

City Council Chamber, City Hall, Tuesday, January 14, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 14, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Ada Edwards, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D. and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carol M. Galloway absent on city business. Council Member Addie Wiseman absent due to being ill. Council Member Carroll Robinson absent on personal business.

At 1:59 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Tatro, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that the University of Houston Downtown was one of the most major research and cultural resources of Houston, it was an integral part of the community with many contributions; that this year they were opening a new state of the art classroom building to be completed in 2004 and invited Dr. Max Castillo, president of UH Downtown, to the podium and presented him a proclamation proclaiming Tuesday, January 14, 2003, as "The University of Houston Downtown Day" in Houston, Texas. Dr. Castillo thanked the Mayor and Council for the proclamation and recognition and stated that they were pleased to serve a population that reflected the diverse population in Houston; that the new building would be for the Criminal Justice Program and they were pleased to be a part of Houston's Downtown University. Council Members Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Houston had serious challenges lately with construction, etc., and they wanted to lift up a business in the district that had been a model for businesses and who made a way out of no way; that the Breakfast Club was located at West Alabama and Travis and invited Mr. Marcus Davis and William Vallery to the podium and presented them with certificates for their successful first year. The spokesperson thanked the Mayor and Council for the recognition. Council Members Keller, Alvarado and Berry absent.

Council Member Berry stated that recently a young man, Darnell Kennedy, helped rescue a mail carrier from an attacking dog; that he was the first to be honored by the Houston Office of the Postal Service as a national hero. Council Member Alvarado thanked Council Member Berry for honoring Darnell and acknowledging his heroic efforts and presented him a certificate for being honored as "Hero of the Year". Council Member Berry stated that he also had a certificate to present to the postal carrier who brought it to everyone's attention, Ms. Sherry Dempsey and to the Houston Post Master, who sent a representative. The representative for the Post Master gave a briefing over the Houston Postal Service Customer Service Area and commended Darnell for being in the right place at the right time and thanked Council for the presentation.

At 2:10 p.m. Mayor Brown called the meeting to order and Council Member Berry invited Rev. Tim Crawford to lead everyone in prayer and Darnell Kennedy led everyone in pledging allegiance to the flag.

At 2:14 p.m. the City Secretary called the roll. Council Member Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business.

Council Members Quan and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business. MOTION ADOPTED.

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

Council Member Edwards moved to suspend the rules to hear Ms. Carol Porter and Minister Robert Muhammad out of order at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business. MOTION 2003-0022 ADOPTED.

Council Member Alvarado moved to suspend the rules to hear Ms. Adriana Cadena out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business. MOTION 2003-0023 ADOPTED.

Ms. Carol Porter, 205 W. Crosstimbers, Houston, Texas 77018 (713-695-5437) appeared and presented a statement in which she stated that she thanked those on Council who withheld judgment upon Kid-Care and hurting Carol Porter while the audit was being prepared; that over the seven month controversy it was the hungry children who suffered; that Houston was labeled the city with the hungriest children after Detroit and it was a disgrace; that during the past seven months childhood hunger had increased because Kid-Care had lost support and they had to cut back on services; that she was appealing to the Mayor and Council Members to use their influence in helping them to secure food supplies and financial support so Kid-Care might continue feeding Houston's hungry children; and invited the Mayor and Council to a "Rally To Feed The Children" at the Kid-Care Empowerment Center, Saturday, February 1 from 1:00 p.m. to 6:00 p.m. Council Member Alvarado absent.

Upon questions by Council Member Edwards, Ms. Porter stated that the Center for Public Policy did the study and over 90,000 students under the age of six were on the free and reduced meal program; that she felt very strongly that a meals on wheels program was the best way to reach them; that they were receiving no food and had very little money left and if the Mayor and Council did not rally Kid-Care would be a lost institution; that they were in need of grant assistance and she would like assistance in that money. Council Member Alvarado absent.

Council Member Vasquez stated that he would like her to hit the highlights of how she exonerated herself in the situation; and Ms. Porter stated that Wayne Dolcefino with Channel 13 did a story on September 5, 2002, stating that she and her husband used Kid-Care money to pay taxes on their home and that was not true; that they had 25 stories now done on them and only one was true; that they secured Larry Mosley a CPA to do their books and a report came out last week with no malfeasance found on her part and she reimbursed Kid-Care close to \$40,000, but Wayne never said that; that they started in their own kitchen with their own credit card and in May switched credit cards; that there was no impropriety financially, they had not taken one dime from Kid-Care. Council Member Keller absent.

Mayor Brown stated that Kid-Care had received much recognition over the years and asked Ms. Porter to remind everyone of that; and Ms. Porter stated that they had been recognized by the United Nations, they were George Bush's Point of Light, they had received over 100 national and international awards and been featured in People Magazine, the New York Times, L A Times and the Oprah Show and it all started because they were embraced by the Houston community, but the bottom line was who was going to feed the children if they went away. Council Member Berry absent.

Minister Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (713-741-2147) appeared and stated that the audit spoke for itself and he wanted Kid-Care's name restored and the children of Houston fed; and secondly he was present with the Fair Housing Coalition and because some stood up they were made many promises and now for years they were seeking redress of their grievances, it seemed the ones who stood up were the ones targeted and removed from the property because if they did not live there they had no standing

to challenge; and he was asking for closure, they needed an affordable housing policy and whatever he could do to bring justice to the group he would be glad to do. Council Member Berry absent.

Mayor Brown stated that there would be a meeting of the Housing Committee chaired by Council Member Quan next Tuesday at 10:00 a.m. in the Council Chamber and the Administration from the Housing Authority would be present to give a report and respond to questions from Council Members on issues they had brought to their attention. Council Member Berry absent.

Upon questions by Council Member Edwards, Minister Muhammad stated that he needed people in government to set forth a process to redress the grievances that did not seem to go away, to review the policy and allow the affordable housing process to move forward and even if individual cases were not resolved to their liking there would be a policy by which they would be heard and properly addressed; and he stood drafted at her disposal, to assist if she asked. Council Member Berry absent.

Council Member Quan stated that they had heard their complaints and were not turning their backs and that was why the meeting was called; that they wanted to be sure they were as aggressive as possible on the issue and he welcomed his input and hoped a new plan would be out to assist. Council Member Berry absent.

Council Member Alvarado stated that she was glad Minister Muhammad was taking a leadership role in this position; that they were going to need a lot of help because it was not just about Allen Parkway Village but about affordable housing throughout the city; that she continued to voice her frustration with the Housing Authority and she knew they had limited jurisdiction over them but she again would remind Council they appointed members to that board and they should hold them accountable. Council Members Vasquez and Berry absent.

Ms. Adriana Cadena, 2506 Sutherland, Houston, Texas 77023 (713-213-8849) appeared and stated that she was representing the Service Employees International Union and was present to comment on the Houston Police Department's general order to not apprehend undocumented immigrants solely on the belief of being in this country without status and shared a story of when she and her brother and sister were young playing at the park because they did not know undocumented children could go to school and a patrol car stopped near them and they panicked and ran home crying thinking immigration had come to take them away, but actually he had stopped to check in on an elderly lady and was someone to help protect and serve them; that since then it was agreed it was not good for the community to practice immigration laws and HPD has carried out a policy to not apprehend people solely on that reason; that the union commended HPD for their system and they wanted to emphasize that immigrants were not terrorists but were contributors to the economic wealth of the city and social fabric and they would ask that fear not be ignited within their community. Council Members Goldberg, Edwards, Vasquez and Berry absent.

Council Member Quan thanked Ms. Cadena for coming and for her work in the community and stated that he had talked with the police and it was not their desire to get involved with immigration; that nationality was a very complex issue and sometimes you would not know if they were a born citizen or not, but HPD was not trained in the different laws passed by the federal government and he agreed that the city needed to do their job taking care of city business and the federal government needed to take care of their business. Council Members Goldberg, Vasquez and Berry absent.

Ms. Evelyn Nicklo, P. O. Box 1265, Stafford, Texas 77497-1265 (281-499-5271) appeared and stated that she owned a small gourmet manufacturing food company and showed at the Rodeo among other shows and this year the health permit increased 300% making their permit \$1,200.00; that if every time she did a show in Houston it cost \$60.00 a day she would not be

able to do them. Council Members Goldberg, Vasquez and Berry absent.

Mayor Brown stated that last year the city engaged services of a consultant to look at city fees and make recommendations on how much it cost to provide the services and that was how the increase was based on their recommendations. Council Members Goldberg, Vasquez and Berry absent.

Mr. Joseph Nicklo, P. O. Box 1265, Stafford, Texas 77497-1265 (281-449-5271) appeared and stated that he was also present regarding the fee increase on the temporary health permit; that in 2000 the fee was \$355.00, in 2001 the fee was \$395.00, in 2002 the fee was \$415.00 and now it would be \$60.00 a day which was a 300% increase; that they did shows in other cities around the state and found Houston's fees extremely exorbitant; that basically the city was not being very pro business and they among others would have to take their business someplace else and in doing that there would only be an increase in other problems Council was facing today such as feeding the hungry and housing those who did not have housing; that he and his wife were asking Council to look at the fee increase and see how it would affect Houston. Council Members Goldberg, Ellis, Vasquez and Berry absent.

Mr. Ben Burkholder, 359 N. Post Oak Ln. #126, Houston, Texas 77024 (713-688-5531) appeared and stated that he had a Toffee Company and was a small business person; that the increase in the health permit was onerous; that they went all over the country doing shows and some cities did not charge for a permit at all, but Houston now had a 300% increase and it was unbelievable and that increase flowed down to everyone else; that they were hurting and he would ask that Council take another look at that charge. Council Members Ellis Vasquez and Berry absent.

Council Member Quan moved to suspend the rules to hear from Ms. Sandra Hines next, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business. Council Members Ellis Vasquez and Berry absent. MOTION 2003-0024 ADOPTED.

Ms. Sandra Massie Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that she was the CEO and founder of the Junior Achievers, Texas youth against drugs and crime, and present to recognize the firefighters, city workers and others who helped to heat up the holidays; that many worked very hard with contributions of food, toys, services and kindness and she thanked and saluted Chief Chris Connealy, Assistant Chief Herbert Simms, Raul Reyes, Otis Jordan, Assistant Fire Chief Danny Smith, Captain Louis Moore, Freddy Jackson, Robin Allen, James Snowden, Elmo Delasbour, Darrel Bush, Lonnie Holman, Jonathan Jackson, Manda Alford, Lonnie Henderson, Marcus Hicks, Marion Alderson, and Antoine Johnson. Council Member Berry absent.

Mayor Pro Tem Quan thanked Ms. Hines for coming to Council and stated that while police had the 100 Club they were now beginning the Firewalkers Club that would serve the same purpose for families of firefighters who gave their life in the line of duty. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Council Member Edwards thanked Ms. Hines for her work over the last 20 years. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Mr. Ray A. Jones, Jr. 3214 Ferndale, Houston, Texas 77098 (713-529-7887) appeared and presented information in which he stated that the West Alabama Quality of Life Coalition was working with Council Member Edwards and others to provide community based solutions to prevent, protect and mitigate commuter traffic caused by proposed freeway construction; that he was thankful TXDOT had postponed construction of the spur for 15 to 18 months as it may be the most significant measure to direct commuter traffic away from the inner city neighborhoods

and would provide better access for commuters when construction did occur; that the Coalition was back to Council because some of the related work on W. Alabama in anticipation of an April 2003 closure of Spur 527 was not now needed; that when grading and resurfacing of the right-of-way was completed in the next months the Coalition was requesting the Mayor issue a directive to Public Works to retain current road striping configuration on W. Alabama, to retain bicycle lanes on W. Alabama and not to relocate them to Fairview Street and to initiate no further material changes for W. Alabama or Richmond until and unless a series of preventions, protections and mitigations were developed and approved for the neighborhoods and fully funded. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Mr. Jones for his efforts and stated that as he understood at this time Mr. Jones was in favor of the delay and once construction was done he would like the restriping to stay as it now was; and Mr. Jones stated that was correct. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mr. Jones stated that he just attended a Neartown meeting and he fully did intend to work with that group as they were concentrating on the spur and his group was concentrating on the prevention mitigations and between them he felt they would have maximum impact. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Ms. Regina Garcia, 2425 University Dr., Houston, Texas 77005 (713-522-9306) appeared and stated that she was the past chair of the Houston Pedestrian and Bicycle Advisory Committee and was also present regarding the W. Alabama issue; that since the spur project was delayed she hoped the city would also delay the restriping of the bicycle lanes as that was the route she often used and more importantly it was a small thread of fiber in a unique neighborhood in Houston; that W. Alabama had many churches and schools and many used it walking and bicycling and there were not sidewalks down the entire street so often school children had to get off sidewalks into the bike lanes until the sidewalks started again; that some in wheelchairs also used the bike lanes; that it was a cheap form of transportation for many people and if the street were restriped many would not feel safe any longer; and once the construction began and all was changed how would they heal the neighborhood again. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg thanked Ms. Garcia for coming to Council and all her works; and upon questions, Ms. Garcia stated that if the bike lanes were changed to Fairview it was possible to use it, but like anyone else you wanted a direct route to where you were going and a route where you could stop and pick up things you needed and on Fairview you had to zigzag so often, you had to cut across traffic and there was not much lighting at night; that one reason they were so animate about preserving the W. Alabama corridor for cyclists and pedestrians was because it was a unique link with St. Thomas and the Houston Community College, University of Houston and Texas Southern University and that was a vision for a long time, a university corridor; that when cars came to the street you pushed life off the street and charm off the street, the children and the moms were all pushed off for cars. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that the Houston Pedestrian and Bicycle Advisory Committee recommended not relocating the bikeway, but it seemed the Public Works Department said that was not a feasible option; and upon questions, Ms. Garcia stated that there was no need to restripe now since it was delayed a year, but the reason Public Works was saying it was not an option was because they were talking about reversible lanes and wanted to squeeze more cars in with that; and one couple said there used to be a traffic accident three times a week at a certain intersection and now with the center turn lane it was so much safer so you could talk about increasing the capacity of a roadway but were they figuring in the loss. Mayor Pro Tem Quan stated that they would continue to look at that. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Mr. Ira Dember, 2144 Colquitt, Houston, Texas 77098 (713-520-5002) appeared and stated that he was present on behalf of the W. Alabama Quality of Life Coalition and was thankful for the delay of Spur 527 construction; that there was data supporting the view that the current lane configuration of W. Alabama was substantially safer than the four lane configuration it had some years ago; that Public Works changed the configuration to what it was now and it worked extremely well; that in other cities it showed substantial decreases in accidents when configuration went from four to three lanes; that the city did the right thing years ago and if it was not broke it should not be fixed. Mayor Brown, Council Members Tatro, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Mary Davis, 3015 Richmond, Houston, Texas 77098 (713-542-8000) appeared and stated that she was present representing the Upper Kirby District and the Houston Intown Chamber of Commerce who had been active participants in the Southwest Corridor Facilitation Team from its inception; that they were in charge of releasing media information on the corridor activities and in conjunction with the Houston Community College they were preparing to sponsor a meeting with the sole purpose of providing a forum for accurate details on what to expect and plan for during the reconstruction of US59 Spur 527; that concerns were unfounded congestion mitigation steps; that to preserve the safety and operation of their neighborhoods, schools and businesses there must be changes during construction, but they must remain safe and viable; that they appreciated more time and the funding of the congestion mitigation items must become a priority and they asked for Council's continued support. Mayor Brown and Council Member Berry absent. Mayor Pro Tem Quan presiding.

Ms. Barbara Joseph, 5100 Milwee #145, Houston, Texas 77092 (713-957-2198) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Dena Gray, 6521 Grape, Houston, Texas 77074 (713-522-5438) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Steven Williams, no address, no phone had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Al Jensen, 3030 Reba, Houston, Texas 77019 (713-524-2328) appeared and stated that that he was present with a subject that went back to the time of Council Members Tinsley, Calloway and Boney which was they were in desperate need for a traffic signal near the Center for the Retarded at West Dallas and Gross Streets; that the Mayor had Gross Street resurfaced which had been desperately needed but still there was no traffic signal; that West Dallas was heavily traveled and the bus stop and shopping area for those who lived at the Center was across the street; that most retarded individuals who lived there walked on Gross Street with no sidewalks and ditches on both sides; that he and his wife reached the drastic conclusion that someone would have to be killed before something was done and recently there was an accident involving a car and two retarded residents, fortunately no one was killed, but the retarded individuals were not second class citizens and their safety was important and at the very least they needed a crossing signal but the sidewalks and ditches should also be addressed; that last night he went by and a car was in the ditch as the driver had been fooled thinking the pavement width was the same as the entrance; and he was asking Council to please address those safety issues. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he had a receptive ear with the Council; that he knew there was a work order to repair a damaged manhole at the intersection of Gross and West Dallas and the missing water valve cover was being replaced; that they were looking to do a traffic study and present was Mr. Fiederlein who would speak with him about trying to get a

traffic signal at the intersection. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Juan Houston, 641 Sherwood, Houston, Texas 77021 (713-842-2275 had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

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. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Martha Olvera, 5601 Oakham, Houston, Texas 77085 (713-298-2559) appeared and stated that she was present because last week on the news there was a story about immigrants not being detained by police and why didn't they hold them when they could be terrorists, but terrorists and immigrants were not the same, the immigrants came to work and not to terrorize; that HPD worked so hard to have credibility with the immigrant community and now one channel was destroying all their hard work; that they were creating terror in the community causing them to be afraid to report crimes or what they knew regarding crimes; that police were to do their job of protecting and the news was to do their job and not create controversy. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that it was very important to have a good relationship between the Houston Police Department and the immigrant communities in the city; that they had an office of Immigration and Refugee Affairs and they needed to make sure a good relationship stayed; that they would not change because of what the news reported. Mayor Brown, Council Members Tatro and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Mayra Figueroa, 6601 Hillcroft #125, Houston, Texas 77081 (713-248-7399) appeared and stated that she was present to commend the Houston Police Department; that immigration enforced by local police only undermined police and community efforts; that a local department that began to enforce immigration laws lost trust of the community it served and protected and less crimes would be reported and fewer people would come forward to report suspicious activity; that many immigrants came from countries where people were afraid of police and it took years for police to build trust that could be lost overnight; that police needed their limited resources to be spent on solving crime and the INS needed to focus and set procedures that would actually work; that police should not be distracted from their primary mission for things they were not trained; that immigrants were not terrorists but were here to work and help build a stronger economy and community as well as share their different cultures; and she would ask everyone who were the ones watching their children, waiting on them in restaurants, building highways, etc. Mayor Brown, Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Ms. Figueroa for coming to Council and he felt the Council wanted to continue to honor their work and their representation. Mayor Brown, Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that Houston had been very fortunate with their Police Department in that the officers did not act as immigration officers and she thanked the Administration for maintaining that policy and for communicating that very effectively to the Police Department. Mayor Pro Tem Quan stated that he had spoken with Acting Chief Oettmeier and they were looking to add a community relations person dealing with the immigrant community in the Police Department to make sure the department was aware. Mayor Brown, Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he did encourage Ms. Figueroa to stay actively involved; that it was an issue, which needed continuous monitoring, and continuous involvement

and whatever he could do she should let him know. Mayor Brown, Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Amelia Perez, 17906 Barnel, Houston, Texas 77049 (281-456-7764) appeared with an interpreter who stated that she was representing the Houston Coalition for Dignity and Amnesty and was speaking on the enforcement of immigration laws by local police; that if immigration was enforced by the police it would make no one any safer from terrorism and eroding the rapport between communities and police would in fact make them less safe; that the police needed the cooperation of communities they served and protected to collect information of suspicious behavior so they could prevent terrorism and other crimes; that police who understood they needed cooperation of the community members had wisely declined to enforce immigration laws and those who did not understand had a bad track record; that citizens were now required to carry proof of citizenship; that many local leaders condemned turning local police into INS agents. Mayor Brown, Council Members Keller and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Andrea Delgado, 11811 Chimney Rock #69, Houston, Texas (832-867-5944) appeared with an interpreter who stated that last week there was a news report on Channel 13 of immigrants and police; that she felt the police had done a good job but the INS said the police were not doing their job; that each department had a responsibility to carry out their own job and police did a good job of looking for criminals and not immigrants. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that since she had been in Houston there had always been problems in Houston with immigration starting with the Nigerian community; that she knew there was a committee which looked at immigration issues but what she saw was it seemed to be immigrant communities of color which had the issues and she did not know if it would be appropriate for the committee to hold a hearing and invite INS, but it seemed the problems came up around the African communities and Hispanic communities and she would like it looked at. Mayor Pro Tem Quan stated that they were in the process of planning a daylong seminar and open forum in June and the Office of Immigration and Regulatory Affairs was working with different community groups and they welcomed her input. Council Member Edwards stated that she felt the immigrant communities did a great service to the community and it was time to see how the city could be of better service to them. Mayor Pro Tem Quan stated that was the future and the growth of Houston and if it were not for the immigrant communities Houston would not be growing as a city. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Cristobal Hinojosa, 331 Dorchester, Houston, Texas 77022 (713-697-0230) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rogelio Retez, 1407 Zora, Houston, Texas 77055 (713-956-9184) appeared and stated that he was present regarding action taken by the Houston Police Department, not reporting immigrants to the INS; that they were saying thank you from all immigrants who lived in Houston. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Dannis Christian, 6601 Hillcrest #125, Houston, Texas 77081 (713-271-9703) appeared and stated that police recently helped eight persons believed to have been illegally brought into the country, they took them to a safe place where they could be housed, fed and cared for and that was a humanitarian gesture on the part of the police which he and others were applauding; that the police did the right thing in calling the INS and not assuming the role of INS agents; that the decision as to whether a person was legally or illegally in the U. S. was a complicated



matter and since they lived in an area which was a strong Hispanic immigrant community it was comprised of both persons here legally and illegally and the entire community became apprehensive and fearful of police if police began enforcing immigration laws; that the fear was police in their investigation would make mistakes and would be abusive or cruel to persons they stopped for any reason; that a federal agency was charged with investigating and prosecuting immigration cases and they believed it was much more productive to the entire community if police did not enforce the complicated immigration laws and they applauded police for the humane treatment exhibited in the case referred to. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jean Wilkins Dember MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that she could not believe Mrs. Mary Pruitt and her children and Mr. Lenwood Johnson and others were still struggling for security and a home; that if there was no evaluation of the Housing Authority how could there be an analysis of its performance; that if those to be served were repeatedly violated how could they say the Housing Authority was not complicit in breaking federal law and how could Council be satisfied; that Council had authority they were not executing and she was calling on them to restore the wrongly evicted without delay. . Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mayor Pro Tem Quan stated that he would assume the city had the right to ask for an audit of the Housing Authority, they appointed directors; and asked Mr. Bibler to elaborate. Mr. Bibler stated that in fact it was an independent political subdivision and it was created in the 1930s or 1940s and it was the Mayor alone who appointed the board of directors; that he knew of no basis for them to request or demand an audit over there, not a unit of city government. Mayor Pro Tem Quan stated that there was no requirement that they provide that report he would say Mr. Etuk was willing to attend meetings and present information and it was his intent after the presentation last week to have the Housing Authority come before the Housing Initiatives Committee to talk about the privatization, management, how they handled management and complaints and to bring representatives of the resident council to talk about their role and whether they were empowered by the Housing Authority to act as well as members of the Housing Authority to talk about their efforts. Council Member Edwards stated that they may not have the jurisdiction to mandate anything, but she would respectfully request the Administration ask for an audit and in the good spirit of trying to develop a go forward strategy they could move on this; that the Housing Authority, Mr. Etuk and the board seriously look at the request or she would like in writing why they could not do it. Upon questions by Mayor Pro Tem Quan, Council Member Edwards stated that she was referring to a financial and performance audit. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Tony Evans, 5555 Hollyview Dr. #416, Houston, Texas 77091 (713-812-1130) appeared and stated that he was a member of the Fair Housing Coalition and was present concerning the Housing Authority; that on December 18, 2001, the Fair Housing Coalition, the National Black United Front, Residents Council of Allen Parkway Village and numerous organizations packed City Hall in support of four residents who were evicted from Allen Parkway Village and on January 8, 2002, the Fair Housing Coalition, Rep Sheila Jackson Lee and representatives from the Housing Authority came back to City Hall and a hearing was supposed to be held addressing the many issues brought up at the previous Council Meetings but the hearing never took place; that the Housing Authority was asked to produce a finding of facts leading to the conclusion of the law pertaining to the eviction of the four families but no such documents were ever produced; that when the four families were evicted they lost all their possessions and the Mayor asked that the Housing Authority resolve the issue and return their belongings, but they were never received; that two town hall meetings were held in May 2002 and many letters and calls were made from individuals including the Council and Fair Housing Coalition to the Housing Authority

