

City Council Chamber, City Hall, Tuesday, December 31, 2002

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, December 31, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; and Ms. Martha Stein, Agenda Director present.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:02 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Parker lead everyone in prayer and the pledge of allegiance. Council Members Goldberg, Edwards and Ellis absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Edwards absent.

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

Mayor Brown stated that they would move to the Consent Agenda and at 9:30 a.m. they would hear the public speakers. Council Member Edwards absent.

## **MAYOR'S REPORTS**

### **CONSENT AGENDA NUMBERS 1 through 40**

#### **MISCELLANEOUS** - NUMBERS 1 through 4

1. CONFIRMATION of the appointment of the following to Positions One and Two, and Alternate Positions One and Two of the **HOUSTON GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2003
  - Position One - Council Member Addie Wiseman
  - Position Two - Council Member Bert Keller
  - Alternate Position One - Council Member Vasquez
  - Alternate Position Two - Council Member Tatro
 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1460 ADOPTED.
2. RECOMMENDATION from the Director Finance & Administration for approval of Individual Fidelity Bond Form for **JUDY GRAY JOHNSON, CITY CONTROLLER** in the penal sum of \$50,000.00 as required by the City Charter and the Code of Ordinances - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1461 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$154,984.30 to **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2003 Water System Fees - Enterprise Fund - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1462 ADOPTED.

**ACCEPT WORK** - NUMBERS 5 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$519,959.52 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for MUD 58 Service Area Diversion, GFS R-0536-06-3 (4719-2) - 07.15% under the original contract amount - **DISTRICT E - WISEMAN** - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1463 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,804,541.20 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Water Line Replacement in the Scenic Woods Subdivision, GFS S-0035-71-3 (WA10580) - 04.84% over the original contract amount **DISTRICT B - GALLOWAY** - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1464 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,093,152.93 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Water Main Rehabilitation/Replacements at South Rice, Milwee, Shepherd, Sherman, Harrisburg/Broadway, Lawndale and Lockwood, GFS S-0480-01-3 (10483) - 03.55% under the original contract amount - **DISTRICTS A- TATRO; C - GOLDBERG; F - ELLIS; G - KELLER and I - ALVARADO** - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1465 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 22

17. **VARIAN, INC** for One Gas Chromatograph System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$35,399.00 - Enterprise Fund - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1466 ADOPTED.
20. **SAFE CARE** - \$97,465.38, **VWR INTERNATIONAL** - \$42,255.24, **SELECT MEDICAL SUPPLY, INC** - \$613,781.59 and **ONE SOURCE INDUSTRIAL SAFETY & SUPPLY, INC** - \$109,168.22 for Gloves, Various Types for Various Departments - \$862,670.43 - General and Enterprise Funds - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1467 ADOPTED.
22. **AMEND MOTION #2000-55, 1/12/00 and #2000-868, 7/5/00, TO EXTEND** expiration date from January 12, 2003 to January 11, 2004, for Rags and Cleaning Towels Contract, Parts I and II for Various Departments, awarded to **ALLIED SUPPLY COMPANY, INC, JOHNSON INTERNATIONAL MATERIALS, INC** and **EXPRESS IMAGE PAPER COMPANY** - \$252.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1468 ADOPTED.

**ORDINANCES** - NUMBERS 23 through 40

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide water main and fire hydrant easement, containing 2,590.6 square feet of land, more or less, located within the W. P. Morton 1/3 League, A-539, being out of Public Storage North Loop Addition, Houston, Harris County, Texas; vacating and abandoning said tract of land to PS Texas Holdings, Ltd., the abutting owner, in consideration of owner's dedication of a 16-foot-wide sanitary sewer easement containing 4,656 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT H - VASQUEZ** - \$252.00 - General Fund - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1186 ADOPTED.
24. ORDINANCE consenting to the addition of 235.137 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Edwards absent.
25. ORDINANCE consenting to the addition of 32.681 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1187 ADOPTED.
26. ORDINANCE consenting to the addition of 11.540 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 92**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1188 ADOPTED.
27. ORDINANCE consenting to the addition of 389.3498 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1189 ADOPTED.
29. ORDINANCE issuing a permit to **MEMORIAL HERMANN HOSPITAL SYSTEM** for constructing, using, occupying, operating, maintaining and repairing a water pipe line and two electric conduits within the 11800 block of Astoria Boulevard, 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 E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1190 ADOPTED.
30. ORDINANCE issuing a permit to **KRAFT FOODS NORTH AMERICA, INC** for constructing, using, occupying, operating, maintaining and repairing two electrical conduits within the 3800 block of Rusk 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 I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1191 ADOPTED.
31. ORDINANCE issuing a permit to **THE HUNTINGDON COUNCIL OF CO-OWNERS** for constructing, maintaining, using, operating and repairing certain soldier beams with tiebacks adjacent to the 2000 block of Argonne Street, a public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1192 ADOPTED.
37. ORDINANCE awarding contract to **LEHNE AND FORBES CONSTRUCTION**

**COMPANY, INC** for Sanitary Sewer Lines for the Los Arboles Subdivision; approving and authorizing an assignment of the contract to **ALIANZA GROUP, INC**, CIP R-0800-65-3 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2002-1193 ADOPTED.

40. ORDINANCE appropriating \$25,826,986.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2003 Equipment for Various Departments had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Edwards absent.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and sixty (60) different Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 6, 7 as well as the Sheriff of Harris County - **DISTRICTS A - TATRO; C - GOLDBERG; E - WISEMAN; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1469 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$343,642.00 and acceptance of work on contract with **STEVEN R. HILL CONSTRUCTION CO., INC** for Bid Package No. 34 - Lake Forest Park, Hobart Taylor Park and Walter Jones Park, GFS F-0363-34-3, F-0363-35-3 and F-0363-36-3 - 06.39% over the original contract amount - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1470 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,509,972.43 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-83-3 (4257-18) - 00.09% over the original contract amount **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS; G - KELLER and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1471 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,043,742.19 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Relief Sewer Projects: Drexel Drive, Pelham Drive, South Shepherd Drive and Woodbine Street, GFS R-2011-22-3 (4763-2) - 03.55% over the original contract amount **DISTRICTS C - GOLDBERG; D - EDWARDS; E - WISEMAN and G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1472 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,434,852.91 and acceptance of work on contract

with **TEXAS STERLING CONSTRUCTION, INC** for Construction of 30-inch water line along Irvington Boulevard and West Hardy Road, GFS S-0900-58-3 (WA10631) - 04.48% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1473 ADOPTED.

## **PROPERTY**

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Darren Willis of Jones & Carter, Inc., on behalf of Piney Point Limited Partnership, a Delaware limited partnership [TCR Piney Point Limited Partnership, a Texas limited partnership {TCR GC 2002 Development, Inc, a Texas corporation (Darren R. Schackman, vice president), general partner}, general partner], for abandonment and sale of a 5-foot-wide water main easement, out of Unrestricted Reserve B, Block 1, Alexan Piney Point Subdivision, John D. Taylor Survey, A-72, Parcel SY3-028 - **STAFF APPRAISERS - DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Edwards absent. MOTION 2002-1474 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nancy J. Locke, for abandonment and sale of a 10-foot wide easement and the attendant aerial easements, located within Lot 24, Block 17, Timbergrove Manor, Section 3, Parcel SY3-029 - **STAFF APPRAISERS - DISTRICT A-TATRO** – was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1475 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

14. **SOUTHERLAND CONSTRUCTION COMPANY** for Construction of a Bio-Hazard Containment Lab for Health & Human Services Department - \$114,596.00 and contingencies for a total amount not to exceed \$120,325.80 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Parker. (Note: Council Member Parker removed her tag later in the meeting.)
15. **DUNCAN INDUSTRIES PARKING CONTROL SYSTEMS** - \$45,000.00 and **REINO PARKING SYSTEMS, INC** - \$60,000.00 for Parking Meter Parts for Municipal Courts Administration General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1476 ADOPTED.
16. **INDUSTRIAL TX CORP.** for Emergency Purchase of Gas Pipeline Repair Services for Department of Public Works & Engineering - \$77,957.95 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1477 ADOPTED.
18. **AMEND MOTION #2002-230, 2/27/02, TO INCREASE** award to purchase one additional Excavator for Department of Public Works & Engineering, awarded to **R. B. EVERETT & COMPANY** for a total increase of \$44,880.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1478 ADOPTED.
19. **HALL SIGNS, INC** for Signage Hardware for Department of Public Works & Engineering

\$65,069.53 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1479 ADOPTED.

21. **AMEND MOTION #2000-22, 1/5/00, TO EXTEND** expiration date from January 5, 2003 to January 4, 2004, for Thermoplastic Materials for Various Departments, awarded to **FLINT TRADING, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1480 ADOPTED.

**ORDINANCES** - NUMBERS 23 through 40

28. ORDINANCE establishing the north and south sides of the 1200 block of Omar 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. ORDINANCE 2002-1194 ADOPTED.
32. ORDINANCE approving and authorizing lease agreement between **CONGRESS HOLDINGS, LTD., a Texas Limited Partnership**, as landlord, and the City of Houston, Texas, as Tenant, for Office Space at 1005 Congress Avenue, Austin, Texas, for use by the City's Legislative Affairs Group; providing maximum contract amounts - \$30,260.00 - General Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-1195 ADOPTED.
33. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Scanlan Building located at 405 Main Street; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability – was presented and tagged by Council Member Alvarado.
34. ORDINANCE approving and authorizing interlocal agreement between the City and **HARRIS COUNTY** for Development, Operation and Maintenance of the City's Nob Hill Park - **DISTRICT A- TATRO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-1196 ADOPTED.
35. ORDINANCE approving and authorizing professional services contract between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** for Evaluation of a Cultural Diversity Training Program for Houston Police Department - \$50,000.00 - Grant Fund – was presented, and tagged by Council Member Parker. Council Member Berry absent.
36. ORDINANCE approving and authorizing contract between the City and **WINSTEAD, SECHREST & MINICK PC** to Render Expunction Legal Services for Individuals arrested on August 16, 17 and 18, 2002 in the vicinity of 8400 Westheimer; providing a maximum contract amount - \$165,000.00 Property and Casualty Fund – was presented. Council Member Berry absent.

Council Member Quan stated that he was happy to see that they were moving forward on the expungements but they had just received the legal opinion, he believed, last week and would like to tag the item for further review and to meet with Mr. Hall in his office. Council Member Berry absent.

Mayor Brown stated that Item No. 36 was tagged by Council Member Quan, and Council Member Sekula-Gibbs stated that she wanted to add her tag to the item. Council Member Berry absent.

38. ORDINANCE awarding contract to **RBEX, INC d/b/a APPLE TOWING COMPANY** for Towing Services for Light, Medium and Heavy-Duty Vehicles for Various Departments;

providing a maximum contract amount - 1 Year with four one-year options - \$1,310,475.00 - General and Fleet Management Funds – was presented, and tagged by Council Members Vasquez, Ellis and Keller.

39. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services contract for On-Call Transportation Engineering Services with **PARSONS TRANSPORTATION GROUP, INC** (approved by Ordinance No. 2001-482) CIP N-0650-04-2; providing funding for contingencies relating to engineering services for various facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Wiseman.

**MATTERS HELD** - NUMBERS 41 through 49

41. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2003 - January 1, 2003 through December 31, 2003 – **(This was Item 4 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Council Member Alvarado stated that two weeks ago she had some questions and concerns and just got some of her questions answered yesterday and still had more issues and concerns, some of the issues she raised were not answered, that what she was looking at was how the fees were divided that was collected from wire and wireless phones, that she was trying to figure out the number of phones versus population, that she understood that was how they were reimbursed, by population, that her concern was that they may have more phones than they did people, therefore they may be getting cheated out of some of that money, she knew that the way those funds were disbursed was set by the legislature and that may be an issue that they take up there, but she still had some concerns and some issues, and Mayor Brown stated that they did have the Director of 911 present.

Council Member Alvarado moved to suspend the rules to hear from Ms. Laverne Hogan, Director of 911, at this time, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1481 ADOPTED.

Council Member Alvarado stated to Ms. Hogan that some of her questions had to do with how the fees were divided and that it said that they referred to governmental entity and asked if that was the County, City or 911 network and how was that divided, and Ms. Hogan stated that when she spoke of 911 governmental entity it could be a communication district like theirs, it could be a home rule City, which had its own 911 system all by itself or it could be a council of government which implemented and administered 911 in some parts of the State, that there were three different kinds of 911 governmental entities, that all wireless fees were collected by each wireless carrier throughout the State and those fees were submitted monthly to the State Comptroller's office, that any 911 entity that operated in the State of Texas, for example the 911 network in Houston, they received 911 wireless fees based on the population of the service area that they served, that because they were a communication district they actually provided service for 47 cities and two counties, and Council Member Alvarado asked if the Texas Data Center had on record or did she know how many phones they had, cell or wireless, and Ms. Hogan stated that the number of telephones, either wire line or wireless that carriers had were considered a proprietary information and the wireless carriers did not release that information, that the wireless fees were collected on every wireless telephone number, so if they had a family that had four telephones, each of those telephones were billed 50 cents by the wireless carrier, that if the family had two lines they paid a fee on each line, that on the wire line side they were billed by the approximate number of telephone lines, on the wireless side, those fees were submitted to the State Comptroller and they had asked for breakdowns over the years and the wireless

carriers contend that they did not have to release those figures, and Council Member Alvarado asked what their annual intake was on surcharge on wire and wireless, and Ms. Hogan stated that on the wire line service fee for 2003 they anticipated collections of \$13,151,000 and on the wireless fees they were projecting \$10,350,000.

Council Member Alvarado moved to postpone Item No. 41 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg, Quan, Berry and Robinson absent. MOTION 2002-1482 ADOPTED.

Council Member Edwards stated that she wanted to add her tag to Item No. 35.

42. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$274,129.52 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0-610A-T4-3 (Package T1) - 04.70% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER and H - VASQUEZ** – (**This was Item 7 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented.

Council Member Ellis moved to postpone Item No. 42 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2002-1483 ADOPTED. (Note: Council Member Ellis moved to reconsider motion to postpone and Item No. 42 was adopted by MOTION 2002-1493)

43. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$13,281,395.00 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, INC** for Construction of Plants 1 and 2 Chemical Systems Improvements at the East Water Purification Plant, GFS S-0056-26-3 (10211-17) - 04.62% over the original contract amount – (**This was Item 10 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBERS KELLER and VASQUEZ**) – was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1484 ADOPTED.
44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-190, 2/9/00, TO EXTEND** expiration date from February 9, 2003 to February 8, 2004, for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **U. S. FILTER CORPORATION** – (**This was Item 12 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented.

Council Member Ellis moved to postpone Item No. 44 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1485 ADOPTED.

45. WRITTEN Motion by Council Member Robinson to amend Item 45A below:  
To extend the northern boundary of the district to Southmore and the eastern boundary to Alameda – (**TAGGED BY COUNCIL MEMBER ROBINSON**) – was presented.

Council Member Robinson stated that he wanted to clear up some confusion on his amendment, that his amendment was not to divert the existing \$140,000 off Binz but to expand the boundaries of the district so that as they moved forward and make additional applications for grants they could include that area, that he would also like to point out to Council Members and the administration that he would hope they would see this, right now they had two studies going



on, in addition to the upcoming one, and one of those studies was that Wheeler, from Main Street to Alameda, the second was Blodgett from Main Street to Alameda, and now they were doing Binz at the southern end and he actually lived in the general area, but if they looked Hermann to Wheeler had to be viewed as one contiguous area now, but Alameda, and probably Montrose, as the east west boundaries and if they drove through that area it was now starting to take on the characteristics of Midtown in terms of townhome development and rehab of existing and old properties, so there was going to be a large residential population coming up in that area and his hope was if they did for other streets what they intended to do for Binz, make them walkable to use the light rail system, they ought to do it in the entire area, and that was the objective behind his amendment, so it was not to move the \$140,000 off Binz at this time, but he hoped they would pick up where they leave off on Binz and also move over through the rest of that area.

Council Member Goldberg stated that he had some questions on Council Member Robinson amendment and asked Council Member Robinson if he was saying that he did not want to increase the scope of this project, and Council Member Robinson stated not at this time because it had already been applied for as a grant and what the funding was for was Binz up from the bottom of the Museum District, right at Montrose, a little bit of Bayard, he believed, and then over to the one street at the back of the Children's Museum, so it did not take all of Binz in, but it was only \$140,000 for that stretch of Binz, through the heart of the Museum District, but the idea was because the whole goal was to make that area walkable to the light rail facilities, but if they looked at it, because they already had the existing studies down at the Wheeler/Blodgett and they ought to pick up the rest of it incrementally to cover north south Wheeler to Herman, actually, and Council Member Goldberg asked if he was trying to increase the boundaries of the Museum District, and Council Member Robinson stated no, what it did was simply indicate Council's intent that as they moved forward, in terms of federal grants for walkability, mobility, pedestrian use of that area that their intent was to cover a larger scope than just the Museum District, as to cover the developing residential area, and Council Member Goldberg stated that he was still confused, that Council Member Robinson's amendment, and they were voting on the amendment now, did not change the scope of the ordinance that he was trying to amend, and Council Member Robinson stated no, all it did was put on the record that at a future point Council views of the mobility, the walkability of the area did not end at the Children's Museum, but in fact they were looking at a corridor that extended to Alameda and was just consistent with the two other federal projects that were already under way at the Wheeler end, those projects went all the way to Alameda so it would not make sense to say on the northern boundary they were willing to go to Alameda for purposes of walkability to the train station, but on the southern end they were only going to limit their grant applications, their intentions, to the Museum District, so this did not change the boundaries of the Museum District, it envisioned an intent by Council that they view walkability for use of light rail all the way up from Alameda down to Montrose, and Council Member Goldberg asked Council Member Robinson that in his amendment, when he used the word district, which district was he referring to then, and Council Member Robinson stated that the boundaries for purposes of the federal grant, that the boundaries for purposes of the federal grant were established in the application, the Museum District purposes for the Museum District were not established by the grant application to the federal government.

A vote was called on Item No. 45. All voting aye. Nays none. MOTION 2002-1486 ADOPTED.

45a. ORDINANCE approving and authorizing contract between the City and **SLA STUDIO LAND, INC** for Streetscape Design for Bissonnet/Binz Streets from Bayard to Crawford in the Museum District - \$140,000.00 - Grant Fund - **DISTRICT D – EDWARDS – (This was Item 25 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented as amended.

Council Member Goldberg stated that he went through the backup and there was not any

date specified of the study, when did it begin and when did it end, and wondered if there was anyone present to answer the questions, that he had a few other questions, and moved to postpone Item No. 45a for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1487 ADOPTED.

46. ORDINANCE approving and authorizing contract between the City and **JOHN KIRKSEY ASSOCIATES, ARCHITECTS, INC** for professional architectural services for Renovation of Root Memorial Square - \$509,191.00 - Enterprise Fund - **DISTRICT I – ALVARADO – (This was Item 36 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller stated that he was just talking to Steven Lewis about the project and moved for a one week delay on Item No. 46 and was also going to meet with them possibly by the end of the Council meeting but was not sure that it would warrant not delaying it, there was obviously more than met the eye with the project, with it being \$509,000 in design to do \$1.5 million in construction, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1488 ADOPTED.

Mayor Brown stated that there were answers to his question and they would make sure he got those answers over the next week.

47. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering and the Joint Referral Committee, for abandonment and sale of a 9-foot wide portion of a 38-foot-wide alley, located at 1619 Nicholson Street, adjacent to Lot 2, Block 129, Heights Addition, Parcel SY3-021, in connection with request from Tricon Homes, Inc. (Jose Berlanga, vice president), for an encroachment of a ±8.5 foot garage into the alley - **STAFF APPRAISERS - DISTRICT H- VASQUEZ – (This was Item 44 on Agenda of December 18, 2002, POSTPONED BY MOTION #2002-1450)** – was presented. All voting aye. Nays none. MOTION 2002-1489 ADOPTED.

48. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HOUSTON G & G DEMOLISHING SERVICE, INC** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$26,169.00 and contingencies for an amount not to exceed \$27,477.45 - General Fund – **(This was Item 45 on Agenda of December 18, 2002, POSTPONED BY MOTION #2002-1451)** – was presented.

Council Member Ellis moved to postpone Item No. 48 for one week, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2002-1490 ADOPTED.

49. ORDINANCE approving and authorizing contract for professional Civic Art Administration Services by and between City of Houston and the **ARTS COUNCIL OF THE HOUSTON/HARRIS COUNTY REGION** for the Building Services Department - \$112,943.00 Bond Funds – **(This was Item 50 on Agenda of December 18, 2002, POSTPONED BY MOTION #2002-1455)** – was presented.

Council Member Sekula-Gibbs stated that Item No. 49 brought up some issues that actually were not so much related to art as they were related to funding and had no problem with the art project and the construction allocations for art, she thought that was appropriate, but her concern was that it looked like they were paying overseers to oversee the overseer and it looked to her that they were paying \$10,000 out of long term debt money to pay City salaries, which she thought was probably better paid by general operating money, rather than contracting debt for that, and moved to postpone Item No. 49 for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1491 ADOPTED.

Council Member Ellis moved to suspend the rules for the purpose of reconsidering Motion 2002-1483, which postponed Item No. 42 for one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1492 ADOPTED.

42. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$274,129.52 and acceptance of work on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0-610A-T4-3 (Package T1) - 04.70% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER and H - VASQUEZ** – (This was Item 7 on Agenda of December 18, 2002, TAGGED BY COUNCIL MEMBER ELLIS) – was again before Council. All voting aye. Nays none. MOTION 2002-1493 ADOPTED.

Council Member Parker stated that she wanted to remove her tag on Item No. 14 at this time.

14. **SOUTHERLAND CONSTRUCTION COMPANY** for Construction of a Bio-Hazard Containment Lab for Health & Human Services Department - \$114,596.00 and contingencies for a total amount not to exceed \$120,325.80 - Grant Fund – was again before Council. All voting aye. Nays none. MOTION 2002-1494 ADOPTED.

At 9:29 a.m. the City Council moved to the Public Session and Mayor Brown requested the City Secretary to call the list of speakers.

Ms. Ella Monroe, 3330 Beran Dr., Houston, Texas 77045 (832-359-4883) appeared and stated that she was present as a victim to plea with Council on behalf of her children and the communities safety; that on December 6 two Pit Bulls at 3360 Joins got out of their yard and viciously attacked their family pet on the front porch and killed him; that her children, ages 9, 12 and 16, had to witness it while their Dad stood helpless with the first two officers on the scene; that this was not the first encounter they had with the dogs; that they had two previous encounters with the dogs and the second time the children were chased home with their pet and the dog was bit on the leg; that the police were called each time and Officer Duran was assigned and came out but only a verbal warning was given; that Mr. Robert Reid in Animal Control said nothing could be done when they were in a fenced yard, but she reminded him the dogs were not fenced in when the attack happened; that Officer Duran laughed at the slaughter as he witnessed the act and gave the owners of the Pit Bulls their dog with no questions asked; that Mr. Reid said the dog should have been turned over to the city with such a savage act, but they could not override the order given by HPD and they wanted to know what would be done about such savage killers. Council Members Ellis, Vasquez and Quan absent.

Mayor Brown stated that after Council's questions Ms. Gloria Moreno from the Health Department would speak with her. Council Members Ellis and Vasquez absent.

Council Member Sekula-Gibbs stated that it was a horrific situation and she was sorry and would like to follow-up with her through her office; and upon questions, Ms. Monroe stated that the dogs had gotten loose two times and the second time the dogs chased her children home and bit their dog on the leg; that it was two Pit Bulls and both times the attacks had been on her property. Council Member Sekula-Gibbs stated that her office would definitely look into it and see if they could help resolve it. Council Members Tatro, Ellis, Vasquez and Alvarado absent.

Council Member Edwards moved to suspend the rules to hear Ms. Moreno, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Tatro, Ellis, Vasquez and Alvarado absent. MOTION 2002-1495 ADOPTED.

Upon questions by Council Member Edwards, Ms. Moreno stated that state law prevailed over vicious dog attacks and generally it was attacks on persons, but she would have to look more closely regarding attacks on other animals; that she would meet with the family and follow-up; that the normal protocol once a police officer was called was for the animals to be turned over to Animal Control and she did not know in this situation why that did not happen, but she would check into it and let her know. Council Members Goldberg, Ellis, Vasquez and Alvarado absent.

Council Member Keller stated that he was appalled at what her family experienced; and upon questions, Ms. Monroe stated that was the third time she called the police and it was the same officer each time; that Officer Duran laughed at the situation. Council Member Keller stated that another officer should be sent out to investigate; and upon questions, Ms. Monroe stated that she believed the officer and the family of the dogs may know one another; that the family was cited but she was not sure for what. Council Member Keller stated that if Pit Bulls were chasing children in this city that was the same as someone threatening to kill someone, the children were in danger each time they went outside; and upon questions, Ms. Monroe stated that the officers said they would speak to the family which owned the dogs and they spoke Spanish so they had no idea what was said to them. Council Members Goldberg, Vasquez and Alvarado absent.

Mayor Brown stated that Assistant Chief Simmons was present at this time and he would follow-up with her; and he was asking that the Police Department and Health Department both provide a combined report back to Council. Council Members Goldberg, Vasquez and Alvarado absent.

Council Member Robinson stated that he was just going to request that it be put into writing; that this was serious and they had heard of too many cases where people were killed by animals; that he hoped someone would respond quickly and fix whatever the breakdown was; that tomorrow was a holiday, but he hoped someone would go out today and no later than Monday. Council Member Vasquez absent.

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. Council Member Vasquez absent.

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Member Vasquez absent.

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

Mr. Joseph Williams, 3815 Live Oak, Houston, Texas 77004 (713-641-2214) had reserved time to speak but was not present when his name was called. Council Member Vasquez absent.

Mr. Phillip Flakes, 4313 Stonewall, Houston, Texas 77020 (713-675-9721) appeared, presented pictures and stated that he was present with a major complaint from citizens in the proximity of the Fifth Ward Church of Christ; that they were in opposition to an elevated parking garage on Stonewall Street which was a dead-end, their concern was that the garage would greatly impede the normal flow of traffic on Stonewall, Waco, Orange, Featherstone and Copeland Streets and the safety of those in the area would be compromised; and they were asking Council to look at the safety measures. Council Member Keller absent.

Mayor Brown stated that after Council's questions Ms. Hargrove with the Planning Department would meet with him and see if what was being proposed met all requirements of

city government. Council Members Keller and Robinson absent.

Upon questions by Council Member Quan, Mr. Flakes stated that the garage was being built at the church located on I-10 at Waco, the church was the Fifth Ward Church of Christ; that the streets were dead-end streets and they parked all up and down the streets which kept residents from being able to park there; that the issue was they were encroaching upon the individual rights of the citizens, it was a residential area and although there were no zoning laws prohibiting something from being built when it infringed on individual's rights, their rights superceded, it was a moral principal involved; that they met with the pastor and several people and they were adamant about their decision. Council Members Keller, Vasquez and Robinson absent.

Upon questions by Council Member Galloway, Mr. Flakes stated that there was already a parking lot on the property they were to build on and it was between Orange and Stonewall Streets, two residential streets, that cars blocked the vicinity now but doing this would add insult to injury, it would take more time for cars to go up into a five story garage. Council Member Galloway stated that with the garage cars would be off the streets; and Mr. Flakes stated that he did not think anyone would even use the garage. Council Members Keller, Vasquez, Berry and Robinson absent.

Council Member Tatro stated that he had been through this in a couple of situations; and upon questions, Mr. Flakes stated that to be frank he and his neighbors objected to the presence of the church in their neighborhood; that there were no deed restrictions to prohibit it. Council Member Tatro stated that in his area they built a 13 story building onto a small asphalt road and a huge shopping center onto an asphalt road and unfortunately there was no traffic impact ordinance and you could build such on a two lane asphalt road; that he understood they had real issues with the garage, but such was legal under the city code or city building ordinances; and Mr. Flakes stated that the motive of them operating as a church was questionable because he recognized that no one would use the property to the detriment..., it was inconsistent to what Christ proposed in the Bible, this was greed. Council Members Goldberg, Keller, Vasquez and Robinson absent.

Council Member Ellis stated that in District C they had a problem with people who did not live in the area parking in the area and they implemented a pilot program for decal parking and if he felt this was a public safety issue he would suggest he call Council Member Parker's office and get put onto the Neighborhood Protection and Quality of Life Committee so it could be discussed further; and upon questions, Council Member Parker stated that they would have an automatic review of the Decal Parking Ordinance scheduled shortly and if he contacted her at 713-247-2014 she would let him know when that would take place. Council Members Tatro, Goldberg, Keller, Vasquez and Robinson absent.

Mayor Brown stated that in the meantime Mr. Flakes should meet with Ms. Hargrove and see what could be done with the existing laws. Council Members Tatro, Goldberg, Keller, Vasquez and Robinson absent.

Mr. Thomas Foster, 1230 San Lucia, Houston, Texas 77050 (281-442-2647) appeared and stated that he was pastor of the Fifth Ward Church of Christ; that they had experienced growth and growth had brought tension and it had become their collected wisdom to build a parking garage; that they believed it would ensure cars parking off the streets and they had hired an architectural firm to design a user friendly neighborhood enhanced garage and they were trying to buy two lots facing Market Street where they could cut a roadway and allow them to bring 30% to 50% of their traffic along the railroad and it would not pass through the neighborhood and they were asking for patience of their neighbors; and requested the architect speak at this time. Council Members Tatro, Goldberg, Keller, Vasquez and Robinson absent.

Council Member Quan moved to suspend the rules to allow the architect to speak at this

time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Tatro, Goldberg, Wiseman, Keller, Vasquez and Robinson absent. MOTION 2002-1496 ADOPTED.

Mr. Ben McMullen appeared and stated that he was architect for the Fifth Ward Church of Christ and presently they were going through all city regulations and ordinances to design a user friendly garage which would park about 350 cars; that they did a semi-traffic study and presently the majority of church members did park on the street causing a safety hazard, but the garage would get all cars off the street and allow emergency vehicles to pass; that it would be a pleasant looking garage with a 35 foot buffer zone between the nearest property and the garage and they were working to get approval on the garage and working on all requirements. Council Members Goldberg, Wiseman, Vasquez and Robinson absent.

Council Member Parker stated that they were doing something the Council encouraged organizations and entities to do which was to solve their own traffic problems; and upon questions, Mr. Foster stated that during church services they had four security guards one hour before and one hour after services to move traffic; that to the best of his knowledge they tried to make sure everyone was in compliance with the law. Council Members Tatro, Goldberg, Wiseman, Vasquez and Robinson absent.

Upon questions by Council Member Galloway, Mr. Foster stated that it was an indictment on the leadership of the church if they built a garage and could not encourage people to use it; that he had no doubt they would gladly park in the garage. Council Member Galloway stated that she was very impressed with Lakewood Church because they had ten to twelve officers to monitor and control lighting and traffic so members could move swiftly out of the community; and upon questions, Mr. Foster stated they had an ongoing program and they were trying to make it as livable as they could for all concerned. Council Members Tatro, Goldberg, Wiseman, Vasquez and Robinson absent.

Upon questions by Council Member Edwards, Mr. Foster stated that there were three baptized members in the area of his church and within that area there were probably 17 homes, that was the presence they had in the immediate area; that the majority of the people drove five plus miles to get there. Council Members Tatro, Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Ms. Ann Thomas, 1301 Travis #1701, Houston, Texas 77002 (713-739-7514) appeared and stated that she was with the Coalition for the Homeless; that homeless services were funded in Houston and Harris County through the Housing and Urban Development Department and on December 18th they announced a landmark award for the continuous care of \$1.1 billion to the US and \$40,000,000 came to Texas with \$15.6 million to Houston and that represented more funding than 35 states would receive and that happened because they projected a community voice which happened because of the Council; that they were funded well and amply and she thanked Council for their cooperation. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Mayor Brown thanked Ms. Thomas for what she did and congratulated her on the funding. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Ms. Thomas stated that Star of Hope was one of their largest recipients, but this money would not come until probably August of next year; that there were 10,000 homeless and 2,700 emergency beds; that the funding was a collaborative effort through the City Community Development Department and the county through Community Services and her office. Council Members Tatro, Galloway and Goldberg, absent.

Upon questions by Council Member Ellis, Ms. Thomas stated that for street outreach there were three official groups, though many churches did it, the groups were SEARCH, MHMRA

and Bread of Life. Council Members Tatro, Galloway and Goldberg absent.

Upon questions by Council Member Quan, Ms. Thomas stated that at this time Houston and Harris County were unable to access SRO Housing which was single room occupancy for single men or women with a disability and that was because both the city and county could only be monitored by a Public Housing Authority and the Public Housing Authority was under findings and it would take the community voice to relieve those findings so at this time they were ineligible for any funding for SRO housing and that did limit their abilities because permanent housing was one of the main focuses of HUD funding; that CACHE was monitoring SRO housing and one was under findings with two under review but no findings have been established at this point; that they should be able to access a substantial amount in new SRO funds if CACHE were to move forward and establish rapport with HUD. Council Members Tatro, Goldberg and Robinson absent.

Upon questions by Council Member Alvarado, Ms. Thomas stated that findings were violations of ordinances or rules set by HUD, they were violations that the money was not being spent properly and that had been identified for the one agency under findings which was The SHED Project, a hotel on the Westside of town taken over by an agency and turned into permanent housing. Council Members Tatro, Goldberg and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Thomas stated that five agencies supplied SRO for Houston with one having findings and two under review; that there were approximately 2,500 single room occupancy at this time with the majority overseen by the Greater Houston Housing Corporation which had no findings; that Mr. Tom Ward and Mr. Earl Hatcher headed the SRO unit and the SRO was permanent housing; that once the findings were there and they were being worked on then they could be lifted but the community voice would direct CACHE to work with HUD and eliminate the findings.

Upon questions by Council Member Sekula-Gibbs, Council Member Quan stated that they were contacting the person at CACHE who worked in SRO housing to see what could be done to show good faith in resolving HUD's concerns.

Upon questions by Council Member Edwards, Ms. Thomas stated that the average age of a homeless person in the US was nine years old; that the face of the homeless was not the man pushing the shopping cart or the one standing with a sign, in general those were not homeless, but it was more and more families, more and more children were becoming second generation homeless; that the snapshot of the homeless was in general with the main contributor being substance abuse and mental illness and of course the economic downturn, no where in the US could you work at minimum wage and support a two bedroom apartment. Council Member Keller absent.

Mayor Brown thanked and congratulated Ms. Thomas and stated that Council would do whatever they could to be helpful on such an important issue. Council Member Keller absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-645-0682) had reserved time to speak but was not present when her name was called. Council Member Keller absent.

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (281-639-2723) had reserved time to speak but was not present when his name was called. Council Member Keller absent.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-921-7618) was not present when his name was called, but Mr. Frank Gonzales appeared and stated that he would speak in his place.

Council Member Parker moved to suspend the rules to allow Mr. Gonzales to speak, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller

absent. MOTION 2002-1497 ADOPTED.

Mr. Frank Gonzales stated that they wanted to congratulate Captain Brady for his attention to crime matters and gang activity in their Eastwood neighborhood; that their neighborhood had been greatly ignored, two weeks ago he was jogging and mugged at gunpoint and he believed security should be increased; that there were several incidents where homes had been broken into and at night they heard gunshots and music blasting through the streets; that they called police and someone would drive through but without checking the matter; that their neighborhood was historical but decaying and they did not want it to become an area where people were scared to drive through; that there were also several bars near the elementary and middle schools. Council Member Keller absent.

Mayor Brown stated that Assistant Chief Simmons would meet with him after Council Members had their questions answered and take his concerns back to the Police Department.

Council Member Alvarado stated that she had asked HPD to provide additional patrol in the area and she knew it had been done a little, but there was a slow increase of gang activity and she felt they should be very proactive in targeting those areas and believed the Anti Gang Office and HPD had done a good job but a problem was creeping up and it needed to be dealt with before tragedy occurred; and she would appreciate getting the list of names of the bars he spoke of.

Upon questions by Council Member Quan, Mr. Gonzales stated that he was not a member of the Eastwood Association. Council Member Quan stated that the Eastwood Association had been very noteworthy in their efforts to revitalize the area and he was sure that the Police Department was more than willing to work with them regarding safety.

Mayor Brown stated that he appreciated his interest in the community and Chief Simmons was present and would work with him.

Ms. Sandra Liebeg, 5008 Park Dr., Houston, Texas 77023 (713-926-2381) appeared and stated that she felt many tax dollars were spent for an illusion of what Houston was and yet two miles east was the real Houston which were sites you would see in a third world country; that she and neighbors had notified officials of businesses which drained oil into the drainage system and one business had three agencies called in and it was cited they did not even have a license to run the business and she wanted to know who was in charge of inspecting the local businesses for health and environmental issues in the community; that she wanted to know why things were allowed in their neighborhood when they would not be allowed in other neighborhoods and why they were so neglected with taxes being increased and no extra benefits; that they had absentee and slum landlords and vacant lots cited with weeds up to four feet tall; that several people would not even let their children play in the front because of all the activity, she had called the gang task team and they looked at it saying they would follow-up and they did not; that she had a printout of a property with much going on and she did not understand it; that an officer told her he would not live in the area and people were moving out and that made her mad, she should not have to move out, she and the other homeowners were taxpaying citizens and she was demanding their rights for a safer neighborhood. Council Member Berry absent.

Council Member Alvarado stated there was an increase in crime in the area and again she was pleading for sufficient patrol in the area and to have the Health Department be more aggressive with environment concerns. Council Member Berry absent.

Mayor Brown stated that Mr. Cantu was present and would meet with her and see which departments were involved and they would be coordinated to make life better in the area. Council Member Berry absent.



Ms. Jennifer Garza, 3042 Shady Park Dr., Houston, Texas 77017 (713-644-4468) appeared and stated that she was present with a brief introduction to the Mayor's Youth Council; that today was Shadow Day 2002 and she introduced each counterpart shadowing each Council Member including herself; that they had learned a lot and thanked the Council for allowing them to shadow them. Council Member Alvarado absent.

Mayor Brown congratulated them and stated that they represented the future leadership and they were very proud of them. Council Member Alvarado absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Member Alvarado absent.

### **Items received during the meeting**

At 10:35 a.m. Mayor Brown stated that they had two items that were received during the meeting

24. ORDINANCE consenting to the addition of 235.137 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-1197 ADOPTED.
40. ORDINANCE appropriating \$25,826,986.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2003 Equipment for Various Departments – was presented, and tagged by Council Members Tatro, Vasquez, Keller, Robinson, Sekula-Gibbs, Berry and Goldberg.

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

Council Member Galloway stated that she wanted to applaud the Mayor for canceling his trip during the Christmas holidays because he heard about the storm coming to Houston and for being there for her on Tuesday, Christmas Eve, when they had the devastation in Shephard Park Terrace, that she wanted to applaud his efforts and for what he had done for that community and the other Houston community that was affected by the terrible storm.

Council Member Galloway stated that during the holidays they had an automobile that went through one of her constituents home, Mrs. Washington, and the young lady who was driving it lived in the community as well, she lived only a block away, that she had a seizure and went into the home, that where the home was located was right on the curb and she was out there visiting both the victim and the person who had driven the automobile and she wanted her colleagues to know that it was a very dangerous curb, and those neighbors right on the curb expressed an interest in getting speed humps in their community and she wanted the Traffic Department to look into it because it involved about six homes, that if they could get a speed hump on Tarberry, right before the curb and one on Cottage Gate, right before the curb, it would prevent, because every home on that particular curb a car had gone into it, that it was the fourth time an automobile had run into this particular home, that what was so unfortunate was when the lady moved out of her home the night of the incident, someone broke into her home and stole her television and other items, so she just hoped that the Houston community would think about others who were less fortunate and had unfortunate things happening to them, to try to give them some type of moral support in what ever manner they could.

Council Member Galloway stated that she wanted to commend the Mayor's Youth Council and all the youth present, that they thought of them as their future leaders of tomorrow and hoped that maybe one day some of the young men and ladies would like to be sitting where the Council Members were sitting and that they stay the course and stay apprised of the issues that

were facing their communities and that she wanted to applaud them also.

Council Member Galloway stated that she wanted to wish everyone a safe and prosperous New Year.

Council Member Robinson stated that he wanted to wish everybody a Happy New Year and hoped that Santa Claus was good to everybody.

Council Member Robinson stated that he also wanted to piggyback on the first statements made by Council Member Galloway, that he was out and about that day and ran into a number of people and touched bases with the Mayor's staff and they got to the homes that he asked them to take a look at in terms of the constituent concerns and he thought that was the way they were supposed to be and he wanted to commend the Mayor and his staff, that they did a heck of a good job dealing with the concerns of folks out there.

Council Member Robinson stated that the only issue he had was that he received a number of letters about the ordinance that they passed a couple of months back dealing with the meters on sprinklers and wanted to see if he could meet with some folks from Public Works, that a number of constituents had written in, in terms of the industry, that they did not have a chance of having some meaningful input, that he was not taking sides either way, but he would like to bet everybody in the room so they could be clear as to what happened and what they needed to do to make sure that they got it done, that he reason it caught his attention was that it went to 56% of their tax base and the letters all said that they had some serious concern about continued development inside the City and they worked very hard to put incentives in place to encourage that and he wanted to make sure that they did not do anything accidentally to slow that process down so he wanted to visit with those folks after they got back from the New Year sometime, probably early next week if he could, and Mayor Brown stated that they would have someone meet with him.

Council Member Galloway stated that she wanted to commend Maurice Renfro who coordinated the cleanup effort at Shepard Park Terrace, that they were still out there cleaning up, that he was most helpful to them and the community as well, that the City staff workers were all great and also the ones that they had contracted as well.

Council Member Edwards stated that she wanted to wish everyone a Happy Kwanza.

Council Member Edwards stated that she wanted to thank Jeff Taylor and his staff for their continued effort on the Alameda sinkhole, that it was a thankless task and it did not matter how hard they worked it seemed like somebody was always still complaining, that she wanted to let them know that they appreciated what was going on.

Council Member Edwards stated that she wanted to commend the leadership of their new Housing Director, that they had a very long and productive meeting on December 21, 2002, with the HIV Community, vendors regarding the HOPWA funding and how would they move it forward and they came out of it with, what she thought, a very productive meeting that was going to move it forward, that there was a subsequent meeting that was going to be planning the focus groups with the various communities, so if anyone was interested the subsequent meeting was going to be on January 18, 2003, but she wanted to commend Ms. Stiner, the leadership of Bryan White and AIDS Foundation and the whole HIV community, housing and Bread of Life, that everyone showed up and were participants in the meeting and she thought there was a collective made up mind to move forward and develop a productive go forward strategy, that she also wanted to thank Council Members Parker and Quan for their support in this effort, and Mayor Brown stated that they appreciated her leadership on the issue.

Council Member Tatro stated that he wanted to wish all Council Members and employees a safe and Happy New Year.

Council Member Vasquez stated that he too would like to wish everybody a Happy New Year and wanted to encourage everyone to be safe while they were traveling anywhere to celebrate, to and from going home as well.

Council Member Keller stated that he would like to salute some of the Houston Fire Department firefighters who saved the life of a baby, that he hoped that they got some commendation, that there was a family that was going to have a lot better New Year and life because of the following firefighters, T. J. Johnson, Pete Inocencio, Larry Higginbotham, Billy Vanwinkle and Roy Hernandez, that the firefighters served the City at Fire Station No. 57, the "D" shift, that he was sure the Mayor was just as proud of the firefighters and hoped the rest of the City recognized not only them but what they represented, that he commended the entire Houston Fire Department on behalf of those individuals, and Mayor Brown stated that they would make sure the message got to them.

Council Member Quan stated that he believed that several Council Members received a letter from the Association for the Advancement of Mexican Americans concerning the contract that was expiring that evening and their work on HIV education outreach to the community, that the City was considering not renewing that contract because they did not have Workers Compensation coverage but instead have sought alternative coverage which appeared to be adequate to meet their concerns, that he knew the Mayor had received several letters over the holidays and may not have had the opportunity to review that but as he knew AAMA provided exceptional services to the City and was one of the top providers to the City and one of the few agencies that was competent and fully bilingual with a staff to assist the Spanish speaking contingencies of their City, so he would like to be sure that it was addressed as it was expiring today.

Council Member Quan stated that he wanted to point out that there was a great deal of concern within various ethnic communities, especially about the recent call by the Immigration and Naturalization Service to register young Muslim and Arab men at the INS office, the Islamic Education Center and the Arab American Center would be conducting seminars this weekend to talk about what the special registration meant and if there were people in the audience who were concerned about it he would advise their contacting the Islamic Education Center or the Arab American Center, that there had been several arrests of individuals who had gone in voluntarily to immigration and knew there was a great deal of fear within the community.

Council Member Quan stated that he wanted to thank Stephen Tinnermon, Chief of Staff, on working with their office as far as designating funds that they had already allocated for the After School Programs for early childhood education programs that the federal government would be sponsoring, that it was about \$1 million in early education funds to the Gulf Coast Training Council by designating their funds already, so again he appreciated Mr. Tinnermon's efforts on behalf of the Mayor in that regard.

Council Member Quan stated that he wanted to wish all the citizens of Houston a Happy and Prosperous New Year.

Council Member Sekula-Gibbs stated that the Surface Transportation Board issued a statement allowing for an extension on comments of the Draft Environmental Impact Study related to the San Jacinto Rail, the Burlington Northern Santa Fe extension that threatened to course through the Clear Lake area and then affect the Eastend, that extension was not exactly what they asked for, that they asked for a six week extension and they gave them an extension of about three weeks into February 21, 2003, that did afford the City an opportunity to provide comments on the Draft Environmental Impact Study and she would like to support that and encourage Mr. Haines to come forward with those comments as soon as possible, that she would like to encourage him to bring that to Council as soon as possible to let them know how the City would respond to the draft study.

Council Member Sekula-Gibbs stated that she wanted to wish everybody a happy, prosperous and safe New Year.

Council Member Parker stated that she wanted to note the passing of Houstonian Gene Harrington, that he died Monday night, that Gene came to Thurgood Marshall School of Law in 1966 and taught generations of Houston lawyers, and not only was he passionate about the law and teaching, but he was also an advocate in civil rights and HIV and AIDS activism, that he worked with any number of organizations in the Gay community and in the AIDS arena and was honored, she thought, in all of them for his activism and volunteerism, that he was a former candidate for District D City Council years back, that he was better placed where he was, but he was often harder on his friends, and she counted him as one of her friends, than sometimes he was on his enemies, that he successfully sued the Thurgood Marshall School of Law for discrimination but went on teaching there after winning the suit and was happily ensconced there for many years, that he would be very much missed in the Houston community.

Council Member Alvarado stated that she wanted to wish all Houstonians a Happy New Year, Feliz Ano Nuevo a todos.

Council Member Alvarado stated that she would like to point out that her Youth Council Member, Patricia Villareal, she thought that most of her knew her dad, Johnny, who was with the firefighters union, that she came from a very long history of a political family, that her uncle was Senator Mario Gallegos and her grandmother is Olga Gallegos, who was on the school board, so it was only natural that she was on the Youth Council and knew that some day she would see Ms. Villareal sitting in her chair, that it was great to have youth that were involved and were very eager to learn about politics.

Council Member Berry stated that he wanted to commend James Ozenne, Public Works Department, that his office had occasion, on a constituent matter, to call on Public Works and he was on call over the past weekend and the comment from two different people in his office who worked with him was that he was a problem solver and not someone who looked for excuses, he was simply trying to get the job done and managed to, to the happiness and satisfaction of everyone involved. Council Member Robinson absent.

Council Member Goldberg stated that a few weeks ago a letter was mailed out to some City employees and few of them had talked to him about it, and he read in part what the letter said and signed by Philip Scheps, "Two years ago City Council made the decision to change the deferred compensation service provider and the plan, and the change was motivated by the objective to offer, among other things, reduced fees", that in terminating the contract there was a termination charge and he did not think that City Council either knew about the charge or knew how much it would be and for that reason the employees basically now had to pay that termination fee by having reduced compensation or reduced investment and it was something that he would like to find out from the administration how much the charges were and apparently in the new plan there were no termination charges, but why it was not brought forward to City Council that there would be termination charges and determine what those costs were and how they were to be paid off, he did not think all that had been thought out when they voted on the plan or if it was even raised, and Mayor Brown stated that they would have someone meet with him.

Council Member Goldberg stated that they passed an ordinance regarding trash tags and on the second can and the bags, that they had a problem during Christmas where the trash was not picked up and so the next week when they came around of course the cans were already full and they had to put it in bags and the bags would not be picked up unless there were tags on them, that they should not have been charged for that extra pickup because there was no pickup the week before or because of the holiday it was late, that he thought that was something that they needed to look into if Solid Waste missed a neighborhood that neighborhood should not

have to be charged extra for the following week's trash, that they were getting a lot of complaints on it and something that they ought to look into and review.

Council Member Goldberg stated that also this year he thought their CIP was approved so late in the year that now they were starting a lot of projects and what contractors told him that the City got into a lot of projects right before the end of the fiscal year and they knew it and they actually raised their bids, the prices of their bids, because there was so much work out there that they could do that, so he would encourage the administration to go ahead and try for the last six months to space it out where they had CIP projects let for bids consistently throughout the year instead of the end of the year, that there was a subdivision in District C called Westwood which the streets were absolutely horrid, that it was worse than some third world countries, they had been in line for about eight years to get their streets reconstructed and it was approved in the current CIP, that the design had been completed for a couple of years, and he asked that the administration to move on letting the bid for the Westwood subdivision.

Council Member Goldberg stated that he wanted to wish everyone a Happy New Year.

Council Member Wiseman stated that she wanted to extend to all of them her sincerest gratitude for all that they had done to make it a memorable first year on Council, to her senior colleagues she thanked them for their support and guidance, to her freshman colleagues she thanked them for sharing in the experience with her as they went through their first year where they learned so much and hopefully it was something that they would be able to carry with them into the next year, to the Mayor and his administration she wanted to thank them very much for all the hard work that they had done to ease them into the transition, all of the department directors and their assistants, had done a tremendous job of helping them as they began the process of learning the things that they did on Council and of course trying to figure out ways to do things better, that the Mayor's administration had been very open, that to her constituents in District E, she wanted to wish them a Happy New Year and thank them for the opportunity that they had given her to serve them, that it had been a tremendous year and she looked forward to a very productive one next year.

Mayor Brown stated that he wanted to add his voice to other Members of Council in wishing everyone a very happy, healthy, safe and prosperous New Year.

There being no further business before Council, the City Council adjourned at 10:59 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary