

City Council Chamber, City Hall, Tuesday, November 19, 2002

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 19, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Ada Edwards absent on personal business. Council Member Addie Wiseman absent. Council Member Annise Parker out of the city on city business.

At 2:08 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Galloway, Goldberg, Keller and Robinson absent.

Council Member Quan stated that one treasure of the City of Houston was the Gulf Greyhound Park which was considered the world's number one greyhound racing facility, and invited Mr. Charles Fenwick to the podium and presented him a proclamation proclaiming it the world's number one greyhound facility; congratulated and commended Gulf Greyhound Park on its tenth anniversary this month; wished them continued success and proclaimed the month of November as "Gulf Greyhound Park Month" in Houston, Texas. Mr. Fenwick stated that on behalf of Gulf Greyhound Park they thanked the Mayor and Council for making this possible; that they were proud to be a part of the Houston community and looked forward to many more years. Council Members Galloway, Goldberg, Keller and Robinson absent.

At 2:10 p.m. Mayor Brown called the meeting to order and Council Member Tatro led everyone in prayer and in pledging allegiance to the flag. Council Members Galloway, Goldberg, Keller and Robinson absent.

At 2:12 p.m. the City Secretary called the roll. Council Members Galloway and Robinson absent. Council Member Edwards absent on personal business. Council Member Wiseman absent. Council Member Parker out of the city on city business.

Council Members Keller and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway and Robinson absent. Council Member Edwards absent on personal business. Council Member Wiseman absent. Council Member Parker out of the city on city business. MOTION ADOPTED.

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

Council Member Vasquez moved to suspend the rules to add Mr. Jonathan Howard to the speakers list before Mr. David Waters, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Robinson absent. Council Member Edwards absent on personal business. Council Member Wiseman absent. Council Member Parker out of the city on city business. MOTION 2002-1354 ADOPTED.

Mr. Jonathan Howard, Ryan Middle School, 2610 Elgin, Houston, Texas 77004 appeared with his classmates and presented a statement in which he stated that their purpose in coming to Council was to inform the Mayor and Council of their recent neighborhood sweep findings and read a list of seven items having abandoned houses, high weeds and trash some of which had already been corrected, but that there were still three dangerous buildings located around Ryan Middle School, they were abandoned houses and a threat to the health and safety of students and residents; that they were all located at the northeast corner of Tuam at Live Oak with the street address on one house being 2605 Tuam; and that it was their expectation that all dangerous conditions be corrected as soon as possible. Council Member Robinson absent.

Mayor Brown stated that he wanted to thank each student for coming to Council and being

such good citizens; that they had done much work to make their neighborhood a better place; that Council Member Edwards was their Council Member and was very concerned about her district and more importantly schools in her district and the Administration would work with her to follow their directive and take care of the problems expeditiously. Council Member Robinson absent.

Council Member Alvarado stated that she also thanked the students for coming, but Ryan Middle School was actually in District I although most students who attended were in District D so she and Council Member Edwards would work very hard to take care of the problems in their community. Council Member Robinson absent.

Council Member Quan stated that they also had five At-Large Council Members to work for them and they would be glad to act on it. Council Member Robinson absent.

Mr. David Waters, 4224 Hoffman, Houston, Texas 77026 (713-672-2001) had reserved time to speak but was not present when his name was called. Council Member Robinson absent.

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

Mr. Steven Williams, no address, no phone had reserved time to speak but was not present when his name was called. Council Member Robinson absent.

Mrs. Feng Goins, 5502 Grand Lake, Houston, Texas 77081 (832-567-6350) appeared and stated that she was present asking Mayor Brown to reconsider and give them a proclamation to Falun Gong; that they would continue being peaceful and asking for the prosecution against the Falun Gong practitioners in China to stop; that the Mayor could use his power to say to the world justice for Falun Gong; that Houston gave the first proclamation to Falun Gong in 1996 and she hoped Mayor Brown would show continued support. Council Member Robinson absent.

Ms. Beatrice Duran, 7270 Ashburn, Houston, Texas 77061 (832-393-1392) had reserved time to speak but was not present when her name was called. Council Member Robinson absent.

Mr. Roberto Gonzales, 12835 East Freeway, Houston, Texas 77015 (713-455-2090) appeared and presented poems he had written to the Mayor and Council and read two entitled Mayor and Houston.

Mayor Brown thanked Mr. Gonzales for his presentation.

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.

Mr. H. C. Thomas, 1310 Hawthorne, Houston, Texas 77006 (281-686-8563) had reserved time to speak but was not present when his name was called.

Ms. Latonya Bigger, 770 Fawn, Houston, Texas 77015 (713-451-8477) had reserved time to speak but was not present when her name was called.

President Joseph Charles, 8034 Antoine Dr. #107, Houston, Texas 77088 (281-847-5100) had reserved time to speak but was not present when his name was called.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-571-8254) had reserved time to speak but was not present when his name was called.

At 2:26 p.m. upon motion by Council Member Robinson and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, November 20, 2002. Council Member Edwards absent on personal business. Council Member Wiseman absent. Council Member Parker out of the city on city business.

City Council Chamber, City Hall, Wednesday, November 20, 2002.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 20, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, 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 Ada Edwards absent on personal business. Council Member Annise Parker out of the city on city business.

At 9:14 a.m. Mayor Brown reconvened the meeting of the City Council.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in the Houston-Galveston Area Council - \$78,145.24 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1355 ADOPTED.

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$102,712.39 and acceptance of work on contract with **SILVA, INC** for Construction of Neighborhoods to Standard Tier-VII - Shepherd Forest & Ferguson Street Communities Overlay Project, GFS Q-1300-03-3 (OL-2003) - 69.69% under the original contract amount - **DISTRICTS A - TATRO and B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1356 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,677,976.80 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Rehabilitation of Sanitary Sewers in the FWSD #23 Service Area, GFS R-2011-24-3 (4761-1) - 07.65% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1357 ADOPTED.

PROPERTY - NUMBER 8

8. 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. Marilyn Kay Ferrell Jenkins, et al, Cause No. 771,554, for acquisition of Parcel A97-344; for the **LEY ROAD PAVING PROJECT**; CIP/GFS N-0587B-01-1 - \$78,655.00 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1358 ADOPTED.

ORDINANCES - NUMBERS 10 through 38

10. **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Commercial Solid Waste Operators had been pulled from the Agenda by the Administration, and was not considered.

14. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed sale of a portion of Herman Brown Park to the Texas Department of Transportation; authorizing and directing that notice of such hearing be given; stating in substance the form of such notice; finding and stating other matters generally relating thereto - **DISTRICT I - ALVARADO HEARING DATE - 9:00 A. M. - WEDNESDAY - JANUARY 29, 2003** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1067 ADOPTED.

15. ORDINANCE approving and authorizing Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1068 ADOPTED.

- 15a. 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 - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1069 ADOPTED.

18. ORDINANCE approving and authorizing fourth contract amendment between the City of Houston, **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$75,000.00 and continue the program for the Development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1070 ADOPTED.

23. ORDINANCE appropriating \$15,000.00 out of Airports Improvement Fund as an additional appropriation for professional engineering services contract between the City of Houston and **URS GREINER WOODWARD CLYDE SOUTHWEST, INC** for professional engineering services at William P. Hobby Airport; (*Project No. 563*) CIP A-0380; originally approved and authorized under City of Houston Ordinance No. 2000-40 as amended by

City of Houston Ordinance No. 2001-344 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1071 ADOPTED.

24. ORDINANCE appropriating \$125,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Design of Houston's Heritage Corridor Bayou Trails-East Segment III from North York Street to Lockwood Drive under professional engineering services contract with **BURK-KLEINPETER, INC** (approved by Ordinance No. 01-1103), CIP N-0420-17; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1072 ADOPTED.
27. ORDINANCE appropriating \$2,010,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **J & N INTERNATIONAL COATINGS, INC** for Replacement of Four Ground Storage Tanks at Four Pumping Stations, GFS S-0600-29-3 (10596-29); 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 and E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1073 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. ORDINANCE appropriating \$65,325.00 out of Fire Consolidated Construction Fund as an additional appropriation for the Roof Replacement at Fire Stations 26, 32, 42, 44, 65, 73 and Training Academy Drill Tower (*Group 1*) under construction contract with **PYRAMID WATERPROOFING, INC**, approved by Ordinance No. 2002-256, GFS C-0090-01-3 - **DISTRICTS A - TATRO; B - GALLOWAY; E - WISEMAN; F - ELLIS and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1074 ADOPTED.
- 2a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$77,100.00 on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at Fire Stations 26, 32, 42, 44, 65, 73 and Training Academy Drill Tower (*Group 1*), GFS C-0090-01-3 - **DISTRICTS A - TATRO; B - GALLOWAY; E - WISEMAN; F - ELLIS and I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1359 ADOPTED.
3. ORDINANCE appropriating \$57,377.89 out of Public Library Consolidated Construction Fund as an additional appropriation for Heights Branch Library Renovation under construction contract with **FROST CONSTRUCTORS, INC** approved by Ordinance No. 02-0139, GFS E-0023-01-3 - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Quan.
- 3a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 5 in the amount of \$59,061.11 on contract with **FROST CONSTRUCTORS,**

INC for Heights Branch Library Renovation, GFS E-0023-01-3 - **DISTRICT H - VASQUEZ** – was presented, and tagged by Council Member Quan.

4. ORDINANCE appropriating \$55,377.57 out of Parks Consolidated Construction Fund as an additional appropriation for Parks to Standard Program - Phase II - Bid Package No. 5 - Linkwood and Oak Forest Parks under construction contract with **TIMES CONSTRUCTION, INC** approved by Ordinance No. 00-0606, GFS F-0363-05-3 - **DISTRICTS A - TATRO and C - GOLDBERG** – was presented, and tagged by Council Members Quan and Goldberg.
- 4a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 7 in the amount of \$55,377.57 on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II Bid Package No. 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - **DISTRICTS A - TATRO and C - GOLDBERG** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Quan.

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$553,611.22 and acceptance of work on contract with **INTRA CONSTRUCTION CORPORATION** for Construction of Hibury Relief Storm Sewer - Phase II, GFS M0231-02-3 (0231-02) - 01.96 % under the original contract amount - **DISTRICT G - KELLER** – was presented, and tagged by Council Members Ellis and Keller.

PURCHASING AND TABULATION OF BIDS

9. ORDINANCE appropriating \$251,158.53 out of Fire Consolidated Construction Fund for Continuous Power Source for Building Services Department, CIP C-0162 - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1075 ADOPTED.
- 9a. **KENMOR ELECTRIC COMPANY, L.P.** - \$137,648.00 and contingencies for a total amount not to exceed \$144,530.40 and **ALIEF ELECTRO-MECHANICAL, INC** - \$101,550.60 and contingencies for a total amount not to exceed \$106,628.13 for Continuous Power Source for Building Services Department - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1360 ADOPTED.

ORDINANCES

11. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2002-1014 by adding two Chief Inspector Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented, and tagged by Council Member Vasquez.

Council Member Vasquez stated that he would like a meeting with someone from the Fire Department, and Mayor Brown stated they would have someone meet with him.

12. ORDINANCE approving the issuance of bonds by the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY**; providing for continuing disclosure with respect to such bonds; and containing other provisions relating to the foregoing subject - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Edwards absent on

personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1076 ADOPTED.

13. ORDINANCE approving and authorizing agreement between the City of Houston and the **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY** in connection with the Sharpstown Public Improvement District - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1077 ADOPTED.
16. ORDINANCE issuing permit to **SYSCO CORPORATION** for building, constructing, maintaining, using, occupying, operating and repairing two 2-inch conduits and one 4-inch conduit with 4 one-inch inner-ducts for communication cable under and within the street in the 13,000 block of Olive Hill, 306.54 feet west of the west side of Enclave Parkway and 1390 Enclave Parkway, respectively, such areas being within 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** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1078 ADOPTED.
17. ORDINANCE issuing permit to **SYSCO FOOD SERVICES OF HOUSTON, L.P.**, for constructing, using, occupying, operating, maintaining and repairing a communications conduit and storm sewer pipe within the 500 block of Aleen Street, 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 B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1079 ADOPTED.
19. ORDINANCE approving and authorizing twentieth contract amendment between the City of Houston, **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$725,000.00 and continue the program for the Development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1080 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and **QUESTMARK INFORMATION MANAGEMENT, INC** for Jury Noticing and Tracking Services for Municipal Courts Department; providing a maximum contract amount - \$221,112.00 - General Fund - was presented, and tagged by Council Members Ellis and Tatro.
21. ORDINANCE approving and authorizing interlocal agreement between **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1 (HCID#1)**, **THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, and the City of Houston for Houston Priority Corridor Funding of an Intelligent Transportation Systems Program - **DISTRICTS C - GOLDBERG and G - KELLER** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1081 ADOPTED.
22. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **BRIARHILLS PROPERTY OWNERS ASSOC.** for Garbage Collection Service for the respective civic association - 8 Months - \$96.00 - **DISTRICT G - KELLER** - was presented, and tagged by Council Member Ellis.

25. ORDINANCE appropriating \$186,900.00 out of Public Health Consolidated Construction Fund and \$60,300.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Design and Construction Phase Services relating to the Roof Replacement of Five Health & Human Services Facilities and Two Civic Center Buildings, GFS H0018-02-2 and D-0113-02-2; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and the General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - VASQUEZ and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1082 ADOPTED.
26. ORDINANCE appropriating \$12,148,922.00 out of 49K C.O. Series 2002A Fund; appropriating \$3,317,546.00 from Water & Sewer System Consolidated Construction Fund; appropriating \$1,849,032.00 from Storm Sewer Consolidated Construction Fund; appropriating \$1,045,137.00 from the Street and Bridge Consolidated Construction Fund; for management services agreement between the City of Houston and **THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for the North Downtown Streetscape Project for Phase 2 Construction and Phase 3 Design - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Tatro.
28. ORDINANCE granting to **NORTHLAND CABLE PROPERTIES, INC** a Washington Corporation, the right, privilege and franchise to erect, maintain, and operate a cable television system in the City of Houston; containing other provisions relating to the foregoing subject - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1083 PASSED FIRST READING IN FULL.

NON CONSENT AGENDA - NUMBERS 29 through 30

PROPERTY

29. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from William S. Brown of Carter & Burgess, Inc., on behalf of Calvary Korean Baptist Church (*Yong Bong Lee, Pastor*) and S.A.M.D., Inc. (*Zaki U. Khan, president*), for abandonment and sale of three 5-foot-wide utility easements and the attendant aerial easements, all located within Reserves A, B and C, Partial Replat of Sharpstown Country Club Terrace Subdivision, Section Two, Parcels SY3-020A, SY3-020B and SY3-023 - **APPRAISERS - DISTRICT F - ELLIS** - was presented.

Council Member Ellis named Mr. William Kvinta and Mr. Michael Copland as appraisers and moved approval of the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1361 ADOPTED.

30. RECOMMENDATION from Director Department of Public Works & Engineering to declare surplus and authorize the sealed bid sale of the +/-34,567-square foot, former Turkey Creek Sewage Treatment Plant Site, subject to all existing easements, located east of Eldridge Parkway and north of Buffalo Bayou, in the Joel Wheaton Survey, A80, and authorize the City Secretary to advertise the property for sealed bid sale to the highest bidder at the minimum appraised bid amount - **APPRAISERS - DISTRICT G - KELLER**

Council Member Keller named Mr. George E. Simms of Simms and Associates and Mr. Tom Kvinta of William D. Kvinta and Company as appraisers and moved approval of the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1362 ADOPTED.

MATTERS HELD - NUMBERS 31 through 38

31. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Tatro to approve 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

(This was Item 3 on Agenda of November 13, 2002, POSTPONED BY MOTION #2002-1339) – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1363 ADOPTED.

32. RECOMMENDATION from Finance & Administration to award to **ADA RESOURCES, INC** for Automotive Lubricants for Various Departments - \$1,243,096.13 - General, Enterprise and Fleet Management Funds - **(This was Item 12 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBERS ELLIS and WISEMAN)** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1364 ADOPTED.

33. 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** – **(This was Item 35 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and VASQUEZ)** – was presented.

Council Member Vasquez moved to postpone Item No. 33 for two weeks, seconded by Council Member Alvarado.

A roll call vote was called on Council Member Vasquez's motion to postpone Item No. 33.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker out of the city on city business.
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards absent on personal business.	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-1365 FAILED

Mayor Brown stated that the motion to postpone Item No. 33 for one week failed and Council Member Galloway tagged Item No. 33. (Note: Council Member Galloway released her tag later in the meeting, and Council Member Goldberg tagged Item No. 33.

34. 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 – **(This was Item 37 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. ORDINANCE 2002-1084 ADOPTED
35. 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 – (This was Item 39 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, TATRO, WISEMAN, KELLER, PARKER, SEKULA-GIBBS and ROBINSON)** – was presented.

Council Member Tatro stated that he wanted to request a one week delay on Item No. 35, that he had some pending questions, seconded by Council Member Vasquez, and Council Member Quan stated that he was willing to tag the item.

Mayor Brown stated that Item No. 35 was tagged by Council Member Quan, which gave Council Member Tatro his one week delay.

36. 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 – (This was Item 42 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller moved to postpone Item No. 36 for two weeks, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1366 ADOPTED.

37. 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 ñ0.3067-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 – (This was Item 43 on Agenda of November 13, 2002, POSTPONED BY MOTION #2002-1346)** – was presented.

Council Member Goldberg named Mr. Thomas A. Bazan and Ms. Julie Nagle as appraisers and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1367 ADOPTED.

38. ORDINANCE approving and authorizing a Public Pay Telephone contract between the City of Houston and **AT&T CORP.** - Revenue – **(This was Item 49 on Agenda of November 13, 2002, POSTPONED BY MOTION #2002-1349)** – was presented.

Council Member Ellis moved to postpone Item No. 36 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker out of the city on city business. MOTION 2002-1368 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Berry stated that Tucson, Arizona was conducting a chemical terrorism preparedness drill and he knew that they had formed a committee to deal with homeland security and off the record he would like to know from someone where they stood on that issue.

Council Member Alvarado stated that they lost a great Houstonian last week, Ms. Martha Moreno, the administrator at the Magnolia Multi Service Center for over 20 years and very active in the Hispanic Community, that she was also a relative to Ms. Gloria Moreno, Department of Health and Human Resources, and requested a moment of silence.

Council Member Ellis stated that last week he talked about the Kirkwood Repaving Project, that the contractor went into bankruptcy, that he had not really received a report from Public Works as to where they were in the process, that next week the Alief Community Center was calling a meeting and he would be there and requested that someone from Public Works be there as well so they could discuss where they were in the renegotiations and how to better serve that community while the streets were torn up and they could not use them, and Mayor Brown stated they would have someone there.

Council Member Ellis stated that on Item 12 and Item 13 it had been a long time coming, that it was the funding for the Southwest TIRZ that would allow them to start some badly needed projects in District F, and secondly on Item 13, the Sharpstown Economic Development Authority, he served on what used to be Sharpstown Economic Development Committee, until they had funding and now it was an authority, that he served on it in the early 1990's and it was the reason that the Southwest TIRZ was created, that a lot of things had been said about the Tax Incremental Reinvestment Zones, that in theory they were good but in reality they did not work, that he did not believe that and what he did believe was that they had probably been abused throughout the City, that he still believed in theory, if they worked closely with them they could and would be a success so he looked forward to operating with the TIRZ Board and with the manager, Mr. David Haws, in moving forward with some desperately needed projects in that area.

Council Member Goldberg stated that as a lot of the neighborhood streets began using their useful life and turned 40 or 50 years old they were doing more and more overlays, and he did not have a problem with that and sometimes thought they kept the life of the street a little bit longer and preserved it, the problem though was the way they did the overlay and he talked to the Public Works Department about it before and would like to see if they could not get a policy, that it had to do with not overlaying all the way to the curbs, when they did the overlay all the way to the curbs they created ponding, the water had a ponding affect and it bred mosquitos, that he had seen streets where they backed off about a foot or so from the curbs and they had regular normal storm drainage as it was designed, that overlays were not designed there were no blueprints, there was no engineering done on it, they just slapped the asphalt down and that was the end of it and if drained it drained and if it did not it did not, that he thought they needed to reexamine and have an overall policy, that there was a couple of neighborhoods in his area where that had occurred and there was ponding and mosquitos were breeding, that one example, for a year and a half they had been trying to get it fixed, first the project manager did not do their work, then the City came in and delayed it and did not want to do anything and it was handed back and forth, and one side was blaming the other and the man just wanted to get the water away from his house when he did not have it there before and it should not take that long, so he thought they did need to start a policy of exactly how they did an overlay and have it consistent through the neighborhood, that the other problem of course was with the project managers, there were some companies that he did not think were doing their jobs, they were not out there when the concrete was being poured, there was a reason they had to be out there, to make sure that the concrete was the right amount being poured, it was the right consistency, they had the right rebar in there and they were just not there, that he knew because in some of the neighborhoods in District C they had retired engineers that went out there and watched them and they looked at the helmets and said "no this company was not here, I see the names on their uniforms and they were not there", and he tells them who the project managers were and they were not there and were not doing their job, and when they asked them to do their job they just said they were just going to let it slide this time, that one company found out the hard way, a sidewalk company, they were constructing sidewalk, that they were not just going to let it slide, even though the project manager would allow them to slide, they said no, they had to redo, they lost money and he was glad they did come forward instead of just defaulting on the contract, that they actually came forward, lost money, but finally did the job right, that it was only because the neighborhood and he as a Council Member made them, and it was not because of the project manager, that he really did think they had to start having closer scrutiny with some of the companies they hire to manage the projects, he did not think all of them were doing their jobs, and Mayor Brown stated that he would have someone from Public Works meet with him on that issue. Council Member Robinson absent.

Mayor Brown stated that they passed the appointees to the Planning Commission and a new appointee, Mr. Orlando Teran, was in the Council Chamber and asked him to stand and be recognized and thanked him for his voluntary services. Council Member Robinson absent.

Council Member Galloway stated that she wanted to make note of a series of articles that had been running in the Chronicle Newspaper that she thought were half truths, that she wanted to address some of the things the Chronicle had been writing about, especially her district, the northeast district, that it stated "Hasty Annexation in Blighted Communities", that first of all Frenchtown was never annexed so the title was very misleading, that when people started reading it they were wondering if they were running out and annexing various areas that were poor in nature and not doing anything in those areas, that she had a major problem with it, that Frenchtown was an older community and had been in the City for quite some time and was not annexed hasty, in fact it was not even annexed, it was just part of Houston, that it did need some revitalization and some infrastructure, that she knew that the Mayor had come up with the SWMP Program which was the Storm Water Management Program to do infrastructure in the areas that had been neglected for a long time and had allocated millions of dollars for that reason, but first they did need to start with the infrastructure in those communities in order to reconstruct the streets that were in those communities, that the article stated that Frenchtown

did not have ditches, curbs and sidewalks and no where for the water to run and that was true, the area was designed that way, if they put a sidewalk in that community it would be on the person's porch because the houses all sat right on the street, so that would be highly impossible so they would have to displace many residents because they were already sitting on the City right-of-way, their property was, so there was a revitalization plan that Commissioner Lee had and was going to be discussing with them where they were coming together to try to revitalize that area and they really needed to look at the infrastructure in that area as well, that also on many of those properties that owed back taxes, she knew they had a process and procedure to follow, but what she thought that they needed to go to their legislature so they could release those properties more expediently because what was happening those properties lay on the books for back taxes for 10 and 15 years and it was just ridiculous and they were spinning their wheels by continuing to have to cut those properties and they had those abandoned houses that were falling in and had been falling for the last 15 years and they were still standing, that as she stated before in her pop-off about two weeks ago, what they needed to do was to put those inspectors in one area and get all the inspectors, since they were short on manpower, and go around find those abandoned houses and tag them, she did not think it was the citizens responsibility to call them and let them know a house was falling down next door to them when they had inspectors riding around and passing those same houses everyday, that she passed them all the time and she had to call them in because no tag had been put on them and she did not understand why they could not do it aggressively and initiate it and get those things on the books and get them taken care of, because it was awful to see that a house had caved in completely in the center and it had been like that for 10 and 15 years, so she thought they really needed to put some kind of program in and get the rules and laws lessened so they could go ahead and get those abandoned houses torn down. Council Member Robinson absent.

Council Member Galloway stated that as she stated two weeks ago, it was still happening, heavy trash pickup, the citizen had not fully understood the rules yet, they picked up the heavy trash and three days later there was a pile of trash already placed out, they had been too lenient with their citizens, and she would be the first to say it, they needed to go out and ticket them, that once they start ticketing it would be additional revenue that they were running short on, so if they started ticketing them for putting out heavy trash before the time period then the message would get around that they could not put the trash out, that she was on a major thoroughfare and there was almost an entire block of trash piled up almost two stories high and they had just picked the trash up, that it was really an eyesore for the community for the trash to be sitting there for a month, that she had to commend Solid Waste, they immediately went out there, warned the people, gave them a warning, they had the trash picked up and hauled off in about two days afterwards, that those were the things that they were going through in the City and so what they needed to do was really utilize the inspectors to get them to start initiating instead going around after a call had come in, and Mayor Brown stated that they would follow up on her items. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to thank Mayor Brown for going to Denver Harbor yesterday to kickoff the fire station, that residents had been working on that for many years and with his help they were able to get that started, that it was a great example of how the public and private sectors could work together to make a difference in a community, that they wanted that fire station for many years and now they would get what they had worked so hard for and he appreciated the Mayor making the time to come out. Council Member Robinson absent.

Council Member Vasquez stated that fresh on the minds of many of the Denver Harbor residents was the recent attack on the 12 year old boy that occurred just down the street from the fire station at the Cliff Tuttle Library, last week he had asked for some information from the Police Department and they never returned the call or were responsive in any way, shape or form and so he would like to hear from the Police Department on the tragedy in terms of what they were doing and in terms of how they were conducting the investigation and what type of progress they were making, that it had been a week since he asked for that and obviously they should have heard about that and yet they had not responded, that in addition he would be

meeting with Ms. Barbara Gubbin out at the library to discuss how they could beef up security and potentially look at surveillance cameras and also look at staff training in terms of how they were trained to handle emergencies and also to look at potentially revamping the library so they could have the front desk look out the front door to see people coming in and out, anything to improve the safety and security of that particular library, so he wanted to thank Ms. Gubbin for visiting with him and hoped the police would be responsive on it as quickly as possible, and Mayor Brown stated that they would have someone from the Police Department meet with him on it. Council Members Tatro and Robinson absent.

Council Member Galloway stated that she wanted to release her tag on Item No. 33, and Council Member Goldberg stated that he would tag Item No. 33, and Mayor Brown stated that Item No. 33 was tagged by Council Member Goldberg. Council Members Tatro and Robinson absent.

33. 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** – **(This was Item 35 on Agenda of November 13, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN and VASQUEZ)** – was again before City Council, and tagged by Council Member Goldberg. Council Member Robinson absent.

Council Member Quan stated that he wanted to commend Mayor Brown for hosting the Ramadan Festival of Fast-Breaking at City Hall, that he knew it meant a great deal to the Muslim Community of Houston to be able to be on the steps of City Hall to celebrate a very important religious observance of that community, especially at a time when loyalties were under such question, that they in America and Houston, Texas recognized these folks from all over the world and all different faiths in the City. Council Member Robinson absent.

Council Member Quan stated that he wanted to mention to Council Members that the RFP had now been prepared and released dealing with expansion of the Day Labor Program, that it went out on November 15, 2002 and there was a 30 day response time that any one interested in sponsoring a Day Labor Site could contact the Mayor's Citizens Assistance Office, they had clear guidelines of what they expected from them and would be reviewing the RFP responses within a month and hopefully make a decision in January as to any further expansion of that program, that he wanted to commend Council Members Alvarado and Goldberg for attending the task force meetings and playing an active role in trying to prepare the RFP that went out. Council Member Robinson absent.

Council Member Quan stated that he was also disturbed that they were still not getting an update on what was going on in the Kmart investigation, that he knew a Grand Jury was commencing to look into any criminal allegations, but he was frustrated that Council was not being apprised more of what was going on, that he had been continually requesting more action on the expungment issue and knew there was an issue with the State Bar but thought that lawyers could figure out solutions and really looked to be moving forward on that. Council Member Robinson absent.

Council Member Quan stated that he wanted an update as to what was going on with Fire Station No. 1, that they put that on the back burner and supposedly isolated an area but they never heard where that stood, that they had gone to a temporary station, but when were they going to get a real station going, so he would like to see a report on what was going on with Fire Station No. 1. Council Member Robinson absent.

Council Member Quan stated that Margie Bingham had been an employee of the City for 22 years and she was retired now, that he wanted to wish her well in her future endeavors, that Housing and Community Development had progressed a lot with Margie and they looked for

even more to come under the new director in that area. Council Member Robinson absent.

Council Member Quan stated that he wanted to thank Council Member Galloway for coming out last night, they had their fourth regional Council meeting, she was there providing a lot of information on what was going on in District B. Council Member Robinson absent.

Council Member Goldberg stated that he wanted to welcome the newest television station to Houston, Channel 24. Council Member Robinson absent.

Council Member Tatro stated that about three weeks ago he asked about the timing possibility on the Controller appointment and asked if they had a timeline or at least the legal definition of a timeline, and Mr. Hall stated that yes on that specific issue, but as he recollected they had promised to give a complete memorandum around the issue of replacing a City officials like the Controller under these circumstances, that it had proved to be a little more difficult than they thought, but on some other issues of qualifications and residency for eligibility to that, that they had not resolved it but they expected to in the next day or so and were vigorously working on it trying to get it resolved, that they hoped to have the memorandum or factual statements in the next day or so. Council Member Robinson absent.

There being no further business before Council, the City Council adjourned at 9:45 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Parker 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