and now one year later two residents were still homeless and no residents were returned to Allen Parkway Village and today they were present asking for Council's support. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Evans stated that they did not want anyone who lived at Allen Parkway Village to be displaced, but they did want the ones evicted returned as they felt they were illegally evicted; that there was a request made by the Mayor for the Housing Authority to provide evidence to legitimize the evictions and that was over a year ago and the Fair Housing Coalition, of which he was a member, still had not received any report. Council Member Edwards stated that she had not heard anything either and that was why she was asking for an audit. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jessica Valentine, 1915 Blodgett, Houston, Texas 77004 (713-522-4104) appeared, presented information and stated that she was present regarding the Housing Authority; that last month her argument was she had not been notified properly of how much she was to pay for her rent and on January 8 she faxed the Mayor and some Council Members documents, her contract and lease agreement amendment. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council had the letter she presented outlining her discrepancies and they did plan on Mr. Calloway being at the Housing Initiatives Committee Meeting; and upon questions, Ms. Valentine stated that she was made to seem that she was lying and she only wanted to be in good standing as she was in a good place now and wanted to stay there; that when she was last present the document Mr. Calloway stated he saw was dated the same day she was present and that was not proper notification seeing it was 90 days after she had moved in. Mayor Pro Tem Quan stated that he agreed and they would be looking at Section 8 Housing as well as her notification. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her being present and her documents was the main reason she had called for an audit; that she had referenced a property on Blodgett; and upon questions, Ms. Valentine stated that she had not contacted her office regarding that property. Council Member Edwards stated that her office would be looking into that property. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared, sang and expressed his personal opinions until his time expired. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official United States President; that he was seeking protection and expressed his personal opinions until his time expired. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that that all military was his military and expressed his personal opinions until his time expired. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, P. O. Box 21371, Houston, Texas 77226 (713-731-0495) appeared and stated that he was present regarding the Housing Authority, they were destroying seniors lives and children's futures; that December 17 a young lady was present and told Council when you complained about the Housing Authority you would be evicted and December 23rd she received her court order appearance; that she and her family had no Christmas and they were only trying to get justice; that Council could figure out what needed to be done. Mayor Brown, Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they did hope to take care of the issues. Mayor Brown, Council Members Goldberg, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-228-3334) appeared and stated that she was present regarding the Housing Authority and she was excited and hopeful about the initiatives formed at this Council table, but her observation and history told her that Council would probably hear the Housing Authority was doing all they could and doing a great job; that there had to be a relationship between the residents and the Housing Authority so they could address grievances. Mayor Brown, Council Members Goldberg, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he did hope Ms. Shakur would come Tuesday to the Housing Initiatives Meeting so she could hear their responses and he had asked them to invite him to the Resident Council Meetings because he wanted to hear from them. Mayor Brown, Council Members Goldberg, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:00 p.m. City Council recessed until 9:00 a.m., Wednesday, January 15, 2003. Council Member Galloway absent on city business. Council Member Wiseman absent due to being ill. Council Member Robinson absent on personal business. Mayor Brown, Council Members Goldberg, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, January 15, 2003

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, January 15, 2003, 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. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director, present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs and Quan absent.

At 9:10 a.m. Mayor Brown called to order the meeting of the City Council and stated that the first order of business was a briefing by Mr. Chuck Watson and Mr. Robert Dale Morgan. Council Members Galloway, Goldberg, Edwards, Wiseman, Quan and Sekula-Gibbs absent.

**MAYOR'S REPORT** - Briefing by Super Bowl Host Committee Chuck Watson and Robert Dale Morgan

Mr. Watson stated that he wanted to thank the Mayor and City Council for allowing them to

come to Council and talk about the Super Bowl, that it was only 54 weeks away and it was not about a football game but about an event and there was a tremendous amount of events they had planned for the year, that they already had an opening event and would be having another one on February 1, that they would all be hearing about, which was exactly one year from the February 1, 2004 when they would host the Super Bowl, that he was Chairman of the Super Bowl Host Committee and was really present to open up the lines of communication with the Council and also to be able to share with them some of the events and some of the expectations that they had for the NFL and the Super Bowl and what it could do for the City of Houston and in turn what the City of Houston could do for the NFL, that present with him today was Reverend Kirby John Caldwell who was Chairman of their Government Relations Committee and would speak with them for a brief minute. Council Members Tatro, Wiseman and Vasquez absent.

Reverend Caldwell stated that first of all they were not asking for money, at least today, that as Chuck mentioned obviously the Super Bowl was coming and it was a lot closer than they might think, that it would be a year from this month and in addition to the obvious objectives his hope was that all the folks who come to the Super Bowl, the NFL, the media, the fans, etc., would have just an outstanding experience to the extent that they would become goodwill ambassadors for the City and encourage others to come and visit the City and of course hopefully they would be placed in the cycle for future Super Bowls, that it was very important, they did not want it to be a one time Super Bowl opportunity, they wanted it to be a continuum and in order for that to occur, obviously they had to offer them an excellent experience, so they thank them for their support and leadership, that part of the City's commitment to get the Super Bowl included the police, fire and emergency services, they had made that commitment and obviously expected to keep that commitment, not just related to the Super Bowl game but to all of the events surrounding the game, so they thank them for their support for that, that they may have to come back to City Council to ask for some help regarding some items that they did not know anything about, obviously they wanted to meet the needs of the NFL, but to understand that they would not be unreasonable needs and the benefits would always outweigh the cost, that it was a great City and the Super Bowl next year would give them an opportunity to truly strut their stuff both nationally and internationally. Council Member Vasquez absent.

Mr. Watson stated that to give them a sense for the magnitude of the event they would be putting on in just a little over a year, they were looking at about 100,000 people coming to the City during that time, so there would be 30,000 or 40,000 people coming to Houston who had no intentions of going to the game because they were not going to get tickets since there was only about 65,000 tickets, but maybe more importantly than that was that they were looking at a roughly \$300 million impact for the City, that as businessmen when they invest about \$10 million or \$12 million and get a \$300 million return that was a good business deal so he thought the Super Bowl clearly was good for the City, and it was not good for any portion of the City, it was good for the entire City and really the surrounding counties as well, that they were going to fill up every hotel, not only in the City, but in all the counties, and would probably fill up all the boat docks down in Galveston and Clear Lake, that they were talking about a tremendous amount of focus on Houston, Texas, but maybe even more important to him was that they were looking at 3,000 members of the media who were going to converge on Houston and would be here for about a week to 10 days, so it was not just about a game or about a football game, it was about a week of events that they were going to be putting on to really showcase Houston, Texas, that he thought it was their opportunity to show the world what they already knew about Houston, that it was one of the greatest cities in America and this was an opportunity to do that, that they needed to embrace the opportunity and needed to energize the community and for that they were going to need the Council's help, he intended to be working with each and everyone of them for the next couple of months because he was going to ask each Council Member to serve on their advisory board that they would be putting together in February and March because in order to do it right and in order to really take full advantage of the opportunity that was before them, that the Super Bowl had given them, they needed each and everyone of their support and help, that they were going to have an advisory board that was going to be consisting of some 60 or 70 people, all of which were going to be necessary and have a distinct job if they were going

to do it correctly, that he would be back to the Council and as the Reverend said they were not asking for any money right now and hoped from their commitments to date they would not have to come back for anything, but to them it was an opportunity to really showcase Houston and they wanted to do it right and they wanted to take the opportunity to maximize it to the fullest. Council Member Wiseman absent.

Upon questions by Council Members, Mr. Watson stated that as to the community events, they knew that a lot of people in Houston were not going to be able to attend the game and that was why he said it was more than about a football game, that they believed there were going to be millions of charity dollars that were going to be raised as a result of having the NFL and those literally start in the first quarter of the year, so there was going to be a tremendous amount of events that hopefully all of Houston would have the opportunity to participate in the events, that it would start February 1, 2003 because they were inviting all of Houston to come downtown and join them for sort of kickoff with the media and with the community, that was why the host committee's job was to put on a number of events that could accumulate and include a lot of Houstonians, that there were numerous opportunities for young people, that there was an NFL experience, which was a huge event and would be in the convention center, and they were going to make a special effort to make sure that as many children in Houston could attend that and it was literally for over a week prior to the Super Bowl, so they had numerous opportunities to be able to get children throughout the City to attend that and when the players come they were very good about doing a lot of visiting of hospitals and they were going to be coordinating all of the events that the players, with the NFL, would be attending and trying to encourage and they would be asking children to attend the practices, that the whole point about trying to host a Super Bowl was not only the economic impact but the social impact and it was trying to get as many Houstonians as they could, young and old, to participate in the phenomenal event; that the host committee was looking at raising \$10 million to \$12 million and a majority of that was coming from the private sector and the services, as far as the City was concerned, was really not in terms of cash, but services that they would be providing and it was estimated that it was about \$1 million to \$1.5 million of services that the City would be providing for the Super Bowl, that a good deal of the money that was being raised, even to put the Super Bowl on, and even though the entire City would benefit, would be from the private sector; that they had a special committee that was absolutely focused on women and minority businesses, the smaller businesses, to let them be able to participate in getting the work and joining the restaurants and other facilities, and that committee had already been worked out for several months and trying to identify those kind of companies and get them on the list, so absolutely it was a focus, not only of the NFL in general, but certainly of the host committee; that in Houston they were very fortunate and had enough capability in their normal motel/hotel system to be able to accommodate the people that were coming around the area, that it was not their intent to have anything organized to be renting homes out because they had plenty of facilities and that was one of the beauties of Houston that people were going to realize when they got here, that as he had said he thought they were going to get some 40,000 people coming to the City who had no intention of going to the game and they would be here for a week and their focus right now was on the media and the people who were coming here, certainly to make sure the media had something to do every day, that they wanted to make sure that they give them an opportunity to write about what they took them to that day so they had a very strong plan for the media, from the day they walk in to the day they leave, but in terms of all those other folks, they were going to give them a pamphlet, from the time they land at the airport or how ever they get to Houston, they were going to get information about the activities of Houston, because they were trying to exenterate all of the things and all of the space in Houston that they had to be able to participate in; that their website will be up the week after they are due back from San Diego, that they will put all of the scheduled events and also if the opera wants to put on a play and they will let them know and they will put it on their website, that a lot of people will know a lot about Houston before they get there, that on February 1, 2003, downtown, there will be a big event and he would like to have all of the Council Members there, that it was a chance for them to invite everybody in Houston to come downtown, that it was a chance for a lot of people who normally do not come downtown to see the improvements that have been done, that it will be on the 300, 400 and 500 blocks of Main Street, it will start

around 4:30 p.m. or 5:00 p.m., with the live television at 5:30 p.m.. Council Members Wiseman and Vasquez absent.

Council Member Robinson stated that he remembered when they were going after the Olympics, there was a piece of legislation passed in Austin and then they took some kind of action at the City Council level where it was essentially an incremental increase in sales tax on merchandise and would go into a fund that would help underwrite the costs of the Olympics and asked Mr. Hall if that statute allowed for something like that on the incremental sale of Super Bowl merchandise so that essentially they would not have to come back to City Council and ask for any money, they could establish some kind of savings account that they could operate off of, and Mr. Hall stated that it was passed as a bill for benefit for all of the cities of Texas, because they had more than one if they recalled that was competing at the time, that he did not think it was a General Use statute for those kind of activities, but he would check on it and report back to them, and Mr. Watson stated that they would look at it and be happy to talk to him about it. Council Members Alvarado, Parker and Sekula-Gibbs absent.

Mayor Brown stated that he wanted to thank them for being present and that they would now move to the consent agenda.

### **CONSENT AGENDA NUMBERS 1 through 21-38**

#### **MISCELLANEOUS** - NUMBERS 2 and 3

2. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for South Main Estates Park - Community Building, GFS F-0499-01-3 - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Parker and Sekula-Gibbs absent. MOTION 2003-0025 ADOPTED.
3. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Carverdale Park - Bid Package No. 6, Parks to Standard Program - Phase II, GFS F-0363-06-3 - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Parker and Sekula-Gibbs absent. MOTION 2003-0026 ADOPTED.

#### **PROPERTY** - NUMBERS 5 and 5A

5. ORDINANCE appropriating \$1,000.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Agreed Final Judgment in connection with the settlement of eminent domain proceeding styled City of Houston v. John P. Struman and M. Frank Struman, et al., to acquire Parcel Number A93-178, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (PINEMONT - W. LITTLE YORK)**; GFS/CIP N-0546-01-1 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Members Parker and Sekula-Gibbs absent. ORDINANCE 2003-0014 ADOPTED.
- 5a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. the John P. Struman and M. Frank Struman, et al., Cause Number 763,742; for a total consideration of \$2,500.00 in connection with **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT**; GFS/CIP N-0546-01-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Parker and Sekula-Gibbs absent. MOTION 2003-0027 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 21-38

12. ORDINANCE approving and authorizing subordination and modification agreement with **W. T. M. INVESTMENTS, INC** and **MITCHELL MORTGAGE COMPANY, L.L.C.** in connection with the Refinancing of loans made to W. T. M. Investments, Inc and secured by the Wheatley Manor Apartments located in Houston, Texas, a project restricted for rental to low income persons **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0015 ADOPTED.
  
21. ORDINANCES (43 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **FIRST READING**
  - 21-1 Alpha Waste Express, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0016 PASSED FIRST READING IN FULL.
  - 21-2 A&T Environmental Cleaning, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0017 PASSED FIRST READING IN FULL.
  - 21-5 Advanced Disposal Systems, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0018 PASSED FIRST READING IN FULL.
  - 21-6 Astro Waste, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0019 PASSED FIRST READING IN FULL.
  - 21-7 Aztec Portacans and Containers, L.P. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0020 PASSED FIRST READING IN FULL.
  - 21-8 Bay Area Waste Systems, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0021 PASSED FIRST READING IN FULL.
  - 21-9 Bayou City Environmental Services, L.P. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0022 PASSED FIRST READING IN FULL.
  - 21-10 Bayou City Waste Systems, L.P. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0023 PASSED FIRST READING IN FULL.
  - 21-11 CES Environmental Services, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0024 PASSED FIRST READING IN FULL.
  - 21-12 City Waste, L.P. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0025 PASSED FIRST READING IN FULL.
  - 21-13 Disposal Doctor, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0026 PASSED FIRST READING IN FULL.

FULL.

- 21-14 Eagle Construction & Environmental Services, L. P. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0027 PASSED FIRST READING IN FULL.
- 21-15 Excell Disposal, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0028 PASSED FIRST READING IN FULL.
- 21-16 Gainsborough Corporation d/b/a Gainsborough Waste – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0029 PASSED FIRST READING IN FULL.
- 21-17 G. O. Weiss, Inc – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0030 PASSED FIRST READING IN FULL.
- 21-18 Grace Disposal Systems. L.L.C. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0031 PASSED FIRST READING IN FULL.
- 21-19 GRM Disposal Services, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0032 PASSED FIRST READING IN FULL.
- 21-23 Hill Sand Company, Inc d/b/a Hill Waste Services – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0033 PASSED FIRST READING IN FULL.
- 21-26 May Environmental, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0034 PASSED FIRST READING IN FULL.
- 21-27 Philip Reclamation Services, Houston, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0035 PASSED FIRST READING IN FULL.
- 21-28 PRI Services, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0036 PASSED FIRST READING IN FULL.
- 21-29 Pro Waste, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0037 PASSED FIRST READING IN FULL.
- 21-30 Ray Smith Construction, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0038 PASSED FIRST READING IN FULL.
- 21-32 Northside Garbage Service, Inc d/b/a Northside Waste Service – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0039 PASSED FIRST READING IN FULL.
- 21-34 Stericycle, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0040 PASSED FIRST READING IN



FULL.

- 21-35 Specialized Waste Systems, Inc. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0041 PASSED FIRST READING IN FULL.
- 21-36 Triple S Equipment – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0042 PASSED FIRST READING IN FULL.
- 21-38 U.S. Liquids of Houston, L.L.C. – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2003-0043 PASSED FIRST READING IN FULL.

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**  
**MISCELLANEOUS**

1. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval of Affirmative Action Goal for airport leasing (concession) contracts through September 30, 2003, in compliance with DBE Ordinance Nos. 89-226, 99-893 and DOT/FAA requirements – was presented, moved by Council Member Quan, seconded by Council Member Vasquez and tagged by Council Member Vasquez. Council Members Goldberg and Berry absent. (Note: Council Member Vasquez removed his tag later in the meeting.)

Council Member Vasquez stated that he had some questions that had not yet been answered and would tag the item until the end of the agenda. Council Members Goldberg and Berry absent.

4. ORDINANCE appropriating \$56,035.00 out of Public Health Consolidated Construction Fund as an additional appropriation for Roof Replacement at Barc, Animal Control - North under construction contract with **PYRAMID WATERPROOFING, INC**, CIP H-0011-04-3; approved by Ordinance No. 02-011; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0044 ADOPTED.
- 4a. RECOMMENDATION from Director Building Services Department for approval of Change Order 1 in the amount of \$88,135.00 on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at BARC, Animal Control Center - North, GFS H-0011-04-3 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Parker, and tagged by Council Member Ellis. Council Member Berry absent.

**PURCHASING AND TABULATION OF BIDS**

6. ORDINANCE appropriating \$129,980.71 out of Convention & Entertainment Construction Fund for purchase of Sound System Package for Wortham Theatre Center for the Convention Entertainment and Facilities Department – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0045 ADOPTED.
- 6a. **TAFT BROADCASTING CO., L.L.C.** to Furnish a Sound System for Convention & Entertainment Facilities Department - \$129,980.71 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0028 ADOPTED.

7. **FERNANDEZ AND SON** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$27,235.00 and contingencies for an amount not to exceed \$28,596.75 - General Fund – was presented, moved by Council Member Galloway, seconded by Council Member Sekula-Gibbs. Council Members Berry and Robinson absent.

Council Member Galloway moved to postpone Item No. 7 until the end of the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0029 ADOPTED.

8. **MHA GROUP** - \$99,360.00 and **NORIT AMERICAS, INC** - \$197,640.00 for Chemical, Powdered Activated Carbon for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0030 ADOPTED.
9. **PATCH MANAGEMENT, INC** for Rental of Asphalt Road Patching Trucks for Department of Public Works & Engineering - \$294,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Parker, and tagged by Council Member Wiseman.
10. **VOSS ELECTRIC SUPPLY dba VOSS LIGHTING** - \$862,998.25, **TURTLE AND HUGHES, INC** \$55,000.00 and **E. SAM JONES DISTRIBUTOR, INC** - \$202,950.60 for Electrical Lighting for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs.

Council Member Keller stated that he would like to meet with somebody, that he would like to know from an energy conservation issue what their plan was, that they had another item on the agenda today regarding maintenance in the HVAC systems and he wanted to see who was overseeing it on behalf of not just the purchasing of the fixtures, but how did they designate them to the different departments, how do they estimate the need, that they were going to have a glut in the office market which meant there would probably be a surplus of lighting equipment, etc., and he wanted to see if they plugged that into their equation over the next three years, and in addition it also mentioned renovation in City buildings and he wanted to know what they meant in relation to that, and Mayor Brown stated they would have someone meet with him, and Council Member Keller stated that he would tag the item. Council Member Vasquez absent.

## **RESOLUTIONS AND ORDINANCES**

11. RESOLUTION finding that Job Order Contracting provides the best value for certain Houston Airport System Projects meeting the criteria set forth in Section 271.120(a) of the Texas Local Government Code - **DISTRICTS B - GALLOWAY and E – WISEMAN** – was presented. Council Member Vasquez absent.

Council Member Goldberg stated that the item came out of an ordinance that they passed earlier that he had been working with Sally Bradford, Aviation, it was kind of a new way of doing business and he did think it would save money, he had a concern that whenever they tried something new they ought to step back and look at it and he had previously asked for it to be just a pilot program and in a way it was, that it would end after five years and thought it deserved consideration for a five year contract to get the best price, that he was going to support it.

Council Member Robinson stated that he was also going to support the item and wanted to make it clear that it provided them with an option to get out if they had to and that there be some mechanism that on an annual basis they would come to City Council and update them on the progress of it, because it was something new they were doing in that department that may, if it

worked, would be applicable to the other departments, in particular Public Works and Engineering, that he thought it was an idea whose time had arrived, just as long as they watched it.

A vote was called on Item No. 11. All voting aye. Nays none. RESOLUTION 2003-0001 ADOPTED.

13. ORDINANCE approving and authorizing first amendment to contract between the City and **BONDRESOURCE PARTNERS, LP** (formerly contracted as **ARTHUR ANDERSEN, LLP**; Contract No. 53444) for Arbitrage Services; providing a maximum contract amount - \$198,699.00 General and Enterprise Funds – was presented, and tagged by Council Member Wiseman.
14. ORDINANCE appropriating \$294,700.00 out of Convention & Entertainment Construction Fund, and approving and authorizing compromise and settlement agreement between the City of Houston and **WILLIS, BRICKER & CANNADY, INC now known as BRICKER & CANNADY ARCHITECTS, INC** to settle a claim arising out of activities financed by the Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0046 ADOPTED.
15. ORDINANCE awarding contract to **P.E.S. VENTURES, INC dba FORT BEND MECHANICAL** for Heating, Ventilation & Air Conditioning (HVAC) Services for Various Departments; providing a maximum contract amount - 5 Years - \$2,441,065.00 - General and Building Inspection Funds – was presented.

Council Member Keller stated that as he discussed on a matter of energy conservation it also tied in with the electrical item that they just had, that he would like to get a copy of the contract, that mainly he just needed the outline of the scope of services that the vendor would provide them in maintaining the HVAC requirement for the next 5 years and if someone could meet with him after he had a chance to review the scope of services and he would tag the item.

16. ORDINANCE appropriating \$4,285,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing amendment No. 1 to contract restatement between the City of Houston and **3D/INTERNATIONAL, INC** for Professional Architectural/Engineering services at George Bush Intercontinental Airport/Houston, (Project 490D and 490F), CIP A-0322 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Sekula-Gibbs and Vasquez. (Note: Council Members Sekula-Gibbs and Vasquez removed their tag later in the meeting.)
17. ORDINANCE appropriating \$550,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing agreement for Professional Architectural Services between the City of Houston and **M. ARTHUR GENSLER JR. & ASSOCIATES, INC** for Development of Terminal Area Graphics and Signage Standards at George Bush Intercontinental Airport/Houston, (Project 594), CIP A-0482 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2003-0047 ADOPTED.
18. ORDINANCE appropriating \$1,935,000.00 out of Fire Consolidated Construction Fund and \$65,000.00 out of General Improvement Consolidated Construction Fund for Renovation/Reconstruction of Various Fire Department Facilities; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund and the General Improvement Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0048 ADOPTED.
19. ORDINANCE appropriating \$102,684.75 out of Fire Consolidated Construction Fund as an additional appropriation for Concrete Services, under contract with **SMITH-MOBLEY**

Approved by Ordinance No. 2001-0119), CIP C-0089 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2003-0049 ADOPTED.

20. ORDINANCE appropriating \$264,901.94 out of Water & Sewer System Consolidated Construction Fund as Houston's share of the Blackhawk Regional Wastewater Treatment Plant Renovation Project (Contract No. 20513 between the City of Houston and **THE GULF COAST WASTE DISPOSAL AUTHORITY**), CIP R-0019-21-3 - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Ellis.
  21. ORDINANCES (43 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **FIRST READING** – was presented.
- 21-3 A.C.C.P., Inc, A Texas Corporation – was presented. All voting aye. Nays none. ORDINANCE 2003-0050 PASSED FIRST READING IN FULL.

Council Member Ellis stated that he knew this was the first of three readings, but of the 43 waste haulers they had about 15 to 20 that were delinquent in City taxes so he would encourage them to pay up their taxes prior to the last reading and approval.

Council Member Robinson stated that he had gotten an email from some folks at the Texas Motor Transportation Association that he forwarded to the City Attorney's office and they raised some concerns about allegedly trucks traveling in interstate commerce through Houston would be subject to some kind of fee under this ordinance, that he passed it to Mr. Bibler and if they could take a look at it and get with the folks at TMTA and also let the Council Members know so that there was not a lot of bad information out there about Houston, and Mr. Hall stated that he had not seen it but understood that Debra had been trying to get a hold of somebody on his staff so that they could respond to him.

Council Member Tatro asked for clarification on the ordinance and stated that obviously a hauler could have customers inside and outside the City and asked if the 4% on the customers only inside the City or was the 4% on their total gross regardless of jurisdiction and if they could just send him an email in response.

- 21-4 Accurate Transportation Services, Inc. – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0051 PASSED FIRST READING IN FULL.
- 21-20 Gulf Coast Environmental, Inc. – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0052 PASSED FIRST READING IN FULL.
- 21-21 Gulf Coast Vacuum Service, Inc. – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0053 PASSED FIRST READING IN FULL.
- 21-22 Halco Waste Container, Inc d/b/a Old Orchard Trucking and Waste Systems – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0054 PASSED FIRST READING IN FULL.

Mayor Brown recognized Council Member Robinson for a point of order and Council Member Robinson asked if they were going down the entire list for all 43 for first reading and Mayor Brown stated the ones that were squared, and Council Member Robinson asked which

one of those folks owed the back taxes and Council Member Ellis stated the ones that were squared and Council Member Robinson stated that he would tag them all, that he did not want to go through the three readings. Council Members Keller and Vasquez absent.

Council Member Ellis asked if they go through the three readings and vote on them and if that was the case they would tag them all, and Mayor Brown stated that it was preferable to vote one by one and the ones they had problems with they could tag them.

Mr. Hall stated that they come up for the three readings and if they did not pass any one of them then the franchise would not be allowed, that since Council Member Ellis was allowing them to fix their tax problems they might want to go ahead, realizing that at any point in the process they could stop them. Council Members Wiseman, Keller, Vasquez and Quan absent.

- 21-24 Liberty Waste Systems, Inc. – was presented. All voting aye. Nays none. Council Members Wiseman, Vasquez and Quan absent. ORDINANCE 2003-0055 PASSED FIRST READING IN FULL.
- 21-25 LMMIG, Ltd. d/b/a Century Industries – was presented. All voting aye. Nays none. Council Members Wiseman, Vasquez and Quan absent. ORDINANCE 2003-0056 PASSED FIRST READING IN FULL.
- 21-31 Republic Waste Services of Texas, Ltd. – was presented. All voting aye. Nays none. Council Members Vasquez and Quan absent. ORDINANCE 2003-0057 PASSED FIRST READING IN FULL.
- 21-33 Star Disposal Systems, Inc. – was presented. All voting aye. Nays none. Council Members Vasquez and Quan absent. ORDINANCE 2003-0058 PASSED FIRST READING IN FULL.
- 21-37 USA Waste Industrial Services, Inc. – was presented. All voting aye. Nays none. Council Members Vasquez and Quan absent. ORDINANCE 2003-0059 PASSED FIRST READING IN FULL.
- 21-39 Waste Corporation of Texas, L.P. – was presented. All voting aye. Nays none. Council Members Vasquez and Quan absent. ORDINANCE 2003-0060 PASSED FIRST READING IN FULL.
- 21-40 Waste Management of Texas, Inc. – was presented. All voting aye. Nays none. Council Members Vasquez and Quan absent. ORDINANCE 2003-0061 PASSED FIRST READING IN FULL.
- 21-41 Waste Pro Services, L.L.C. – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0062 PASSED FIRST READING IN FULL.
- 21-42 Alfred Savoy, Jr. d/b/a Dirt Works Unlimited – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0063 PASSED FIRST READING IN FULL.
- 21-43 Chief Environmental Surveys, Inc – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0064 PASSED FIRST READING IN FULL.

Council Member Sekula-Gibbs asked since there was about \$25,000 worth of back taxes related to the items, was it in the interest of the City to make some sort of contact with all of the delinquent payers, separate from what the tax appraisers issues, and Mr. Hall stated that

certainly it was a rather different situation as had been some others in the last several weeks, but certainly her suggestion, he thought, would be followed up on, that they certainly could contact them and explain what the situation was, that the Mayor could just direct them to do that, and Mayor Brown stated, so directed. Council Member Vasquez absent.

**MATTERS HELD** - NUMBERS 22 through 36

22. 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 \$594,827.51 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Construction of IRA Street Storm Sewer Outfall, GFS M-0126-13-3 (M-0126-13) - 00.17% over the original contract amount - **DISTRICT H - VASQUEZ – (This was Item No. 4 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Ellis moved to postpone Item No. 22 for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0031 ADOPTED.

23. 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 \$797,800.43 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of Neighborhood Street Reconstruction Project No. 432A Phase II, GFS N-0364-03-3 (N-0364-03-3) - 14.80% under the original contract amount - **DISTRICT D- EDWARDS – (This was Item No. 5 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0032 ADOPTED.

24. 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 \$2,495,856.54 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of On-Call Water Main and Sanitary Sewer Extensions, GFS S-0700-OD-3 (WA10660) - 00.17% under the original contract amount – **(This was Item 7 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0033 ADOPTED.

25. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **TOTAL POWER SYSTEMS** for Repair of Submersible Pumps for Department of Public Works & Engineering \$60,645.91 - Enterprise Fund - **(This was Item 13 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0034 ADOPTED.

26. MOTION by Council Member Robinson/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-118, 1/26/00, TO EXTEND** expiration date from January 26, 2003 to January 26, 2004, for Fiat Allis Road Machinery Replacement Parts for Various Departments, awarded to **HI-WAY EQUIPMENT COMPANY, INC** - **(This was Item 15 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0035 ADOPTED.

27. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-**

**251, 2/16/00, TO EXTEND** expiration date from February 16, 2003 to August 15, 2003, for Safety Footwear for Various Departments, awarded to **SAFETY SHOE DISTRIBUTORS, INC – (This was Item 16 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS ELLIS)** – was presented.

Council Member Ellis moved to postpone Item No. 22 for one week, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0036 ADOPTED.

28. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **DIRECT ACTION UNIFORMS** - \$2,436,021.02 and **L & N UNIFORM SUPPLY CO.** - \$100,514.80 for Apparel, Uniforms for Various Departments - General, Enterprise and Storm Water Utility Fund – **(This was Item 17 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman moved to postpone Item No. 22 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2003-0037 ADOPTED.

29. ORDINANCE approving and authorizing Amendment No. 1 to contract between the City of Houston and **NORTH HARRIS MONTGOMERY COMMUNITY COLLEGE DISTRICT** for Professional Services in connection with Workplace Competency Training for the Houston Airport System - \$150,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – **(This was Item 21 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS ALVARADO, GOLDBERG and KELLER)** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2003-0065 ADOPTED.
30. ORDINANCE approving and authorizing the submittal of an application the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Immunization Field and Program Services (The "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing thirteen (13) new staff positions \$3,890,557.00 - Grant Fund - **(This was Item 22 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Sekula-Gibbs stated that the Health Department presented information regarding their grant for the \$3.8 million to improve vaccinations and mostly to enhance their vaccination registry, that they took great pains to explain to them the necessity of supporting that allocation of the grant money that actually came from the CDC, that she wanted to thank the Health Department for coming to the meeting at the Neighborhood Protection and Quality of Life and helping them understand that they had actually done a good job in the last year and improved the immunization rate from about 68% to 71% and she thought that deserved to be recognized, that they were now second in the State behind San Antonio and thought they were making improvements and with the grant money, which would allow them to work even further to enhance the registry. Council Members Keller and Vasquez absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Members Keller and Vasquez absent. ORDINANCE 2003-0066 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City of Houston and **RFP DEPOT, L.L.C.** for Internet Auction Services for Finance & Administration Department – **(This was Item 23 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS TATRO and PARKER)** – was presented. Council Members Ellis, Sekula-Gibbs, Keller and Wiseman voting no, balance voting aye. Council Member Vasquez absent. ORDINANCE 2003-0067 ADOPTED.
  
32. ORDINANCE approving and authorizing contract for Internet-Based Reverse Auction Services between the City of Houston and **TEXAS PROCUREMENT CENTER, L.L.C.** – **(This was Item 24 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBER TATRO)**

Council Member Tatro stated that in talking with multiple people in different cities about the use of the reverse auction it was a very valid tool and could actually in some instances save them a substantial amount of money, that he welcomed the service and the outsourcing of it being brought to the City, that he had some concerns initially about whether it should be done in house or outsource but after talking with more people outsourcing was absolutely the right decision, that his concern was now with the award of the contract and the RFP process and the scoring, that he had done some analysis over the last week and had a handout to distribute to Council Members and discussed his concern about the scoring matrix and the 3% fee, a copy of which is filed with the City Secretary's office for review. Council Members Vasquez and Parker absent.

Council Member Ellis stated that he respected his colleagues tenacity and the hard work he had done on it, but he disagreed with him, that they had just approved a contract with RFP Depot for the salvage auction and were going to pay them 8% and now there was an argument about the reverse auction that they were going to pay TPC 3%, that he had looked at the companies and the matrix and did understand Council Member Tatro's argument and had some highlights about some of the companies that entered into the RFP process and that was RFP Depot, for instance, just formed the company in July of 2002, one month before they responded to the RFP, they did not comply with the RFP and did not even understand why they were in the matrix, that he did know that Orbis was a good company, but did believe that Orbis lost fair and square and if they looked at evaluator one he scored Orbis fairly high, that he had been working on it for two and a half years and Mr. Calvin Wells did not have a warm receptive feel when they first started talking about reverse auctions, he had come to move forward and he respected him and appreciated him doing that, but he was moving forward on the reverse auction because of instructions of the Mayor and because of a budget amendment that they put forth in the last budget process, that he did not want to see the process fail, he wanted to see it be a success, he believed that TPC was the best company to provide the reverse auction and make it a success. Council Member Parker absent.

Council Member Alvarado stated that she wanted to echo Council Member Ellis's comments and appreciated all the work that Council Member Tatro had done and had a couple of questions and moved to hear from Mr. Calvin Wells, Purchasing Agent, at this time, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2003-0038 ADOPTED.

Council Member Alvarado asked Mr. Wells to tell her a little bit about TPC and the work they had done over the years and how they rated, and Mr. Wells stated that he had looked the RFP Depot in depth in the last two weeks and also had called his counterpart in Fort Worth who did what he had wanted to do originally and viewed three different companies and tested them, they used three companies, Sorcity, RFP Depot and TPC, that RFP Depot used Fort Worth as their number one reference therefore he called and checked on the number one reference and they said to him, both in writing and verbally, that TPC was the best company, so they selected them at 5%, and he negotiated the City of Houston contract to a fee of 3%, that he was convinced that they had the best supplier because of the experience that they had in the State of



Texas, the hands on training that they bring to the City, that it was a new avenue for them to travel and they were going to travel it slowly but surely, that the best process was to keep the control of the risk management in the hands of the City, they could cancel it and stop it and they could do what they wanted to do with it, that the City reserved the right to award some part or all.

After a further lengthy discussion by Council Members, Council Member Parker moved to call the question, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0039 ADOPTED.

A vote was called on Item No. 32. Council Member Tatro voting no, balance voting aye. Council Member Robinson absent. ORDINANCE 2003-0068 ADOPTED.

33. ORDINANCE appropriating \$173,782.14 out of Water & Sewer System Consolidated Construction Fund and \$238,727.47 out of the Homeless and Housing Consolidated Bond Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 1 of the Crisfield Meadows Subdivision, CIP S-0800-76-03 and R-0800-76-03 - **DISTRICT E - WISEMAN** – **(This was Item 25 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented.

Council Member Wiseman stated that she had tagged the item along with the other two that were also part of Lennar Homes projects because she had some serious questions with respect to the flooding issues they had in the adjacent Sky Scraper Shadows Subdivision, that she was going to ask for a delay because she had not had all her questions answered through the Public Works Department but was going to go ahead and vote to pass it today, that she received assurances from representatives of Lennar Homes that they had done everything and gone above and beyond what they were required to do to take care of their own drainage issue and they would not negatively impact the neighboring community, that she had asked Public Works to give them their commitment and they had made the commitment that they would make sure that not a drop of water drains over to Sky Scraper Shadows from this project and that the project also would not get in the way of Sky Scraper Shadows's drainage system itself, and she would hold them to the commitment that they make sure it would not aggravate that situation there and that they continue to address the problems they were having at Sky Scraper Shadows. Council Members Berry and Robinson absent.

A vote was called on Item No. 33. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2003-0069 ADOPTED.

34. ORDINANCE appropriating \$136,131.20 out of Water & Sewer System Consolidated Construction Fund and \$222,750.31 out of the Affordable Housing Uptown 2002B Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 2 of the Crisfield Meadows Subdivision, CIP S-0800-77-03 and R-0800-77-03 - **DISTRICT E - WISEMAN** – **(This was Item 26 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2003-0070 ADOPTED.
35. ORDINANCE appropriating \$246,443.99 out of Water & Sewer System Consolidated Construction Fund and \$143,876.12 out of the Homeless and Housing Consolidated Bond Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section 3 of the Crisfield Meadows Subdivision, CIP S-0800-78-03 and R-0800-78-03 - **DISTRICT E** –

**WISEMAN – (This was Item 27 on Agenda of January 8, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2003-0071 ADOPTED.

36. 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 – **(This was Item 28 on Agenda of January 8, 2003, POSTPONED BY MOTION #2003-15)** – was presented. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2003-0072 ADOPTED.

Council Member Sekula-Gibbs stated that she wished to remove her tag on Item No. 16. Council Members Berry and Robinson absent.

Council Member Vasquez stated that he wanted to remove his tag on Item No. 16 and Item No. 1, that his questions had been answered. Council Members Berry and Robinson absent.

The City Secretary stated in addition to the items where the tags were released, Item No. 7 had been postponed to the agenda. Council Members Berry and Robinson absent.

7. **FERNANDEZ AND SON** for Securing of Dangerous Buildings and Site Clean-up Services for Planning & Development Department - \$27,235.00 and contingencies for an amount not to exceed \$28,596.75 - General Fund – was again before Council, moved by Council Member Galloway, seconded by Council Member Sekula-Gibbs. Council Members Berry and Robinson absent.

Council Member Galloway stated that on Item No. 7 it was the item that they sent back to the administration in order to get the next contractor with the lowest bid for owing back taxes and she wanted the project to move forward as quickly as possible because of the dangerous buildings in her district, that she noticed with the taxes they did have double standards, they just approved Item No. 19, where that company owed back taxes and had gone in and paid some and made payment arrangement for the others, which was much more money that was due than \$900 that the other company owed, so it depended on who they were and who they negotiated with, they would not say anything, they would just bypass the item, that she wanted to make note of that, that they could check and see that on Item No. 19, Smith Mobley owed back taxes and paid some and they were going to award them, that on Item No. 7 there was a mix up in ownership and the owner of the company, the realtor, who owned part of the properties saw her news conference on television and noticed it was a property that they owned and unbeknown to them was the property's condition, that they had been sending notices to the owner that they thought it was, who owned 9 of the 39 houses, that she was going to support Item No. 7 for the company to get the contract but the problem was that First National Acceptance, who had foreclosed on 30 of the 39 houses had issued a contract to take care of their part and were supposed to start operations on Friday and the other 9 they could not get a hold of the owner who used to own all 39 houses, so it was kind of a complicated situation, so she would urge her colleagues to pass it. Council Member Robinson absent.

Council Member Ellis stated that he wanted to give an answer to Council Member Galloway with regard to her statement saying that they had a selective process and treated individuals and companies differently, that he did not believe that to be true, that on Item No. 19 the contractor came in and paid \$9,400 in back taxes that they owed to the City of Houston yesterday and no longer owed taxes to the City, that he thought they were going through a fair process and it was not selective and if she would like to talk more about it he would sit down with her and explain the process and how they had been doing it. Council Member Robinson absent.

Council Member Keller stated that he would like to echo Council Member Ellis's sentiments, that every citizen had the right to go to the Tax Assessor's office and make a down payment and work a contract with them and do a six month payment plan with them, that they could also do a similar arrangement with their attorneys, but they had to pay a third if they were going to do that, that there were remedies for people to do things that were not as drastic as mortgaging their home or selling their cars.

After further discussion a vote was called on Item No. 7. All voting aye. Nays none. Council Members Tatro, Berry and Robinson absent. MOTION 2003-0040 ADOPTED.

1. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval of Affirmative Action Goal for airport leasing (concession) contracts through September 30, 2003, in compliance with DBE Ordinance Nos. 89-226, 99-893 and DOT/FAA requirements – was again before Council. All voting aye. Nays none. Council Members Tatro, Berry and Robinson absent. MOTION 2003-0041 ADOPTED.
  
16. ORDINANCE appropriating \$4,285,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing amendment No. 1 to contract restatement between the City of Houston and **3D/INTERNATIONAL, INC** for Professional Architectural/Engineering services at George Bush Intercontinental Airport/Houston, (Project 490D and 490F), CIP A-0322 - **DISTRICT B – GALLOWAY** – was again before Council. All voting aye. Nays none. Council Members Tatro, Berry and Robinson absent. ORDINANCE 2003-0073 ADOPTED.

Mayor Brown stated that he wanted to introduce a young man who was present today, that he was Taylor Ward, a student at Cinco Ranch Junior High School, that his P.T.A. had an auction and he won the auction to spend the day shadowing the Mayor, that he was a fine looking young man who one day might assume a leadership role in the City. Council Members Berry and Robinson absent.

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

Council Member Edwards stated that she wanted to address the CIP meetings that had been planned, that she had talked to Mr. Cantu about it but they were really concerned that they were not involved in the planning, where it was going to be and when it was going to be and so forth and one of their meetings was not even in their district, that to her was problematic, that their office stood willing and able to assist and help in setting up those type of meetings because it was very important to them, they did a lot of work in the community, so she would just like to have the office of Citizens Assistance, in the next round, if they could at least inform them and include them in the process of how the meetings were going to be and where they were going to be located in the process and they could handle it, but they would just like to help and make sure they were on the same page. Council Members Berry and Robinson absent.

Council Member Edwards stated that as to the Alameda Sink Hole, the 18 wheelers were still sticking their thumb up at the community and residents and were still going through the residential streets, they had been asked by the police and there were signs out that said to use alternate routes and so forth and they were just going on, that the citizens were saying that the police were not enforcing it, she did not know and was not out there on a 24 hour basis, but would like to speak with somebody from HPD because they could just sit out there and watch the 18 wheelers just drive through, that she would also encourage the companies that were doing this to advise their drivers to follow the laws because they were asking the civic clubs to take the names and license plates of the trucks because she did not have a problem with calling out peoples names during pop off, that they were disrespecting the community and had other ways to go, that it was an issue that was a very serious concern for the residents out there and would like someone from HPD come and speak with them, and Mayor Brown stated that

Assistant Chief York was in the audience and would follow up on it and make sure it was taken care of. Council Member Berry absent.

Council Member Edwards stated that she would like to thank Building Services administration for the work that they did at Fire Stations 35 and 47, that they did as much work as they could, one of the stations needed to be rewired to do some work but all of the other things had been taken care of and would like to thank the director and her staff for doing that . Council Member Berry absent.

Council Member Edwards stated that today was January 15<sup>th</sup>, which was the date of Martin Luther King's birth, he would have been 74 years old today, that she wanted to invite folks to an event this evening at the Rothko Chapel, that they would inaugurate a 90 day of intentional peace where they would be having seminars throughout the City as how to wage peace, that tonight there would be a rededication of the Broken Obelisk at the Rothko Chapel and there would be a free concert and would start at 6:30 p.m. at 1409 Sul Ross at Dupont, so everyone was encouraged to come out. Council Members Wiseman and Berry absent.

Council Member Edwards stated that she was really concerned about how their community constituents were going to be fairing, they were looking at several things that were going to be impacted, that she thought the City Council needed to appreciate that they were part of the leadership body that their community looked to, that they had a war that was impending and had people who were being pulled up on reserves and were losing salaries and so forth and families were being challenged by those incidents, they had Kmart closing and of course the Enron situation, they had shortfalls in the City and the State was talking about a \$10 billion shortfall and services that were going to be affected and she was really concerned as to how they were looking to help their constituents get through it and they were always talking about increasing fees, and whereas \$7 might not be a lot 2 years ago, for a family who was caught up in the layoffs and shortfalls there was going to have to be some looking as to how they were approaching at these items, especially as they were going into the budget, what were they looking for and she thought that it had to be taken into concern, that she was going to be convening townhall meetings in District D to talk about what was possibly coming down the pipe so people would not get caught finding out that services were being eliminated or that there was going to be a higher fee, that she did not know if anyone would like to join in with her and would appreciate it if they could and if not they were going to do it and would love to have their participation, that when they looked at other cities that had taken on the role of trying to help their constituents go through these problems, she thought they would be remiss if they did not at least have a place where their constituents could come and talk about their concerns, they may not be able to solve any or all of them but thought they needed to know what was going to be happening, that there were some serious things in their district that people were looking at, just having meetings where people could talk about what was happening and having the State officials come in and be for real with people as to what was really going on and how they could get through it together. Council Member Berry absent.

Council Member Vasquez stated that he wanted to wish all of the employees a happy Martin Luther King Day and for everyone out there to celebrate MLK and reflect on the principals and the values that Dr. Martin Luther King stood for. Council Member Berry absent.

Council Member Quan stated that he wanted to make mention again to Council Members that last week they had Conrad Johnson before Council, the Conrad Johnson Music and Fine Arts Foundation would have their Fourth Annual Jazz Extravaganza on Sunday night to help young musicians obtain instruments to further their career in music. Council Members Ellis, Vasquez and Berry absent.

Council Member Quan stated that yesterday they had the conclusion of the CMC Campaign and the City employees did a great job, that despite the difficult times that Council Member Edwards talked about, they exceeded their goal and raised over \$720,000, that he

would like to mention that several Council Members made pledges, that Council Members Goldberg, Tatro and himself were among the 1% club and Council Member Ellis was actually a 6%, that the Council Members had a 1,000 % increase in the monies they raised last year, so he thought everyone should be commended on that. Council Members Tatro, Ellis and Vasquez absent.

Council Member Quan stated that the Housing Initiatives Committee would not be meeting tomorrow but would be meeting on Tuesday and as they knew a number of people had come before Council with concerns regarding the Housing Authority and the City of Houston HACHE and Mr. Etok and members of the board would be present to answer questions at that time, that it would be on Tuesday at 10:00 a.m. Council Members Tatro, Ellis and Vasquez absent.

Council Member Sekula-Gibbs stated that she would like to wish everyone a respectful and blessed Martin Luther King Birthday. Council Members Tatro, Ellis and Vasquez absent.

Council Member Sekula-Gibbs stated that last night the Surface Transportation Board held a meeting at the Pasadena Convention Center regarding the San Jacinto Rail, the proposed new Burlington Northern Santa Fe Rail Line that theoretically would course along the east west part of North Clear Lake City Boulevard, that tonight was the last opportunity for people who were concerned about the issue to come and express public comment and would encourage all citizens in the southeast quadrant of Harris County to come and make their opinions known, that the meeting would be at Cesar Chavez High School, at the corner of Highway 3 and Howard Drive and was from 7:00 p.m. to 9:00 p.m., if they wished to make written comments they could do so up to February 21, 2003 and send those comments to the Surface Transportation Board and if they needed further information they could call her office at 713-247-2005 and they would be happy to give them information on how to contact the Surface Transportation Board. Council Members Tatro, Ellis and Vasquez absent.

Council Member Alvarado stated that LULAC along with their office was holding the first anniversary commemorating the death of Luis Torres who died at the hands of the Baytown Police Department, it would be on Sunday, January 19, 2003 at 6:30 p.m. and they would go from the Harris County Court House to Jones Plaza and urged them all to please join them as they commemorated the very sad occasion. Council Members Tatro and Ellis absent.

Council Member Alvarado stated that she wanted to remind the Council Members that the Legislature convened yesterday and as was mentioned earlier there was a lot of issues that were going to be coming down the pike, the shortfall, issues dealing with air quality, Senate Bill 5, education and would urge that they please come to their Legislative Affairs Committee meeting because they would have regular briefings and thought it was their responsibility to keep up with what was going on in Austin because it was going to ultimately have an affect on their City. Council Members Tatro and Ellis absent.

Council Member Alvarado stated that she would repeat the downtown light synchronization every week, that again it was still not working and was still a problem, that she did not know exactly what the problem was and how they would resolve it but it had been occurring for quite some time and seemed like it got worse, that it was not just in downtown but also in Midtown and would like to have a briefing from someone in Public Works to address the issue. Council Members Tatro and Ellis absent.

Council Member Alvarado stated that she wanted to reiterate to please come to the meeting tonight at Chavez High School, it was the only opportunity to address the Surface Transportation Board, the people who would actually make a final decision on the proposed rail project. Council Member Ellis absent.

Council Member Berry stated that last week Council Member Robinson expressed a sort of dismay and unhappiness with the way the trash can program had been implemented and at

yesterday's Neighborhood Protection meeting Mr. Buchanan briefed them on it, that he thought that most Council Members were unhappy and getting a lot of responses from the public with regard to how that program, in his opinion, was not working and would suggest that it was not only not working, it was not bringing in the dollars it was supposed to bring in and was building an inefficiency and it was causing them problems with their constituents, the citizens of the City of Houston, whereby they were not doing what they were commissioned to do, which was picking up the trash, that he thought it had been far more complicated than they expected and was causing more problems than it was solving in exchange for a few dollars, that the complications were that they got off to a bad start with the program when the deadlines for compliance with the new fees were off and if they remembered they started picking up the cans before the timeline elapsed, causing people a lot of problems, so they left trash on the street that was not picked up, they were in a situation now and a Council Member staffer at City Hall was responded to be Solid Waste and told it did not matter if their trash was missed or whether they were calling in and lying, unfortunately they were not going to send out anyone to pick up the trash because they did not know if people were lying when they called in, and it was all in an email, they did not know if people were lying when they called in and said their trash was missed, they had to assume they just did not want to pay for the extra fee, no exception was made during the Christmas holidays for trash pickup so that again they had trash left on the street, they put their trash collectors, the guys who worked for Solid Waste in a position of driving past trash and leaving it on the street so that while they believed that they were punishing the homeowner by not picking up their trash, they were also doing the community a disservice because they were not picking up the trash, which caused all sorts of problems, and some workers and Council Member Parker and himself had ridden on the trucks recently, would tell them that they just picked it up anyway, because if they did not pick up the trash eventually enough complaints come in and they were going to lose their job, because at some point they were not going to be believed that they were not picking up the trash, that by order, they were not supposed to pick up, the full cost of the some program, he did not think, was considered and was not presented to them, that first of all, there was the cost of the quality of life caused by leaving trash on the streets and what kind of problems that causes for neighbors who were angry that their neighbors did not pay the extra fee or that a mistake was made, so they had trash left on the street, that he thought there was a cost in negative perception to the City of Houston in the fact that for one reason or another they were not picking up the trash, that the neighbors did not know why they did not do it, they only knew there was trash left in the neighborhood, that he thought they had very simple things that they were expected by their citizens and constituents to do and picking up the trash was one of the most fundamental of those and thought in exchange for a few dollars they had made a decision that in many cases they were willfully not going to pick up the trash, and then there was the cost to their residents of having to deal with, in his opinion, a failed system, so they could either live with the system, when they had to go through all the hassles to comply, or they could fight the system, and they knew, based on Solid Waste employees and their dispatchers, that many people were fighting the system, that they had a 62% increase in the number of calls for missed trash and Solid Waste would have them believe that a great percentage of those were due to the fact that people just did not want to pay for the extra can, that regardless of whether that was true or not he thought they had to take most people at their word, that the dispatchers were handling now many more calls for missed trash as a result of the program and at the end of the day actual gross revenues, they found out yesterday, were way below projection, that they were told that almost 29,000 would sign up for the program and actually it had only been 7,000 people, which meant they were only collecting a quarter of the fees that they were supposed to collect in the first place, so for a few dollars they had put in place a program that, in his opinion, caused more problems than it solved and thought that even in tough fiscal times they should not put themselves in the position that they were not doing their core job, which was to pick up the trash and for that reason after Council Member Robinson's comments and he knew that many of his colleagues had heard from their constituents, because they had talked about it, he thought it was program that they needed to repeal, their job was to pick up the trash and that they should do that, that they should find other ways to balance the budget. Council Member Ellis absent.

Council Member Wiseman stated that she wanted to thank Council Member Berry for the

work that he did, looking into the actual numbers of what they had been losing with respect to the program and the second can issue, that if they would recall during the budget process that was the question that she asked of the department, about the elasticity of demand, the assumption that was being made by the department and F&A was that it was completely inelastic, that assumption stated that anyone who had a second can would be keeping a second can and paying the fee for it, they saw that it was not the case, the Tags for Bags Program was not working at all, people would not pay additional amounts above their taxes to have their trash picked up, so as he indicated they were leaving them out on the curbs, but they were finding them all over the place, that she went this week with a constituent into her district on Hall Road, that it was the most atrocious thing that she had seen, that the Council Member had talked about the trash in his district, this would pretty much challenge what he had, it was unbelievable, and she welcomed anyone from the media who was interested in going out there with her, that she would take them out there and show them, that Right of Way Maintenance made the claim that in October they had gone out and collected, the constituent had called again because he truly believed there was no way the City would have gone out and cleaned up those ditches, that she went out to see that for herself and it was true, that she could not believe that the department had gone out there to collect the garbage because if they did, she would tell them that there were people out there who were little busy bees throwing trash, day in and day out, that it was unacceptable, their City should not look like that, if they wanted to be a world class City they had to take care of their City, they needed to put their revenues into that, that with respect to the department's response to all of it, Council Member Berry indicated they met some resistance there, that she had a constituent who called 311 to ask about the holiday collection schedule and he was told by 311 that he would not be serviced his regular day, it would be the day after so he put out his trash the day after, he did not put it out when it was supposed to be collected normally, but they went by that day to pick it up so when he called to report it they did not want to send the truck back, that he called her offices and the director made the commitment to her office that he would see to it that they would go back and pick it up, the constituent called her office again, she was told again that they would go out and pick it up and they did not, that finally she had to meet with the director herself, personally, one by one and the comment that was made to her was that "just because 311 gives information do we have to then get a truck and send it out there and collect the person's garbage because 311 misinformed the constituent", the director did not feel that he needed to and she disagreed, that 311 represented the City of Houston and if the City of Houston was giving misinformation then they needed to correct it, they could not expect the constituent to sit there with that garbage, that they had problems with 311 giving misinformation, she pointed out at pop off some time back about information being given with respect to transfer to traffic signals, that the City of Houston did not repair inoperable traffic signals, that was told to her husband when he called 311, yet since Mr. Lewis's arrival as Director of IT through the TPC contract they had spent \$600,000 for software for 311 and yet all they were getting was misinformation going out to the community, to the public, and then having to deal with the attitude that they did not have to correct the misinformation, that she took exception to that. Council Members Goldberg and Ellis absent.

Council Member Wiseman stated that she wanted to point out something else to with respect to the CIP meetings, she sent a memo out asking for more information and was caught off guard, that she had given some notice to the Mayor's office that she would not be at Council that day and lo and behold she saw that she was scheduled for a CIP meeting, she guessed she could check out of the hospital at that time and attend a CIP meeting, that it had always been the case that they work with each other in scheduling because they had full schedules, that she was very grateful to see that the Mayor's office acted very promptly in contacting them to schedule an appropriate date and time, but another thing that was not answered in her memo was the question of the format of the meeting, in the past Council Members had been the hosts of the meeting and she wanted to see if that format would remain the same, she knew that they now had the proposed drainage fee tacked on to the meeting and she was interested in knowing if she would be asked to lead the discussion in that, it may not go in the direction that the administration would like if that was the case. Council Members Goldberg, Ellis and Keller absent.

Council Member Wiseman stated that she had asked for information regarding the Kingwood Comprehensive Plan, a follow up for that and the only thing she had been given was that they would meet with her to verbally give her an update, but she would like to see a copy of the study itself, that was her request, and she would also like to see a copy of the Black and Veech Study that was conducted, she was sure it had been completed and would like to see it, she did not want to meet with anybody about it, she would like to see it first. Council Members Goldberg, Ellis and Keller absent.

Council Member Wiseman stated that she had dealt with quite a bit of frustrations with the Department of Public Works, that it had been said that when they came into office they spent the first year learning the job, well class had been dismissed, she had done the learning and now she was demanding quite a bit, and one of the things she was demanding was some accountability from the department, if there was any title to give the monologue was Public Works was a oxymoron, she could not believe what she had to deal with the past year with respect to the department, that she had tried from the very beginning, from her arrival, to address the issue of the Kingwood Mobility Study that was supposed to have been conducted by the department, when she arrived they were in the middle of a fiscal year, middle of a CIP cycle and nothing had been done with respect to that, that she met on various occasions with various representatives, including the director himself, to get it resolved, to get the project moving, they started with FY03 and CIP and still they had nothing, she had been checking the last few months, following up on what should have been in the works and the response she got from the department was that she got the names confused, that she was following up on the Parsons Kingwood Mobility Study, she was told that there was another Parsons Company and that she must be confused, she tagged an item in December because she had had it with the department, she had it with the way she was put off repeatedly, every time she followed up on the project, she was told two weeks, that it would come to the agenda in two weeks, that at the beginning of December in a public meeting in Kingwood she announced, because the information was given to her, that one week, two weeks at the most, it would be on the agenda, at the end of December when it did not arrive, but there was another Parsons Project on there she questioned it and was told "oh no we are still shopping for a firm", that when she tried to follow up with the department that was when they suggested that she did not know what she was talking about, that she was confused, that she was very insulted by the suggested that was made, that either one, she was not being truthful because they said there was absolutely no way they could have told her that Parsons was doing that project because they did not select Parsons until mid December, so they were suggesting that she was either one, lying, or two, did not know what she was talking about, that she would share with them today that she was neither a liar nor an idiot, that what happened was that the decisions were made, the meetings were held, what did not happen was follow through, the project sat on someone's desk and when she decided to call them on the carpet for it they resorted to suggesting that it was a personal problem that she had and that she would not tolerate, and the reason she could say that how could it be that, one she was lying, or two, she did not know what she was talking about, there was one other thing she was not, she was not Miss Cleo, she was not a psychic, so how was it then if they had not agreed to get the project going this summer, how was it then that she knew back then that Parsons would be doing the project, they said that Parsons was not selected until mid December so she could not have been told that Parsons was doing it, that if she had that kind of ability that she could pick that firm out of the hundreds that did business with the City then she had some great talents that she needed to take to Vegas, that she was expecting that it gets resolved. Council Members Tatro, Goldberg, Ellis and Vasquez absent.

Council Member Wiseman stated that the department also at one point came to her and asked that she sign off on approving an overlay of a road that did not exist and when she questioned why they would be doing that and why she told them she would not support that, that the road did not exist, they questioned whether or not she knew that for a fact, lo and behold she was correct, they also asked her to sign off on overlaying a private road and her comments to them were "unless the laws have changed we don't overlay private roads", they did not do their



homework, they did not look into this and were prepared to overlay a private road and overlay a road that did not exist, that she asked for follow up on a traffic signal project that was approved by this Council on June 26, 2002, as part of an agenda item to award Gunda Corporation a contract to do Street and Traffic Control Capital Improvement Program that was needed throughout the City, she followed up on it to see where they were and what she got in response was a copy of a 2000 traffic study that said that the signal she had in question did not qualify and they were not going to do anything about it, that it had approved because she had been told before, when she was first told it would not qualify, that she said that was a long time ago, go take a look at it again and they went out again and gave her the verbal commitment that yes they would get it done and take care of it, when she followed up with them about getting it done and taking care of it they did not do anything, it was not until she was about to stop this project, this agenda item, that they said, oh absolutely it was going on, that they would put it on there for her, so they put it on, they passed it, she asked in a follow up question where they stood on it and she was told, oh the project did not qualify, after they had already approved it, and no mention from the department that it was approved by Council because they did not even know that they did that, but she was technically the one who was not aware of what was going on, that the Lennar Home situation that she had tagged last week and was about to delay this week, they sent the developer to another Council Member to discuss the issue, they did not know whose Council district it was in, she had some great concerns because the Council districts were redrawn some time ago, that she was told by a constituent yesterday that Public Works was in the process, in fact they had already set a date, for a public meeting on speed humps and overlays in her district, that she did not like the fact that she was hearing it from a constituent and then the department was back tracking and trying to suggest that they did not schedule a meeting, which in fact they did, when situation like that arise in her district, she would to know beforehand, of course her approval was not necessary, but she would certainly wanted to be told, because she would get the calls from the constituents and she would have an issue that she would have to address with them, that the light synchronization that they mentioned, they had a problem in Kingwood for a long time and every time she had called about it she got the same story that she had gotten on all of the other projects, oh we have taken care of it, oh it will be on the agenda, and nothing was being done. Council Members Tatro, Goldberg, Ellis and Vasquez.

Council Member Wiseman stated that the item that she tagged with respect to uniforms, she appreciated her colleagues support and a one week delay so she could get additional information on it, that one of the things that she was trying to find out whether or not they could do was look at payroll deductions, they were being asked to support \$2.5 million for uniforms and being told at the same time that they would have to layoff hundreds of City employees, so the only vision she had was that of unused new uniforms sitting on inventory shelves and undercover reporters coming in with their cameras and filming it, if they were to ask these employees, and she had asked some people, what would they prefer, that it was unbelievable, that the Department of Public Works contacted her, disappointed, wanting to know why she tagged it, that his employees were having to wear their own clothes, and her comment was that she would hope that they had not reached the point where people were going over and knocking on their neighbors doors borrowing clothes, yet they were wearing their own clothes, we were all wearing our own clothes, that they had a budget shortfall that they had to address, that they were being asked to spend \$2.5 million, that when she asked the department why they needed the uniforms, why they were giving them to their employees, she was told because it boost their morale, well she would tell them that people would much rather have a payroll deduction for a uniform and keep their jobs, that would boost their morale, \$2.5 million, she thought that was certainly worth their looking into payroll deductions, that they needed to take a second look at it, but to be told that the only reason they were getting the uniforms was for morale, she thought they really needed to look at where their priorities were. Council Members Tatro, Goldberg, Ellis and Vasquez.

Council Member Wiseman stated that also from the department she received an email that suggested that her employees were delayed in sending a request to the department to look into an item, an issue on behalf of a constituent, a one month delay, she had a 24 to 48 hour turn

around in her office, her staff sent that out, that it turned out there were internal problems with Public Works in the memos they were receiving, but to suggest that it was a problem with her staff and to challenge her simply because of retaliation because she had tagged an item, that was unacceptable, that finally she received an email apology that the person was not at all suggesting that her staff was at fault, she got the apology and the email was noted as low importance, which brought her to another point that a lot of work that was being done over at Public Works there was no documentation, that she asked for documentation on signaling changes that occurred in her district prior to her arrival that resulted in a fatality accident, it turned out there was no documentation to show where that request came from, things were done through email and it seemed that there was a misconception out there that email did not constitute official government documents and therefore they were not held with that regard, they were not saved, they were not filed and kept as a matter of record, she had a big issue with that as well, and that was pretty much wrapping it up, that it was something that they needed to address and she was saying that because it was her hope that the department would certainly not want to be seen in that light, that they would do everything that they could to correct the problems that they were faced with, that they had some serious issues in the City and until they could begin addressing it appropriately, until they could prioritize and until they could show some accountability and have City employees that were doing everything they could to get the job done, then they had failed the constituents. Council Members Tatro, Goldberg, Ellis and Vasquez.

Council Member Galloway stated that they had other departments, excluding the Police Department, that issued citations, that she was meeting with the Planning Department, because Neighborhood Protection fell under the Planning Department, and she wanted to know with all the inspectors going out, they had merged the inspectors who go out and cite persons for putting the trash out before the heavy trash pick up and if they do not get it up they issue a citation, they did not have anything in place to account for how many tickets and citations that were issued by the Neighborhood Protection area, that they go and pay fines and where does that money go and was it to their advantage for the inspectors to issue the ticket, because she was trying to see if it was enough to pay the salaries for the inspectors, were they aggressively going out and issuing the tickets when people did not take care of the matter within the grace period they were given and she thought that perhaps they could have a different color code or a special number for those citations, so when they came in to pay those fines that they would know that it came from the Neighborhood Protection and Planning, so she thought they needed to get some kind of accountability and see how much they were benefiting from the issuing of those citations and see what they needed to do to make sure that they did go out and issue, that could bring in extra revenue for them, that she thought it was a matter for the administration to look at. Council Members Goldberg, Ellis, Keller, Vasquez and Sekula-Gibbs.

Council Member Galloway stated that she had sent a letter to Public Works requesting the estimated cost of speed humps out in the Cottage Oak and Tarberry and she had not yet received any information about that because if they did not have the funds to get some funds to make sure that those people get some speed humps in that area, that petitions had already been signed for that area, but it showed it was unfounded, that she wanted that information so they could expedite it. Council Members Goldberg, Ellis, Keller, Vasquez and Sekula-Gibbs.

Council Member Galloway stated that they had a new cargo facility and had the ribbon cutting on Monday and it was so exciting to know that people from other parts of the Country and international knew that they were really getting on the map and would be able to have many companies coming in and wanting to store their cargo because they had a first class facility, that she was going to go to each of her colleagues and talk about the facility because it was something that she really wanted to let them in on and hoped she could get their support. Council Members Goldberg, Ellis, Keller, Vasquez and Sekula-Gibbs.

Council Member Galloway stated that she wanted to encourage all her colleagues to remember Dr. Martin Luther King, that she would be participating in some of the activities that

would be happening on the weekend and Monday as well and wanted all of them to remember him and the contribution he made to their Country. Council Members Goldberg, Ellis, Keller, Vasquez and Sekula-Gibbs.

Council Member Robinson stated that Ms. Lee Whiting, a senior at Lee High School, the first Montessori High School in the Nation was present, and in their senior year at the school they got to pick a participatory civic participation activity and she decided to come down and see how local government worked for the next two to three weeks, that she was planning to go to school in California at Pomona College, that she was interested in government and international studies. Council Members Goldberg, Ellis, Keller, Vasquez and Sekula-Gibbs.

Council Member Robinson stated that Council Member Edwards talked about the trucks and he knew their frustration and did not know if they had boots which could boot trucks but he would sure figure how they could invest in a couple of them and go out and boot some of those trucks that were parked in the neighborhoods at night, that he did not know who did it, but there was a story in the newspaper a couple of weeks ago, that he had asked for a list of the rental car companies who owed delinquent traffic tickets and he saw the story in the newspaper and they had not had a chance, and if they had gotten the information he apologized but he had not seen it in his office, but would like to get the information to know what the follow up had been, that he wanted to give the Municipal Courts and Police Department kudos for what they did relative to the taxi cabs that owed tickets and went out there and did that, that he would encourage them to go back again. Council Members Goldberg, Ellis, Keller and Sekula-Gibbs.

Council Member Robinson stated that as a follow up to Council Member Sekula-Gibbs, he wanted to thank the Mayor and Mr. Haines, that he a couple of briefings in preparation for an upcoming TTI meeting and would be sometime in the middle of February, that the Legal Department and Mr. Haines were going to come to them with the City's prepared draft response to the Draft EIS that was out there so Council Members could raise any additional questions they may have, but they intended to go forward, as had been explained to him, with a comprehensive response on all three routes so that the City was not put in a position of making an implicit support or backhand endorsements of any of the routes, that he knew that the staff was at last night's meeting and he was not able to be there and would be at tonight's meeting also, but their comprehensive response would be prepared and Council would have an opportunity to review it in the TTI Committee and then it would be sent on to Washington, D.C. so that was out there for all of the Council Members to be aware of. Council Members Goldberg, Ellis, Keller and Sekula-Gibbs.

Council Member Robinson stated that he would not be able to stay for the entire committee meeting but knew that Council Member Parker had the special meeting in the afternoon on budgetary issues and hoped they would all participate as best they could to engage in what had been, in his opinion since she became Chair of the committee, a lot of very thoughtful discussions with the administration about how they prepare to deal with budget shortfalls and long term budget planning so he wanted to thank her again for hosting the meeting to talk about the drainage fee, this year's and next year's budget and some of the water and sewer issues that Council Member Wiseman raised. Council Members Goldberg, Ellis, Keller and Sekula-Gibbs.

Council Member Robinson stated that he wanted to wish everyone a happy MLK Day to everyone. Council Members Goldberg, Ellis, Keller and Sekula-Gibbs.

Council Member Galloway stated that she would like the Neighborhood Protection and Quality of Life Committee to look into the issue of stables, that the ordinance had not been updated since 1969 and she had some ideas that she wanted to bring up because they were popping up in her district, and Council Member Parker stated that she would be happy to work with her to schedule that in committee and the Mayor was supportive of and would have the Legal Department to work on it with her. Council Members Goldberg, Ellis, Keller, Alvarado and Sekula-Gibbs.

There being no further business before Council, the City Council adjourned at 11:20 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. Council Members Goldberg, Ellis, Keller, Alvarado and Sekula-Gibbs.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary