

City Council Chamber, City Hall, Tuesday, November 5, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 5, 2002, Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Ms. Sonja Ojeda, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown out of the city on city business. Council Member Gabriel Vasquez out of the city.

At 1:40 p.m. Vice Mayor Pro Tem Keller stated that Council Member Wiseman would begin the presentations. Council Member Wiseman invited Commissioner Jerry Eversole to the podium and stated that he went above and beyond in serving his community in various ways and because of those efforts he was being honored nationally and the City of Houston was proud to present him a proclamation for serving since 1991 and being responsible for the largest precinct in Harris County with 2,600 road miles, 45.6% of the total Harris County road miles; for serving his constituents with dedication and compassion; for receiving the Dr. Kenneth B. McCready Award from the Leukemia and Lymphoma Society honoring his efforts; and proclaimed November 9, 2002, as "County Commissioner Jerry Eversole Day" in Houston, Texas. Commissioner Eversole stated that he appreciated the recognition and he would share the proclamation with the committee who did all the work. Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Edwards, Ellis, Alvarado, Parker, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs congratulated him and invited him and his colleagues to work with the Mayor and Council on regional issues including health care, water issues, flooding, etc.; and Commissioner Eversole stated that he was sure other members of the Commissioners Court had the same interest as they did in the issues and he looked forward to it. Council Members Galloway, Goldberg, Edwards, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he had a proclamation for the Coalition for the Homeless of Houston and invited Ms. Kathy Reid, Director of the Texas Homeless Network, and Ms. Anne Thomas to the podium. Mayor Pro Tem Quan stated that November 5 through 8, 2002 the Coalition for the Homeless of Houston/Harris County would host the Fourteenth Annual Texas Homeless Network State Conference in Houston focusing on building homes and beyond; that the conference would provide a forum to discuss solutions in eliminating hunger and homelessness and presented them a proclamation for a successful and rewarding conference and proclaimed November 5-8, 2002, as "Texas Homeless Network Fourteenth Annual Conference Day" in Houston, Texas. Ms. Reid thanked Council for the welcome on the agencies behalf and stated that their goal was to eliminate hunger and homelessness in the State of Texas and they would have over 300 service providers present too help find ways to eliminate the problem. Council Members Galloway, Edwards, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he had a presentation for Rev. Ricky L. Bradshaw and invited him to the podium. Council Member Goldberg stated that he had a proclamation to present to Rev. Bradshaw for his active and civic involvement, extended best wishes for his continued success and proclaimed November 5, 2002, as "Rev. Ricky L. Bradshaw Day" in the City of Houston, Texas. Rev. Bradshaw thanked Council for the recognition and stated that on behalf of First Southwest Baptist Church he thanked Council for serving them and offered their services to Council if ever needed. Council Members Galloway, Edwards, Ellis, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was getting another proclamation but because the Mayor was in transit it was not completed, but did have a Certificate of Appreciation to present and invited those present regarding the Falun Gong practice to the podium. Mayor Pro

Tem Quan stated that Mr. Lee, who was credited for founding the movement and method, gave his first speech in the United States here in Houston in October 1996 and presented the Certificate of Recognition recognizing the practice of Falun Gong and extending appreciation to the practitioners of Falun Gong who contributed their many talents to the betterment of Houston. A spokesperson for the group thanked Council for the recognition and for listening to their group over the past weeks. Council Members Edwards, Ellis, Alvarado, Parker Berry and Robinson absent. (NO QUORUM PRESENT)

At 1:57 p.m. Mayor Pro Tem Quan called the meeting to order and Council Member Robinson introduced Bishop Marcellus Bolden of the Abiding Love Baptist Church who led everyone in prayer and Council Member Robinson led everyone in pledging allegiance to the flag. Council Members Edwards, Ellis, Alvarado and Berry absent.

At 1:58 p.m. the City Secretary called the roll. Mayor Brown out of the city on city business. Council Member Vasquez out of the city. Council Members Edwards, Ellis, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Members Wiseman and Robinson 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 Vasquez out of the city. Council Members Edwards, Ellis, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. MOTION ADOPTED.

Mayor Pro Tem Quan requested the City Secretary to call the list of speakers. Council Members Edwards, Ellis, Alvarado and Berry absent.

Ms. Gail Wellenkamp, 1132 Euclid, Houston, Texas 77009 (713-718-6124) appeared and stated that she was present regarding the bikeway plan; that she cycled about a ten mile trip to and from work daily and over the years, because of the plan, biking was safer; but now because of the decision of Council, Public Works and the Downtown Management District the Dallas bikeway lane was removed and when a bikeway lane was removed it gave a certain type of driver the go-ahead to harass cyclists; that she was now hearing the West Alabama route may be removed and she believed that was the wrong signal and it said the City of Houston did not care about alternate means of transportation; and she would like to know why it was necessary to take that type of action. Council Members Edwards, Ellis, Alvarado, Berry and Robinson absent.

Council Member Parker stated that she was a consistent supporter of biking and the bike lanes and certainly did not want existing lanes taken out, however, the city was faced with a dilemma which was when the 59 access to downtown became closed cars had to go somewhere and the most likely place would be to exit Kirby and come downtown through other means and if the lanes were taken out it would be because they had no other means. Ms. Wellenkamp stated METRO was saying buses would have to exit Edloe and go down Alabama as an HOV and there was a suggestion that buses take 610 to Reliant and use the new train system to downtown and that would be a perfect use of the new rail system and she would suggest that. Council Members Edwards, Ellis, Alvarado, Berry and Robinson absent.

Council Member Goldberg stated that he attended all meetings regarding the closing of the spur and what she spoke of was cited as a temporary opportunity to make four lanes on Alabama; that the spur handled up to 4,000 cars an hour and they would all have to have another way to go. Ms. Wellenkamp stated that it may not be a permanent solution but would turn into permanent as she felt West Dallas had. Council Members Edwards, Keller, Alvarado and Robinson absent.

Mayor Pro Tem Quan stated that he knew she was an avid cyclist and at this time no decision had been made; that his staff had also looked at routes and honestly there was no other major street they could find, but they would continue looking for a solution. Council Members

Edwards, Keller, Alvarado and Robinson absent.

Mr. Joseph Bolden, 3025 Memorial Blvd., Port Arthur, Texas 77640 (409-982-5509) had reserved time to speak but was not present when his name was called. Council Members Edwards, Keller and Robinson absent.

Ms. Glenda Holmes-Moore, 2615 Arbor #1, Houston, Texas 77004 (713-635-9424) had reserved time to speak but was not present when her name was called. Council Members Edwards and Robinson absent.

Pastor Winston James, 214 Holdale, Houston, Texas 77022 (713-884-8939) had reserved time to speak but was not present when his name was called. Council Members Edwards and Robinson absent.

Ms. Alice Jones, 3722 Simsbrook, Houston, Texas 77045 (713-413-2327) appeared and stated that she had a complaint with the city regarding her roof; that it was fixed in 1999 and not fixed properly; that Council Member Boney ordered Douglas McKinna to get it taken care of and she had been going through hell since; that they just came again October 15 to get started again and it was incomplete and they were using old material. Council Members Edwards and Robinson absent.

Mayor Pro Tem Quan thanked Ms. Jones for coming and stated that the information he had said they were trying to finish her roof once it was dry; that Mr. Mike Halpin with Housing was present and would speak with her, but today was the first dry day in about thirteen days and if her roof was not complete in a week he would like her and Mr. Halpin to contact him. Council Members Galloway, Edwards, Keller and Robinson absent.

Ms. Deborah Elaine Allen, 6000 Telephone #408, Houston, Texas 77087, no phone, had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

Mr. Marcus Adkinson, 2102 Hayes Rd. #405, Houston, Texas 77077 (832-326-5019) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

Mr. John Johnson, 7102 Windermere, Houston, Texas 77088 (832-453-1800) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

Ms. Donna Miles, 5021 Batan, Houston, Texas 77033 (713-731-9988) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

Mr. Earl Bonham, P. O. Box 5102, Kingwood, Texas 77365 (713-250-0167) appeared and stated that he was present regarding HMO Blue; that he received a letter from his doctor which stated after multiple appeals HMO Blue denied their request to renew their contract; that in looking there was a total in the Houston, Humble, Kingwood and Porter areas of fifteen doctors listed in family practice and internal medicine and thirteen of those were on Bay Area Blvd. and that left two, one in Cypress Station and one in Porter; that in his area there were two hospitals and unless you joined the IPA Group or the IPN, Independent Providers Network, you could not go to either hospital and HMO Blue was not very good for anyone; that today, after being placed on the speakers list, he received a call from Benefits stating they would try and help anyway they could when he talked to them before and they said there was the book, select his doctor. Council Members Galloway, Edwards, Keller and Robinson absent.

Mayor Pro Tem Quan stated that unfortunately his was not an isolated situation and

Council Members did have questions for him. Council Members Galloway, Edwards, Keller and Robinson absent.

Council Member Wiseman stated that she understood the situation he was experiencing as it was a tremendous problem; that she was contacted by a physician in Kingwood who was under the HMO program at Kingwood Hospital who said they were going to have to join one of the two IPAs HMO worked with or not be a part of the provider system so she visited with one of the Human Resources representatives and they were able to assist in working out a situation whereby the physicians were in the process of forming their own IPA to where they could sign on with HMO Blue and provide services through their IPA and she understood that was currently in the works and her hope was everything would go through; that her Chief of Staff was present and she would like him to speak with her at this time as they would like to keep him apprised of where that stood. Council Members Galloway, Edwards and Robinson absent.

Council Member Sekula-Gibbs stated that this morning she had the opportunity to visit with Ms. Lorie High and Mr. Ted Haines at HMO Blue and they informed her they were prepared and had given to the Human Resources Department a new option which was the first time they had been given a PPO option reasonably priced, 28% more than the HMO bill. Council Members Galloway, Edwards and Robinson absent.

Upon questions by Council Member Tatro, Mr. Bonham stated that he worked with HPD in Communications Management. Council Member Tatro stated that Council Member Sekula-Gibbs had good information, but he would like for homework to also be done to see what else was on the market; that he was told the Kelsey Seybold Group had not had the problems with the group as many others had; that they were hearing too many stories like his. Council Members Galloway and Robinson absent.

Mayor Pro Tem Quan stated that his concern had reached the nerve of many Council Members and he had also lost his doctor and was glad to hear of the efforts being made. Council Members Galloway and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Bonham stated that if he could get his other doctors back he would be willing to pay more to buy out of an HMO and go into a PPO. Council Members Galloway and Robinson absent.

The City Secretary stated that Mr. John Johnson, Mr. Marcus Adkinson and Pastor Winston James were now present and the Council would begin hearing from them with Mr. Marcus Adkinson first. Council Members Galloway and Robinson absent.

Mr. Marcus Adkinson, 2102 Hayes Rd. #405, Houston, Texas 77077 (832-326-5019) appeared and stated that he was present concerning an ongoing misunderstanding which originated on June 15, 2001; that he worked for a small minority owned business which was in design and construction and they submitted quite a few plans to the Planning Office and Mr. Gary Bridges continually rejected them and made comments they were not dotting their i's and crossing their t's properly; that he had known Mr. Johnson a number of years and he had really given back to the community, but it seemed like a personal thing between him and the company and he wondered what could be done. Council Members Galloway, Wiseman and Robinson absent.

Mayor Pro Tem Quan stated that in the report he was given it stated that the project had been going on quite a while having started in October 13, 2000, and read from the report different dates the plans were insufficient or resubmitted and stated that it sounded as though much discussion had been going on with the Planning Department and he knew Mr. Bridges was head of the department but he found it hard to believe he was racist on it as it seemed he was coming back and forth. Mr. Adkinson stated that he was not accusing him of being racist, but of having a personal vendetta against Mr. Johnson and the company. Council Members Galloway,

Wiseman and Robinson absent.

Upon questions by Council Member Edwards, Mr. Adkinson stated that he had not talked with Mr. Litke, but he was told Mr. Litke was informed of the problem; that basically the problem was rejection of his company's plans for infractions of city codes that were not up to standard; that the company was in District B. Council Member Edwards stated that she was still not clear as to what the problem was but would suggest Mr. Adkinson talking with Mr. Litke. Council Members Galloway, Wiseman and Robinson absent.

Upon questions by Council Member Edwards, Mayor Pro Tem Quan stated that the letter he had from Mr. Bridges dated October 14, 2002, stated after the third submittal he had a meeting with Mr. Johnson concerning the plan and requested him to bring the owner of the restaurant with him to the meeting but he did not; that he often liked to speak with the owner for clarification; that Mr. Johnson indicated he was an architect with twenty years working in Houston and Mr. Bridges stated if he was he would have a seal from Texas and he then indicated he was not an architect. Mr. Adkinson stated that Mr. Johnson was not an architect licensed in Texas. Mayor Pro Tem Quan stated that it seemed Mr. Bridges was willing to meet with Mr. Johnson and the restaurant owner to get it resolved. Council Members Tatro, Galloway and Robinson absent.

Mr. John Johnson, 7102 Windermere, Houston, Texas 77088 (832-453-1800) appeared and stated that at no time did Mr. Bridges ever offer for him and the owner to meet with him; that he got on the project in July 2001, and anything before that he did not know about; that he went to pull an occupancy permit and Mr. Walter Melnik came out to inspect and he informed the owner at that time that he (Mr. Johnson) had stolen city stationery and typed his own permit so the permit was not valid, but that was not true; that Mr. Elliott called and said he should come down and they would talk about it but when he went Mr. Elliott had another citation for him to sign for a plumbing inspection, another \$2,000 citation, that he and Mr. Embry and Mr. Bridges sat and talked before Mr. Embry retired and he apologized for all Mr. Bridges was doing but he was not saying anything to him about it. Council Members Tatro, Galloway, Alvarado and Robinson absent.

Upon questions by Mayor Pro Tem Quan, Mr. Johnson stated that he did architectural design and had education in that area, but he did not say he was a Texas licensed architect. Mayor Pro Tem Quan stated that the city wanted to get the matter taken care of and there were two present to assist. Council Members Galloway, Berry and Robinson absent.

Upon questions by Council Member Keller, Mr. Johnson stated that to him Gary. Bridges was a racist; that he said there was no way the project could be worked under the permit but then once he thought he was off the job he issued the same exact permit to the owner and let them work; that the project was finished now, but no one ever said anything to him. Council Members Galloway, Berry and Robinson absent.

Council Member Edwards stated that Council Member Galloway's Chief of Staff was on their way over to speak with Mr. Johnson and perhaps they could intervene and get discussion where it needed to start. Council Members Galloway, Parker, Berry and Robinson absent.

Pastor Winston James, 214 Holdale, Houston, Texas 77022 (713-884-8939) appeared, presented information and stated that he was founder of Life Center for the Homeless and they were fourteen years old; that he had been doing all he could to help people change and previously they were located in the Fourth ward Area but had to move as they did not own the building and the owner wanted to sell; that they were downtown a little over four years and had to leave because of tremendous pressure, though he couldn't say what, then they went to the Heights and secured property which would be their permanent home but ran into difficulties not having enough to complete their building; that he was told to go to the city and try for CDC funding; that he had five buildings on Yale Street and he started construction and needed help;

that they were a 501C3 organization and he had awards for doing good work but no one was giving money. Council Members Galloway, Parker and Robinson absent.

Mayor Pro Tem Quan stated that he had seen articles previously in the paper and the State Coalition for the Homeless was having their convention here in Houston starting today; that the Housing and Community Development Department had an open-ended grant process with no deadlines, but he had to go in with a grant proposal to access funds; that Ms. Alice Goodson with that department was present and she could speak with him at this time. Council Members Galloway, Parker and Robinson absent.

Mr. Robert Smith, 9301 Willowview, Houston, Texas 77080 (713-722-8995) had reserved time to speak but was not present when his name was called. Council Members Galloway, Parker and Robinson absent.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-921-7618) had reserved time to speak but was not present when his name was called. Council Members Galloway, Parker and Robinson absent.

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) appeared and stated that he was again president to get emergency protection and have action taken against Council Member Parker, the landlord where he resided, C. L. Bradford and Lee P. Brown; city government-H.P.D., awesome, murders count, gain, of, capital punishment; that he was illegally removed from his property and they were conspiring with Parker and he received a bogus report of not paying rent when he paid up until this month. Council Members Galloway, Parker and Robinson absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that today's election was a fraud; that the politicians were money laundering and many were guilty and he did not give Bush permission to blowup missiles and war crimes had been going on for years. Council Members Galloway, Parker and Robinson absent.

At 2:52 p.m. City Council recessed until 9:00 a.m., Wednesday, November 6, 2002. Mayor Brown out of the city on city business. Council Member Vasquez out of the city. Council Members Galloway, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

City Council Chamber, City Hall, Wednesday, November 6, 2002.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 6, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez out of the city.

At 9:13 a.m. Mayor Brown reconvened the meeting of the City Council.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 27**

#### **ACCEPT WORK - NUMBER 1**

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,275,212.50 and acceptance of work on contract

with **RWL CONSTRUCTION, INC** for Sanitary Sewer Relief, North of Fugate; GFS R-2011-10-3 (4740) - 05.39% over the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez out of the city. Council Members Tatro, Keller and Alvarado absent. MOTION 2002-1316 ADOPTED.

**PROPERTY** - NUMBER 4

4. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Donald E. Fagan, Individually as an Trustee, et al, Cause No. 771,104, for acquisition of Parcel A97-343; for the **LEY ROAD PAVING PROJECT**; CIP/GFS N-0587B-00-1 - \$18,573.00 - **DISTRICT B– GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Keller absent. MOTION 2002-1317 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 and 9

8. **AMEND MOTION #99-2038, 12/1/99, TO EXTEND** expiration date from December 1, 2002 to November 30, 2003, for Sports Lighting and Controls for Parks & Recreation Department, awarded to **TURTLE & HUGHES, INC** – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Keller absent. MOTION 2002-1318 ADOPTED.
9. **AMEND MOTION #2002-584, 5/22/02, TO INCREASE** award to purchase twenty-six additional Mowers and Tractor Attachments for Parks & Recreation Department, awarded to **BROOKSIDE EQUIPMENT SALES, INC, AMC INDUSTRIES, ALVIN EQUIPMENT COMPANY** for a total increase of \$278,003.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Keller absent. MOTION 2002-1319 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 24

13. ORDINANCE issuing permit to **GROCCERS SUPPLY CO., INC** for constructing, using, occupying, operating, maintaining and repairing a water pipe line within the 3100 block of Holcombe Blvd., a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C – GOLDBERG** -
18. ORDINANCE approving and authorizing contract between the City and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** for Enforcement of certain warrants through the “Denial of Driver’s License Renewal for Failure to Appear (FTA) Program”
23. ORDINANCE appropriating \$100,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund as an additional appropriation for professional services contract between the City of Houston and **BOVAY ENGINEERS, INC** for professional engineering services in connection with the Expansion and Modification of Fuel Farm and Piping Systems at George Bush Intercontinental Airport/Houston (IAH), (Project No. 510), CIP A-0251; originally approved and authorized under City of Houston Ordinance No. 98-781 as amended by City of Houston Ordinance No. 99-954 - **DISTRICT B - GALLOWAY**

24. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for construction of water, sanitary sewer and storm sewer facilities to serve the Northborough Village Subdivision, Section 1; approving and authorizing an assignment of the construction contract to **UNIVERSITY DEVELOPMENT, INC**, CIP S-0800-48-3 and R-0800-54-3 - **DISTRICT B - GALLOWAY**

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

**ACCEPT WORK**

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,649,541.37 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Main Replacement at Various Locations, GFS S-0700-07-3 (10504-2) - 03.29% over the original contract amount - **DISTRICTS D - EDWARDS and G - KELLER** – was presented, moved by Council Member Galloway, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. MOTION 2002-1320 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 15, 29, 32, 35, 42, 43, 7, 7a, 19 and 21 out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. MOTION 2002-1321 ADOPTED.

15. ORDINANCE authorizing modification of the repayment schedule for the Variable/Fixed Rate Note in the amount of \$9,500,000.00 executed by the City of Houston under the Sec.108/EDI HUD-Guaranteed Loan Program and previously authorized pursuant to Ordinance No. 2002-0328 to facilitate rehabilitation of the building located at 609 Fannin Street to be known as the Magnolia Hotel - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. ORDINANCE 2002-1002 ADOPTED.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of the Hadley Avenue Street right of way containing 9,906 square feet of land, more or less, Parcel IT2-001A and a 16-foot wide alley right of way, containing 2,250 square feet of land, more or less, Parcel IT2-001B, both parcels located in Block B, Holman's 10 acre Lot Number 4, Harris County, Texas; vacating and abandoning said tracts of land to the City of Houston, Fee Owner - **DISTRICT I – ALVARADO** – **(This was Item 47 on Agenda of September 25, 2002, POSTPONED BY MOTION #2002-1101)** - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. ORDINANCE 2002-1003 ADOPTED.
32. 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 - **(This was Item 1 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented, moved by Council Member Tatro, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. MOTION 2002-1322 ADOPTED.
35. 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 - (**This was Item 11 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. ORDINANCE 2002-1004 ADOPTED.

- 35A. MOTION by Council Member Vasquez/Seconded by Council Member Keller to adopt recommendation from Finance and Administration Department to award to **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 - (**This was Item 11 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. MOTION 2002-1323 ADOPTED.
42. 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 - (**This was Item 29 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and TATRO**) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. ORDINANCE 2002-1005 ADOPTED.
43. 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 - (**This was Item 30 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER TATRO**) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Goldberg absent. ORDINANCE 2002-1006 ADOPTED.
7. ORDINANCE appropriating \$118,501.95 out of Public Health Consolidated Fund to Replace Two Chillers at the Magnolia Multi-Service Center for the Health and Human Services Department, CIP H-0063, H-0064 – was presented, and tagged by Council Member Ellis. Council Member Goldberg absent.
- 7a. **CARRIER COMMERCIAL SERVICE** to Replace Two Chillers at the Magnolia Multi-Service Center for the Health and Human Services Department - \$112,859.00 and contingencies for a total amount not to exceed \$118,501.95 - Public Health Consolidated Fund – was presented, moved by Council Member Tatro, seconded by Council Member Robinson, and tagged by Council Member Ellis. Council Member Goldberg absent.
19. ORDINANCE approving and authorizing contract between City of Houston and **ALSTOM POWER, INC** for purchase of Wastewater Treatment Flash Dryer Replacement Parts; providing maximum contract amount - 2 Years with two one-year options - \$500,000.00 - Enterprise Fund **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented, and tagged by Council Members Ellis and Keller. Council Member Goldberg absent.
21. ORDINANCE approving and authorizing a Public Pay Telephone contract between the City of Houston and **AT&T CORP.** - Revenue – was presented, and tagged by Council Members Ellis and Wiseman.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$923,732.97 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhoods to Standard Tier VIII - Asphalt Overlay

Project in Home Owned Estates/Hidden Forest and Rosewood/N. Settegast/Trinity Gardens; GFS N-1037-29-3 (OL2029) 26.51% under the original contract amount - **DISTRICTS B - GALLOWAY and E - WISEMAN** Revenue – was presented, and tagged by Council Member Wiseman.

### **PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joe R. Jones, Sr., Rutco Agency, Inc. (Joe R. Jones, Sr., president), for abandonment and sale of a portion of McGowen Avenue in exchange for the conveyance to the City of a 40-foot wide utility easement, from ±50 feet east of Callie Street to its terminus, located in Leeland Park Addition, Parcel SY3-018 and VY3-004 **STAFF APPRAISERS - DISTRICT D - EDWARDS** - was presented, moved by Council Member Tatro, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez out of the city. MOTION 2002-1324 ADOPTED.

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

6. **FORT BEND MECHANICAL** for HVAC Work at Fire Station Nos. 59 and 35 for Building Services Department - \$73,057.29 and contingencies for a total amount not to exceed \$76,710.15 - Fire Department Revolving Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city. MOTION 2002-1325 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

10. RESOLUTION amending Resolution No. 97-17 to correct the legal description of the building at 405 Main Street, part of the Main Street/Market Square Historic District - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. RESOLUTION 2002-0034 ADOPTED.
11. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2002; authorizing the Mayor and City Controller to approve the amounts, the interest rates, prices, and terms thereof and certain other matters relating thereto; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; ratifying the use of a preliminary official statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the refunding and defeasance of certain outstanding notes and bonds, the execution and delivery of escrow agreements, the purchase of and subscription for certain securities and the use of certain funds related to the bonds and notes to be defeased; authorizing escrow verifications; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a paying agent/registrars agreement and a co-bond counsel agreement and special disclosure co-counsel agreement - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1007 ADOPTED.
12. ORDINANCE issuing permit to **CRESCENT REAL ESTATE FUNDING III, L.P.**, a Delaware Limited Partnership, for installing, maintaining, using, occupying, operating and repairing two Chilled Water Pipelines within Edloe Street, a public street right-of-way of the City; containing findings and prescribing the conditions and provisions under which said permit is issued **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Galloway.

Council Member Tatro stated that they had been in touch with Crescent Real Estate and understood there may be some tax issues outstanding and asked if her tag was related to the tax issue because Crescent was in the process of clearing up those taxes now and if they could defer Item No. 12 to the end of the agenda so they could get proof of that payment, and Council Member Galloway stated that with the rest of them they all had to be cleared, but she had another reason as well.

Mayor Brown stated that Item No. 12 was tagged by Council Member Galloway.

14. ORDINANCE approving and authorizing eight contract amendment between the City of Houston and **GANO, INC** (Gulfton Area Neighborhood Organization, Inc) to provide for an extension of such contract and additional funding in the amount of \$100,000.00 to cover costs associated with the operation of the Day Labor Site Program located at 6025 Chimney Rock - CDBG Grant Fund **DISTRICT F – ELLIS** – was presented, and tagged by Council Members Tatro and Keller.
16. ORDINANCE approving and authorizing contract between the City and **LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM & SAMPSON, L.L.P.**, for Collection Services relating to Delinquent Parking and Non-Parking Citations - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1008 ADOPTED.
17. 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 - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1009 ADOPTED.
20. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract for Grounds Maintenance Services at Water Production and Wastewater Facilities for Public Works & Engineering Department to **TIBH INDUSTRIES, INC**; providing a maximum contract amount - 5 Years - \$7,270,017.92 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1010 ADOPTED.
22. ORDINANCE appropriating \$3,453,000.00 out of Fire Consolidated Construction Fund, awarding construction contract to **S/A CONSTRUCTION SERVICES, L.P.** for construction of Fire Station 33, CIP C-0076-01; providing funding for engineering testing services, funding for Civic Art Program, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1011 ADOPTED.
25. 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-0802-07-03 and R-0802-07-03 **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1012 ADOPTED.
26. ORDINANCE appropriating \$1,682,960.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to the professional construction management services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC (LAN)** (approved by Ordinance No. 99-312),

CIP S-0900-43-3 (10448-2) – was presented, and tagged by Council Member Sekula-Gibbs.

27. ORDINANCE rescinding City of Houston Ordinance No. 01-0578 passed June 20, 2001 and appropriating \$470,000.00 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DAVID BROWN ENGINEERING SERVICES, PLLC d/b/a LOTT & BROWN CONSULTING ENGINEERS** for Design of Drainage Improvements South of Little York Road, CIP M-0531-01-2 (SM5017); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – VASQUEZ** – was presented.

Council Member Keller stated that he would like to meet with somebody regarding the item, that there were a few questions he had and then there were a few things that he did not like, that he did not like that there were \$150,000 in additional services, which was about 40% of the total contract, \$275,000 for the basic fee and \$150,000 for additional services, that he did not like that, that the project management was getting paid \$45,000, which was a percentage of the total cost, but the total cost was not necessarily going to be spent because it was contingent on whether they spent \$150,000 of additional services, that he would like an itemization of the additional services that were needed and how they might be able to address the payment of project management on the contingency portion of contracts, also he noted that it said they did a contract once before for it and it was rescinded because of an error related to payment of services, that he wanted to know exactly what was the error relating to the payment of services that caused its rescinding, that it all occurred a year and a half ago and so another question he would have was why had they waited a year and a half to bring it to conclusion when it was just an error in a contract related to payment of services, so he was going to tag the item.

Mayor Brown stated that they would have someone meet with him and answer all of his questions and stated that Item No. 27 had been tagged by Council Member Keller. Council Member Robinson absent.

### **NON CONSENT AGENDA** - NUMBER 28

#### **PROPERTY**

28. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Art Martinez, Texas Engineering and Mapping, on behalf of Texas Spring Shadows Partners, L.P., a Maryland limited partnership {Spring Shadows GP, L.L.C. [Texas Equity Holdings L.L.C. (Chaim Katzman, president), manager], general partner}, and Albertson's Inc. (Peter L. Lynch, president), for abandonment and sale of three 10-foot wide water line easements, located in Unrestricted Reserve A, Section 9, Spring Shadows Subdivision, J. M. Swisher Survey, Abstract 1220, Parcels S98-059A, S98-059B and S99-075 - **APPRAISERS – DISTRICT A-TATRO** – was presented. Council Member Robinson absent.

Council Member Tatro named Patrick O'Conner and William Kvinta as appraisers and moved approval of recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. MOTION 2002-1326 ADOPTED.

#### **MATTERS HELD** - NUMBERS 30 through 50

30. ORDINANCE appropriating \$12,886,400.00 out of the Water & Sewer System Consolidated Construction Fund awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for 72-inch water line along W. 12th Street, N. Post Oak Road,

and Westview Drive from 1000 feet east of Hempstead Road to Silber Road (6E-2), GFS S-0900-72-3 (WA10645); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund **DISTRICTS A - TATRO; B - GALLOWAY and H – VASQUEZ** – (This was Item 72 on Agenda of October 30, 2002, POSTPONED BY MOTION #2002-1263) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. ORDINANCE 2002-1013 ADOPTED.

31. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,158,171.67 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of 84-inch water main along Kelley and Gold from east of U.S. 59 HOV Lane to west of UPRR, Contract 6B-1, GFS S-0900-55-3 (WA10628) - 00.46% under the original contract amount - **DISTRICT H – VASQUEZ** – (This was Item 76 on Agenda of October 30, 2002, POSTPONED BY MOTION #2002-1267) - was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. MOTION 2002-1327 ADOPTED.
33. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt 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 422 at William P. Hobby Airport (HOU); Project No. 566A; CIP A-0385 - 04.00% over the original contract amount **DISTRICT I - ALVARADO – (This was Item 7 on Agenda of October 30, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. MOTION 2002-1328 ADOPTED.
34. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt 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** – (This was Item 8 on Agenda of October 30, TAGGED BY COUNCIL MEMBER KELLER) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. MOTION 2002-1329 ADOPTED.
36. 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 – **(This was Item 15 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBERS EDWARDS and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. ORDINANCE 2002-1014 ADOPTED.
37. 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 – (This was Item 21 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Vasquez out of the city. Council Member Robinson absent. ORDINANCE 2002-1015 ADOPTED.

38. 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 – (**This was Item 22 on Agenda of October 22, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY and ELLIS**) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. ORDINANCE 2002-1016 ADOPTED.
39. 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 – (**This was Item 24 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBERS GALLOWAY and ELLIS**) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. Council Member Robinson absent. ORDINANCE 2002-1017 ADOPTED.
40. 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 – (**This was Item 25 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1018 ADOPTED.
41. 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 – (**This was Item 26 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER ELLIS and GALLOWAY**) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1019 ADOPTED.
44. 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** – (**This was Item 36 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city.

ORDINANCE 2002-1020 ADOPTED.

45. 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** – (This was Item 37 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1021 ADOPTED.
46. 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 A0024, 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** – (This was Item 38 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1022 ADOPTED.
47. 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** – (This was Item 39 on Agenda of October 30, 2002, TAGGED BY COUNCIL MEMBER VASQUEZ) – was presented. All voting aye. Nays none. Council Member Vasquez out of the city. ORDINANCE 2002-1023 ADOPTED.
48. MOTION by Council Member Ellis/Seconded by Council Member Alvarado 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** and **UNIFORMS PLUS** – (This was Item 55 on Agenda of October 30, 2002, POSTPONED BY MOTION #2002-1308) – was presented.

Council Member Ellis moved to postpone Item No. 48 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city. MOTION 2002-1330 ADOPTED.

49. MOTION by Council Member Ellis/Seconded by Council Member Vasquez 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 56 on Agenda of October 30, 2002, POSTPONED BY MOTION #2002-1310) – was presented.

The City Secretary stated that there was an error in posting on Item No. 49, that it should have been only Riggsbee Hardware Co., Inc. the other companies were approved by motion last week and only Riggsbee Hardware was postponed and there was a prior motion on that.

Council Member Ellis moved to postpone Item No. 49 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city. MOTION 2002-1331 ADOPTED.

Mayor Brown stated that Item No. 49 was delayed for one week and there was only one item on there that was up for approval and that was Riggsbee Hardware Co.

50. MOTION by Council Member Ellis/Seconded by Council Member Tatro 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 58A on Agenda of October 30, 2002, POSTPONED BY MOTION #2002-1312, 10/30/02)** was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez out of the city. MOTION 2002-1332 ADOPTED. (Note: J & L PATTERNS/CAS PAR, MCGARD, INC were approved by motion last week, there was an error in posting.)

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

Council Member Sekula-Gibbs stated that she wanted to congratulate Ms. Barbara Sudhoff and Mr. Bill King for working very hard together and for Ms. Sudhoff, particularly, as the Director of the Municipal Courts Department for presenting Linebarger with a very good contract, an improvement in something that had desperately been needed and also for consolidating that with the Failure to Appear Contract with the Texas Department of Public Safety. Council Member Robinson absent.

Council Member Parker stated that she was sure she spoke for everybody in the Chamber and also for most citizens that it was a good thing that the elections were over and they did not have to subject themselves to political advertising for a while, that as an anecdote to some of that political advertising they had been hearing, she had an email from an out of town visitor to Houston last week and wanted to note that it was a visitor from Davison, Michigan and she had been to Galveston and on her way back into town she got sidetracked in the rain and got lost and read a portion of the email, "we finally stopped at a gas station and found out we were on the northeast side of Houston, we were staying at the Crowne Plaza Medical Center Hotel, the attendant tried to give me directions while a customer waited patiently to check out, being completely lost I asked for verification of the directions given to me, at this point the lady behind me told me not to worry because she was going to make sure we got to our hotel safely, just follow me and I will take you right to the hotel, I couldn't believe it, this wonderful lady took us right to the front of our hotel and then just waved goodbye, I felt with all the negative things you hear about in the news it was good to know that there were still many good people out there willing to lend a hand, I don't know if anything can be done with the little information that I have, but if there is I would like to know that I did everything to make sure that something nice was done for this kind soul that helped out someone lost, all the information I have is her car identification, she drove a four door jeep with a license plate number of P23XMX with Texas plates, she was 50ish and had dark hair, and I just wanted to thank her for her efforts", that she would certainly like to thank her, they believed that Houstonians were friendly and looked out for each other, but this woman was a great ambassador for the City and she did too want to thank her. Council Member Robinson absent.



Mayor Brown stated that what they would do was to see if they could get the identity of the lady and get some recognition to her for doing that. Council Member Robinson absent.

Council Member Wiseman stated that she wanted to take an opportunity to wish Robert Sheridan, a member of her staff, Happy Birthday, that he turned 21 and had been a really strong hard worker and hoped that continued. Council Member Goldberg absent.

Council Member Wiseman stated that she wanted to extend some thanks to City employees who were of great help the other night when they received word that the San Jacinto River was rising, Mr. Craig McDowell, Office of Emergency Management and wanted to thank Council Member Quan for visiting with him and making sure that she was contacted as well, that they were very much on top of the situation over in the Forest Cove area, that she wanted to thank also Chief Sherber, Station 102, who was very engaged in the process and HPD was wonderful in assisting them with respect to people who were concerned about having to park their cars out of harms way, Sergeant Langhenning and Sergeant Bradshaw, being out of the Kingwood office, that she wanted to thank them very much for the work that they did, that as they knew the flood waters were still rising out on the San Jacinto River, that it was a beautiful day out today and understood it would be tomorrow again, but the people in the area were very concerned about those rising waters as they usually were when they had rainfall events which they had experienced lately, which brought up the issue of the Brown and Root Study that was conducted in 1998, that they spend a great deal of money, \$1 million of their money in conducting the study, which was a joint effort with other jurisdictions, the unfortunate thing was that nothing had come of the study and here again it was another one that was collecting dust on a shelf, that she thought it was important that the City of Houston take the lead in trying to find a solution to the problem out there. Council Member Goldberg absent.

Council Member Galloway stated that she wanted to thank Mr. Gary Ordat, Public Works Department, for his assistance, that he had worked very closely with her on the Market Street Project and Anheuser Bush, and she wanted to let him know that the community appreciated it, Pleasantville, as well as Anheuser Bush, for doing a stop gap measure for Market Street at this time. Council Member Goldberg absent.

Council Member Robinson stated that there would be a public hearing on December 10, 2002, from 4:00 p.m. to 5:00 p.m. at the Deer Park Recreation Center to finish off the process on No Trucks in the Left Hand Lane on Highway 225 and Baytown had also requested that TXDOT look at doing Highway 146 with No Trucks in the Left Hand Lane and they were in the process of getting that study done and he wanted to thank TXDOT and Ms. Sally Wegman and also wanted to thank the administration for their support and work on it, so some time early next year, January or February, they would have another vote at Council to finalize implementation along Highway 225. Council Member Goldberg absent.

Council Member Robinson stated that he wanted to thank Mr. Haines for working with them to get scheduled the briefing on the Water and Sewer Fee Study for Tuesday, November 18, 2002, at 2:00 p.m. in the Council Chamber. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to applaud the work of her staff and Public Works and Engineering Department yesterday when they had the sink hole occur in front of one of the polling places, that they made sure that the workers had water because they had to turn off the water in the whole area, that they had water and a port-a-toilet taken out there, that she wanted to commend them for working on that, that she wanted someone from the Public Works Department meet with her to discuss what would be happening with that, that it was a very huge problem out there now and was not sure how they were going to remedy that, but would like to learn as soon as possible, and Mayor Brown stated that they would do that. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to wish a Happy Birthday to the Director

of Building Services, Ms. Monique McGilbra. Council Member Goldberg absent.

Council Member Tatro stated that he wanted to congratulate all of the victor's of yesterday and wanted to bring up the point that the City Council and the Mayor would have to deal with over the next couple of months and into next year and that was filling the spot for the interim year for the Controller, that he guessed by next week he would like to get a letter or a time table from the Mayor's office on when those scheduled items that needed to come before Council would come before Council and asked if the final vote indicative of that person and could it happen before January or did it have to happen after January, those type of parliamentary and legal issues and the time table issues, he thought if they could have that by next week they would be able to better hone in what the time frame was on those steps, and Mayor Brown stated that they would get that out. Council Member Goldberg absent.

Council Member Keller stated that usually he like to sing the praises of Public Works and sure enjoyed working with them, but he had to let them know that he was unhappy regarding a pretty big project in his district called the Gessner/Warrenton Storm Drainage Project, that it had been in the news a couple of times in the last six months, that it was a drainage project between Memorial Drive and Buffalo Bayou, north of the bayou to Memorial Drive and then it was the umbilical cord to tie into a much larger drainage project coming up, which was the Frostwood Drainage Project, that they worked on the project for two years and they worked with TXDOT and the Corp of Engineers because of the sensitivity of the bayou and the brilliant thing about the project was that they worked for two years to do a drainage project, but there was no outfall, it was a dead end and there was a great finger pointing contest between TXDOT, Corps of Engineers and the City and even though TXDOT had said they dealt with the Corps of Engineers a lot and would get the permit, not to worry about it, they did not make sure that they followed through, and that was a long time ago, and then the City said they would do it and would have it in three months, they did not, that it flooded, that what they did do and what he was very impressed, and Eric Dargen and Gary Ordat, was that they contracted with a private sector company to pump the water in the interim and welded the manholes, which was good because then they could define the area of water that they had to pump from, so they secured the area, and they had five pumps out there and started pumping the water, that after a few days of sun somebody said to save money to take the pumps away, but the next day, a downfall, five homes flooded and six cars were totaled, that they brought the pumps back out and fixed the problem, but they did it again, they took the pumps away again and then it rained again and they had to go through it again, that they were telling the people that they were going to take care of them and unfortunately they spent millions of dollars for a drainage project to actually flood people out, that they had to look at what they did, the result was ironic and he was pleading that they take responsibility for it, that he would love to blame TXDOT and the Corps of Engineers, but he was going to blame himself, that he did not over see it and took their word for it that they would have the permit, that he was going to take it upon himself now every time it rained he was going to call and find out how many pumps were at Gessner and Warrenton, until they had the permit to put the outfall from Memorial, between Buffalo Bayou, into the bayou, because right now they had a dead end drainage at Gessner and Warrenton and those people's lives had been just completely overturned because of their lack of general follow through and it was a lot of unneeded grief and money that had been caused and wasted. Council Members Alvarado, Berry and Robinson absent.

Council Member Quan stated that he also wanted to congratulate the victors from yesterday's elections, including two former Council Members, Chris Bell and Martha Wong. Council Members Alvarado, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 9:46 a.m. upon MOTION by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Alvarado, Berry and Robinson absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary