

City Council Chamber, City Hall, Wednesday, November 13, 2002.

A Combined Meeting of the Houston City Council was held at 9:00 p.m. Wednesday, November 13, 2002, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, 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. Paul Bibler, Senior Assistant City Attorney; Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Carol M. Galloway, Mark Goldberg and Gordon Quan out of city on city business.

At 9:10 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Edwards let everyone in the prayer and pledge of allegiance. Council Members Tatro, Vasquez and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Members Vasquez and Robinson absent.

Council Members Keller and Sekula-Gibbs moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Vasquez and Robinson absent.

Mayor Brown stated that this was a combined meeting of the public hearing and the business session, that they would start the public hearing at 9:30 a.m. and would move to the Consent Agenda.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 42

MISCELLANEOUS - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD:**

Position Three - **MS. MARCIA JOHNSON**, appointment, to complete an unexpired term ending June 8, 2003, and to serve as Chair, for a term to expire December 31, 2002

Position Four - **MR. OWEN B. BROWN**, reappointment, to complete an unexpired term ending June 8, 2003

Position Five - **MR. EDMUNDO "BILL" GARCIA**, appointment, to complete an unexpired term ending June 8, 2003

Position Six - **MR. ERNIE ETUK**, to complete an unexpired term to expire June 8, 2004

Position Seven - **MR. JOHN GARZA**, reappointment, to complete an unexpired term to expire June 8, 2004

Position Nine - **MR. ESTER KING**, appointment, to complete an unexpired term

ending June 8, 2004

- was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1333 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE FOURTH WARD REDEVELOPMENT AUTHORITY:**

- Position 1 - **MR. WILLIAM-PAUL THOMAS**, reappointment, representing Texas State Senate District 13, for a term to expire December 31, 2002
- Position 2 - **MR. BARRON WALLACE**, reappointment, representing Texas House of Representatives District 147, for a term to expire December 31, 2002
- Position 3 - **MS. MARCIA JOHNSON**, appointment, to complete an unexpired term Ending June 8, 2003, and to serve as Chair, for a term to expire December 31, 2002

- was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1334 ADOPTED.

4. RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in the Houston-Galveston Area Council - \$78,145.24 - General Fund had been pulled from the Agenda by the Administration, and was not considered.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 12

8. **AMEND MOTION #2000-73, 1/19/00, TO EXTEND** expiration date from February 2, 2003 to February 1, 2004, for Fire Fighting Hoods for Fire Department, awarded to **CASCO INDUSTRIES, INC** - was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1335 ADOPTED.
9. ORDINANCE appropriating \$6,599.22 out of Public Health Consolidated Construction Fund (Fund 440) for purchase of Carpet Tile and Vinyl Tile at the Health and Human Services Support Division for the Health and Human Services Department, CIP H-0031 - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1024 ADOPTED.
- 9a. **AMEND MOTION #2002-102, 1/23/02, TO APPROVE** Change Order to Purchase and Install Carpet Tile and Vinyl Tile from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health and Human Services Department to **TWIN TILE COMPANY** in the total amount \$6,599.22 - was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1336 ADOPTED.
10. **SOUTHWEST STAINLESS L.P. d/b/a HUGHES SUPPLY** for Pipe, PVC, Gravity, Sewer SDR-35 and Fittings for Department of Public Works & Engineering - \$710,945.15 - Enterprise Fund - was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1337 ADOPTED.

ORDINANCES - NUMBERS 13 through 42

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a ten-foot-wide utility easement located on Block 10, Blossom Heights Addition, Section 2; vacating and abandoning said portion of the utility easement to Maka Group, Inc, the abutting owner, in consideration of the owner's dedication of a ten-foot wide utility easement and the payment of \$743.00 and other consideration to the City - **DISTRICT G - KELLER** - was presented. All voting aye. Nays

none. Council Members Galloway, Goldberg and Quan out of the city on city business.
ORDINANCE 2002-1025 ADOPTED.

15. ORDINANCE finding no special benefit to the abutting owner of properties described as Lot 2 of the G. A. Maack, Unrecorded Subdivision of Lot 25, of Little York Annex and Lot 1, Block 45, Highland Heights Annex No. 6, authorizing a refund for certain assessment liens and apparent liens created by Ordinance No. 82-1337, passed August 25, 1982, for the initiation of a paving project for the permanent improvement of a portion of West Montgomery Road in the City of Houston, Texas - \$11,901.46 - General Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1026 ADOPTED.
16. ORDINANCE consenting to the addition of 50.748 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1027 ADOPTED.
17. ORDINANCE establishing the south side of the 900 block of Bayland Street, the north and south sides of the 800 and 900 blocks of Woodland Street and the north side of the 1000 block of Woodland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1028 ADOPTED.
18. ORDINANCE establishing the south side of the 400 block of Highland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1029 ADOPTED.
19. ORDINANCE approving and authorizing first amendment to Strategic Partnership Agreement between the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** approved by Ordinance No. 02-0348 passed on May 8, 2002 - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1030 ADOPTED.
- 19a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Clear Brook City Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Clear Brook City Municipal Utility District annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1031 ADOPTED.
20. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **CY-CHAMP PUBLIC UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1032 ADOPTED.
- 20a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CY CHAMP PUBLIC UTILITY DISTRICT** and certain territory located in

the vicinity of Cy Champ Public Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Cy Champ Public Utility District annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1033 ADOPTED.

21. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1034 ADOPTED.
- 21a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such area; imposing the sales and use tax of the City of Houston in such area; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1035 ADOPTED.
22. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **MASON CREEK UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1036 ADOPTED.
- 22a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MASON CREEK UTILITY DISTRICT** in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such area; imposing the sales and use tax of the City of Houston in such area; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1037 ADOPTED.
23. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **PRESTONWOOD FOREST UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1038 ADOPTED.
- 23a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **PRESTONWOOD FOREST UTILITY DISTRICT** and certain territory located in the vicinity of Prestonwood Forest Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Prestonwood Forest Utility District annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1039 ADOPTED.
24. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **WEST PARK MUNICIPAL UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1040 ADOPTED.
- 24a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST PARK MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of West Park Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for

such areas; imposing the sales and use tax of the City of Houston in the area within West Park Municipal Utility District annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1041 ADOPTED.

25. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY UTILITY DISTRICT NO. 6** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1042 ADOPTED.
- 25a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY UTILITY DISTRICT NO. 6** and certain territory located in the vicinity of Harris County Utility District No. 6, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Utility District No. 6 annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1043 ADOPTED.
26. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** had been pulled from the Agenda by the Administration, and was not considered.
- 26a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 36 annexed for limited purposes; providing for severability had been pulled from the Agenda by the Administration, and was not considered.
27. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1044 ADOPTED.
- 27a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81** and certain territory located in the vicinity of Harris County Municipal Utility District No. 81, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 81 annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1045 ADOPTED.
28. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1046 ADOPTED.
- 28a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** and certain

territory located in the vicinity of Harris County Municipal Utility District No. 221, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 221 annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1047 ADOPTED.

29. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1048 ADOPTED.
- 29a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** and certain territory located in the vicinity of Harris County Municipal Utility District No. 230, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 230 annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1049 ADOPTED.
30. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1050 ADOPTED.
- 30a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** and certain territory located in the vicinity of Harris County Municipal Utility District No. 321, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for such areas; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 321 annexed for limited purposes; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1051 ADOPTED.
32. ORDINANCE approving the third amendment and extension agreement with the **STELLA LINK REDEVELOPMENT ASSOCIATION, INC**, in connection with the Development and Exchange Agreement pertaining to construction of a new library in the Stella Link Campus Park - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1052 ADOPTED.
33. ORDINANCE approving and authorizing first amendment to Tax Abatement Agreement between the City of Houston and **ALLIANT FOODSERVICE, INC** for certain property located within the **ALLIANT FOODSERVICE REINVESTMENT ZONE**; granting a variance to certain requirements of Chapter 44 of the Code of Ordinances - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1053 ADOPTED.
34. ORDINANCE consenting to the assignment of the Tax Abatement Agreement between the City of Houston, **CORPORATE EXPRESS OF TEXAS, INC** and **D/S HOLLISTER, LTD.** to **GREEN PARK CARE, INC - DISTRICT A - TATRO** - was presented. All voting aye.

Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1054 ADOPTED.

36. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **WILLOW WALK TOWNHOME ASSOCIATION, INC** for Garbage Collection Service for the respective civic association - 8 Months - \$576.00 - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1055 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item No. 50 out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1338 ADOPTED.

50. 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) – **(This was Item 26 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1056 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **PLANNING COMMISSION**, for terms to expire September 30, 2004:
- Position Four - **MR. M. MARVIN KATZ**, reappointment
 - Position Nine - **MS. ROBIN REED**, reappointment
 - Position Eleven - **MS. LEESHAN BIRNEY**, reappointment
 - Position Fifteen - **JUDGE ROBERT CKELS**, Harris County Commissioners Court, reappointment, and **MR. JACKIE FREEMAN**, Alternate
 - Position Sixteen - **COMMISSIONER ED CHANCE**, Montgomery County Commissioners Court, reappointment and **MR. MARK MOONEY**, Alternate
 - Position Seventeen - **COMMISSIONER GRADY PRESTAGE**, Fort Bend County Commissioners Court, reappointment and **MR. JESSE HEGEMIER**, Alternate
 - Position Eighteen - **MR. ORLANDO TERAN**, appointment

- was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Tatro.

Council Member Parker stated that a question had been raised with her about a position and moved to postpone Item No. 3 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1339 ADOPTED.

Council Member Keller stated that he wanted to compliment Robin Reed, Lashone Birney, the representative from Judge Eckels office and Ed Chance for perfect attendance, and Mayor

Brown stated that they would make sure they got that message, it certainly illustrated their commitment to doing the voluntary service.

5. RECOMMENDATION from Director Health & Human Services for approval of revision to the cost of dental procedures requiring laboratory services for income eligible dental patients and add a new fee schedule for Children's Health Insurance Program (CHIP) participants receiving services in City Dental Clinics – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1340 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) CONSOLIDATED WATER QUALITY (CWQ)** for fees for Fiscal Year 2003 in the amount of \$1,214,623.11 Enterprise Fund – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1341 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,048,115.76 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Main Replacement in Broadmoor Subdivision, GFS S-0035-68-3 (10584) - 06.49% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1342 ADOPTED.

PURCHASING AND TABULATION OF BIDS

11. **GENUINE PARTS COMPANY (NAPA AUTO PARTS)** for Automotive, Radiator Repair and Parts for Various Departments - \$212,345.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1343 ADOPTED.
12. **ADA RESOURCES, INC** for Automotive Lubricants for Various Departments - \$1,243,096.13 General, Enterprise and Fleet Management Funds – was presented, and tagged by Council Members Ellis and Wiseman.

ORDINANCES

13. ORDINANCE **AMENDING ARTICLE XIII OF CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicle Abatement – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1057 ADOPTED.

Council Member Sekula-Gibbs stated that in order to bring some light to the issue of junk vehicle abatement asked if there was somebody in the audience who could tell them the details about what happens if they received notice that their car had been identified as a junk vehicle. Council Member Parker absent.

Mayor Brown asked Mr. Hall to explain what the item did, and Mr. Hall stated that lest he

give out some false information he did not have the calendar in his head, that it actually improved and corrected some deficiencies in the statute, he thought in three specific areas in the last session, that one it eliminated a quirk in the law that allowed one to avoid the consequences of the citation by moving the vehicle out of the property, that there was, as he recollected, a second change, lest he misstated, that it used to be that the car had to be inoperable, now, as he understood it, it could still be declared junk even if it was "operable" and would run. Council Member Parker absent.

Council Member Keller moved to suspend the rules to hear Ms. Montecella Flaniken, Public Works Department, at this time, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Parker absent. MOTION 2002-1344 ADOPTED.

Upon questions by Council Member Sekula-Gibbs, Ms. Flaniken stated that what happened was that the owner was sent a notice through certified mail, the owner of the vehicle as well as the owner of the property identifying the vehicle including the tag, make, model and VIN number, and told that they must remove the vehicle typically within 30 days, that if it was not removed in 30 days it could be considered junk, that they also placard the vehicle, which was an orange sticker on the vehicle, that generally they had 30 days from the day of the notice to correct it, assuming that it was not inoperable and it was just an expired tag.

31. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a consent to encroach issuing to **TELCOM CENTRAL PARTNERS** the right to encroach approximately 48 square feet into the North Main Street right-of-way abutting Telcom Subdivision, Section 1, Houston, Harris County, Texas; subject to terms and conditions of this agreement **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. ORDINANCE 2002-1058 ADOPTED.

Council Member Ellis moved to suspend the rules to bring Item No. 31 back and asked if he could do that and Mr. Hall stated that that he could not bring it back. Council Member Berry absent.

Mr. Hall stated that on Item No. 35 and Item 39 there were speakers on the agenda items so they would have to postpone consideration of those items until after the speaker's session. Council Member Berry absent.

Council Member Vasquez moved to postpone Item Numbers 35 and 39 until after the speakers session, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. MOTION 2002-1345 ADOPTED.

37. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ALLIANCE DIESEL & GAS ENGINE REBUILDERS, INC** for Diesel Engine Machine Work Services for Various Departments approved and authorized by Ordinance No. 98-247 \$383,696.25 - General Fund – was presented, and tagged by Council Member Ellis. Council Member Berry absent.
38. ORDINANCE appropriating \$1,036,172.00 out of Water & Sewer System Consolidated Construction Fund to reimburse the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY ("METRO")** for the cost of construction of the City's Water and Sanitary Sewer Lines the in Downtown/Midtown Transit Streets Program-Congress Street from Louisiana Street to Jackson Street under a Transportation Improvement Agreement with METRO (approved by Ordinance No. 93-274), CIP S0443-24-3 and R0537-17-3 (W10755); providing funding for contingencies relating to construction of facilities financed

by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. ORDINANCE 2002-1059 ADOPTED.

40. ORDINANCE appropriating \$1,207,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Flow Meters for Various Facilities, GFS S-0936-04-3 (WA10605-A); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; D - EDWARDS; E - WISEMAN; G - KELLER and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. ORDINANCE 2002-1060 ADOPTED.
41. ORDINANCE appropriating \$1,945,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Well Collection Line Tie-Ins for Various Facilities, GFS S-1000-M1-3 (WA10693); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; F - ELLIS and G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. ORDINANCE 2002-1061 ADOPTED.
42. ORDINANCE appropriating \$1,440,000.00 out of Police Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **SPAWGLASS CONSTRUCTION CORPORATION** for Construction Phase I, II, and III Services for repairs to the Police Administration Building, GFS G-0072-05-2; providing funding for project management and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Keller. Council Member Berry absent.

NON CONSENT AGENDA - NUMBER 43

PROPERTY

43. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Aisha M. Currie, CenterPoint Energy Houston Electric, LLC (CenterPoint Energy), for sale to CenterPoint Energy Houston Electric, LLC of a 14-foot by 17-foot easement and a ±0.3067-acre aerial easement, both out of Lots 277 and 278, Block 9, Glenhaven Estates, Section 2, and a right of entry for CenterPoint Energy Houston Electric, LLC, Parcels SY2-055A and SY2-055B - **APPRAISERS - DISTRICT C – GOLDBERG** – was presented. Council Member Berry absent.

Council Member Ellis moved to postpone Item No. 43 for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. MOTION 2002-1346 ADOPTED.

MATTERS HELD - NUMBERS 44 through 53

44. 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 – (This was Item 3 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. MOTION 2002-1347 ADOPTED.
45. 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 - **(This was Item 7 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. ORDINANCE 2002-1062 ADOPTED.
- 45a. MOTION by Council Member Tatro/Seconded by Council Member Robinson to adopt recommendation from Finance & Administration to award to **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 - **(This was Item 7 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Berry absent. MOTION 2002-1348 ADOPTED.
46. 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 - (This was Item 12 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1063 ADOPTED.
47. 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 - (This was Item 14 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** – was presented. Council Member Tatro voting no, balance voting aye. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1064 ADOPTED.
48. 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 - (This was Item 19 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER ELLIS and KELLER)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1065 ADOPTED.
49. ORDINANCE approving and authorizing a Public Pay Telephone contract between the City of Houston and **AT&T CORP.** - Revenue – **(This was Item 21 on Agenda of November**

6, 2002, TAGGED BY COUNCIL MEMBER ELLIS and WISEMAN) – was presented, moved by Council Member Ellis, seconded by Council Member Tatro.

Council Member Ellis moved to postpone Item No. 49 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1349 ADOPTED.

51. 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** – **(This was Item 27 on Agenda of November 6, 2002, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. ORDINANCE 2002-1066 ADOPTED.
52. 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, 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 48 on Agenda of November 6, 2002, POSTPONED BY MOTION #2002-1330)** – was presented.

Council Member Ellis moved to refer Item No. 52 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1350 ADOPTED.

53. MOTION by Council Member Ellis/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **RIGGSBEE HARDWARE CO., INC** for Hardware Supplies for Various Departments - \$266,083.40 - General and Enterprise Funds – **(This was Item 49 on Agenda of November 6, 2002, POSTPONED BY MOTION #2002-1331)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1351 ADOPTED.

At 9:26 a.m. Mayor Brown stated that they would call the two items that were delayed and get a motion to suspend the rules and call the speakers up.

Council Member Tatro moved to suspend the rules to hear the speakers on agenda items at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1352 ADOPTED.

Mayor Brown requested the City Secretary to call the list of speakers.

Mr. Jerry Martin, 10554 Tanner, Houston, Texas 77041 (713-254-6942) appeared and stated that he was with Republic Waste Services and was present to speak on Item 39, the solid waste and disposal services bid for the Houston airports, that they were very happy at the bid opening when they found out they were low bid, but sometime later they found out a service had been removed and they were no longer the low bid and upon meeting with the City Purchasing Agent they were told the portable toilet section was removed because that was a service not

used; that he then pointed out to the Purchasing Agent there were many examples of that in the bid, out of 31 types of services 18 were not used by the airport, and their belief was they were low bidder when it was bid and if there were 18 services not being utilized then all 18 should be pulled out and not just one.

Council Member Tatro stated that he had been concerned with the way RFPs were put together and upon questions, Mr. Martin stated that there were 31 services in the RFP and based on site visits 18 of those services were not used and the portable toilets was only one. Council Member Tatro stated that he would like a listing of those services as he would like Aviation to respond; that it concerned him to see a blanket RFP put out and then possible services taken out after bidders had worked on what was asked of them.

39. ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS, L.P.**, for Solid Waste Disposal and Equipment Leasing Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$3,824,363.10 - Enterprise Fund **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, and was tagged by Council Members Ellis, Tatro, Wiseman, Keller, Sekula-Gibbs, Parker and Robinson. Council Members Galloway, Goldberg and Quan out of the city on city business.

Council Member Tatro moved to suspend the rules to add Mr. Glenn Masterson to the list of speakers on an Agenda item after Mr. Jerry Martin, was seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. MOTION 2002-1353 ADOPTED.

Mr. Glen Masterson appeared and stated that he was with Waste Management of Texas located here in Houston and was present to discuss Item 39; that as he understood the bid it was a three year bid with two one year options and the city chose to go out for bid at this time due to budget constraints; that Waste Management had been providing the services for the last five years and his contract was to really be up in April of 2003, however, due to the budget constraints they elected to go out for bid now, but they could accept the three year bid as proposed with his company who was the low bidder, and it would then ultimately save the city about \$14,000 and at the end of the three years they could have the contractor elect to extend for no additional cost and if they would not then put it out for bid at that time and that was an option the Council could choose; that he would point out the additional two years added on would cost the city over \$1,000,000; and he would ask that Council consider his proposal as they formulated their thoughts on the matter. Council Member Vasquez absent.

Mr. Jacob Monty, 810 Highway 6 South #110, Houston, Texas 77079 (281-493-5529) appeared and stated that he was present to speak in favor of the Paradies proposal for Houston Hobby Airport, Item 35, he was an 18% partner in the endeavor and he wanted to mention some brief highlights which set it apart; that Paradies operated in 57 airports throughout the country and it was regarded as the best airport retailer by the leading trade publication which covered this area and they had the exclusive license to market the Brooks Brothers line, the CNBC News line and the PAG Tour line and that was important because he thought it would bring a first class environment to Houston Hobby Airport; that they were also the only package which put forth a \$10.00 an hour starting wage and they believed it set them far above their competitors; that there was so much discussion about the concession contract at the airport he would ask Council to accept a proposal to take it away from the staff and perhaps convene a blue ribbon panel to make the recommendation as to what was best for Houston; that recently a panel made a decision as to what was best for Houston regarding the food contracts and he believed a similar decision was called for here.

Council Member Wiseman stated that she appreciated Mr. Monty coming and giving an alternate suggestion and upon questions, Mr. Haines stated that the committee was not the same as for the food concession there were different representatives from different

organizations on both evaluation processes and he did not have the names but would get them for her. Council Members Tatro and Parker absent.

Upon questions by Council Member Edwards, Mr. Monty stated that they believed Houston Hobby Airport was being used by business people, that was what the demographics showed, and they believed that a blue ribbon panel, primarily business travelers or someone with a record of impartiality like David Burg, appointed by Council would be the best to make the decision, but they believed if the facts were looked at they would win and that was why they would like it taken away from a committee which may have a vested interest. Council Members Tatro and Parker absent.

Upon questions by Council Member Vasquez, Mr. Haines stated that he believed the airport committee which made the retail selection had a couple of different people than the food committee, but he would have to get the names. Council Member Vasquez stated that he believed Mr. Vacar mentioned in one of the briefings that the committee had the same members; and Mr. Haines stated he would check and get back with him. Council Members Tatro and Parker absent.

Upon questions by Council Member Vasquez, Mr. Monty stated that he would like a committee to review the three proposals again that they believed the consultant the city hired had already done a good job at telling them what was important in the proposals and now an independent panel should take the study and make a determination as to what was better for Houston; that from looking at the results of the initial committee they were not very objective, for instance on experience they were rated second and yet they operated more than 50 airports and had operated for more than 30 years in the airport business and rating them second seemed to be a blatant error; that most of the disparity seemed to be out of whack. Council Member Vasquez stated that if he understood his contention was that he believed it was the same committee which had the flawed process with the food and his assertion was it was again flawed and basically if the recommendation could withstand public scrutiny and objectivity then they should be selected; and Mr. Monty stated that they would abide by the decision of the independent commission; that it was not about being a sore loser, but about what was best for Houston; that they would just ask that the committee be someone not involved with an airline or the competitors and perhaps someone who actually traveled from Hobby. Council Members Tatro and Parker absent.

Council Member Sekula-Gibbs stated that she appreciated the time he and others had devoted to this and for educating Council about the system in place, but she would ask if he was awarded the contract would he be willing to pay the same rent that Hudson was; that in the other contract 4 Families had agreed to pay the same rent as CA1 and she was told that could not happen; and Mr. Monty stated that he thought it was a bad proposition to start matching, but he thought the RFP proposal was a good one and they were not saying it should be changed but they believed their proposal was a different proposal and it should stand on its own; that he would let Mr. Dickson, the president of Paradies, address the issue of rent. Council Members Tatro and Parker absent.

Upon questions by Mayor Brown, Mr. Monty stated that he believed if he would have won the proposal he would still want someone to review the bid. Council Members Tatro, Alvarado and Parker absent.

Mr. Dick Dickson, 5950 Fulton, Atlanta, Georgia 30336 (404-344-7905) appeared and stated that he was present on Item 35 and president of the Paradies shops and in his 24 years he had never challenged an evaluation committee's final proposal, but he had never seen an evaluation with such bazaar results; that he agreed with Mr. Monty, they would like to see an independent evaluation committee or individual review all proposals; that one comment made by many Council Members was that this was a clear-cut win for Hudson since the numbers were widespread and that alone was an indication that the people were not qualified, biased or did not

understand the objective because of the widespread margin; that one committee member voted 60 for Hudson and another member voted 100; that they took the liberty of contracting with an individual to evaluate objectively the proposals as set out by Unison Maximas and his results came out opposite of the evaluation committee; that they believed the process relied on a qualified set of evaluation people for results to come out fair and he would appreciate the Council having a committee or individual have another look at the proposals and they would live by any decision. Council Members Tatro, Edwards, Ellis, Alvarado, and Parker absent. (NO QUORUM PRESENT)

35. ORDINANCE approving and authorizing News, Gifts and Specialty Retail Concession Agreement at William P. Hobby Airport between the City of Houston and **HUDSON NEWS COMPANY** Revenue - **DISTRICT I – ALVARADO** – was presented, and was tagged by Council Members Wiseman and Vasquez. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Members Edwards, Alvarado and Parker absent.

Ms. Lois Norman, 4519 Normandy Way, Houston, Texas 77021 (713-747-1070) had reserved time to speak but was not present when her name was called. Council Members Edwards, Alvarado and Parker absent.

Ms. Maudrey Breux, 4517 Normandy Way, Houston, Texas 77021 (713-748-7725) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Parker absent.

Ms. Rosalie Grace, 4527 Kinston, Houston, Texas 77021 (713-748-1286) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Parker absent.

Mr. Tom Mosley III, 7829 Hirsch Road, Houston, Texas 77016 (713-631-2440) had reserved time to speak but was not present when his name was called.

Mr. Ed Minger, 1 Riverway #1400, Houston, Texas (713-292-2400) had reserved time to speak but was not present when his name was called.

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

Mr. Terrence LeBleu, 7900 Westheimer, Houston, Texas 77063 (832-274-4663) appeared and stated that he was owner and president of the association where he resided and he was asking Council to review two safety issue concerns expressed by many owners of Dilston House Condominiums with the first issue being the address; that 7900 Westheimer was currently shared by a 113 unit development being the condominiums where he lived and a multiunit apartment community known as Carrington Court; that the board of Dilston House was notified that on occasion a resident called EMS with heart trouble and the response time was delayed by responding to the wrong building and to avoid repeating the life threatening error they were asking for swift action regarding an immediate address change to the rear property; that the second issue was elevated gas lines, during the conversion of the apartments to condos the gas lines were placed above the carports and attached under the carports and the problem was the carports were in a heavy traffic area and sustained thousands of dollars in damage each year; that on one occasion the carport was destroyed by a bus with HISD and the owners of Dilston House was asking that the city declare it unsafe to the public and mandate burial of the gas lines by both properties.

Upon questions by Council Member Berry, Mr. LeBleu stated that he had talked with two city fire inspectors and Tom Canas the supervisor for McIntosh came out and addressed the issues with the owner of the rear property and he felt that was where the problem lied because

they would not take their gas lines down and they would not change their address; that his units were willing to take the gas lines down and he would like the city to mandate that some difference be made on the address shared by the two properties. Council Member Vasquez absent.

Upon questions by Mayor Brown, Mr. LeBleu stated that his units were willing to change their address and it was his understanding it was \$55.00 to do so, they did not mind doing it but he spoke with Ms. Gloria Melencamp with the city and she indicated she started the process but it would take at least one year and he did not think that acceptable due to the possible risk. Council Member Vasquez absent.

Upon questions by Council Member Sekula-Gibbs, Mr. LeBleu stated that he was only aware of the one occasion where the ambulance was confused, but he personally witnessed police searching around the condominiums when they later went to the rear apartments.

Council Member Sekula-Gibbs stated that she would like to know if a notation could be made at the emergency center computers where a flag would show up and they could ask if it was the front or rear property; and Mayor Brown stated that they could pursue that pending the change of address; that Ms. Hargrove was present and she would check into that.

Upon questions by Council Member Keller, Mr. LeBleu stated that it was fire inspectors, Thompson and McIntire, who confirmed the unsafe condition of the gas lines; he said he did not understand how it ever got past the permitting. Council Member Keller stated that it was very unsafe and there was no question about it; that gas responds to pressure and temperature and he would like someone from the Fire Department to reevaluate and see if it was an emergency situation and then clear the paperwork after the fact. Mayor Brown stated that he would ask Ms. Hargrove to take someone out from the Fire Department to do an evaluation and come back with the evaluation.

Upon questions by Council Member Tatro, Mr. LeBleu stated that the original owner still maintained ownership of the back units when the front property was converted but had since sold it; that he believed the buildings were built in the 1960s and converted in the 1970s; that he believed the units from the front and back were numbered differently but the address was the same.

Mayor Brown stated that Ms. Hargrove was present and would meet with him and he would ask that she do two things, see how the street address could be corrected and take whoever she needed to so that the gas lines could be looked at and if there was a problem have them taken care of.

Council Member Robinson stated that he would like someone to get back with him next week regarding the address change and what was found on the property, and Mayor Brown stated someone would get back with him.

Mr. Gordon Moise, 11615 Southlake Dr., Houston, Texas (281-497-6656) appeared and stated that he was an attorney representing his brother-in-law on a situation where he received certified mail from the Neighborhood Protection Division stating he was in violation because his car was possibly inoperable, but he used his car daily, that an inspector, Ms. Tillman, took a picture of him getting in his car, watched him drive and when he returned she said the case was closed and the charges would be dismissed, but he contacted Citizens Assistance and Neighborhood Protection and left messages and called the City Attorney's Office and could get no response so he came to Council; that all they wanted was something from the city stating the charges were dismissed and the case was closed and he understood a Ms. Flanagan wrote to the Mayor's Office stating that fact and if he could even get a copy of that letter it would work; that they would also like, if possible, to get the name of the person who turned it in. Council Member Keller absent.

Mayor Brown stated that Ms. Flanagan was present and would meet with him at this time and get what he was requesting. Council Member Berry absent.

Mr. Dale Thomas, 11707 Cape Hyannis, Houston, Texas 77048 (713-738-2013) appeared and stated that he was present regarding the City of Houston's Drug Policy; that a few weeks ago he had the unfortunate dealings of going through the drug policy and it was a nightmarish experience for him; that he did submit himself for testing and submitted a letter to the Mayor's Office which was a copy of his doctor's report, but was present because the policy stated an employee had to urinate within three hours of being told and in his medical condition he could not do it so now he was to lose his job; that it was not because he denied taking the test or because he used drugs, he submitted himself to the place and gave a sample but they said the first sample was not sufficient because it was cold and to him it was the hottest thing in the building, but he gave his specimen and they said let it go in the toilet and give another and he drank lots of water trying to go again but could not so now he was asking Council and the Mayor to see if they would consider amending the policy; that he was not asking them to take away the zero tolerance, but he thought the time should be extended; that at the site he even offered for them to take his blood and said that would even be better proof, but they said they were not setup to do that and would not do it; that he then went to his doctor and explained the situation and he had him do a urinalysis and blood work and nothing was there, but they did find out he had a problem with his kidneys and with that and the medication he took it was possible that he may not have been able to urinate and that was his status, but the City Attorney in his meeting acted like he was a freak or something and he was appalled at the way the meeting went. Council Member Berry absent.

Upon questions by Council Member Parker, Mr. Thomas stated that it was a random drug test. Upon further questions by Council Member Parker, Mr. Hall stated that the policy created set up what the test was and what the contract was that administered it, it was a very controlled contractual arrangement and environment and for obvious reasons very specific. Council Member Parker stated that was understood, but she would like to know if a blood test instead of a urine analysis test could be done on a regular basis. Mr. Hall stated that he was trying to verify if someone had three hours to provide a sample or whether someone had three hours to report and he wanted to verify that before he offered an opinion about whether or not they should be reexamining that. Council Member Parker stated that she would like to know the answer to that and whether it would be possible to use a blood test and if the contract should be modified. Council Member Berry absent.

Upon questions by Council Member Robinson, Mr. Thomas stated that he reported within the correct time and provided a sample within the time required, but they would not take the sample and he had to provide another sample so he stayed until the time lapsed and he was told his time was up and there was nothing else he could do. Council Member Robinson stated that he did show up and gave a sample and stayed for the period not refusing to provide another sample, but not being able to give another sample and he would like to know how they should deal with that. Mr. Hall stated that he thought they would have to take that on an individual factual basis for analysis because there were people on medication who would show up positive and there was a process very specifically outlined dealing with those kind of issues; that he was not aware of any case in the past where one had been unable to provide a sample, but in this specific case his sample was declared to be unacceptable and it seemed they would need to go further in verifying what happened in this case but certainly if medical reasons would render one unable they should be considered; and he would let him know what the status was. Council Member Berry absent.

Upon questions by Council Member Edwards, Mr. Thomas stated that he understood he was being recommended for an indefinite suspension; and he worked in Public Works. Council Member Berry absent.

Upon questions by Mayor Brown, Mr. Thomas stated that no one called him in to say he was terminated. Mayor Brown stated that he was still on administrative leave with pay. Council Member Berry absent.

Upon questions by Council Member Edwards, Mr. Hall stated that the implication of his sample being cold was that the tester did not believe it was a genuine sample from him. Council Member Edwards stated that she would like to also know the outcome on this. Council Member Berry absent.

Mayor Brown stated that they would take a look at what he shared with Council and then would get back with him. Council Member Berry absent.

Mrs. Beth Akin, 2513 S. Gessner Road #435, Houston, Texas 77063 appeared and stated that she was disabled with a lung disease and substantial lung loss and was severely asthmatic and homeless; that two and a half years ago she was forcibly evicted from her home of nearly 14 years because she had the audacity to seek intervention from the City Health Department for excessive mold and retaliation was against the law but the law did not protect her and one hour after being written up she had an eviction notice on her door; that she tried to see the Mayor and her Council Member but they were unable; that she was referred to the Mayor's Office and had met with Ms. Kym King the executive director and learned about the HOYOA Program (Home Of Your Own Assistance) and completed orientation and took the home buyers education class and applied for a loan; that her income was so low the only way to afford a house was to obtain land through the HUD program and in January 2002 she found a property that met most of her objectives and she carried the information to Ms. King and asked for immediate action and she did nothing, then in April the property was re-listed and she carried the information to Ms. Elizabeth Schwartz with HOYOA and asked her to please not let the land get away from her a second time, but she too did nothing and being stunned by that she wrote to HOYOA's board requesting guidelines and that was in May and still she had not received an answer; that she was advised by Bank One she would lose her money if she did not move quickly and she was referred to a Community Development agency called Avenue CDC and Ms. Maria Peneda had at least tried; that she won the new Section 8 lottery only to lose it because no one would help her; that all she asked for was an advocate, someone to help and today she would like results, she wanted to go home and needed a home to go home to.

Council Member Sekula-Gibbs thanked Ms. Akin for coming and stated that she would ask her to go back to the Housing Department; that they were having a transition there with the director retiring and Ms. Daisy Stiner would be the new department head and she would suggest that between Ms. Stiner and her office they may be able to help her go through the proper channels; that after the meeting she would give her numbers to get in contact with SEARCH and Healthcare for the Homeless.

Mayor Brown stated that Ms. Dillard with Citizens Assistance was present and would meet with her at this time and help her with phone calls and point her in the right direction.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-571-8254) appeared and stated that he was not in America's system, he ran the system, owned the system; that they had been using his money for some time, taking trips, etc., and trying to keep him in the system with red tape; that they owed him a great deal.

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) appeared and stated that his position was he was present again addressing his crime victim case and an illegal threat; that he was forced off his leased property with the rent totally paid; and he wanted action taken and wanted a response.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Parker stated that in the MWBE Committee last week they had a discussion of the Debarment Ordinance of City Council and she was certainly shocked that they passed the Debarment Ordinance through Council about two years ago and it still had not taken effect, they were still waiting for the promulgation of rules of enforcement of the Debarment Ordinance and she would strongly urge the administration to move it forward.

Council Member Parker stated that this weekend there was a report on lack of enforcement of their Valet Ordinance in the downtown area, that the Valet Ordinance only applied to the downtown ordinance and as someone who actually wanted to see a citywide Valet Ordinance she reluctantly agreed to this one, she thought it was a first step in the right direction and because of the specific needs of downtown that it would address a critical problem, but apparently they were not enforcing it and she would like to know from the administration from the Police Department what the plan was for enforcing the Valet Ordinance, that she received a number of complaints citywide about the Sound Ordinance that they passed last year and the lack of enforcement on the Sound Ordinance, that she would like to see a list of complaints versus citations since they began enforcing the revised Sound Ordinance, as compared to complaints versus citations for a comparable period under the old Sound Ordinance, and Mayor Brown stated that they would address each of those issues and get back to her expeditiously.

Council Member Alvarado stated that regarding the Valet Ordinance she too was disturbed to hear that they were not enforcing it, she understood that a week before the article was written on the 11th there was still no sign of a single citation that was filed in Municipal Court, that she too would like an update, they worked very hard to push the ordinance through, but it did not do any good if no one was enforcing it. Council Member Tatro absent.

Council Member Alvarado stated that they also had worked very hard to address issues regarding the crime lab, however there still seemed to be a lack of efficiency there, that there was an article last week regarding the crime lab and there were quotes from a forensic scientist who called the crime lab extraordinarily incomplete and scientifically irresponsible, that her concern was the testing and the validity of some of the DNA evidence where they may have guilty people getting off scott free and sending innocent people to prison, so she would certainly like to have someone look into the way DNA was being tested and the validity of that at the crime lab, and Mayor Brown stated that Chief Oettemier was looking into each item raised in the television series and there would be a response and they would share it with her. Council Member Tatro absent.

Council Member Alvarado stated that she would like to thank Council Member Berry who hosted a townhall meeting for the Midtown area, that it was the second that they had and continued to discuss issues dealing with the homeless and other quality of life issues in that community and she wanted to thank his office for putting that together. Council Member Tatro absent.

Council Member Alvarado stated that she also wanted to give thanks to the Houston Fire Department, Starbucks, Lowe's and McDonalds for installing smoke detectors in needy family homes, that they all knew this was the time where they had to pay extra attention to those things dealing with space heaters, Christmas lights and other things that would cause fires, so she certainly wanted to thank all those that were involved. Council Member Tatro absent.

Council Member Berry stated that he would like to commend Mayor Brown a few months after the fact with the job that the Public Works Director had done, that they had opportunity to watch and study Mr. Vanden Bosch's administration closely and thought he was doing a fantastic job reorganizing that department, that he was very impressed with Mr. Vanden Bosch's new Director of Construction, Dan Krueger, and Mayor Brown stated they would make sure he got that message. Council Member Tatro absent.

Council Member Ellis stated that on Item 31 he wanted to tag it, they approved the contract with Telecom Central Partners and while they were not delinquent in any of their taxes, the development company that they had hired, one of the owners was delinquent on three properties, so he would

encourage Telecom Central Partners to encourage their developer to move forward and pay his delinquent taxes on those three properties.

Council Member Ellis stated that about three months ago a contractor defaulted on a project in District F, the Kirkwood Repaving Project, and while Mr. Ordat had assured him that he was trying to expedite the process to rehire another contractor to get out there to start the work, it still had left that area and certain communities without a safe passage way through there, that last night he went to the Leawood Civic Association and listened to their concerns and they had streets that were blocked and had pot holes in the road, the lights did not work, that traffic backed up and if they were heading east on Belaire and tried to take onto Kirkwood there was about a six foot drop off, which he thought was dangerous for anybody in the area, that during the last flood all of the barrels floated away, and he thought that the latter items were something that the Public Works Department could address and take a look at and would like for somebody in Public Works to go out and rectify the problems and would also encourage the administration and encourage Public Works to expedite the process of getting a new contractor out there, and Mayor Brown stated they would have someone work on it right away.

Council Member Wiseman stated that she wanted to bring up an issue that she called Public Works on yesterday and was so pleased at how quickly Mr. Art Kidder responded to the problem, they continuously deal with signal problems in Kingwood and they had a situation where a traffic signal was short cycling to the point where the green light was on for one second, that she had a gentleman call her office to report that and he timed it himself and she went ahead and timed it herself, not that she did not trust her husband, and indeed it was only one second, that they were talking about a street that went into Kingwood Drive, that people tended to run that light going down Kingwood Drive anyway, that she was very pleased as to how quickly Mr. Kidder responded to that, he had crews out there working on it, that they had school buses that used that intersection so she was very grateful for that.

Council Member Wiseman stated that she wanted to report graffiti problems in Clear Lake, that it had gotten really bad out there, that some groups were spreading graffiti all over Clear Lake, retail businesses, entrances to home owners associations, they were neighborhood markers and it was getting very expensive for the community, that last night she witnessed for herself one sight that was atrocious and she would like to see some enforcement and a patrol in the Clear Lake area to see if there was anything they could do to address the problem, and Mayor Brown stated that they would do that.

Council Member Robinson stated that a couple of weeks ago he asked for an update as to what was going on with the Kmart and he had not had a chance to meet with anybody yet, so he was still interested to find out if they had taken care of all the things that they had intended to take care of at their end and had they had a final report from the Police Department and if they could get that and all the backup documents that they had originally requested at the very first briefing that they received, that if someone could visit with him and bring something in writing, and Mayor Brown stated that they would do that.

Council Member Edwards stated that regarding the police issues she was very concerned about the DNA situations that Council Member Alvarado talked about as well as the Kmart concern and would like to really have a real update as to what was going on with those two issues.

Council Member Edwards stated that Fire Station 47 had a garage door that went up every time they went out but they had to lift it because the connection had never been connected, that they could not figure out why they could not get somebody out there to make the connection so they could lift the door, that if someone could get with her from Building Services or whoever, that it had been there for five years.

Council Member Edwards stated that she wanted to commend Public Works, they had three major projects in District D that they were working on, U.S. 59, Spur 527, Cambridge Bridge and the Alameda sink hole, and it had been a very interesting three month ride and they had been there for

them, that Mr. Jeff Taylor, Mr. Vanden Bosch and all of the people in Public Works, in particular the Alameda sink hole right now, she would like to commend Ms. Beulah Maxey and the Alameda Plaza Civic Club for their patience, they were trying to have a meeting on Thursday with Traffic Management to see now they could figure a traffic flow, because what was happening out there was not working, they had 18 wheelers that were bumping up and down the streets and so forth and there needed to be a real look at how that was going to be happening since they were going to have three to four months of disturbance out there, that the meeting would be on Thursday at 2:00 p.m., so they would like to have as many people from Traffic Management and the Police Department, and Mayor Brown stated they would get someone out there right away. Council Member Ellis absent.

Council Member Edwards stated that she would like to make a public announcement and encourage as many Council Members to attend, that there was a serious concern in the Third Ward area regarding TSU and their master plan and several of the civic clubs were having a townhall meeting tonight at 7:00 p.m. at the Third Ward Multi Service Center, that they had several meetings on it and they were looking forward to bringing some closure to it in a way that was beneficial to the community and the institution. Council Member Ellis absent.

Council Member Wiseman stated that before her husband called her office to report the signal problem, he called 311 and they told him that traffic signals in Kingwood were the responsibility of Harris County and not the City of Houston, and Mayor Brown stated that they would advise 311 appropriately that it was not the right response. Council Member Ellis absent.

Council Member Vasquez stated that he wanted to invite everyone out to the upcoming ground breaking of Fire Station 27 in the Denver Harbor area, that it was a project that the residents in Denver Harbor had been working on for a very long time in terms of replacing the old Fire Station 27, that it was something that the community had been working on with the City and the Mayor had been involved and they were moving the project along, that it was going to take place on Tuesday, November 19, 2002, at 9:00 a.m. at 6515 Lyons and would encourage everyone if they had some time to attend.

Council Member Vasquez stated that many of them may have read in the newspaper and he was saddened to hear about the attack on the 12 year old boy at Cliff Tuttle Library also in Denver Harbor, that the library was in his district and was renovated just a couple of years ago, that the library did have a security guard on duty five days a week, and unfortunately when it occurred it was a Saturday and there was not a security officer in attendance and the staff only had two people as well, that because of it he wanted to thank the library system for making sure there was an extra day of security and that they would be present each day that the library was open, however he did think that they needed to reexamine the policy in terms of what type of security was going on at the libraries, that it was a tragic situation and one that did not needed to be repeated, that he hoped that the library system could get him some type of information regarding the security policy, and if possible to get a report from the Police Department or whoever was the supervisor for that particular area on the particular crime, that he would like to have as much information as possible, and Mayor Brown stated they would have someone meet with him on that.

Council Member Sekula-Gibbs stated that she would like to ask the generous people in Houston to remember that a terrible tragedy had occurred in the Midwest and the Red Cross was taking donations to help the victims of the Veterans Day tornadoes, that she would like to request that people take note and to make a contribution to the Red Cross at 713-526-8300, that it could make a huge difference in the lives of people who had lost their homes.

Council Member Sekula-Gibbs stated that she again wanted to compliment the Mayor and the administration for working very hard to be ahead of the curve in putting AED's (Automated External Defibrillators) in public buildings. Council Member Robinson absent.

There being no further business before Council, the City Council adjourned at 10:52 a.m. upon MOTION by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Goldberg and Quan out of the city on city business. Council Member Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary