was submitted to Council Member Edwards, a question she raised to them yesterday, and that simply was pointing out that there were several NSR's that had been reinstated, that he believed that Council Member Keller was one that they met with and went back in and looked at it and appreciated what he had to say, they met with other Council Members and put those back in, the amendment that was on the table, however, did not deal with drainage, it dealt with a major thoroughfare project that addressed issues of traffic congestion and mitigation, that it was not a drainage matter, it had to do with moving people under a high growth area, from one location to another, that was based on a 1953 Transportation Improvement Plan and adopted as part of the Major Thoroughfare Program, that they had attempted, over the last six to eight weeks, to meet with every Council Member and when they brought the CIP to them last week it was under the clear impression that they had plenty of opportunity to exhaust whatever it was that the Council Members had an interest in. Council Member Wiseman absent.

Upon questions by Council Member Alvarado, Council Member Goldberg stated that West Belfort, part of it already went through and this would connect the rest of it, that there were other projects that were close by, there was a Holmes Road project and a Willow Bend project that was within half a mile, some were in the CIP and some were just proposed, and Mr. Haines stated that one of the items that they did put into the CIP that was not part of the original submission was, he believed, the Westwood NSR, that was a \$6 million plus Neighborhood Improvement Program for drainage, improving neighborhood streets and so on in that area and thought that needed to be fully disclosed, it was \$6.5 million put back into the CIP as a result of conversations, not just with Council Member Goldberg, but on site inspection and review of that subdivision, they believed that there were serious drainage problems in that neighborhood and this NSR project, they felt, was a priority and ought to be put in, that he wanted to make sure that Council knew that there was a significant commitment in this CIP relative to the Westwood area. Council Members Berry and Robinson absent.

Council Member Tatro stated that his district had 37% of all the omitted projects from the CIP coming out of their district, that he knew exactly what Council Member Goldberg was faced with, that he had a follow up to what Council Member Keller had said and that was that he believed the administration had created a train wreck issue on the CIP, they had the Storm Sewer Management Program, that was supposed to be the fee that they were going to implement some time later this year or next year and it was supposed to handle the storm drainage, but on the same level they had the CIP using their bond proposal to handle storm drainage so they had created a substantial dilemma, that they had reprioritized the CIP for storm drainage and it was grossly inconsistent, that he thought it was disingenuous to use both, that he did believe there was a bait and switch, that people were told when they went to the polls that the NSR's would be done, the storm drainage problems would be done, and they suffered from the same dilemma, and it had been caused from different tuggings from the administration and what he thought was an inconsistent philosophy in putting the CIP together, but that as it may, road extension projects, as sensitive as they were to neighborhoods, were an absolute must for the development to get from point A to point B, and when he knew that a neighborhood was steadfastly opposed to the extension of that road, now and in the future, in his minds eye, an unreasonable position to be, that was why he was in support of the administration's position of the road extension because he felt that anybody sitting in Council Member Goldberg's seat would face the same problem in the future and thought it was the point and time that it needed to be taken care of now.

Council Member Edwards stated that she kept hearing the term bait and switch and that to her implied that there was a conscious awareness that they put forth something purposely that was fraudulent and they wanted the community to vote on and knew they were going to change it and asked Mr. Haines if this administration fraudulently put forth a position to the public, knowing they were going to change it, and Mr. Haines stated no, that there was never any presentation during the bond election or at any time relative to the question of NSR's, that he wanted to mention that on this particular project, the West Bellfort Project was dropped at Council Member Goldberg's request last year, for the first time after it had been in the CIP for nearly 10 years and it was dropped for one significant reason and that reason was that the Council Member suggested that he would be able to secure additional rights of way and participation in the project going forward, that they agreed to drop that in favor of putting in for the first time those NSR projects, whether that materialized or not, they believed the important thing here was that the West Bellfort Project did not represent, in their judgment, a single member district project, it represented a citywide project to connect from Eldridge Road all the way to the Medical Center, the ability to move traffic in a high growth area that had been there for 25 to 30 years, so no, bait and switch publicly on a bond election, absolutely not, in terms of the CIP between last year and this year, that was the basis for it.

After further discussion by Council Members, Council Member Galloway moved to call the question, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1280 ADOPTED.

A roll call vote was called on Item No. 44.

ROLL CALL VOTE:

Mayor Brown out of the city on city business.	Council Member Keller voting no
Mayor Pro Tem Quan voting no	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Sekula-Gibbs voting no
Council Member Edwards voting no	Council Member Berry absent
Council Member Wiseman voting no	Council Member Robinson voting no
	Council Member Ellis voting no

Mayor Pro Tem Quan presiding.

MOTION 2002-1281 FAILED

- 44a. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 15 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** – was presented. Council Member Berry absent.

Council Member Robinson stated that he had a written amendment that he had distributed and had a chance to visit with Council Members Keller and Ellis and the administration on it, that it related to the Rogerdale Project, that the reason he was asking that they look to move it forward was as they all knew the West Park Toll Road and a 2,000 parking spot Metro Park-N-Ride was going to be built and completed in 2004 and the Rogerdale construction was now scheduled for 2006, which would be two years behind those projects, so they build two major transportation mobility projects and then two years later go back out and tear those streets up, because Rogerdale connects, that he also had a commitment from the folks at the Westchase District, which he distributed to them in writing, that they would help pay for the engineering on the project and they had some cost estimates, that he was asking that the project be moved into the FY2004 slot, that he thought the correct terminology was that it was undetermined funding and essentially what he was asking if they had projects that were constructed and they came in under budget that they look at those excess funds at the close of FY2003 to fund it in FY2004 and thought it was agreeable to the administration, and Mr. Haines stated yes. Council Member Berry absent.

Mayor Pro Tem Quan stated that he thought Mr. Murphy was present from the Westchase District and they had spoken about the item and thought it was in fact a very important project and thought it was something that they needed to be looking at.

Council Member Robinson presented the following written motion to amend ItemNo. 44a:  
Amend Item 44a (CIP) to move project N-0644 from FY'06 to FY'04 and fund construction out of unspent funds from FY'03 under budget projects.

Mayor Pro Tem Quan asked Mr. Haines if the administration's position was that if they in fact had funds left over where would they look at this, and Mr. Haines stated that would be the commitment and again they needed to state that it would have to be categorized as a undetermined funding source and then they would prioritize it and come back as they had availability, that he would certainly would commit, he believed, that recognizing the project, that they would commit to work to push forward to identify funding as they went forward.

A vote was called on Council Member Robinson's written motion. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1282 ADOPTED.

Council Member Tatro stated that he had three amendments that he had passed out at the table and it was his understanding that the administration was very much in support of the first two amendments and offered the following written motion to amend Item No. 44a:

"The following are submitted as amendments to the Proposed FY 2003-2007 Capital Improvement Plan (CIP):

- |   |  |
|---|--|
| 1) <u>Pinemont Paving Phase 1 (N-0475) TC Jester to Ella.</u> |  |
| <u>Proposed CIP - FY 2003/2007</u>                            | <u>Amendment to CIP - FY 2003/2007</u> |
| FY 2006 - Design - \$ 800,000                                 | FY 2004 - Design - \$ 800,000          |
| FY 2007 - Construction - \$ 4,000,000                         | FY 2006 - Construction - \$ 4,000,000  |

Note: Amendment is to move this project up 2 years from the proposed CIP. The FY2002 CIP had scheduled this project for construction in FY2006, but the significant flooding in Ella Lee Forest subdivision warrants the advancement of this project. There is no change to the funding in this amendment, only the time frame is affected

2) Afton Village Paving (N-0371) NSR 438 (Afton Village and Lakeview)

Proposed CIP - FY 2003/2007  
FY2007 - Design - \$ 900,000

Amendment to CIP - FY 2003/2007  
FY 2004 - Construction - \$ 5,800,000 (add)

Note: Amendment is restore funding to NSR 438 as adopted in previous CIP Budgets . Letter dated 10/24/02 from Al Haines supports this amendment with source of funds, at this time, being designated as "Undetermined Funding".

Mayor Pro Tem Quan asked Mr. Haines if he would add something to the Pinemont Paving Project and the Afton Village Paving Project, and Mr. Haines stated that again they would recognize in their meetings with Council Member Tatro, initially in the CIP they had slipped it back a year and believed what they were doing was bringing it back on target, that it was probably not unlike other corridor transportation types of projects, that it was a good priority and they recognized it and certainly would support the amendment, that on the Afton Village pavement, absolutely, they did, in their correspondence with Council Member Tatro, indicate that this was another project, and thought particularly given some of the flooding incidents in that neighborhood recently he would recommend and concur with at least the thought that while it was an undetermined funding matter they were certainly committed to push it as a priority, just as they did at the last amendment. Council Member Robinson absent.

A vote was called on Item 1 and Item 2 of Council Member Tatro's written amendment. Council Member Robinson absent.

Council Member Galloway stated that it did affect funds because they were moving funds from proposed CIP for 2006 to 2004 and asked if that was right, and Mr. Haines stated that as they assessed the one cap, that was how much they could spend each year, they went back and reevaluated that and given that particular project and the timing of it they could manage it without any disruption to the basic integrity of the CIP, that it would be okay, and Council Member Galloway stated that she continued to have a problem where they could find money to move two years ahead but they did not have money to move special things that she needed in District B, and Mr. Haines stated that he would acknowledge that as they went back into the CIP they looked at the timing of the projects, the Pinemont Project had been delayed and that was something that had been originally scheduled or a specific year and they went back in and looked at it and realized that they did not have to do that, they could go ahead and accelerate it, that on the Mason Road Project, he was going to have to get with Public Works on it, that was one, that as they discussed, and he was really a very superficial part of that conversation, there was some redesign issues on that project, so he would get back to her on it, but it did not take away from the integrity of the remainder of the CIP and this particular amendment; and Council Member Galloway stated that when they got it cleared up she wanted to make sure they had the money to start the project, although it did not show in budget, because she wanted the project to move forward. Council Member Robinson absent.

Mayor Pro Tem Quan stated that they would now vote on Council Member Tatro's first two amendments, that they were considering them together. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1283 ADOPTED.

Council Member Tatro stated that Item 3 was the Timber Oaks Paving NSR 435A was omitted, it

was an NSR project, that the amendment was to put the Timber Oaks NSR project back as it was and had been for several years, back on track and putting it back into the system, that the source of the funds, which would probably be the controversial issue, was to reduce Project M-0264, which was brand new this year and known as the Storm Sewer Management Improvement Program, M-0264, to reduce that by comparable amounts for Design in 2005 and 2006 and presented the following written motion to amend Item No. 44a:

“3) Timber Oaks Paving (N-0367) NSR 435A

<u>Proposed CIP - FY 2003/2007</u>	<u>Amendment to CIP - FY 2003/2007</u>	
Project Omitted	FY 2005 - Design - \$ 480,000	(add)
	FY 2006 - Construction - \$ 4,000,000	(add)
	<u>Reduce funding for - M-0264</u>	
	FY 2005 - Design - \$480,000	(reduce)
	FY 2006 - Construction - \$ 4,000,000	(reduce)

Note: Amendment is to include the last phase of the Conrad Sauer Storm Drainage system as previously funded in the FY02 CIP. This entire project contained 7 NSR projects. Only 2 of the original 7 remain, NSR 435A & 430A. NSR 430A is scheduled, in the FY03 CIP, to be completed in FY 2005. The FY02 CJP had previously funded this project: FY03 - Design - \$480,000, FY04 - Construction - \$4,000,000.

The project being reduced is the Storm Sewer Management Improvement Program M-0264. M-0264 is a completely new CIP project with a host of unrelated projects spread across the City, most of which should be funded through the proposed Storm Drainage Fee. Previously scheduled storm sewer projects, such as NSR 435A, should be completed first before adopting a new storm drainage policy and leaving projects such as these unfinished.”

After further discussion, Council Member Galloway stated that she would tag Council Member Tatro’s amendment No. 3, and Mayor Pro Tem Quan stated that Council Member Galloway had tag Council Member Tatro’s amendment at this time. Council Member Robinson absent.

Council Member Tatro moved to overrule the tag and asked Council Member Galloway if she would remove her tag so they could at least have an up or down on the record and not have the amendment just go into oblivion. Council Member Robinson absent.

Upon questions by Council Members, Mr.Haines stated that Council Member Tatro’s point that the number was new in the CIP was precisely on point to the Storm Water Management Plan, that was exactly what it was, and that Storm Water Management Plan, in that funding, number M-0264, was a compilation of specific projects by Council Districts, that Council Member Edwards had about \$5 million in that account, Council Member Goldberg had a huge amount in that area, not in that account, however he had a huge amount of storm drainage, but the point was that there were amounts that were identified by projects in each of the districts and if this amendment passed, they would go back into those accounts and reduce the various projects by a certain amount, they would essentially have to reprioritize other projects that had been identified in the various Council Districts. Council Member Robinson absent.

Council Member Goldberg stated that he wanted his tag added to Council Member Tatro’s amendment. Council Member Robinson absent.

After a further lengthy discussion, Council Member Galloway Edwards moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Berry and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1284 ADOPTED.

A vote was called on Item No. 44a as amended. Council Members Tatro and Goldberg voting no, balance voting aye. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-2002-1285 ADOPTED.

32. ORDINANCE approving and authorizing third contract amendment between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Disposal of Biosolids from the City's Wastewater Treatment Plants; increasing the maximum contract amount - \$1,000,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. ORDINANCE 2002-0975 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item No. 57 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1286 ADOPTED.

Council Member Robinson moved to suspend the rules to hear Item No. 15 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. MOTION 2002-1287 ADOPTED.

57. 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 62 on Agenda of October 23 2002, POSTPONED BY MOTION #2002-1262) – was presented. Council Member Berry absent.

Council Member Wiseman stated that as most of them knew she expressed strong opposition to the Adopt-A-Fire Station Program when she first learned about it because she had some concerns about how it would be viewed in the public and how it would be received by the very men and women who worked so hard to protect them day in and day out and knew there was strong support for it and in looking at the program as it was designed and the ordinance as it was drafted she felt it was important to introduce some changes to insure that they not compromise the intent of the donors and that it served the purpose that it was intended to serve and that was to provide a mechanism whereby people and businesses can on their own make donations to the fire stations and that the City would be able to accept them, so in looking at the programs purpose for creation in which it stated that it was created in response to a desire on the part of citizens to spruce up their neighborhood fire stations they made some changes that the Council Members had before them and introduced the following written motion to amend Item No. 57:

“That the proposed ordinance for the Adopt-A-fire Station Program posted as Item #57 on the agenda for October 30, 2002 be amended as follows:

Within subsection (c) of the proposed City Code Section 34-62 amend the first sentence to read, “The fire chief shall, periodically, promulgate a list of fire stations that have the greatest need along with a master list of needed tangible property and services for these and all other stations.”

Within subsection (c) “Donations will be distributed at the discretion of the fire chief” is deleted and the following sentence is inserted in its place: “The donating party may designate a specific fire station to receive a donation, otherwise, donations may be distributed at the discretion of the Fire Chief”

Within subsection (c) (1) the sentence “property or services donated must be on the list of

needed property and services” will be deleted and replaced with “The Adopt-A-Fire Station program will accept items included on the program’s master list of needed items, supplies and materials; however, donations of items not on the list may be accepted at the discretion of the Fire Chief”.

Mayor Pro Tem Quan asked Mr. Hall if he had any comments regarding the amendment and Mr. Hall stated that it was very acceptable, that they assisted in drafting it. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to thank her for the amendment and stated that she supported the item in its entirety and hoped that they were not trying to get out of their responsibility of keeping the fire stations up to par and well maintained and asked if it was just considered just like a supplement, and Council Member Wiseman stated exactly, and that was her greatest concern, that it was their duty, responsibility and obligation to provide for the services at the stations, but at the same time the people who worked at the stations were in need of the assistance and if members of the community, out of the goodness of their heart would like to help out, she thought it was important that they graciously accept the contributions. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she supported Council Member Wiseman’s amendment, that as a point of legal order asked how did they get around the notion that gifts were not allowed to certain department chief’s, that it was just a question of the legality of accepting gifts, and Mr. Hall stated that because they were gifts to the City, they accepted those regularly with Council’s authorization, gifts made to the City and these would not be interpreted as gifts to individuals, that was prohibited. Council Member Tatro and Goldberg absent.

After further discussion Council Member Vasquez stated that he was concerned about the equitable distribution of donations across the City to neighborhoods who could not afford to make donations to their local fire stations, and Council Member Wiseman stated that was where the undesignated donations, those stations would receive the priority and that was where the Chief would distribute in that manner. Council Members Tatro, Goldberg and Keller absent.

Council Member Vasquez moved to divide the question so he could vote no against the middle one and vote yes on the other two, that they divide it by paragraph, that was how Council Member Wiseman had developed it, seconded by Council Member Ellis.

Mayor Pro Tem Quan stated that Council Member Vasquez had made the motion to divide the question, that Paragraph 1 and 3 would be considered together and Paragraph 2 would be considered a separate issue. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Tatro, Goldberg and Keller absent. Mayor Pro Tem Quan presiding. MOTION 2002-1288 ADOPTED.

After further discussion, Council Member Berry moved to call the question on Council Member Wiseman motion to amend Item No. 57. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Tatro and Goldberg absent. Mayor Pro Tem Quan presiding. MOTION CARRIED.

A vote was called on Council Member Wiseman motion to amend Item No. 57 Paragraph 1 and 3. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Tatro and Goldberg absent. Mayor Pro Tem Quan presiding. MOTION CARRIED.

A vote was called on Council Member Wiseman motion to amend Item No. 57 Paragraph 2. Council Member Vasquez voting no, balance voting aye. Mayor Brown out of the city on city business. Council Members Tatro and Goldberg absent. Mayor Pro Tem Quan presiding. MOTION CARRIED.



A vote was called on Item No. 57 as amended. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Berry absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0976 ADOPTED.

15. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-67 by adding four (4) Captain Positions and twelve (12) Engineer Operator Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented, and tagged by Council Members Edwards and Galloway.

### CONSENT AGENDA NUMBERS 1 through 42

#### MISCELLANEOUS - NUMBERS 2 through 5

2. ORDINANCE appropriating \$4,492.00 out of Parks Consolidated Construction Fund as an additional appropriation for Bid Package No. 34 - Lake Forest, Hobart Taylor and Walter Jones Parks under construction contract with **STEVEN R. HILL CONSTRUCTION CO., INC**, approved by Ordinance No. 2002-10, GFS F-0363-34-3, F-0363-35-3 and F-0363-36-3 - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0977 ADOPTED.
- 2a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 3 in the amount of \$6,580.00 on contract with **STEVEN R. HILL CONSTRUCTION CO., INC** for Lake Forest Park, Hobart Taylor Park and Walter Jones Park, GFS F-0363-34-3, F-0363-35-3 and F-0363-36-3 - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1289 ADOPTED.
3. ORDINANCE appropriating \$14,890.30 out of General Improvement Consolidated Construction Fund as an additional appropriation for Sylvan Rodriguez Park (formerly Clear Lake Park) under construction contract with **K.C.C. GROUP, INC** approved by Ordinance No. 2000-0289, GFS F-0444-03-3 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0978 ADOPTED.
- 3a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 7 in the amount of \$43,540.00 on contract with **K.C.C. GROUP, INC** for Sylvan Rodriguez Park (formerly Clear Lake Park), GFS F-0444-03-3 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1290 ADOPTED.
4. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 3 in the amount of \$29,284.05 on contract with **CARRERA CONSTRUCTION, INC** for Parks to Standard Program - Phase II Bid Package No. 43 - Law Park, GFS F-0363-43-3 - CDBG Funds - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1291 ADOPTED.
5. RECOMMENDATION from Acting Chief of Police for Extension of Injured on Duty status for Police Officer **CHRISTINE M. GOLD** – was presented, moved by Council Member Keller,

seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1292 ADOPTED.

**DAMAGES** - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DAPHANIE GRISSOM** v. the City of Houston and Vernon Wilson; in the County Civil Court at Law No. Four (4) of Harris County, Texas, Cause No. 711,215 - \$32,500.00 - Property and Casualty Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1293 ADOPTED.

**ACCEPT WORK** - NUMBER 9

9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,021,998.00 and acceptance of work on contract with **GULF COAST GOLF, INC** for Parks to Standard Program - Phase II, Bid Package No. 48, Sharpstown Golf Course, GFS F-0363-48-3 - 03.45% over the original contract amount - **DISTRICT F - ELLIS** – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Pro Tem Quan presiding. Mayor Brown out of the city on city business. MOTION 2002-1294 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 12

10. **BASIC INDUSTRIES, INC** - \$49,117.00 and contingencies for a total amount not to exceed \$51,572.85 and **GBS ENVIRONMENTAL, INC** - \$44,900.00 and contingencies for a total amount not to exceed \$47,145.00 for Mold Remediation, Asbestos Abatement and Build Back Services at Eight Fire Stations for Building Services Department - Fire Consolidated Construction Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1295 ADOPTED.
12. **PAVERS SUPPLY COMPANY** for High Performance Cold Patch for Department of Public Works & Engineering - \$345,312.00 - General Fund – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1296 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 42

13. RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. RESOLUTION 2002-0033 ADOPTED.
14. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Animal Shelter Advisory Committee; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0979 ADOPTED.
16. ORDINANCE finding and determining that public convenience and necessity no longer

require the continued use of a waterline easement containing 7,167 square feet of land, more or less, being located in the George Bellows Survey, A-3, Houston, Harris County, Texas; vacating and abandoning said tract of land to MNC Mall Ltd., the abutting owner, in consideration of owner's payment of \$35,835.00 and other consideration to the City - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0980 ADOPTED.

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 10-foot wide water line easements being designated Parcels SY2-068A and SY2-072, containing an aggregate of 11,753 square feet of land, more or less and a 10-foot wide sanitary sewer easement being designated Parcel SY2-068B, containing 4,100 square feet of land, more or less, all easements located in the Isaac Bunker Survey, A-121, Houston, Harris County, Texas, vacating and abandoning (i) Parcels SY2-068A and SY2-068B to MNC Mall, Ltd., the abutting owner and (ii) Parcel SY2-072 to Metro National Corporation, the abutting owner, in consideration of owners' dedication of a 20-foot wide water line easement, a 10-foot by 30-foot fire hydrant easement, and a 25-foot wide sanitary sewer easement containing an aggregate of 13,795 square feet of land, more or less, and owners' payment of \$18,119.00, and other consideration to the City - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0981 ADOPTED.
18. ORDINANCE consenting to the addition of 32.6710 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0982 ADOPTED.
19. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 397** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0983 ADOPTED.
35. ORDINANCE appropriating \$68,942.91 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **JRK HOLDINGS, INC** for Construction of Water and Sanitary Sewer Lines for the Panay Park Village Subdivision, Sections 1 & 2, CIP S-0802-06-03 and R-0802-06-03 **DISTRICT D – EDWARDS** - had been pulled from the Agenda by the Administration, and was not considered.
42. ORDINANCE appropriating \$334,800.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Design of Wastewater Treatment Plant (WWTP) Renewal/Replacement under professional engineering services contract between the City of Houston and **ROY F. WESTON, INC** (approved by Ordinance No. 00-1056), CIP R-0265-17-2 (WW4806); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0984 ADOPTED.

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

**MISCELLANEOUS**

1. RECOMMENDATION from the City Attorney for approval of City of Houston Legislative Principles for the 78th Session of the Texas Legislature submitted by the City Council Legislative Affairs Committee - was presented, and tagged by Council Member Vasquez.

### **ACCEPT WORK**

7. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,171,526.07 and acceptance of work on contract with **CHAMPAGNE WEBBER, INC, TEXAS** for Rehabilitation of Intersection Pavement at Runways 12R-30L and 4-22 at William P. Hobby Airport (HOU); Project No. 566A; CIP A-0385 - 04.00% over the original contract amount **DISTRICT I – ALVARADO** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Vasquez.
8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,010,907.86 and acceptance of work on contract with **SUMCO, INC** for Parks to Standard Program - Phase II, Bid Package No. 21, Highland Park, GFS F-0363-21-3 - 17.88% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Keller.

### **PURCHASING AND TABULATION OF BIDS**

11. ORDINANCE appropriating \$786,682.00 out of Police Consolidated Construction Fund for the Re-Roof Project for 1200 Travis for Building Services Department, CIP G-0072; providing funding for engineering testing and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - was presented, and tagged by Council Member Goldberg.
- 11a. **TEXAS LIQUA TECH SERVICES, INC** for the Re-Roof Project for 1200 Travis for Building Services Department - \$697,000.00 and contingencies for a total amount not to exceed \$731,850.00 - Police Consolidated Construction Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Keller, and tagged by Council Member Goldberg.

### **RESOLUTIONS AND ORDINANCES**

20. ORDINANCE approving and authorizing first amendment to office space lease agreement between **HINES INTERESTS LIMITED PARTNERSHIP** and the City of Houston Leasing Antenna Positions and Office Space at 900 Louisiana, One Shell Plaza, for use by the Police and Fire Departments - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0985 ADOPTED.
21. ORDINANCE appropriating \$35,000.00 out of Housing Special Revenue Fund and approving and authorizing contract between the City and **HOUSTON SECOND WARD COMMUNITY DEVELOPMENT CORPORATION** for Day Labor Site Services at 2 North Sampson Street **DISTRICT H - VASQUEZ** - was presented.

Council Member Vasquez stated that this was an item that he supported, however he would like to ask for some mechanism of accountability in the dollars that were going to this particular organization, that he had previously spoken to Mr. Richard Cantu and was flexible with whatever he wanted to come up with and moved to suspend the rules to visit with Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office, on this particular matter. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1297 ADOPTED.

Upon questions by Council Member Vasquez, Mr. Cantu stated that they had developed some guidelines through the Day Labor Task Force and intended on using those guidelines on this contract as well, that the guidelines were those they were going to attempt to apply other day labor centers as well, that it was basically a test of their model, and Council Member Vasquez stated that he would like to see that and hopefully when they got through the process that they could report and he would like to visit it and see it with this particular site, and Mr. Cantu stated that they would do that.

Mayor Pro Tem Quan asked when was the next meeting of the Day Labor Task Force, and Mr. Cantu stated that it was tomorrow at 2:00 p.m. at the City Hall Annex Conference Room, that at that meeting they would be discussing the finals of his RFP and what criteria would be used in the future. Council Member Robinson absent.

Council Member Tatro asked if they were drafting any ordinances restricting the pickup of day laborers, and Mayor Pro Tem Quan stated that they were not working on legislation yet, but were seeking to see how many sites they would set up and then look to adopt a model similar to Austin.

Council Member Parker stated that she agreed with Council Member Tatro and thought they needed these centers but the quality of the program had to be such that the day laborers wanted to use them and they also had to have the enforcement stick at the same time or they just create a problem in the neighborhood so she would encourage that they move forward at the same time with the development of an ordinance, that she wanted to thank the administration for being creative on the funding, she had raised the issue of why they were paying for it out of General Fund dollars rather than other available funds and appreciated the administration acting on it.

A further discussion Council Member Ellis stated that he would tag Item No. 21.

22. ORDINANCE approving and authorizing City of Houston to enter into contracts with each of six (6) independent school districts [**ALIEF ISD, CLEAR CREEK ISD, CYPRESS FAIRBANKS ISD, HOUSTON ISD, NORTH FOREST ISD and SPRING BRANCH ISD**] and each of twenty-one (21) non-profit organizations [**BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, BREAD OF LIFE, INC, CHINESE COMMUNITY CENTER, D.A.R.E. AMERICA, THE DRAW ACADEMY, INC, ECAP ENTERPRISES, INC, THE GIVING INSTRUCTION FOR TOMORROW ACADEMY, GREATER ST. PAUL MISSIONARY BAPTIST CHURCH, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, HOUSTON HEIGHTS LEARNING ACADEMY, INC, THE IMANI SCHOOL, JULIA C. HESTER HOUSTON, INC, KIPP, INC, MARTIN LUTHER KING, JR. COMMUNITY CENTER, MULTI-CULTURAL EDUCATION AND COUNSELING THROUGH THE ARTS, PHOENIX OUTREACH YOUTH CENTER MISSION, INC, SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION, THE SALVATION ARMY, VOLUNTEERS OF AMERICA TEXAS, INC, WESLEY COMMUNITY CENTER, INC OF HOUSTON, TEXAS, and YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON**] to administer an After School Achievement Program ("ASAP") - \$2,620,000.00 - General, Grant and Housing Special Revenue Funds - was presented, and tagged by Council Members Galloway and Ellis.
23. ORDINANCE approving and authorizing contracts between the City and **CAREER & RECOVERY RESOURCES, INC, ST. HOPE FOUNDATION, INC, UJIMA, INC, RELIABLE COMPREHENSIVE CARE SERVICES, INC, POSITIVE EFFORTS, INC and ELEOS CENTERS, INC** for HIV/STD Services; providing maximum contract amounts - \$1,400,000.00 - Grant Fund - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0986

ADOPTED.

24. ORDINANCE approving and authorizing tenth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$895,000.00 from the Community Development Block Grant Program for the Administration of a Child Care Program - was presented, and tagged by Council Members Galloway and Ellis.
25. ORDINANCE approving and authorizing tenth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$1,939,000.00 (\$1,239,000.00 in Emergency Shelter Grants Program Funds and \$700,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program - was presented, and tagged by Council Member Ellis.
26. ORDINANCE approving and authorizing eleventh contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$815,000.00 from the Community Development Block Grant Program for the Administration of a Juvenile Delinquency Prevention Program - was presented, and tagged by Council Members Ellis and Galloway.
27. ORDINANCE approving and authorizing Amendment No. 1 to contract between the City of Houston and **BLISS COMMUNICATIONS, INC** for Radio Communications Systems Services for the Houston Airport System - \$737,750.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0987 ADOPTED.
28. ORDINANCE amending Ordinance No. 99-0185 to increase the maximum contract amount to contract between the City of Houston and **SOUTHEAST KELLER CORPORATION** for Cleaning and Janitorial Services for Various Departments; approving and authorizing first amendment to such contract - \$1,411,786.10 - General, Enterprise and Building Inspection Fund - was presented.  
  
Council Member Keller tagged Item No. 28 and then stated that he would remove his tag.  
  
Council Member Edwards stated that she wanted to make a point to Council Member Ellis that because of what was going on people were stepping up to the plate and paying their bills.  
  
A vote was called on Item No. 28. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0988 ADOPTED.
29. ORDINANCE amending Ordinance Number 2000-780 to increase the maximum contract amount for contract between the City and **CLAY POPE** and **CLIFF JOHNSON** for assistance on water and wastewater issues in the Texas Legislature and Various State Agencies - \$140,000.00 Enterprise Fund - was presented, and tagged by Council Member Wiseman and Tatro.
30. ORDINANCE approving and authorizing contract between the City and a Joint Venture comprised of **JOHNSON AND JOHNSON**, a Partnership, and **ROBERT KELLY**, a Sole Proprietor, to represent the City before the Texas Legislature and State Agencies; providing a maximum contract amount - \$840,000.00 - General Fund - was presented, and tagged by Council Member Tatro.
31. ORDINANCE approving and authorizing contract between the City and the **TEXAS**

**DEPARTMENT OF HEALTH, BUREAU OF LABORATORY**, for Prenatal Screening Services 1 Year - \$60,000.00 - General Fund - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. **ORDINANCE 2002-0989 ADOPTED.**

33. **ORDINANCE** approving and authorizing acceptance of a grant from the **TEXAS DEPARTMENT OF PUBLIC SAFETY** and approving and authorizing interlocal agreement between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** for a No-Suspect Casework DNA Backlog Program for the Houston Police Department - was presented.

Council Member Parker stated that she was in very strong support of the item, that she started raising the issue of untested DNA samples last year and was glad that the administration actively pursued grants specifically to deal with the backlog and if it did not take care of the backlog she was going to keep raising the issue because they needed to get it done, but did appreciate the response, and Mayor Pro Tem Quan stated that the administration appreciated her efforts and no matching funds from the City were necessary on this.

A vote was called on Item No. 33. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. **ORDINANCE 2002-0990 ADOPTED.**

34. **ORDINANCE** appropriating \$383,697.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Agreement between the City of Houston and the **BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM** for Construction of Sanitary Sewer Line on Herman Pressler Street, CIP R-0802-06-03 **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. (Note: Council Member Edwards removed his tag later in the meeting.)
36. **ORDINANCE** appropriating \$19,475.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **XIANG BING WU** for Construction of Sanitary Sewer Lines on Willard Street and Converse Street, CIP R-0802-05-03 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Ellis.
37. **ORDINANCE** appropriating \$4,747,880.50 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0380, appropriating \$110,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0042, and \$150,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0380, awarding construction contract to **CONTRACTOR TECHNOLOGY, INC** for North Apron Environmental Protection System/South Ramp Drainage Improvements at William P. Hobby Airport, Project No. 563; providing funding for engineering testing - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Vasquez.
38. **ORDINANCE** appropriating \$557,000.00 out of Airport System Consolidated 2001 NON-AMT Construction Fund and approving purchase of 22.126 acres of land, more or less, out of the Wilson Jones Survey, A-1542, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024, and approving purchase and sale agreement with **ARESH FAMILY TRUST** to acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Vasquez.
39. **ORDINANCE** appropriating \$345,000.00 out of Airports Improvement Funds and approving purchase of 19.379 acres of land, more or less, out of the A. R. Bodman Survey, A-141, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0421, and approving purchase and sale agreement with **CLUTE ENTERPRISES, INC** to

acquire the land for a purchase price, including Title Insurance and Closing Costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Vasquez.

40. ORDINANCE appropriating \$450,000.00 out of Public Health Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC d/b/a STOA/GOLEMON/BOLULLO, ARCHITECTS** for Renovation of Five (5) Health and Human Services Facilities, GFS H-0068-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS and H - VASQUEZ** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0991 ADOPTED.
41. ORDINANCE appropriating \$660,000.00 out of Street & Bridge Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SUNLAND ENGINEERING COMPANY** for Design Services Associated with Tier IX Neighborhood to Standards Street Overlay Projects, CIP N-1037-02-2 (OL2039); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0992 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 43

#### **PROPERTY**

43. RECOMMENDATION from Director Department of Public Works & Engineering to authorize the acquisition by voluntary conveyances or condemnation proceedings of water line easements for the Northeast Water Purification Plant in and upon the following parcels of land in Harris County, Texas (the following acreages are approximate): 5.8876 acres out of the V. Blanco Survey, A-2 and the J. Karcher Survey, A-504 (apparent record owner: Evergreen Development Corporation and/or Evergreen Development III); 2.8043 acres out of the V. Blanco Survey, A-2 and the J. Karcher Survey, A-504 (apparent record owner: Hannover Estates, Ltd.); 1.2627 acres out of the F. Bell Survey, A-115 (apparent record owner: E.L. Ginther and Roseanne Van Dorn); 3.1671 acres out of the F. Bell Survey, A-115 (apparent record owner: Fall Creek Investors No. 3, L.P.); 2.7207 acres out of the F. Bell Survey, A-115 (apparent record owner: Fall Creek Investors No. 4); 0.1301 acre out of the F. Bell Survey, A-115 (apparent record owner: Fall Creek Development Partners, L.P.); 3.2195 acres out of the F. Bell Survey, A-115 and the S. Everett Survey, A-250 (apparent record owner: Fall Creek Investors No. 5, L.P.); 3.3106 acres out of the S. Everett Survey, A-250 (apparent record owner: Fall Creek Investors No. 6, L.P.); 0.2199 acre out of the S. Everett Survey, A-250 (apparent record owner: Fall Creek Development Partners, L.P.); 1.7652 acres out of the S. Everett Survey, A-250 and the J. Karcher Survey, A-504 (apparent record owner: Fall Creek Investors No. 7, L.P.); 1.4233 acres out of the F. Bell Survey, A-115 (apparent record owner: Fall Creek Investors No. 2, L.P.); 0.2922 acre out of the A. Smith Survey, A-694 (apparent record owner: El Dorado Associates, Ltd.); and 3.4528 acres out of the A. Smith Survey, A-694 (apparent record owner: Fall Creek Development Partners, L.P.); to ratify any offers to purchase the foregoing described parcels heretofore issued by the City; and to repeal Motions 2002-1171, -1172, -1173 and -1174 - was presented, moved by Council Member Tatro, seconded by Council Member Ellis.

The City Secretary stated that Item No. 43 required three motions.



Council Member Tatro moved to suspend the rules for the purpose of reconsidering Motions 2002-1171, 2002-1172, 2002-1173 and 2002-1174, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1298 ADOPTED

Council Member Tatro moved Motions 2002-1171, 2002-1172, 2002-1173 and 2002-1174 be brought back to Council for reconsideration, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1299 ADOPTED

A vote was called on Item No. 43. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1300 ADOPTED.

Council Member Vasquez asked Mr. Haines if this property was basically to acquire easements for the Northeast Water Plant and if it would complete the number of properties that they needed to lay the pipeline, and Mr. Haines stated that he was not sure but would get an answer back to them.

**MATTERS HELD** - NUMBERS 44 through 60A

45. 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** - (**This was Item No. 17 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, ELLIS, KELLER and GOLDBERG**) - was presented.

Council Member Ellis stated that last week they got some information that was erroneous about the Trevino Group and he would like to state that they were not delinquent in their taxes and wanted to apologize to that group.

A vote was called on Item No. 17. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0993 ADOPTED.

Council Member Edwards stated that she had her questions answered on Item No. 34 and would like to remove her tag, and Mayor Pro Tem Quan stated they would bring back Item No. 34 at the end of the agenda.

- 45a. 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** - (**This was Item 17A on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, SEKULA-GIBBS, KELLER and GOLDBERG**) - was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1301 ADOPTED.
46. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HOLMAN BOILER WORKS, INC** for Emergency Flash Dryer Repairs for the Department of Public Works & Engineering - \$106,822.50 - Enterprise Fund - (**This was Item 25 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBER KELLER**) - was presented. All voting aye. Nays none. Mayor Pro Tem Quan presiding. MOTION 2002-1302 ADOPTED.
47. 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) - **(This was Item 26 on Agenda of October 23, 2002)** - was presented. All voting aye. Nays none. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0994 ADOPTED.

47a. **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 - **(This was Item 26A on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBER ELLIS)**

Council Member Sekula-Gibbs stated that her concern about this item was not sufficient to require a tag, that it was not just this one but was actually regarding Item No. 50 as well, that the whole question of lead abatement and lead testing was one that had been brought to her attention and needed some follow up to make sure that the consultants were actually doing the testing, that there had been some allegations made that some of the consultants were simply rubber stamping the inspections and she did not know if there was any validity to that at this point and had discussed with Mayor Pro Tem Quan as well and it was not particularly related to those departments but it kind of affected the whole consulting field and would just like an opportunity to have some investigation done in this regard. Council Members Vasquez and Robinson absent.

Mayor Pro Tem Quan stated that they had considered it and knew that Neighborhood Protection had also had discussions on lead based paints and asked Mr. Hall if there was some litigation going on at this time with the City regarding their lead based paint testing program, and Council Member Sekula-Gibbs stated that particularly under the Housing Opportunities for Houston, that there were some allegations that some of the consultants who were testing the homes and not particularly under the building demolition part, but testing homes that they were not really testing the homes prior to having the federal funds allocated to provide down payments for the homes and asked if there were some complaints being lodged and did they know if the District Attorney might be investigating, and Mr. Hall stated that those were two different questions, that Mayor Pro Tem Quan asked if there was litigation and she asked if there were complaints, that he did not know the answer to that but would get an answer to both questions, and Council Member Sekula-Gibbs stated that she would like to see some opportunity to discuss this further at the appropriate committee level, and Mayor Pro Tem Quan stated that the reason they were hesitant to raise it at their last Housing Committee meeting was his impression that there had been litigation or talk of litigation, and Mr. Hall stated that Ms. Stein was motioning yes and he would find out and get them a response. Council Members Vasquez and Robinson absent.

Council Member Parker stated that she and Mayor Pro Tem Quan had discussed it and had discussed the hazards of lead based paint and the areas of testing and what kind of mitigation's were available in the Neighborhood Protection Quality of Life Committee, that she thought the allegations raised specifically concerned housing issues and that was why they came to Mayor Pro Tem Quan, that her question was whether or not there was litigation, and they could publicly discuss it in a committee meeting, was to whether they did any follow up quality control on their testers and if there was a professional certification they had to go through, maybe that was good enough and she would like to know what was the professional certification and what follow up there was there so that whatever the situation was with complaints that they could be assured that there was some kind of follow up mechanism or somebody was looking over the shoulders of the testers when they were out there, and Mayor Pro Tem Quan stated that was something that he thought they would certainly be able to follow up on.

A vote was called on Item No. 47a. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1303 ADOPTED.

48. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt

recommendation from Finance & Administration Department to award to **JAX CORPORATION DBA MARCUS PRODUCTS COMPANY** for Automotive, Anti-Freeze for Various Departments \$165,459.75 - General, Enterprise and Fleet Management Funds - **(This was Item 27 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2002-1304 ADOPTED.

50. 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 - **(This was Item 38 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0995 ADOPTED.
51. 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 - (This was Item 41 on Agenda of October 23, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0996 ADOPTED.
52. 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 Alameda 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 47 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1244)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-1305 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 53 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1250)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-1306 ADOPTED.
54. MOTION by Council Member Ellis/Seconded by Council Member Robinson 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 **R&W POLIZE ENTERPRISES, INC, DBA CENTRAL POLICE SUPPLY - (This was Item 59 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1257)** - was presented. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-1307 ADOPTED.

55. MOTION by Council Member Ellis/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 **EXPOTECH USA, INC, UNIFORMS PLUS** and **R & W POLIZE, dba CENTRAL POLICE SUPPLY - (This was Item 60 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1259)** - was presented. Council Member Vasquez absent.

Council Member Ellis moved to amend Item No. 55 by taking out EXPOTECH USA, INC. and UNIFORMS PLUS and postpone them for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1308 ADOPTED.

A vote was called on balance of Item No. 55. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1309 ADOPTED.

56. 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 - **(This was Item 61 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1261)** - was presented.

Council Member Ellis moved to amend Item No. 56 by taking out RIGGSBEE HARDWARE CO., INC and postpone it for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1310 ADOPTED.

A vote was called on balance of Item No. 56. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1311 ADOPTED.

58. 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 78 on Agenda of October 23, 2002) - was presented, and Council Member Ellis withdrew the motion.

- 58a. 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 78A on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1269)** - was presented.

Council Member Ellis moved to amend Item No. 58a by taking out E. J. BROOKS COMPANY and postpone it for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding.

MOTION 2002-1312 ADOPTED.

A vote was called on balance of Item No. 58a. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1313 ADOPTED.

59. 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. - was presented and Council Member Ellis withdrew the motion. (Note: Item No. 59 was posted in error as Council Member Ellis withdrew the motion on October 23, 2002)
- 59a. MOTION by Council Member Berry/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration to award to **HYDRAFLO, INC** for Fire Hydrant Repair Parts Contract for Department of Public Works & Engineering - \$284,772.00 - Enterprise Fund - **(This was Item 80A on Agenda of October 23, 2002 POSTPONED BY MOTION #2002-1271)** - was presented.

Council Member Berry stated that he wanted to thank Calvin Wells for helping them with the item, that there were some concerns over the low bidder, which just so happened to be an MWBE bidder, getting the contract and that was not the case because of some concerns over whether the company could perform and thought that had been worked and moved to refer Item No. 59a back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2002-1314 ADOPTED.

Council Member Tatro stated that the initial statement from the administration was that the low bidder was found with a site inspection to suggest that they could not perform initially and asked Council Member Berry if his visit with Calvin Wells revealed differently and Council Member Berry stated yes, and Council Member Tatro stated that he appreciated Council Member Berry's effort to visit that site and was sure that the vendor also appreciated it, and Mayor Pro Tem Quan stated that he too appreciated it and would like to commend Council Member Berry on that, that he knew that the issue of lowest responsible bidder was some time left to interpretation and thorough follow through on the items was certainly appreciated and as Council Member Berry indicated it was a savings to the citizens of Houston because of that.

60. 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 81 on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1273)** was presented, and Council Member Ellis withdrew the motion. Council Member Edwards absent.
- 60a. 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 81A on Agenda of October 23, 2002, POSTPONED BY MOTION #2002-1273)** was presented. Council Member Edwards absent.

Council Member Ellis moved to refer Item No. 60a back to the administration, seconded by

Council Member Robinson. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2002-1315 ADOPTED.

34. ORDINANCE appropriating \$383,697.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Agreement between the City of Houston and the **BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM** for Construction of Sanitary Sewer Line on Herman Pressler Street, CIP R-0802-06-03 **DISTRICT D - EDWARDS** - was again before City Council. All voting aye. Nays none. Mayor Brown out of the city on city business. Council Member Edwards absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0997 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Mayor Pro Tem Quan stated that he was still concerned on how they were doing with the Kmart situation, moving forward on the expungements and he did not want to give up on getting the matter rectified as soon as possible, and Mr. Hall stated that he thought he had earlier discussed with him some of the difficulties and he had understood, that they had actually submitted in writing a request that maybe could be construed as an advocacy document to the State Bar to get an opinion on whether or not what they wanted to do, on what they had reported to Council could be approved by them or would not offend the Bar rules, that he thought Mr. Camprice had suggested that maybe they could have expected an answer in three or four weeks, and that was about now from the time they had made the written submission and they had not gotten a response, they were still pursuing that and as soon as they got it they would be transmitting that to them, and Mayor Pro Tem Quan stated that he knew Mr. Hall was concerned with solicitation and maybe there was a conflict issue, but what was to prevent the City Legal Department from designating certain attorneys within the department to simply go forward on an uncontested motion to expunge those matters from the record, and Mr. Hall stated that the problem was, and he could appreciate the question, the objection to it was not what created the violation of the Bar rules, that it was not that somebody objected to it, it was a standard of conduct that they were obligated to, that he would have reservations about directing any lawyer to risk their hard won Legal license on the basis of his opinion without benefit of guidance from the State Bar on the question that everybody agreed was so close, that the kind of answer they needed and response they could not get an answer they could rely on from the hot line of the State Bar on ethics issues, and Mayor Pro Tem Quan stated that he would ask that they move forward with all diligence, and Mr. Hall stated that they were pursuing it and could assure him that they wanted to end it as bad as he did. Council Members Wiseman, Keller, Alvarado and Berry absent.

Mayor Pro Tem Quan stated that he wanted to follow up on yesterday's Fiscal Affairs meeting and knew that Mr. Haines had presented various items for review as far as budget and would ask that he help provide him with the list of properties that they were looking at for possible better use of those properties by the City, that he knew it was not going to be a fast solution, but again, a long term review, he thought, was well warranted. Council Members Wiseman, Keller, Alvarado and Berry absent.

Mayor Pro Tem Quan stated that it was brought before Council at the public session yesterday, a discussion regarding the under evaluation of properties and possibly something that they could add to their legislative priorities as far as getting a proper rendition requiring that when property was sold that the sales price was released, that he thought if there was a problem in that area, they were looking at a \$1.5 billion shortfall as far as property valuations and it seemed that there was widespread under valuation of properties in the Houston area and that may be at least one area where they could look to improve to improve their property tax collection and asked that Mr. Haines follow up on that. Council Members Wiseman, Keller, Alvarado and Berry absent.

Mayor Pro Tem Quan stated that tonight they had another regional Council meeting, that as his office had done it would be in the Spring Branch area, at the Green Pine Restaurant at the corner of Gessner and Long Point at 7:00 p.m., it was an opportunity to just get together and meet and talk about concerns in their neighborhood, for citizens who were watching and would like to attend to contact his office at 713-247-2013 and they were welcome to attend the meeting. Council Members Wiseman, Keller, Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that last night in District I there was a meeting on the San Jacinto Rail and it was well attended, over 100 citizens who lived along the Highway 3 area participated, including Congressman Gene Green, Nick Lampson, as well as Rick Norriega and Council Member Alvarado, there was a serious concern raised about the effect of the proposed San Jacinto Rail on the lives of the students and homeowners who lived along Highway 3, that the citizens were very concerned and believed it was one of the first times they had an opportunity to discuss the issue and they were very concerned about the quality of life that would change if they had more toxic substances than already were going past their homes, particularly Cesar Chavez High School, which was right along that track and housed more than 1,000 students, that she was just bringing it up again to let the people know who were in both Council Member Wiseman District E and Council Member Alvarado District I, as well as Council Member Edwards District D might be impacted by the potential rail if it went through south yard, that this was a serious issue and the City still had a vital roll to play in mitigating any of the negative consequences of the San Jacinto Rail should the Service Transportation Board allow it. Council Members Wiseman, Keller and Robinson absent.

Council Member Sekula-Gibbs stated that Halloween was tomorrow night and she would advise all the parents and those young at heart to be very cautious, that she understood that there were hospitals where the candy would be screened in the local areas. Council Members Wiseman, Keller and Robinson absent.

Council Member Parker stated that she believed most of the Council Members were copied on a letter to the Mayor from the City of Houston's own Animal Shelter Advisory Committee of which their appointees were complaining about the conditions at the City pound, the Bureau of Animal Regulation and Care, specifically about inadequate cat cages at BARC, that the Bureau of Animal Regulation and Care was under the Health Department and knew the first priority of the Health Department was the health and safety of the citizens of Houston, but she would hate to think that they were keeping animals in inhumane conditions and according to their own appointees they had been making complaints for the last 9 years about inadequacies in the cat cages and it was not simply that it was an inhumane condition for the cats over there, they provided a list of City employees who had been injured by the cages, that clearly it was having an impact on productivity, that she would appreciate the administration looking into that and responding to that. Council Members Wiseman, Keller and Robinson absent.

Council Member Parker stated that there had been a lot of discussion about the so called Aquarium Restaurant Observation Tower and she wanted to be very clear to folks, it was not an observation tower it was a carnival ride, that she had asked the administration for a legal opinion as to whether the former Director of the C&E Department had overstepped his authority in approving the addition to the site after Council had voted on the site plan and was still waiting for it, although she understood that it was in Ms. Stein's office and she would be receiving it shortly, that she had also asked for a report from the Sign Administration about the lighting on the structure, it would actually tower over the freeway and they had spent a lot of time debating earlier in the year about spectacular signs and whether they would be distracting to drivers and the one drawing she had seen of the ride appeared to show it having blinking lights and flashers on the top, that she was still waiting for a description on the permits and really appreciated the administration following up on it. Council Members Wiseman, Keller and Robinson absent.

Mayor Pro Tem Quan stated that on the City pound issue he hoped that they would get a

response on that from Mr. Haines, that on the tower he knew that a response was being prepared at this time, that he too had a concern with that issue, especially the good faith of the developer in working with them. Council Members Keller and Robinson absent.

Council Member Alvarado stated that she would like to thank the Mayor and his staff, the Legal Department and also Housing and Community Development for being creative and coming up with a mechanism to help bring some financial relief to the families on Clay Street, she thought the initiative that had been put in place was working and the families were getting the help that they needed. Council Members Keller and Robinson absent.

Council Member Berry stated that it had been 70 days since he called on the Mayor to appoint an independent advisory panel to find out what exactly they learned from the Kmart raid and the James Coney Island raid and obviously that had not been done and he did not expect it to be done, but he thought it was important and when they looked at the cases across the Country where they had citizen response to a police raid similar to this case, Massoula, Montana and Seattle, Washington, two very famous similar cases, they put together independent advisory panels made up of law school deans, citizens and law enforcement experts, that indecently in both of those cases it was the rank and file officers who asked for those investigations to be conducted, that what concerned him now, since it had died down, they were going to learn very little out of that, that they had copies of the Massoula Report and the Fat Tuesday Report, that the report basically outlined the dilemma in balancing public safety with individual freedoms and establishes procedures, that specifically they needed to know what did zero tolerance meant to HPD, that he would again call on the Mayor and the administration to appoint an independent advisory panel as soon as possible of objective professional individuals so they could learn from it and not repeat the mistakes of the past. Council Member Keller absent.

Council Member Parker asked if Council Member Berry could tell her in either of the cases that he mentioned whether the panels were constituted immediately after the event or after the criminal investigation was concluded, because it seemed to her that it might make a difference as to whether folks would be forthcoming in talking to such a panel, and Council Member Berry stated that he knew the Seattle report was immediate because one of the questions that they undertook was, if someone spoke to the committee and in the course of their conversations with committee revealed something that had criminal significance, would that be prosecuted or not and their leanings seemed to have been, no it would not, because they wanted to encourage individuals to be forthcoming, that he had read mostly the media reports that began calling for an independent advisory panel immediately, and he thought they were impaneled immediately, that he had actually spoken to the U.S. Attorney out of Montana, who was called in to do it and was in between positions, and he knew that she began assembling her team very shortly after, that he had spoken to Mike Shelby, their U.S. Attorney, and he said he would be delighted to have such a panel, and Council Member Parker stated that she would support an independent review of what happened out there, that she worked very hard after the Republican National Convention in Houston, in which a lot of members of the community referred to as a riot occurred during the convention and was very involved in holding a series of public meetings to determine what happened after the Police Department refused to convene public meetings to determine what had happened, that she was also a volunteer on the police advisory committee and in working with the department they refused to hold public meetings and refused to acknowledge the results of their inquiries, but they did, very actively, review within the department what had happened and as a civilian she was able to meet with members of the department and talk about the results of the hearings that she had chaired, so she supported his efforts and did not want him to leave with the impression that the department was not actively internally reviewing what went wrong and that there may not be opportunities inquiries into that, that they benefited from having the public hearings, even if the Police Department refused to acknowledge . Council Members Keller and Robinson absent.

Council Member Edwards asked Council Member Berry if he was calling for a civilian review board, an independent review board, ongoing or just for this instance, and Council



Member Berry stated an ad hoc just for this case, and it would be to look at establishing police procedures for the future, and Council Member Edwards asked how would that differ from the citizens committee or whatever it was called, and Council Member Berry stated that number one, the composition of that committee was primarily just civilians, there were not any established law enforcement officials and there were questions as to the law so they would want legal experts, and there were questions as to the law so they would want legal experts involved and there were questions as to neighborhood concerns, so they would want those involved and then long term law enforcement officials, that in Massoula they got they got a former police chief to come and say what had been done all over the Country, that he was looking at it for just this one thing, and Council Member Edwards asked if he would envision the ad hoc committee having subpoena power, and Council Member Berry stated absolutely, that actually as he understood it City Council had subpoena power, and Council Member Edwards asked Mr. Hall and Mr. Hall stated that it would have to come from the Legislature, and Council Member Berry stated that he thought they could look at the public documents and review what happened. Council Members Galloway, Keller and Robinson absent.

Mayor Pro Tem Quan stated that Council Member Edwards might look at it within the ambit of her committee. Council Members Galloway, Keller and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Goldberg for the Halloween treats and wanted to congratulate his Chief of Staff for being named one of the 10 outstanding young women by the Greater Southwest Chamber of Commerce. Council Members Galloway, Keller and Robinson absent.

Council Member Wiseman stated that she wanted to wish one of her staff, Heather Mitchum, a happy birthday. Council Members Galloway, Keller and Robinson absent.

Council Member Wiseman stated that she wanted to thank the administration for their help with respect to changing the Adopt-A-Fire Station Ordinance the way they did to honor the intent of people who wanted to help out in their communities. Council Members Galloway, Keller and Robinson absent.

Council Member Wiseman stated that with respect to Council Member Galloway comments about the different districts, she wanted to say that District D did have a lot more than Kingwood and Clear Lake, they had Sagemont, the Edgebrook area, the MLK area and they did have a lot of drainage issues there, but she would say that Council Member Galloway was correct in saying that District B had some serious drainage issues, the other night she was stranded in District B for the entire night. Council Members Galloway, Keller and Robinson absent.

Council Member Edwards stated that she wanted to thank Public Works on behalf of Mrs. Fobbs on Shenendoa Street who had a low water pressure problem in her home for ten years. Council Members Galloway, Keller, Alvarado and Robinson absent.

Council Member Edwards stated that she wanted to encourage them as they went into the legislative process, that she thought they really needed to look at policy and how it affected their communities, that NSR petition process, she thought, in a lot of ways was a disservice to communities, especially where they had communities where the owners did not live in the area, and thought they needed to be creative enough to look at how they could help people who lived in the community on a day to day business, be empowered to work and develop their communities, that she did not know how they would do that or whoever was in charge of that, but she thought they needed to look at different ways, that when they had a community that was primarily renters, it was very hard for them to be in control of their community if the property owners were away or could not be contacted, and Mr. Haines stated that he had discussions with several Council Members on this subject and recommend frankly that they bring it in to either Fiscal Affairs or TTI because the issue was very simple that an NSR historically or a long time was a

petition where the property owner helped pay for it, that was not happening anymore and they believed that in light of this year's CIP and the debate that had gone on it was certainly appropriate and would recommend that they do that. Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that she had a two hour meeting with some students at Crispus Addicks Middle School last week and once they realized that the City Council was working for them they wanted to know how much they all made and how well they were doing their job, so she encouraged them to contact the Council Members and find out what their salaries were and how well they were doing on their jobs, so they could look for that. Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that since they had been doing quite a bit of work in the HIV they had been noticing a large correlation between people with HIV and HEP C and in some cases HEP C was almost overriding so she would like to start a dialog with the Health Department as to what that was going to look like and how were they going to attack that epidemic that was really growing fast and quickly in the communities, that she was not sure they could tag it onto another group but thought it was something that was worthy of discussion real quickly and a very passionate manner because there were a lot of people that were suffering from that particular situation. Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that she kept on bringing up LARA, but whatever they needed to do to push it forward, that she did not want District D, Third Ward in particular, to wind up looking like Fourth Ward and she thought that if they moved aggressively with LARA and making sure that community organizations had first access to those land and properties it did two things, one it moved the properties to being actively on the tax rolls, plus it gave the community the power to be in charge of how their community looked like, so however that needed to be pushed, whatever discussions they had to have with HISD or whoever, she rally encouraged that to be moved forward as quickly as possible. Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Edwards stated that tomorrow was Halloween and also the 13<sup>th</sup> anniversary of the death of Ida Delaney, that she wanted to discuss that within the whole construct of how far they had come in the City, but also to delineate how far they needed to go and the discussion regarding the Kmart issues and other issues regarding public safety she did not believe could be dealt with on an episodic basis, but thought the tragedy of Ida Delaney and Byron Gillum, showed them the power of what a community could do to help bring forth improvements in their departments, so she was excited about what had happened and was also excited about the challenge that they had to move forward, especially in light of the Kmart issue, she thought that if they had Kmart in the early 1980's they would have had a real tragic situation, that she thought that the Police Department in the City had moved light years ahead and really applauded their efforts and willingness and was excited about the possibilities that they could do in this, but the Kmart position was something that they were looking very strongly at and agreed with Council Member Berry that it was process. Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Parker stated that as to the issue of LARA, it was her understanding that HISD still had not signed off and were the last entity they were waiting for, maybe they should hold a little press conference and talk about bonds, and Council Member Edwards stated that she came from a position that "you have to bring some to get some" and they could not always just be taking, that they had to be an aggressive partner in trying to develop something as well, so she agreed with Council Member Parker, that maybe they should have a press conference. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Mayor Pro Tem Quan stated that they had meeting scheduled tomorrow with HISD on the

LARA issue, that as they knew Council did extend it to the end of November, to get it passed, that next week they would be having members from the American Institute of Architects in Houston to discuss future housing needs for the City and hoped that Council Members would have an opportunity to meet with them, and Council Member Edwards stated that on the housing issue, District D had a team of people that had come up with a housing plan for the district and would like to bring it to Mayor Pro Tem Quan's and the Mayor's consideration . Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Tatro stated that in the next couple of weeks he planned to help bring to light more information to Council related to SimHouston because he thought it was important because of their inability to hold Council meetings in the last few weeks and thought it was important that Council be apprised of the current status of SimHouston and read from a letter which he sent to the IT Director, requesting a copy of the software installation disks or instructions to install on one of his office computers, that it took him almost two weeks to get a letter back from the IT Director basically saying no, that he could not have a copy of the software because they were preparing a detailed deployment plan for Phase II to properly manage their efforts in such a way to achieve the savings which were previously projected, that it would require a very disciplined approach involving training and orientation, desktop utilization analysis and application integration efforts, that it would also involve multiple waves of deployment with planning and evaluation prior and subsequent to each wave, that the deployment of the Council desktops would occur at the appropriate time, meaning that he could not have a copy of the software, that he found it incomprehensible and unbelievable that their CIO, after they passed it in June, could not simply give a Council Member a simple installation disk or simple set of instructions for the web based software to allow him to download it and utilize it and test it, that he got nothing but a bureaucratic no and it was not acceptable in light of the fact that the administration had now presented to the Controller the request for payment of the first \$2.5 million, that he thought every Council Member should just simply ask if it was such a great software and so useful and so easy, then why was he refusing to give a copy of the software installation diskettes, so he did not accept Mr. Lewis's letter that it would be deployed in a very systematic manner after great analysis, that again, before the next Council meeting, again he was requesting a simple copy of the software or the installation disks and instructions . Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Berry stated that on the 25<sup>th</sup> of last month the NIOSH Report came back, which looked into the circumstances surrounding Captain Jahnke's death and he wondered if the administration had responded to it and if not did the administration intended to, and Mr. Haines stated that there was a response from Chief Connealy on that report and he got a copy of it last Thursday or Friday and would make sure that Council would get a copy of it as well. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Mayor Pro Tem Quan stated that he had spoken with the CIO regarding Council Member Tatro request and they were still continuing to work on seeing what they could do to get something together for him, that as far as request for payment, they did have 30 days to act on that and were hoping for the report from the OIG and the District Attorney before that time. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Vasquez stated that on Item No. 40 which was passed earlier, regarding the west end Multi Service Center, he would like a visit from either Ollie or Richard Vela from Building Services just to go over the scope of services on it, that he was there the past Wednesday and one of the things that stood out was the leaky roof and he did not see it on the RCA, so he wanted to have some information and visit about it. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Vasquez stated that he wanted to invite everyone out to the Halloween Monster Mash tomorrow evening at Moody Park, that it would be at the recreation center and the

event was free to the public and was a perfect example of how residences and businesses in the community could come together to create a safe alternative to trick or treating, that civic clubs and businesses donated all the money for the event, that it would take place tomorrow from 6:00 p.m. to 9:00 p.m., that right now volunteers were working to convert the gym to a haunted house, that there would also be a costume contest, prizes, piñata and lots of candy, that the Mayor's near Northside Weed and Seed Program coordinated this event along with the community outreach division. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Member Vasquez stated that he wanted to congratulate Ms. Shannon Singleton on her engagement, that she would be getting married on November 9, 2002 at Good Hope Baptist in the Third Ward. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Mayor Pro Tem Quan stated that he wanted to remind viewers that the last day for early voting was Friday, November 1, 2002 and election day was Tuesday, November 5, 2002, and hoped everyone exercised their right to vote. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:59 a.m. upon MOTION by Council Member Goldberg, seconded by Council Member Vasquez. Mayor Brown out of the city on city business. Council Members Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson 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

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Anna Russell, City Secretary