

City Council Chamber, City Hall, Tuesday, February 25, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 25, 2003, with Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Harlan Heilman, Division Chief, Legal Department; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown absent on city business. Council Member Addie Wiseman absent due to being ill.

At 2:02 p.m. Mayor Pro Tem Quan stated that Council would begin with the presentations. Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent.

Mayor Pro Tem Quan stated that Pollo Campero was a new restaurant chain in Houston and invited Mr. Carlos Artiz, president of the company, to the podium. Mayor Pro Tem Quan stated that Mr. Artiz was previously a City of Houston employee and presented him a proclamation for having one of the fastest growing restaurant chains, wishing them continued success and proclaimed February 25, 2003, as "Pollo Campero Day" in the City of Houston, Texas. Mr. Artiz thanked the Council for the proclamation and stated that they would continue to grow and help those in Houston. Council Members Galloway, Keller, Vasquez, Alvarado, Parker and Berry absent.

Council Member Robinson stated that at the Black History Celebration he met a young man who said he had an ability to rap and after he finished he invited him to come to Council during Black History Month and invited him and his Dad to the podium and presented him a proclamation proclaiming February 25, 2003, as "Little J. Xavier Day" in the City of Houston, Texas; and Little J rapped for Council. Council Member Parker absent.

Council Member Edwards stated that a great thing happening in Houston was a conversion of city government, corporate partnerships and community people and this week they hoped all would be at the Chocolate Bayou Festival, thanked all who helped bring it to fruition and invited Mr. Ernest Walker with Walker Entertainment and an up and coming jazz sensation Mr. Kyle Turner to the podium. Mr. Walker stated that the festival highlighted a lot of local entertainers and introduced Mr. Kyle Turner who played for the Council. Council Member Edwards stated that she hoped all would come to the Chocolate Bayou Festival Saturday and Sunday, March 1 and March 2, 2003 at Sunnyside Park.

At 2:21 p.m. Mayor Pro Tem Quan called the meeting to order and Council Member Edwards led everyone in prayer and in pledging allegiance to the flag.

At 2:22 p.m. the City Secretary called the roll. Mayor Brown absent on city business. Council Member Wiseman absent due to being ill.

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

Council Member Parker stated that she would ask for a moment of personal privilege; that last Friday Mr. Darryl White was repairing pot holes and was struck and killed by a drunk driver; and asked for a moment of silence in his behalf. Council Member Parker offered condolences to his family.

Council Member Galloway moved to suspend the rules to hear Mr. Michael Ketner out of order at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Wiseman absent due to being ill. Mayor Pro Tem Quan presiding. MOTION 2003-0168 ADOPTED

Council Member Alvarado moved to suspend the rules to hear Ms. Christine Sagstetter after Mr. Michael Ketner, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Wiseman absent due to being ill. Mayor Pro Tem Quan presiding. MOTION 2003-0169 ADOPTED

Council Member Ellis moved to suspend the rules to hear Mr. Thomas Webb and all non-Agenda speakers after Ms. Sagstetter, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business.. Council Member Wiseman absent due to being ill. Mayor Pro Tem Quan presiding. MOTION 2003-0170 ADOPTED

The City secretary stated that the rules of Council provided when the total time of speakers was greater than 150 minutes each speaker would be limited to one minute and that when that provision was activated Council's time for questions was also limited to a total of one minute for Council Members collectively for each speaker.

At 2:27 p.m. Mayor Pro Tem Quan requested the City Secretary call the list of speakers.

Mr. Michael Ketner, 9800 Hollock, Houston, Texas (713-941-9532) appeared and stated that he was trying to get his firefighter position back; that he was forced to resign in the pretense that he held his head in an "invert manner"; that in September he went before a review board and they said it was not founded, but when they went on vacation it was "reidicated" with the same issue brought up again and he was taken into Chief Connealy's Office and told if he did not resign he would be fired, his attorney said they were going to get rid of him no matter what he did and after he resigned he realized it was the wrong thing to do.

Upon questions by Council Member Galloway, Mr. Ketner stated that he was with the Fire Department just shy of 14 months, their academy was to last seven months but it was extended to 14 months because they were placed on ambulances for six months. Council Member Galloway stated that she wanted an overview of the situation. Mayor Pro Tem Quan stated that he would get a report to all Council Members.

Upon questions by Council Member Tatro, Mr. Ketner stated that he lost all legal rights and this was his only course of action.

Ms. Christine Sagstetter, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext.17) appeared and stated that she was present representing the American Federation of State, County and Municipal Employees, Local 1550, and asked that Council tag Agenda Item 32 to allow their union to bring forth proposals that may save money before the city had to have furloughs and layoffs.

Council Member Parker stated that she would absolutely tag the item, she thought they needed a furlough plan but was not ready to say they were needed right now; and Ms. Sagstetter stated that she realized the Council was under severe time constraints and they would work as quickly as they could to bring something to the Administration.

Council Member Galloway stated that she had concerns with the item and would tag along with Council Member Parker.

Mayor Pro Tem Quan stated that he believed there were several Council Members, if not the entire Council, which were concerned about the issue and was sure they would not be going for it on a next week and looked forward to working with her. Council Members Keller and Alvarado absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext 16) appeared and stated that Council Members were elected officials voted in because people trusted them and believed they would do the right thing; that he was present speaking for the

workers, it was totally unfair to balance the budget on the backs of the city workers; that Houston was reportedly the fourth largest metropolitan city in the country and the workers already made much less than employees who worked in cities of comparable size; that there must be another way to balance the budget, it was not the fault of the workers that the budget was in a shortfall and they would be devastated as most already lived from paycheck to paycheck. Council Members Keller and Alvarado absent.

Council Member Edwards stated that she was with him. Council Member Keller absent.

Council Member Robinson thanked Mr. Webb for coming and stated that it was sad it was on the Agenda when everyone had not yet been consulted. Council Member Keller absent.

Council Member Sekula-Gibbs stated that she would like it placed on the Fiscal Affairs Committee; and Council Member Parker stated that she would commit to placing it on their Agenda Tuesday. Council Member Keller absent.

Council Member Tatro stated that he believed Council wanted to see a plan; that what was posted gave the Mayor carte blanche and that was a treacherous step for Council. Council Member Keller absent.

Mayor Pro Tem Quan stated that it would be reviewed in committee and they would try and come up with an equitable plan. Council Member Keller absent.

Mr. George Scott, 5125 Hillman, Houston, Texas 77023 (713-459-9778) had reserved time to speak but was not present when his name was called. Council Member Keller absent.

Mr. Edgar Thompson, 5511 Austin, Houston, Texas 77004 (713-529-0767) had reserved time to speak but was not present when his name was called. Council Member Keller absent.

Mr. Shawn Esmi, 3140 Almeda-Genoa, Houston, Texas 77047 (713-433-3330) had reserved time to speak but was not present when his name was called. Council Member Keller absent.

Mr. Phillip Modisett, 1803 Everett, Houston, Texas 77009 (713-237-9988) had reserved time to speak but was not present when his name was called. Council Member Keller absent.

Mr. Gregory Foster, P. O. Box 266128, Houston, Texas 77061 appeared and stated that he was running for Mayor and came up with solutions to help the budget problem; that if they would run buses on hydrogen it would help and then raise standards for fire and police departments; and wondered if they would consider that as an option. Council Members Tatro, Galloway, Keller and Vasquez absent.

Mayor Pro Tem Quan stated that he would refer him to METRO as they were the ones who ran the bus system. Council Members Tatro, Galloway, Keller and Vasquez absent.

Mr. Robert Farlow, 7608 Bellewood, Houston, Texas 77055 (713-858-3443) appeared and stated that he was present to complain about a fee; that he placed three small boxes at the curb for pickup and discovered without a dollar sticker on his box it would not be picked up and it was silly and insulting; that he wrote a check for \$21,000 in December for taxes and now he had to pay a dollar to get an eighty nine cent box picked up; and he felt the city should be more efficient. Council Members Galloway, Keller and Vasquez absent.

Council Member Robinson stated that was not his fault, he voted against it. Council Members Galloway, Keller and Vasquez absent.

Mr. Sam Taiwo, 2103 Park Brush, Katy, Texas 77450 (713-562-3747) appeared and

stated that he received 60 tickets and not one single copy was given to him; that now he had the burden of paying \$1,100 for violations. Council Members Galloway, Keller and Robinson absent.

Mayor Pro Tem Quan stated that Council recognized there were problems in that area and he had a meeting scheduled for Monday with the directors of Parking Management and the Municipal Court System and Council Member Parker had begun a petition for a moratorium to do away with booting of taxicabs during this time. Council Members Galloway, Keller and Robinson absent.

Council Member Ellis stated that he would encourage all who did not receive the citation but had tickets to go through that process of appealing in the Municipal Courts so there could be an investigation on the ticket writers. Council Members Galloway, Keller and Robinson absent.

Mr. Wade Yaya, 1061 Nobility, Houston, Texas (281-782-3349) appeared and stated that he had received 11 tickets and only two were placed on his windshield; that he worked for Taxicabs USA and his cab was owned by the company, but they had never received any tickets either. Council Members Galloway, Keller and Robinson absent.

Mayor Pro Tem Quan stated that Council was aware of a problem and a review was being done. Council Members Galloway, Keller and Robinson absent.

Mr. Ron Donovan, 3400 Timmons #63, Houston, Texas 77027 (713-775-8285) had reserved time to speak but was not present when his name was called. Council Members Galloway, Keller and Robinson absent.

Council Member Parker stated that the proposal was that they formalize the system of notifying the taxicab and rental fleet companies when their cars receive tickets; and she understood her request for a moratorium on booting cabs and rental vehicles was refused, but she would keep calling for it. Mayor Pro Tem Quan stated that he was sure there was a lot of support on Council. Council Members Galloway, Edwards, Keller and Robinson absent.

Mr. Ron Donovan, 3400 Timmons #63, Houston, Texas 77027 (713-775-8285) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

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

Ms. Monica Johnson, 12514 Avery Vale, Houston, Texas 77014 (281-440-7781) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Keller and Robinson absent.

Rev. Bill Lawson, 3826 Wheeler, Houston, Texas 77004 (713-748-5240) appeared, presented information, voiced his opposition to the war with Iraq; and urged that the two resolutions on the Agenda be considered by Council. Council Members Galloway, Keller and Robinson absent.

Upon questions by Mayor Pro Tem Quan, Rev. Lawson stated that there were between 80 and 90 other cities who had already passed resolutions and he believed the federal government would listen to that many cities. Council Members Galloway, Keller and Robinson absent.

Sister Carol Bialock, 2020 Harvard, Houston, Texas 77008 (713-868-9607) appeared, stated that she was a teacher and pastoral minister and voiced her opposition to the war with Iraq and that Council had before them the opportunity to state publicly that violence only produced more violence. Council Members Galloway and Robinson absent.

Mr. Terence O'Rourke, 3211 Fairhope, Houston, Texas 77025 (713-664-4128) appeared, presented information stating that he was an Adjunct Professor of International Law, former White House Staff Counsel, Q Clearance for Nuclear Weapons Secrets, etc., and opposed the war in Iraq. Council Members Galloway, Ellis, Sekula-Gibbs and Robinson absent.

Ms. Natalie Ranker, 304 Cordell, Houston, Texas 77009 (713-861-1058) appeared and opposed the war with Iraq. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Ms. Delores Goble, 1603 N. Boulevard, Houston, Texas 77006 (713-528-7919) appeared, stated she was president of the United Nations Association, opposed the war with Iraq and urged passage of the resolution on the Agenda. Council Members Galloway, Ellis, Alvarado and Sekula-Gibbs absent.

Upon questions by Mayor Pro Tem Quan, Ms. Goble stated that she felt the UN was a very relevant organization and needed full support of the US and other countries in it. Council Members Galloway, Ellis, Alvarado and Sekula-Gibbs absent.

Mr. Ned Watkins, 9731 Truscon, Houston, Texas 77080 (713-467-4350) had reserved time to speak but was not present when his name was called. Council Members Galloway, Ellis, Alvarado and Sekula-Gibbs absent.

Ms. Cynthia Buggage, 1919 Smith, Houston, Texas 77002 (713-655-0052) appeared, presented information and stated that she was representative of Congresswoman Sheila Jackson Lee's office and one of the Congresswoman's first priorities was to work with the Mayor and Council on their home front needs, opposed the war with Iraq and asked for peace over war. Council Members Galloway and Ellis absent.

Council Member Berry stated that many present were speaking on the same issue; and upon questions, Ms. Buggage stated that they received calls daily against the war but she did not know if those present had called. Council Member Berry stated that he encouraged those present to contact the Congresswoman and other members of Congress and the President who would actually be making the decisions. Council Members Galloway and Ellis absent.

Ms. Rebecca El-Saleh, 863 Plainwood, Houston, Texas 77079 (281-493-4825) appeared and stated that her Dad was born in Iraq and they still had family there and read a poem she had written about him and expressing her opposition to the war and asking for peace. Council Members Galloway and Ellis absent.

Ms. Janice Blue, 1708 Rosewood, Houston, Texas 77004 (713-522-6899) appeared and voiced opposition to the war with Iraq, her fears when she was younger during wartime, and urged passage of the resolution on Council's Agenda. Council Members Galloway and Ellis absent.

Ms. Lee Loe, 1844 Kipling, Houston, Texas 77098 (713-524-2682) appeared, voiced her opposition against war with Iraq and urged Council Members to pass the resolution on their Agenda. Council Members Galloway, Goldberg and Ellis absent.

Mr. Jim Henderson, 2729 Pemberton Dr., Houston, Texas 77005 (713-664-2061) appeared and stated that he was a Vietnam veteran, voiced his opposition to war with Iraq; and urged support of the resolution opposing the preempted war with Iraq. Council Members Galloway, Goldberg and Ellis absent.

Mr. Tony Cantu, P. O. Box 820251, Houston, Texas 77282 (281-536-2434) appeared, presented information and stated that freedom was one thing worth dying for and it was idiotic that at this time when terrorist were training and evil uniting against us two Council Members

were bringing a sign of weakness to the terrorists; that it was his experience when you give a sign of weakness to wild beasts it only provoked a vicious attack; and encouraged all Council Members to participate in the political process at the state and federal level on their own time and not during city time. Council Members Galloway, Goldberg, Ellis, Parker and Berry absent.

Ms. Allison Rasch, 3601 Allen Parkway, Houston, Texas 77019 (713-528-5779) appeared and voiced her opposition to war with Iraq without first exhausting all diplomatic actions; and urged Council pass the resolution on their Agenda. Council Members Galloway, Goldberg, Berry and Robinson absent.

Mr. David Atwood, 1802 Kipling, Houston, Texas 77098 (713-529-3826) appeared and voiced his opposition to a preemptive war with Iraq and urged Council to deliberate and adopt the resolutions on Council's Agenda. Council Members Tatro, Galloway, Goldberg, Edwards, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Helen Meistrich, 4110 Gairloch, Houston, Texas 77025 (713-668-8216) appeared and voiced her opposition to war with Iraq. Council Members Tatro, Galloway, Goldberg, Edwards, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Esmeralda Valague, 2016 Main #1105, Houston, Texas 77002 (713-571-1117) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Berry and Robinson absent.

Mr. John Aubin, 8506 Merlin, Houston, Texas 77055 (713-461-4266) appeared and voiced his opposition to war with Iraq. Council Members Galloway, Goldberg, Edwards and Berry absent.

Mr. Nick Cooper, 8377 Westview, Houston, Texas 77055 (281-289-3569) appeared and voiced his opposition to war with Iraq and urged that Council join the other 90 cities and pass Council Member Quan's resolution. Council Members Galloway, Goldberg and Berry absent.

Ms. Evelyn Chorush, 2821 Saint, Houston, Texas 77027 (713-993-0570) appeared and voiced her opposition to war with Iraq and urged Council Members to join the other 90 cities and pass Council Member Quan's resolution. Council Members Galloway, Goldberg, Parker and Berry absent.

Ms. Grayson Cecil 4814 Yoakum, Houston, Texas 77006 (713-524-9890) appeared and voiced her opposition to the preempted war with Iraq and urged Council to pass Council Member Quan's resolution. Council Members Galloway, Goldberg, Parker and Berry absent.

Upon questions by Mayor Pro Tem Quan, Ms. Cecil stated that she believed the US had unanimous support with the first war with Iraq and the US cost for that war was not even 50%. Council Members Galloway, Goldberg, Parker and Berry absent.

Mr. Jay Tapp, 4814 Yoakum, Houston, Texas 77006 (713-520-9514) appeared and voiced his opposition to war with Iraq and urged Houston Council to protect its city and pass Council Member Quan's resolution. Council Members Galloway, Goldberg, Parker and Berry absent.

Mr. Robert Graham, 5319 Chenevert, Houston, Texas 77004 (713-528-0677) appeared and voiced his opposition to war with Iraq. Council Members Galloway, Goldberg, Parker and Berry absent.

Council Member Keller moved to suspend the rules to hear Ms. Ruth Terry at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent on city business. Council Member Wiseman absent due to being ill. Council Members Galloway, Goldberg, Parker and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0171

ADOPTED.

Ms. Ruth Terry, 5908 Buffalo Speedway, Houston, Texas 77005 (713-665-6690) appeared and stated that last Friday Council Member Ellis chaired an emergency meeting amending the ordinance on the food vendor permit fee and eight members voted to have the proposal back on the Agenda; that it was an excessive rate and needed to be back on the Agenda and she would like to know why the Mayor chose to ignore the majority of Council and did not place it on the Agenda. Council Members Galloway, Goldberg, Parker and Berry absent.

Council Member Ellis thanked Ms. Terry for coming and stated that they did not understand why it was not placed on the Agenda; that they had sent a draft proposal of the amendment to the Mayor and the only reason they could see why it was not done was now they passed the timeline to cap at 10 days; and he believed it was the Mayor's position all along to not allow them a reduced rate this year. Council Members Galloway, Goldberg and Parker absent.

Mayor Pro Tem Quan stated that he was advised the Agenda was posted by the time it passed. Council Member Ellis stated that it could have been amended very simply and the Administration could argue and say what they wanted but they were well aware of the intentions of the committee. Council Members Galloway, Goldberg and Parker absent.

Council Member Tatro stated that to support Council Member Ellis's comments the Administration was given ample notice of the meeting and could have chose to hold a place on the Agenda. Council Members Galloway, Goldberg and Parker absent.

Council Member Keller stated that if the Mayor wanted something on the Agenda it got on the Agenda, but the facts spoke for themselves, eight people thought it was a good idea to help the small business and it would be taken care of this budget session and he did apologize for the Administration and himself not taking care of this six months ago, but this was not a priority to him as it was to many Council Members. Council Members Galloway, Goldberg and Parker absent.

Mr. Bill Scott Bayha, 9110 Lugary, Houston, Texas 77074 (713-271-2211) appeared and voiced his opposition to war with Iraq and urged passage of the resolution on Council's Agenda against the war. Council Members Tatro, Galloway, Goldberg, Edwards and Parker absent.

Mr. Edwin Johnston, 3407 Graustark, Houston, Texas 77006 (713-523-0119) appeared and shared his thoughts opposing the war with Iraq. Council Members Tatro, Galloway, Goldberg, Edwards and Parker absent.

Dr. David Michael Smith, 1631 Redwood, Dickson, Texas 77539 (409-938-1211 x217) appeared and stated that he was a Professor of Government and was present to urge adoption of one of the resolutions on Council's Agenda rejecting preemptive war and voiced his opposition to the war with Iraq. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Mr. Richard Hyland, 7614 Braesglen, Houston, Texas 77071 (281-467-4779) appeared and stated that he was a Vietnam war veteran and voiced his opposition to the preemptive war with Iraq and urged Council's adoption of Council Member Quan's resolution. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Mr. Mark Waller, 5600 Glenmont Unit M32, Houston, Texas 77081 (281-428-1140) appeared, presented information and stated that he was co-chair of the Harris County Green Party's Peace and Justice Workgroup and served in the 82nd Airborne Division at Ft. Bragg North Carolina and later served in the Texas Army National Guard's 49th Armored Division and if he believed war was necessary for defense of this nation he would be back in the Army now; and continued voicing his opposition to war with Iraq and urged passage of the resolution on

Council's Agenda. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Mayor Pro Tem Quan thanked Mr. Waller for his service to the country and for sharing his comments. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Council Member Vasquez thanked Mr. Waller for his service to this country and stated that he appreciated his attention to this matter. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Mr. James White, 2401 Westridge #2616, Houston, Texas 77054 (713-528-3917) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Parker and Sekula-Gibbs absent.

Ms. Eva Thibaudeau, 1812 Rosedale, Houston, Texas 77004 (713 522-2811) appeared with her son and voiced her opposition to war with Iraq; and urged Council's adoption of a resolution on their Agenda against that war. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Mr. Scott Parkin, 1219 West Gray #4, Houston, Texas 77019 (832-725-6220) appeared and voiced his opposition to war with Iraq and repercussions facing the City of Houston. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Mr. Ernest McMillan, 4601 Noble, Houston, Texas 77020 (713-674-1080) appeared and voiced his opposition to war and repercussions facing those in Iraq and Houston. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Mr. McMillan stated that if the money for the proposed war was spent on communities being terrorized by poverty, gangs and drugs they would now be winning. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Mr. Robert Buzzanco, 510 E. 18th, Houston, Texas 77008 (713-864-5407) appeared and stated that he was a history professor at the University of Houston and specialized in US military history of wars; and voiced his opposition to war with Iraq and how terror would be provoked in the US and Houston. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Robinson thanked Mr. Buzzanco for coming and stated that he believed he understood him to say there was a need for broader discussion of what America's role would be in the new century; and Mr. Buzzanco stated absolutely, the fallout should frighten everyone. Council Members Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Berry thanked Mr. Buzzanco for coming and stated that he wanted to reiterate his position that Council should not be taking a position on the issue; that he appreciated his knowledge and encouraged him to share those positions with everyone who was in a position to make the decisions, but he and Council had not been briefed on the intelligence the President and Congress had at their disposal and those were the reasons in his opinion they being private citizens just as he was should not take position; and he would ask him to share his opinion with Congress and the President. Mr. Buzzanco stated that Council was morally obligated to deal with the situation and to suggest otherwise was diluting all that it did not affect everyone in a very personal and intimate way. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Gloria Rubac, 1430 Studewood, Houston, Texas 77008 (713-861-5965) appeared and stated that she just left her class of second graders and she wished Council could hear seven

and eight year old opinions of how the City of Houston was a part of this war; and voiced her opposition to the war with Iraq and her opinions on how it was Council's business. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Rubac stated that she and the students talked about what could happen, what to do if something did happen and they tried to allay their fears, but she was scared and thought the federal government had lost their mind. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Keller stated that he shared the idea this was not a matter for Council to pass a resolution on and he and other Council Members wanted to enter into open dialogue with the public, but if they said what they did not want to hear then they were insulted and it was ironic it was all about peace; that he felt it was uncivilized behavior to go to war and felt it was frustrating to those of unbelievable intelligence to even think of that possibility, but he would assure them if Saddam heard this group it would probably persuade him to put down his weapons faster than President Bush could, but he could not make an educated decision, he had murdered more of his own children than the US had and the President had family living within miles of Houston right now and his family would get blown up just as easily; that he had to know this was worthwhile or basically everyone was just saying the President was completely incompetent. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Parker stated that she did support the resolution. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he argued and fought to get this on the Agenda, one of his issues was if they were going to have the discussion they should be careful of the facts and even if there were no war with Iraq they were engaged in a war with terrorists and now was a target; that reality changed after 9/11 and that was a fact and people were going to try and hurt us and it was not because of the issue in and around Iraq and people should understand that. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Berry stated that as a teacher she spoke with a certain amount of authority and he had the highest respect for her, but he would ask her sort of tongue in cheek to please not tell the children in her class that today a city employee who worked for the city 16 years came and said city employees did not want to be furloughed and it would take food out of their children's mouths or that they spent fewer than five minutes debating it while hours was spent presenting a resolution on Iraq and don't tell them that not even one minute was spent talking about the plight of all the employees to be laid off because he felt students would be coming in saying their parents were laid off because the Council talked about war and did not have time to listen to their parents, but he did thank her for what she did. Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that everyone was allowed to sign up and speak and they were allowing them their time; and Council Member Berry stated that the Mayor controlled the Agenda and chose to place the matter on the Agenda and not the Veteran's Museum for the third straight week, so he wanted to be clear this was not just a matter to speak on but an Agenda item. Council Members Tatro, Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Karl Schaeffer, 3822 N. Braeswood #150, Houston, Texas 77025 (713-662-0928) appeared, presented information and voiced his concern and opinions against war with Iraq and

financial burdens placed on cities. Council Members Tatro, Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Ted Weisgal, 12014 Chimney Rock, Houston 77035 (713-546-6793) appeared and spoke on repercussions of war with Iraq and stated that he hoped Council would pass the antiwar resolution. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. Joseph Tyler, 6258 San Felipe, Houston, Texas 77057 (713-789-4354) appeared and stated that he had served this country 20 years with 16 months in Korea and 2 years in Vietnam; that he knew what war was all about and it was the last thing a soldier wanted to do and having said that he was present to speak against any resolution on Iraq that did not provide 100% support for the President of this United States; that it was very inappropriate for Council to even consider a resolution against war with Iraq and if they had personal concerns they should take them up with their representatives in Washington. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Ellis, Mr. Tyler stated that resolutions such as what was being considered at this stage of the game only provided Saddam Hussein support and the people in power knew what was happening, others were only going on emotion, no one wanted to go to war; and Council Member Ellis stated that he agreed with him 100% they needed unified support and the country should not be divided at this time. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent.

Mayor Pro Tem Quan stated that the resolution stated that they were allowing time for inspectors to do their job it did not say they were against the war; and thanked Mr. Tyler for coming to Council. Mr. Tyler stated that he was only saying if you could not stand up for the President then don't stand up at all. Council Members Galloway, Goldberg, Sekula-Gibbs, Berry and Robinson absent.

Mr. Carl Carlsson, 1506 Droxford, Houston, Texas 77088 (713-522-2211) appeared, presented information and stated that the proposed resolutions were unpatriotic and he did not mean to say any Council Member was anti-American and did commend them for attempting to tackle challenges associated with the war on terror, however, to address them in the form of an antiwar statement played into the hands of the enemies. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Robinson stated that in summary his resolution said they agreed with the President that war should be the last option; that the inspectors should be able to proceed and the burden should be on Saddam Hussein to produce his weapons and he believed they should reflect the reality that the United States Pentagon was already in process of preparing to draw down military personnel in the future and that those savings should be taken and invested to first responders, universal health care, prescription drug benefits for seniors and education; that he was agreeing with the President war should be last option and did not see how that was going against. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Allen Ansevin, 2127 MacArthur, Houston, Texas 77030 (713-665-5280) appeared and voiced his opposition to war with Iraq, urged Council Members to pass Council Member Quan's resolution and wished each inner peace as they deliberated the issue. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Dale Napier, 4141 North Braeswood, Houston, Texas 77025 (713-218-0897) appeared and stated that he was present as a representative of a coalition of Democratic Party coalitions all opposed to a unilateral preemptive invasion with Iraq; and urged support of Council Member Quan's resolution opposing the unjust war. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Steve Hartung, 1111 Bagby, room 1569, Houston, Texas 77002 (713-752-4093) appeared and urged support of Council Member Quan's resolution supporting United Nations inspectors in Iraq and expressed repercussions with a preemptive attack without support of the UN Security Council. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Michael Maddi, 9600 Braes Bayou #37, Houston, Texas 77074 (713-541-2907) appeared and stated that he was in support of Council Member Quan's resolution against a preemptive unilateral war by the US against Iraq. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Ms. Diane E. Bulanowski, 5411 Lamonte, Houston, Texas 77092 (713-957-4976) appeared and voiced her concerns regarding troops being sent into already contaminated areas. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Deacon Sam Dunning, 2403 Holcomb, Houston, Texas 77021 (713-741-8731) appeared and stated that he directed the Office of Justice and Peace for the Roman Catholic Diocese of Galveston/Houston; and urged Council Members to join the rising numbers crying out for peace; that the poor would be the ones to suffer and defeating Saddam Hussein should not be born on their backs whether in his country or ours. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Mayor Pro Tem Quan, Deacon Dunning stated that the Pope was meeting on a virtual daily basis with representatives of the Iraqi regime and again Saddam Hussein stated that he was not hiding weapons of massive destruction. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Parker, Deacon Dunning stated that the Diocese had taken a stand supporting the Bishop's decision. Council Member Parker stated that she got a lot of correspondence when Council was debating the historic preservation issue and she hoped they would be as energized on this issue in contacting Council Members; and Deacon Dunning stated that he would take back to the Bishop her request for more participation. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Frank Rester, 22806 Linden Lane, Magnolia, Texas 77355 (713-851-6272) appeared and voiced his opinions and concerns against war with Iraq. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that since speakers were only allowed one minute he would give his website address of www.galvan.org or www.galvanism.com and continue his comments there, but he did think it was the business of the Council to support an antiwar resolution. Council Members Tatro, Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she had another meeting to attend and had to leave this one, but she wanted all to know she was in support of the resolution. Council Members Tatro, Galloway, Goldberg, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Don Seributra, 7023 Dickson Way, Missouri City, Texas 77489 (281-437-4931) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Parker, Edwards, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Racheal El-Saleh, 863 Plainwood, Houston, Texas 77079 (281-493-4825) appeared and stated that she had family and friends in Israel and was wife of an Iraqi born Muslim and

naturalized American; that her children were immensely proud to be American but confused about what their government was doing; and urged Council Members to adopt the petition opposing military action in Iraq because of the adverse economic impact. Council Members Tatro, Galloway, Goldberg, Edwards, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he appreciated each person coming and expressing their views whether they were for or against the resolution; and thanked Ms. El-Saleh for coming. Council Members Tatro, Galloway, Goldberg, Edwards, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-649-4258) appeared and stated that it was against the UN's Charter to endorse preemptive wars and City Council certainly had a relative right to speak out against wars. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Michael Zargarov, 3310 Aberdeen Way, Houston, Texas 77025 (713-320-3726) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Walter Birdwell, 3323 Cloverdale, Houston, Texas 77025 (713-667-0553) appeared and stated that he was a US Army veteran and there could be no greater support for the military personnel than to get them out of harms way; and urged support of the resolution. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William J. Cunningham, 2118 North Blvd., Houston, Texas 77098 (713-520-6370) appeared, presented information and voiced his opposition and concerns of a preemptive war with Iraq, its repercussions; and urged Council Members to pass a resolution. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Kerwin, 8923 Tanager, Houston, Texas 77036 (713-772-5600) appeared, presented information and stated that he was a Vietnam veteran of the United States Navy; that this issue was about man's humanity against man and as such was an appropriate topic for Council; and voiced his concerns and opposition to the war with Iraq. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Julianne Gustafson-Lira, 13914 Cypresswood, Texas 77040 (281-461-8886) appeared and stated that she understood this issue made many uncomfortable and was sorry if Council Members Vasquez and Berry felt threatened by them; and voiced her concerns and oppositions to the war with Iraq. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Vasquez thanked Ms. Gustafson-Lira for coming and stated that he did not know where she received the misinformation he was intimidated by those showing up to speak on the issue, it was his responsibility and duty to listen to both sides of the issue and to do what he felt was in the best interest of the city and that was what he was doing. Council Members Galloway, Goldberg, Edwards, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM

PRESENT)

Mr. Jim Essig, 250 El Dorado #125, Webster, Texas 77598 (281-461-8886) appeared and voiced his concerns and opposition to war with Iraq and its repercussions. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Ken Freeland, 3535 W. Holcombe #16, Houston, Texas (713-218-8063) appeared and thanked Council Member Robinson for articulating the economic impact of President Bush's war plan and hoped he would be able to work with others on a joint resolution, thanked the Mayor for placing the issue on the Agenda, thanked Council Members Parker and Edwards for their outspoken leadership and particularly thanked Mayor Pro Tem Quan for a resolution which he thought amply met demands; and stated that there was no major city who had not passed a resolution opposing the proposed war with Iraq. Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Freeland stated that he believed the only time the US troops should be involved in any war was if that country threatened the US citizens imminently and that was not the facts here. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Dr. Selina Ahmed, 10010 Kirkaspen, Houston, Texas 77089 (713-3113-7636) appeared and voiced opposition to the war with Iraq and urged passage of one of the resolutions opposing war on Council's Agenda. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Rob Calvin, P. O. Box 30603, Houston, Texas 77249-0603 (713-518-4506) appeared and voiced support for Council Member Quan's resolution; and stated that Houston should join the other many cities who had passed such resolutions. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Robinson stated that he wanted to thank the Mayor for placing the issue on the Agenda and was glad Council Members was able to hear from all the speakers. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was the highest authority and over all treasury over all the world; and voiced his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Nebeil Al-Oboudi, 10603 Wilcrest #50, Houston, Texas 77099 (832-496-2350) appeared and urged Council Members to vote for the resolution supporting peace on their Agenda. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Josh Bullard, 2600 Westridge #237, Houston, Texas 77054 (713-839-1505) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked everyone for taking time to come to Council and express

their views; and stated that tomorrow the matter would be considered. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 5:06 p.m., City Council recessed until 9:00 a.m., Wednesday, February 26, 2003. Mayor Brown absent on city business. Council Member Wiseman absent due to being ill. Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 26, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 26, 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. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and 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 9:13 a.m. Mayor Brown reconvened the meeting of the City Council and stated that the first order of business would be the public hearings. Council Member Goldberg absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 32, 37, 47, 48, 31, 30 and 38 out of order, seconded by Council Member Ellis.

Council Member Edwards stated that she wanted to take a point of personal privilege and introduce a group of young students from the University of Houston Downtown who were present in the Council Chamber to observe, that they were from Future Teachers with Dr. Hood and Dr. McIntosh and asked that they stand and be recognized, and Mayor Brown stated that he wanted to welcome all of them to the City Council Chamber and their meeting, that they were very happy they were there and wished them good luck in their studies.

A vote was called on Council Member Robinson's motion to consider Item Numbers 32, 37, 47, 48, 31, 30 and 38 out of order. All voting aye. Nays none. MOTION 2003-0172 ADOPTED.

32. ORDINANCE amending the Code of Ordinances, Houston, Texas to allow for economic savings through salary cost reduction and administrative or fiscal measures in difficult economic circumstances including furloughs, voluntary separations, salary assistance, layoffs and employee reclassifications; containing findings and other provisions relating to the foregoing subjects; providing for severability – was presented.

Council Member Robinson stated that he was distributing two written amendments to Item 32 and anticipated that they would be tagged along with the main item and offered the following amendments:

Amend Item 32 to mandate that before any plan authorized under Chapter 14 is implemented, it must first be approved by City Council.

Amend Item 32 to allow for the implementation of a four (4) day work week for civilian employees.

Council Member Tatro stated that he would like for Council to consider possibly splitting the item next week if it was tag because of the issue of the furlough, that there were three items on the agenda.

Council Member Tatro moved to divide the question and remove the furlough section, if

that was possible, of the agenda item.

Mayor Brown stated that the item had been called and they had an amendment made by Council Member Robinson.

Council Member Robinson stated that he would tag his amendments and the main item and just as a point of procedure he thought what Council Member Tatro was requesting was next week when they would vote he would want a division of the question to vote on it by sections, and Council Member Tatro stated that he just wanted the Council to consider that as an option.

Council Member Galloway stated that she would tag also.

Council Member Vasquez asked as they were discussing the ordinance in terms of furloughs and layoffs he was raising the question about the Revolving Door Policy, if in the event there were layoffs he would want for them to waive the Revolving Door Policy for individuals that were impacted by the layoffs, that if they lay people off and they met the requirements of the Revolving Door Policy he thought it would negatively impact their ability to find a job so he would like for Mr. Haines or the Legal Department to look into it and come back with some type of policy recommendation next week with the remainder of the information, and Mayor Brown stated that they would take a look at it and come back with a resolution to that issue.

Council Member Edwards stated that she would like a definitive paper or something explaining what the issues were, what did furloughs mean, what was voluntary separation, that she wanted it in writing, and Mayor Brown asked Mr. Haines to get that for her.

Council Member Alvarado stated that she wanted to add her tag to the main item and would just add that Local 1550 asked her to be included in some of the discussions, that they heard yesterday from a representative that felt they had not been consulted with or advised on the furlough process, so she would ask that they be included in those discussions, and Mayor Brown stated that they had been contacted and had been included, but they would be delighted to contact them again.

Council Member Sekula-Gibbs stated that yesterday when the representative from the union appeared before them they did discuss it and the Chairman of the Fiscal Affairs Committee agreed to put it on the Fiscal Affairs agenda, which would be next Tuesday, so it would be an opportunity for representatives from all the areas affected and all of the workers affected to come and speak on it and encouraged them to do that.

Council Member Robinson stated that as a follow up he would like a meeting, that he may not be able to attend the Tuesday meeting, that one of the big questions for him was that there was a provision for 90 days worth of salary support and was wondering if that was in addition to or separate from any unemployment benefits that employees would be entitled to because it said under any of the various circumstances so that would be a significant cost impact and wanted to make sure they had some clarity on that and also would like some clarification as to whether or not the language that was being proposed would allow for implementation of four day work week schedule by the administration and if it did that the Legal Department would work with him to draft the appropriate language not necessarily to implement the plan but to include that as a tool under the ordinance so when the administration puts together a plan that they deem it necessary to include that they could and then come back to Council for ultimate authorization on the overall plan.

Mr. Hall stated that he wanted to be clear, a four day work week had several meanings for several people, some people mean that they work 40 hours in four days, that was traditionally what was meant, that he thought that what Council Member Robinson meant was that they got paid for only four days, that essentially it would cut the pay by 20%, and Council Member Robinson stated yes.

Council Member Vasquez stated that he wanted to add his tag to the amendments and the main item as well, and Mayor Brown stated that they would add Council Member Vasquez name to the tag of the amendment and the main item, and Council Members Keller, Galloway and Sekula-Gibbs asked that their tags been added to the amendments and the main item also.

37. ORDINANCE approving and authorizing first amendment to professional engineering services contract between the City of Houston and **OTHON, INC** for Neighborhood Sewer Systems Improvements (approved by Ordinance No. 01-0064), GFS R-2011-18-2 (WW4809) - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway.

Council Member Galloway stated that would like a meeting with Mr. Vanden Bosch on some issues that she had concerning the project, and Mayor Brown stated that they would have Mr. Vanden Bosch meet with her.

47. RESOLUTION supporting the United Nations Inspectors in Iraq - (Requested by Council Member Quan) – was presented, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway absent	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	RESOLUTION 2003-0004 FAILED

48. RESOLUTION on Iraq - (Requested by Council Member Robinson) – was presented.

Council Member Robinson stated that he wanted to read the following into the record:

"NOW, THEREFORE, BE IT RESOLVED BY THE CITY.COUNCIL OF HOUSTON, TEXAS:

That the Houston City Council agrees with President George Bush that war should be the last option "in the world's effort to disarm Saddam Hussein."

That the Houston City Council agrees with the European Union that

Force should be used only as a last resort. It is for the Iraqi regime to end this crisis by complying with the demands of the [United Nation's] Security Council.

We reiterate our full support for the ongoing work of the U.N. inspectors. They must be given the time and resources that the U.N. Security Council believes they need.

However, inspections cannot continue indefinitely in the absence of full Iraqi cooperation.

... Iraq has a final opportunity to resolve the crisis peacefully.

BE IT FURTHER RESOLVED:

That the Houston City Council encourages President Bush and the Pentagon to begin the process of drawing down American military forces from around the world and investing the savings from doing so in funding domestic priorities, specifically homeland security, local first responders, a resolution will be called on to vote on and not more than one item after this, a universal healthcare plan and prescription drug plan for senior citizens and education.” Council Member Galloway absent.

After further discussion Council Member Robinson stated that he appreciated the Mayor putting the item on the agenda and appreciated all of the folks that wanted to share their opinions whether they were for or against the resolution and for the manner in which they handled it at Council and the thoughtful and collegial and respectful way and wanted to thank his colleagues for that. Council Member Galloway absent.

Council Member Ellis stated that he had an amendment to Item No. 48 and offered the following:

“Amendment to Item 48

Whereas, Americans have always risen to the need to protect our freedom and security, as well as the freedom and security of other nations around the world, when a clear danger is demonstrated; and

WHEREAS, the United States of America has given its treasure and blood in defense of liberty and peace on its own shores and abroad since its founding;

WHEREAS, nearly three thousand men and women, fathers and mothers, sons and daughters, citizens of the United States of America and countries the world over lost their lives in a murderous attack on innocents on September 11, 2001;

WHEREAS, on that same day mere minutes after terrorists drove their hijacked planes into the World Trade Center in New York and the Pentagon in Washington, D.C., the men and women of Flight 93 thwarted their murderers’ plans, causing the crash of their plane and the loss of their own lives rather than allowing the terrorists to achieve their goals and murder more innocents;

WHEREAS, the President of the United States and the United States Congress have determined that the United States of America will no longer allow the existence of such terrorists or the rogue states that support and sponsor them;

WHEREAS, the President of the United States and the United States Congress have determined that Saddam Hussein and his tyrannical regime is a rogue state that supports and sponsors terror and maintains weapons of mass destruction that may be used by Saddam Hussein, the terrorists he currently supports, or the terrorists he will support in the future to inflict death and destruction far surpassing that incurred on September 11, 2001;

WHEREAS, the President of the United States and the United States Congress, exercising their solemn duties under the United States Constitution to act for the common defense of the United States of America, have determined that Saddam Hussein and his tyrannical regime must destroy those weapons of mass destruction or face their own destruction;

WHEREAS, the United States of America has sought the assistance of the United Nations to disarm Saddam Hussein and his regime of his weapons of mass destruction by seeking to

enforce the resolutions passed by the United Nations over the last twelve years that prohibit Saddam Hussein from possessing such weapons;

WHEREAS, the United States of America through the United Nations has provided Saddam Hussein with one last chance to destroy his weapons of mass destruction and provide proof of such destruction to the United Nations;

WHEREAS, Saddam Hussein has failed to provide any proof of the destruction of his weapons of mass destruction;

WHEREAS, as of the date of this Resolution, a coalition of more than 25 nations, including allies such as Britain, Italy, Spain, Portugal, Israel and Turkey, supports the immediate removal of Saddam Hussein and the threat to world peace and the liberty of his own people he poses; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON:

On behalf of the citizens of the United States of America residing in the great State of Texas in the City of Houston, we support the decision of the President of the United States and the United States Congress to use force, if necessary, to remove Saddam Hussein and his regime from power and destroy his weapons of mass destruction to safeguard the citizens of the United States of America and the World from further attacks like those perpetrated on September 11, 2001;

BE IT FURTHER RESOLVED, that we support the use of force against Saddam Hussein and his regime for this purpose whether or not it is ultimately approved by the United Nations Security Council.

BE IT FURTHER RESOLVED, that this resolution be forwarded to the President of the United States and to our Senatorial and Congressional delegates with the accompanying message: "Mr. President, Senators and Representatives, United We Stand!" Council Member Galloway absent.

After a further lengthy discussion by Members of the City Council, Council Member Robinson asked Council Member Ellis if in the first "Be it resolved" of his substitute amendment would he accept as opposed to "if necessary" the insertion of "as a last option the stated position of the administration, and Council Member Ellis stated that he would prefer to leave it "as necessary". Council Member Galloway absent.

After further discussion, Council Member Wiseman moved to call the question, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0173 ADOPTED.

A roll call vote was called on Council Member Ellis motion to amend Item No. 48.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway absent	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2003-0174 FAILED

The City Secretary stated that the vote was 11-3 and Mayor Brown stated that the vote was 11-3 and the amendment failed. Council Member Galloway absent.

Council Member Robinson stated that he wanted to point the underlying item that was attempted to be amended, and after further discussion Council Member Goldberg asked for a point of parliamentary procedure and stated that he thought that now that it was on the agenda it required a vote and Mayor Brown asked the City Attorney for his opinion as to how to comply with the Council Member's request to withdraw his item. Council Member Galloway absent.

Mr. Hall stated that there were a number of ways to do it but once the Council had started consideration of the item one Council Member obviously could not defeat that, but the Council Member was free to make a motion to table it, to postpone it or do any of that, and Council Member Robinson stated that in fact he wanted to leave the item up. Council Member Galloway absent.

After further discussion Council Member Goldberg moved to refer Item No. 48 back to Council Member Robinson, seconded by Council Member Tatro, and a roll call vote was called for.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway absent	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2003-0175 ADOPTED.

Mayor Brown stated that the motion passed by 9 to 5 and that Council Member Robinson had the item back, and that they would move back to the agenda.

31. RESOLUTION urging the Texas Congressional Delegation to support funding for President Bush's \$3.5 Billion First Responder Initiative during the 108th Session of Congress - was presented.

Council Member Robinson stated that he intended to vote no on Item No. 31, but wanted the men and women of the Police Department and the Fire Department to know that he was not opposed to first responder funding. Council Member Galloway absent.

Council Member Keller stated that he agreed with a lot of the sentiments that were stated today, that he could not make the decision right now as to could they not afford a war or could they not afford to go to war, that all they could do was prepare for the worst and hope for the best and that was what they were doing with the first responder plan, that he hoped they supported the item and knew that they all had their passionate views about the war or not, but regardless they must be prepared for whatever happened, that he urged his colleagues on behalf of the taxpayers of the region to support the item so that they would get their lions share faster as

would the State get its lions share faster. Council Members Tatro, Galloway, Vasquez and Berry absent.

Council Member Quan stated that he was confused, they were supporting a resolution that was asking the federal government to do something, which was what they were trying to do earlier and now they should be supporting this one but they could not do the other one, that it seemed a bit hypocritical, that it was certainly the business of the City to protect their citizens, but unfortunately the matter came before Congress last week and they cut it to \$1.6 billion, they were not going to give them the \$3.5 billion and Governor Perry did not go to the Conference of Governors to lobby to get that additional money, that he hoped that Congress could reconsider giving them sufficient money to do their job, and he thought it was proper that they speak out to make sure that they did get the money to protect their citizens, that he planned to be in Washington next week with the National League of Cities to lobby for more funding for the City of Houston and hoped that they would join him because he thought they needed to get the money to do their job in Houston, that he supported a resolution that would do that as he would support other resolutions that affected the City's ability. Council Members Galloway, Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she supported the resolution which basically brought attention to the fact the Houston was very vulnerable and knew that Mr. John Bales was working very hard to make sure the City was prepared, that it was a massive undertaking that was extremely costly and first responders were critical, that she would encourage all of her colleagues to support the resolution and work very hard to make sure that Houston was fully represented and received full funding for first responder preparedness. Council Members Galloway, Edwards, Vasquez and Robinson absent.

Council Member Wiseman stated that it was another example of how the different layers of government worked together so for their sending a resolution asking for a portion of the distribution that was going to be made was appropriate, that was how they worked together, that was where the different levels of government functioned together, that was why she was going to support it. Council Members Galloway, Edwards, Ellis and Robinson absent.

A vote was called on Item No. 31. All voting aye. Nays none. Council Members Galloway, Edwards, Ellis and Robinson absent. RESOLUTION 2003-0005 ADOPTED.

The City Secretary stated that she wanted to announce that on the motion to refer Item No. 48 back to Council Member Robinson the vote was actually 8 yes and 6 no's.

30. RESOLUTION urging the 78th Texas Legislature to continue supporting the University of Houston as the next Flagship Research University in the State of Texas - was presented.

Council Member Parker stated that they had heard a lot of debate about how it was inappropriate to send messages to Washington and here they had an item that was about sending a message to the State Legislature about something that did not directly influence the City or its employees so surely her colleagues would follow their consistent logic of earlier and vote against the item, that it was a resolution urging the 78th Texas Legislature to continue supporting the University of Houston as the next flagship research university in the State of Texas and saw no terrorism implications and no public safety implications, which meant that Council should not weigh in on the item at all. Council Member Galloway absent.

Council Members Wiseman and Robinson stated they would tag Item No. 30. Council Member Galloway absent.

38. ORDINANCE appropriating \$467,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC**

for engineering services associated with the Condition Assessment of existing large Diameter Water Mains, CIP S-0019-25-2 (WA10760); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented.

Council Member Sekula-Gibbs stated that she was not going to tag the item or vote against it, but wanted to bring attention to an ongoing situation that she hoped the Mayor would direct some of his attention towards, because it cost the taxpayers long term debt money, there was \$42,000 buried in the appropriation of \$467,000 that was in salary recovery or project management to the Department of Public Works and Engineering and basically they were paying for City salaries with long term debt, that she brought it up again because it was an issue that she thought was inappropriate, that it was an inappropriate use of the taxpayers bond money, that she hoped that Mr. Haines, the people in F&A and Public Works would work to correct the situation in the future, that there were two more items that followed for a total of about \$150,000 paying for salaries in long term debt and that was not how businesses operated and would hope that the City could make a move to correct the situation. Council Members Galloway and Parker absent.

Council Member Tatro stated that the item was for large diameter water mains with LAN, they had some experience in the past in the design of the water main when putting them down in rights of way they had not explored, he believed, all the options and all the best cost effective options, that it might have taken a little more administrative work in working with either a railroad or Harris County Flood Control to utilize their rights of way, but instead the design went down City streets where they obviously had the right of way, that he would hope that they would be open to pushing a little more on the administrative side and doing a little more administrative homework in working with other jurisdictions to really find the best cost solution when ultimately constructing the water lines. Council Members Galloway and Keller absent.

Council Member Berry stated that he would tag the Item No. 38. Council Members Galloway and Keller absent.

Mayor Brown stated that they would now move back to the agenda and would go into their public hearings and would ask Ms. Margaret Wallace to lay out the items for them. Council Members Galloway, Wiseman and Robinson absent.

The City Secretary stated that all of the hearings were basically the same and Ms. Margaret Wallace would make comments on the hearings. Council Members Galloway, Wiseman, Ellis, Vasquez and Robinson absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Charterwood Municipal Utility District and certain territory located in the vicinity of Charterwood Municipal Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that in front of the Council Members was a map showing where the 21 districts they were annexing were located within the City of Houston and following the front page was a more detailed map of each of the districts, that in the hearing for Charterwood Municipal Utility District, Charterwood was located on the east side of Highway 249, north of Luetta Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services only within the annexed area for limited purposes, the contract also provided that the potential for future police services occurs at the

City's option. Council Members Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. MOTION 2003-0176 ADOPTED.

The City Secretary stated that no one had reserved time to appear at any of the hearings that were on the agenda.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **CNP UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within CNP Utility District and certain territory located in the vicinity of CNP Utility District, in Harris County, Texas - was presented.

Ms. Wallace stated that CNP Utility District was located west of the North Freeway, between FM 1960 and Cypress Creek, the area included in the agreement included only commercial properties, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Members, Ms. Wallace stated that the contract provided for health inspection services immediately and also provided for the potential for police services at the City's option, that they were not obligated, that at the City's option they could chose to provide it, and Mayor Brown stated that there would be additional health inspectors hired to cover it, and Ms. Wallace stated that all the areas within the hatched area were unrestricted reserved or had been platted for commercial properties only, that much of that was already developed as commercial properties. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent. MOTION 2003-0177 ADOPTED.

3. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 120 and certain territory located in the vicinity of Harris County Municipal Utility District 120, in Harris County, Texas - was presented.

Ms. Wallace stated that Harris County Municipal Utility District No. 120 was located west of Highway 6 between Alief Clodine and Westheimer Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent. MOTION 2003-0178 ADOPTED.

4. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 249** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 249 and certain territory located in the vicinity of Harris County Municipal Utility District No. 249, in Harris County, Texas - was presented.

Ms. Wallace stated that No. 249 was located east of the North Freeway at Luetta road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Goldberg, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. MOTION 2003-0179 ADOPTED.

5. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 61 and certain territory located in the vicinity of Harris County Municipal Utility District No. 61, in Harris County, Texas - was presented.

Ms. Wallace stated that MUD No. 61 was located north of the Katy Freeway on the west side of Mason road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent.

Council Member Quan asked in the event that they did not have zoning, and she had said they were only commercial areas, in the event that residences did move into the areas what would happen then, and Ms. Wallace stated that in areas annexed for limited purposes, if there were residences they received full voting rights, they were residents of the City of Houston, and they would not get police protection unless the City decided to offer that. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent.

Mr. Dan Doherty stated that any residence in an area annexed for limited purposes did not have full voting rights, the Law of the Local Government Code said they were entitled to vote for Members of the City Council and any Charter changes, but they could not for example, vote in bond elections, so it was a limited voting right, that they could vote for the Mayor as a member of the governing body, but the current law did not allow them to vote for City Controller, it was just a quirk in the law. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent. MOTION 2003-0180 ADOPTED.

6. **PUBLIC HEARING** on a proposal for the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Malcomson Road Utility District and certain territory located in the vicinity of Malcomson Road Utility

District, in Harris County, Texas - was presented.

Ms. Wallace stated that Malcomson Road Utility District was located on the west side of Highway 249 between Luetta Road and Spring Cypress, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent. MOTION 2003-0181 ADOPTED.

7. **PUBLIC HEARING** on a proposal for the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Memorial Hills Utility District and certain territory located in the vicinity of Memorial Hills Utility District, in Harris County, Texas - was presented.

Ms. Wallace state that Memorial Hills Utility District was located east of the Hardy Toll Road at FM 1960, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Goldberg, Alvarado, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Alvarado, Parker and Robinson absent. MOTION 2003-0182 ADOPTED.

8. **PUBLIC HEARING** on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Mission Bend Municipal Utility District No. 1 and certain territory located in the vicinity of Mission Bend Municipal Utility District No. 1, in Harris County, Texas - was presented.

Ms. Wallace stated that Mission Bend Municipal Utility District was located west of Highway 6, south of Boliver Boulevard, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent. MOTION 2003-0183 ADOPTED.

9. **PUBLIC HEARING** on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Mission Bend Municipal Utility District No. 2 and certain territory located in the vicinity of Mission Bend Municipal Utility District No. 2, in Harris County, Texas - was

presented.

Ms. Wallace stated that Mission Bend Municipal Utility District was located east of Highway 6, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Vasquez, Alvarado and Robinson absent.

Council Member Quan asked if they had done an analysis of how much sales tax they anticipated would be generated from all the limited annexations, and Ms. Wallace stated that there had not been a definitive analysis on exactly how much they expected as most of the areas, for the most part, were built out, many of them had commercial areas that were under construction or had not been built yet, and Council Member Quan asked if they anticipated that they were going to be coming out ahead on them as far as providing the health inspections and it should not be as costly in comparison to the potential revenue that the City would recognize, and Ms. Wallace stated absolutely, and Council Member Quan asked if she could do an analysis of them for her based upon the information she had, that he would like to see it as they went into their budget cycle, and Mayor Brown stated that they would get it done. Council Members Galloway, Keller, Vasquez and Robinson absent.

Council Member Tatro asked if the projection on sales tax be done prior to final approval, and Ms. Wallace stated that it was extremely difficult to do projections on the small areas because the State provided them very limited information on the sales tax payers within the areas in terms of how much and the MUD's did not currently keep that information at all, and Council Member Tatro asked on the health services issue, the permitting aspect, would any restaurant or convenience store have to get the permits, and Ms. Wallace stated yes, that all food service establishments within the areas would be required to meet the City of Houston Health Code requirements and that would include inspections twice a year or annually, and Council Member Tatro asked if there were any other permits outside of the scope of the building permits that they would have to be required from the City, and Ms. Wallace stated no, the only additional permits they would be required to obtain were health inspection services, the building code was not included in any of the areas they were talking about. Council Members Galloway and Robinson absent.

Council Member Quan stated that he received a letter from a constituent in an area that they did do a limited annexation to and so they had to get their food stand in order and it was costing them several thousand dollars to do that and there was a question of what notice did they give people that they were doing it, that he knew that nobody signed up to speak at any of the hearings, but the businesses in the area did they know it was happening and that they were going to have to comply, and Ms. Wallace stated that they provided significant public notice for this hearing and the next hearing that they would hold as well as the execution of the agreement, as dictated by State law, and Mr. Doherty stated that they published two notices in the newspaper of the two hearings, this week and next week, and those notices were published in English, Spanish and Vietnamese, and Ms. Wallace stated that in addition to that at the time the agreement was executed they worked very closely with the State to determine the sales taxpayers within the districts that would be affected by the sales tax issues, including those that would be food service establishments, that it was the State's responsibility and they do indeed notify every single sales taxpayers in those areas. Council Members Galloway, Edwards, Keller, Vasquez, Parker and Robinson absent.

Council Member Tatro asked if the MUD was required to perform some kind of notification to the taxpayers that were within their jurisdiction as well, and Mr. Dan ___ stated that yes, the MUD, like they did, also held two public hearings and gave notice. Council Members Galloway, Edwards, Keller, Vasquez, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Edwards, Keller, Vasquez, Parker and Robinson absent. MOTION 2003-0184 ADOPTED.

10. **PUBLIC HEARING** on a proposal for the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Northwest Park Municipal Utility District and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas

Ms. Wallace stated that the Northwest Park Municipal Utility District was located at Highway 249 south of the Northbelt, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Edwards, Keller, Vasquez, Parker and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Tatro, Galloway, Edwards, Keller, Vasquez and Robinson absent. MOTION 2003-0185 ADOPTED.

11. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Water Control and Improvement District No. 110 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 110, in Harris County, Texas

Ms. Wallace stated that WCID No. 110 was located along the North Freeway between Cypress Creek and Spring Cypress Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Edwards, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Galloway, Edwards, Keller, Vasquez and Robinson absent. MOTION 2003-0186 ADOPTED.

12. **PUBLIC HEARING** on a proposal for the City of Houston and **WEST MEMORIAL MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within West Memorial Municipal Utility District and certain territory located in the vicinity of West Memorial Municipal Utility District, in Harris County, Texas

Ms. Wallace stated that West Memorial MUD was located south of the Katy Freeway and west of Mason road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker.

All voting aye. Nays none. Council Members Tatro, Galloway, Ellis, Keller, Vasquez and Robinson absent. MOTION 2003-0187 ADOPTED.

13. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 51** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Fresh Water Supply District No. 51 and certain territory located in the vicinity of Harris County Fresh Water Supply District No. 51, in Harris County, Texas

Ms. Wallace stated that Fresh Water Supply District No. 51 was located in east Houston along Uvalde north of Wallisville Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Tatro, Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Tatro, Galloway, Ellis, Keller, Vasquez and Robinson absent. MOTION 2003-0188 ADOPTED.

14. **PUBLIC HEARING** on a proposal for the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Cimarron Municipal Utility District and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that Cimarron MUD was located at the south side of the Katy Freeway at the Grand Park Place, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent.

Council Member Goldberg asked Ms. Wallace to explain one more time what were the voting rights, that she had stated that there were no residences and was there anyone voting in these districts, and Ms. Wallace stated that at the present time no, that the question that Council Member Quan asked was if someone were to move into the area would they have the right to vote and Mr. Doherty response was that yes they could vote for the governing body, which was the Mayor and the appropriate Council Member, and Council Member Goldberg asked if they would be assigned a district out of the nine district, and Ms. Wallace stated yes, that at the conclusion of all the annexations each of the areas would be assigned a district, that the only additional tax they would pay would be if they frequented a business and pay a sales tax, there were no other fees or taxes. Council Members Galloway, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Keller, Vasquez and Robinson absent. MOTION 2003-0189 ADOPTED.

15. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 86 and certain territory located in the vicinity of Harris County Municipal Utility District No. 86, in Harris County, Texas – was presented.

Ms. Wallace stated that MUD No. 86 was located west of Interstate 45 North along the south side of FM1960, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Keller, Vasquez and Robinson absent. MOTION 2003-0190 ADOPTED.

16. **PUBLIC HEARING** on a proposal for the City of Houston and **PONDEROSA FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Ponderosa Forest Utility District and certain territory located in the vicinity of Ponderosa Forest Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that Ponderosa Forest was located at FM1960 west of Ella Boulevard, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Tatro moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent. MOTION 2003-0191 ADOPTED.

17. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 62, in Harris County, Texas – was presented.

Ms. Wallace stated that MUD No. 62 was located north of the Katy Freeway and east of Peak Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent. MOTION 2003-0192 ADOPTED.

18. **PUBLIC HEARING** on a proposal for the City of Houston and **WESTON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory within Weston Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that the Weston Municipal Utility District was located on the northern side of the Katy Freeway east of Mason Road, the area included in the agreement included commercial properties only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services

within the area annexed for limited purposes, the contract also provided for the potential of future police services at the City's option. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Robinson absent. MOTION 2003-0193 ADOPTED.

19. **PUBLIC HEARING** on a proposal for the City of Houston to disannex a certain area to be located within **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas – was presented.

Ms. Wallace stated that the hearing was for the dis-annexation of property located in the northwest side Scarsdale Boulevard, between I-45 and Highway 3, that the property was currently undeveloped and could not be served with wastewater utilities from the City of Houston, upon dis-annexation the Council would be asked to execute a Strategic Partnership Agreement with Clear Brook City MUD for re-annexation of property for limited purposes. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado and Robinson absent.

Council Member Quan asked that since they could not service it now they were dis-annexing it, and when would they enter into an agreement in the future to annex it again, and Ms. Wallace stated that they would ask the Council, at the same time they were asking to de-annex it, to enter into the agreement to re-annex it for limited purposes, that they would ask the Council to annex it again where they would not share the sales tax, that there would be a limited purpose annexation, they would ask the Council again to annex it again for limited purposes, but the contract between the Clear Brook City MUD and the City of Houston would not call for their sharing the sales tax the City would retain the entire one cent, that the City would provide fire suppression, emergency medical and police services within the area and in addition they would enforce all other applicable charters and the Code of Ordinances, they would get the full services, that it was only commercial. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent.

Upon questions by Council Member Tatro, Ms. Wallace stated that it was undeveloped property which they could not serve with wastewater utilities, and Council Member Tatro asked, on this item, to see an analysis of what ad valorem tax basis was there and would also like to meet with her on that cost breakdown and Ms. Wallace stated that she would be happy to provide him with that information. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent. MOTION 2003-0194 ADOPTED.

20. **PUBLIC HEARING** on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes a certain area to be located within Clear Brook City Municipal Utility District, in Harris County, Texas – was presented.

Ms. Wallace stated that the property was currently undeveloped and was slated for commercial development, that the City would levy a one cent sales tax, which it would not divide with the district, they would retain the entire one cent, that the City of Houston would provide fire suppression, emergency medical and police services within the area and in addition they would enforce all other applicable charters and the Code of Ordinances. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Wiseman, Keller, Vasquez and Robinson absent. MOTION 2003-0195 ADOPTED.

21. **PUBLIC HEARING** on a proposal to disannex a certain area to be located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89**, in Harris County, Texas – was presented.

Ms. Wallace stated that the hearing was for the dis-annexation of property located on the east side of Cullen, north of the South Belt, that the property was currently undeveloped and could not be served with wastewater utilities from the City of Houston, upon dis-annexation the Council would be asked to execute a Strategic Partnership Agreement with WCID No. 89 for re-annexation a portion of the property for limited purposes. Council Member Galloway absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0196 ADOPTED.

22. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory to be located within Harris County Water Control and Improvement District No. 89 and additional territory located within Harris County Water Control and Improvement District No. 89, in Harris County, Texas – was presented.

Ms. Wallace stated that the area was located along the South Belt, east of Scott Street, the area included in the agreement was undeveloped and was expected to be developed commercially, that the City would levy a one cent sales tax, which it would not divide with the district, the City of Houston would provide fire suppression, emergency medical and police services within the area annexed for limited purposes and in addition they would enforce all other applicable charters and the Code of Ordinances. Council Member Galloway absent.

Council Member Quan moved to close the hearing, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0197 ADOPTED.

23. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes all of the area in Harris County Municipal Utility District No. 63 and certain territory located in the vicinity of Harris County Municipal Utility District No. 63, in Harris County, Texas – was presented.

Ms. Wallace stated that the HCMUD No. 63 was located on the north side of the Katy Freeway at Peak Road, the area included in the agreement was commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide health inspection services within the area, the contract also provided for the potential of future police services at the City's option. Council Members Galloway absent.

Council Member Quan asked if the partnerships were brought by the MUD's to the City or did they go out and solicit the partnerships, and Ms. Wallace stated that either the City or the MUD could actually initiate the initial phone call and it happened on both sides frequently, and Council Member Quan asked if when that happened did they do an analysis of the value to the City as well as the cost to the City, what was the determination before they bring it to Council that they should do those things, and Ms. Wallace stated that any sales tax collected in the areas was additional revenue that the City would not have collected in any other circumstances, so the revenue was all positive, that part of the negotiation of the agreement itself was how much of the

one cent sales tax the City would keep versus how much services they would provide, that in the vast majority of those that they do they share the sales tax 50/50 with the MUD and provide only the health inspection services, and Council Member Quan asked if she had any idea how many more of them they would have coming to Council and Ms. Wallace stated that they were not going to do any more probably for the current calendar year until perhaps late December and would say they would probably have another dozen or so at that time. Council Member Galloway absent.

Council Member Parker moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0198 ADOPTED.

MAYOR'S REPORT

At 10:49 a.m., Mayor Brown stated that they would move to the consent agenda. Council Member Galloway absent.

CONSENT AGENDA NUMBERS 24 through 45

PROPERTY- NUMBER 27

27. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY2-079, located at 7219 Fairview Street, owned by Reagan A. Folmar and wife, Marilyn Kay Folmar, for the **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village Pump Station**, CIP S-0900-71-3 - \$130,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0199 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 40 through 45

40. ORDINANCE No. 2003-0156, passed second reading 2/19/03
ORDINANCE granting to **BFI WASTE SERVICES OF TEXAS, L.P. a Texas Limited Partnership**, 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0156 PASSED THIRD AND FINAL READING IN FULL.
41. ORDINANCE No. 2003-0157, passed second reading 2/19/03
ORDINANCE granting to **NATION WASTE, INC, a Texas Corporation**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0157 PASSED THIRD AND FINAL READING IN FULL.
42. ORDINANCE No. 2003-0158, passed second reading 2/19/03
ORDINANCE granting to **ENSOURCE CORPORATION, a Texas Corporation**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members

Galloway and Robinson absent. ORDINANCE 2003-0158 PASSED THIRD AND FINAL READING IN FULL.

43. ORDINANCE No. 2003-0165, passed second reading 2/19/03
ORDINANCE granting to **CSDS MEDICAL WASTE/CRIME SCENE DECONTAMINATION SERVICES, a Texas Sole Proprietorship**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0165 PASSED THIRD AND FINAL READING IN FULL.
44. ORDINANCE No. 2003-0166, passed second reading 2/19/03
ORDINANCE granting to **HIPPO WASTE SYSTEMS, L.L.C. a Texas Limited Liability Company**, 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0166 PASSED THIRD AND FINAL READING IN FULL.
45. ORDINANCE No. 2003-0167, passed second reading 2/19/03
ORDINANCE granting to **CRAIG PUCKETT D/B/A INDEPENDENCE DISPOSAL SYSTEMS, a Texas Sole Proprietorship**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0167 PASSED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

24. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.877 per square foot for properties connecting to the 8-inch water line constructed by **SWISS BUILDERS, INC** located in the 6400 block of Westcott Street - **DISTRICT G – KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0200 ADOPTED.

ACCEPT WORK

25. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,299,288.79 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Construction of Northeast Wastewater Treatment Plant Renewal/ Replacement, GFS R-0265-13-3 (4790) - 01.29% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0201 ADOPTED.

PROPERTY

26. ORDINANCE appropriating \$2,500.00 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. Sterling Trust Company for the Benefit of Angela J. Swain, et al, to acquire Parcel Number A99-114, for **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 Galloway and Robinson absent. ORDINANCE 2003-0196 ADOPTED.
- 26a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Sterling Trust Company, et al; Cause No. 772,897; for a total consideration of \$2,500.00 in connection with **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Pinemont - W. Little York)**; 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 Galloway and Robinson absent. MOTION 2003-0202 ADOPTED.

PURCHASING AND TABULATION OF BIDS

28. **C & C SERVICE & SUPPLY CO., INC** for Valve Box Risers for Department of Public Works & Engineering - \$124,316.93 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0203 ADOPTED.
29. ORDINANCE appropriating \$193,719.75 out of Water & Sewer System Consolidated Construction Fund, for the purchase of Large Water Meter Replacement Services for Public Works & Engineering Department, CIP C-0958 – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0197 ADOPTED.
- 29a. **UNITED METERING, INC** for Large Water Meter Replacement Services for Department of Public Works & Engineering - \$184,495.00 and contingencies for a total amount not to exceed \$193,719.75 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0204 ADOPTED.

RESOLUTIONS AND ORDINANCES

33. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST WORKFORCE DEVELOPMENT BOARD** for Certification of Qualified Child Care costs and transfer of funds under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0198 ADOPTED.
34. ORDINANCE approving and authorizing professional services contract between the City of Houston and **KEEP HOUSTON BEAUTIFUL** for Clean Neighborhood Program for the Solid Waste Management Department - \$100,000.00 - General Fund – was presented, and tagged by Council Member Wiseman.

Council Member Alvarado stated that she would like for someone to visit with her, that she was not clear on the breakdown of the funding, that the way she understood it was that \$26,000 went for education and training and \$27,000 for administrative costs, and Mayor Brown stated that there was a revised budget sent out and would get with her on it, and Council Member

Alvarado asked that they add her tag to the item. Council Members Galloway and Robinson absent.

Council Member Goldberg asked that they add his tag to the item and to have someone come and visit with him on the item. Council Members Galloway and Robinson absent.

35. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Drainage Improvements along Ward Boulevard, GFS M-0242-08-3 (SM5045) - **DISTRICT D – EDWARDS** – was presented.

Council Member Wiseman stated that she was not planning on tagging the item but would like for someone from the City to visit with her on the item and Mayor Brown stated that they would have someone visit with her. Council Members Galloway and Robinson absent.

A vote was called on Item No. 35. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0199 ADOPTED.

36. ORDINANCE appropriating \$453,375.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to professional engineering services contract between the City of Houston and **SYLVA ENGINEERING CORPORATION** for Design of Central Street Grade Separation at P.T.R.A. Railroad (approved by Ordinance No. 98-1156) CIP N-0676-01-2 (N-0676-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented.

Council Member Sekula-Gibbs stated that this item brought attention to the same issue that she brought up earlier on Item No. 38, which was basically that there was a salary recovery cost of \$41,000 in the item and that was something that she would like to ask the Mayor formally for a study to determine how many or how much of the salary of the employees of Houston was actually going into long term debt, that she would like for a formal study through F&A of how much money was actually being taken from bond money and used for employee salaries, and Mayor Brown stated that they could do that. Council Members Galloway and Robinson absent.

A vote was called on Item No. 36. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0200 ADOPTED.

Council Member Edwards stated that she wanted to say on behalf of the residents of Kennedy Heights thank you for getting the project on line, that it was very well needed and they were very appreciative. Council Members Galloway and Robinson absent.

39. ORDINANCE appropriating \$664,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Kennedy Heights Subdivision, GFS S-0035-KH-3 (WA10086-3); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0201 ADOPTED.

NON CONSENT AGENDA - NUMBERS 46 through 48

PROPERTY

46. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown &

Gay Engineers, Inc., on behalf of MNC Mall, Ltd., a Texas limited partnership [MNC Realty Management, LLC (James R. Jard, president), general partner], for abandonment and sale of (1) seven water line easements, (2) a 10-foot wide underground electrical and telephone line easement, (3) a 15-foot-wide water line, gas line, and private sanitary sewer line easement in exchange for the conveyance to the City of a 20-foot wide water line easement and two fire hydrant easements, all located within Memorial City Mall, Partial Replat of Tract A, Memorial City Subdivision, Section 1, Parcels SY3-034A through I and KY3-066A through C - **APPRAISERS DISTRICT G – KELLER** – was presented.

Council Member Keller named Mr. Tom Kvinta, of William D. Kvinta and Mr. Tom Edmonds, of Edmonds and Associates and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Edwards and Robinson absent. MOTION 2003-0205 ADOPTED.

MATTERS HELD - NUMBERS 49 through 53

49. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **R. B. EVERETT & COMPANY** for Asphalt Rollers for Department of Public Works & Engineering - \$173,732.00 Equipment Acquisition Consolidated Fund – (**This was Item 10 on Agenda of February 19, 2003, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Members Galloway, Edwards and Robinson absent. MOTION 2003-0206 ADOPTED.

50. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2001-1149 by adding two (2) Identification Officer positions; adding one Police Sergeant position; adding one (1) Executive Assistant Chief of Police position; deleting three (3) Police Communication Specialist II positions and deleting one (1) Assistant Chief of Police position; substituting the amended exhibit as part of the current Police Department Classified Personnel ordinance – (**This was Item 14 on Agenda of February 19, 2003, TAGGED BY COUNCIL MEMBERS ALVARADO and VASQUEZ**) – was presented.

Council Member Vasquez stated that he wanted to thank the Police Department for being responsive in getting them the information and answering their questions, that it was producing a savings and he wanted to thank them for looking at that and being responsive. Council Members Galloway, Edwards and Robinson absent.

A vote was called on Item No. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0202 ADOPTED.

51. ORDINANCE amending Ordinance No. 97-1167 to allocate \$900,000.00 of previously unallocated Section 108 HUD-Guaranteed Loan Funds and \$81,250.00 of previously unallocated Economic Development Initiative Grant Funds to the Small Business Loan Program administered by the Houston Small Business Development Corporation (“HSBDC”) and approving and authorizing a fourth amendment to Subrecipient Loan Agreement with HSBDC to extend the time to commit funds there under and to provide additional funding – (**This was Item 19 on Agenda of February 19, 2003, TAGGED BY COUNCIL MEMBERS ELLIS and VASQUEZ**) – was presented.

Council Member Vasquez stated that he had requested some information from Marlon Mitchell and he had yet to get that to him and said that he needed another week so he would move to postpone Item No. 51 for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0207 ADOPTED.

52. ORDINANCE approving and authorizing the selection of (I) **COMMUNITY ARTISTS’**

COLLECTIVE, (II) YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON, INC - GATEWAY CENTER (YWCA), (III) MULTICULTURAL EDUCATION COUNSELING THROUGH THE ARTS (MECA), (IV) LOVE AND TRUTH MINISTRIES, (V) LATINO LEARNING CENTER, and (VI) COMMUNITY FAMILY CENTERS, all being non-profit organizations, to participate, subject to further City Council approval of funding contracts, in the Neighborhood Facilities Renovation Program; further approving and authorizing the selection of **TALENTO BILINGUE DE HOUSTON**, a Community Development Block Grant funded project that is managed by the Convention and Entertainment Facilities Department, for participation in the Neighborhood Facilities Renovation Program, subject to further City Council approval - **DISTRICTS D - EDWARDS; H - VASQUEZ and I - ALVARADO** – **(This was Item 20 on Agenda of February 19, 2003, TAGGED BY COUNCIL MEMBERS EDWARDS, ELLIS and PARKER)** – was presented.

Council Member Ellis moved move to postpone Latino Learning Center for one week, seconded by Council Member Wiseman.

Council Member Alvarado asked how much they owed and Council Member Ellis stated that it was close to \$4,800.00.

Mayor Brown stated that the motion before the Council was to delay Item 5, Latino Learning Center, and a vote was called. Council Members Alvarado and Quan voting no, balance voting aye. Council Members Galloway and Robinson absent. MOTION 2003-0208 ADOPTED.

A vote was called on Item No. 52, with Latino Learning Center delayed for one week. All voting aye. Nays none. Council Members Galloway and Robinson absent. ORDINANCE 2003-0203 ADOPTED.

Mayor Brown stated that they would bring the other item up next week, and the City Secretary stated that it was her understanding that since it was an ordinance the Legal Department would prepare an ordinance to come back on the agenda as another ordinance, and Mr. Hall stated that because it was an ordinance, obviously what they would be doing was splitting it, so what they were assuming Council was intending was to divide the question with the understanding that they were to prepare another ordinance that would deal with the part that was deleted this week, so it would not be a new item. Council Members Galloway, Wiseman and Robinson absent.

53. ORDINANCE amending Ordinance No. 2000-1113 (passed by the City Council on December 20, 2000) to increase the maximum contract amount and approving and authorizing first amendment to contract (approved by Ordinance No. 2000-1113) between the City of Houston and **ELECTRONIC DATA SYSTEMS CORPORATION** for Alarm Tracking, Billing and Collections for the Fire Department - \$2,506,100.00 - General Fund – **(This was Item 21 on Agenda of February 19, 2003, TAGGED BY COUNCIL MEMBERS KELLER and GOLDBERG)** – was presented.

Council Member Goldberg stated that he had passed out an amendment that he would like to make to Item No. 53 and since they had all of five seconds to look at it he would tag the amendment and then ask for a motion to postpone the main item, Item No. 53.

Council Member Goldberg presented the following written motion to amend Item 53 as follows:

“Changes in revised first amendment to a contract for Alarm Tracking and Billing Services Item 53 on Agenda

The Revised First Amendment contains the following changes:

- (1) Page One, paragraph one has been amended to add that Electronic Data Systems

- Corporation is a Delaware corporation doing business in Texas.
- (2) Definition of "Acceptance" has been added to spell out the Acceptance criterion for each of the milestones defined in the Implementation Schedule, Exhibit "A-5".
 - (3) The Definition of the Fire Alarm Tracking and Billing System, FATSB has been amended to clarify that the System is referenced in Exhibit "A-3" in Sections entitled "EDS Pricing", "Cost Breakdown" and "Hardware Costs."
 - (4) The FATSB System becomes the property of the City in case of early termination for purposes other than cause and the City would pay the current price of the System at the time of termination with depreciation calculated on a three year straight line basis. The Revised Amendment adds that if City has paid for the Hardware in full prior to such termination; no costs will be charged to the City for the Hardware.
 - (5) Payment Terms have been amended to tie payment of Start-Up costs to the completion of milestones such as the delivery of the software, the completion of the direct mail campaign to existing burglar alarm permit holders and the completion of the remainder of the tasks detailed in the Implementation Schedule, Exhibit "A-5".
 - (6) The City's standard Acceptance provision has been amended to provide for a criterion for acceptance by the City for each of the tasks outlined as milestones in Exhibit "A-5".
 - (7) The Exhibits have been revised to provide for Sub-Sections which are specifically referenced in the body of the Amendment for both Implementation and for what constitutes "Acceptance" by the City.

TAGGED BY COUNCIL MEMBER GOLDBERG

Council Member Goldberg moved to postpone Item No. 53 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Wiseman and Robinson absent. MOTION 2003-0209 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Parker stated that last July she had asked for a performance review of the Health Department, that they were well over six months into the fiscal year and she had not seen any results of the request, that last week she asked for the status of that and this was just a follow up to her written request, that hopefully that would be done before they voted on the next Health Department Budget, and Mayor Brown stated that they were aware that was to be done but had delayed a number of things because of the budget issues they were having and asked Mr. Haines if they could get that done, and Mr. Haines stated that they were going to do as much as they could in house, they zeroed out every project that required consultants services last November and Mayor Brown stated that he could do to comply with the Council Members request. Council Members Tatro, Galloway, Wiseman, Keller, Berry and Robinson absent.

Council Member Parker stated that they would have a Fiscal Affairs Committee on Tuesday and it would be the regular Fiscal Affairs Meeting, where they would consider the MOFAR, they would also have the item referred from the Furlough Ordinance, that she had sent a memo out to Council Members asking for feedback on the different departments that came before the special Fiscal Affairs Committee meeting, that she had heard from one Council Member and if she did not hear from others she would just proceed on her own, that as it was now they had heard from Public Works, the Police Department and Solid Waste, that the Police and Public Works would be coming back to a regular Fiscal Affairs meeting to further discuss their budget. Council Members Tatro, Galloway, Wiseman, Keller, Berry and Robinson absent.

Council Member Parker stated that she knew they were all concerned about the problem of racers in the City and even the unfortunate so called Kmart incident had to do with trying to prevent racing on Westheimer, that she had an opportunity to visit with some officers who patrolled that area on weekend evenings and three days later she had an opportunity to sit down with five Municipal Court judges who also dealt with those issues and there seemed to be a disconnect between the officers who were writing the tickets and what the judges who were there to adjudicate those tickets see and in short they were all looking at the prosecutors, so

she would like to know in order to give herself some background, over the last six months how many tickets had been issued in that area for excessive speed, unsafe lane changes and other traffic violations that would indicate racing, how many of those tickets actually ended up before a judge and how many were plead down, and if they could get that information she would request that Council Member Edwards take it to her Public Safety Committee, that there was an extreme level of frustration on the part of the officers that even if they did not do the big full scale sweeps they were stopping people, that they had a list of tickets that were written on one car and there were a number of speeding and unsafe lane changes, very excessive speed and what finally ended up before the judge was no front license plate and he plead guilty to that and got away with all the others, that they were clearly sending the wrong message on that and if they could get some information she would appreciate it, and Mayor Brown stated that he would assign Mr. John Bales to bring together all of the relative agencies and see what needed to be done to correct the issue. Council Members Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Council Member Alvarado stated that she wanted to congratulate the Municipal Courts, specifically Joel Albright for his success and the departments success on the boot contract and wanted to share a few numbers with her colleagues, that right now they were currently booting cars for people with three or more outstanding parking tickets, they were operating from 7:00 a.m. to 5:00 p.m., that prior to the new contract the record of cars booted in a day was 26, that Friday a week ago they booted 56 cars, the lowest number of cars they had booted since the contract was initiated was 31, they were bringing in about \$40,000 per day in parking violations because the cars that they had booted had all been scuffled with many violations, that she thought the program had been effective and it was working and they looked forward to its continued success. Council Members Tatro, Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Council Member Alvarado stated that there was a front page article again on the DNA Lab and just wanted to remind her colleagues and the administration that it was a very serious problem, that she had been in discussions with State Representative Kevin Bailey who was going to conduct some hearings on the issue of DNA Labs and wanted to encourage the Police Department to continue working to make sure they had a lab that was accredited, that they had the proper staff, equipment and resources that they needed, that she could not stress the importance of the issue. Council Members Tatro, Galloway, Wiseman, Vasquez, Berry and Robinson absent.

Council Member Ellis stated that as to the Kirkwood repaving project in District F and how the contractor defaulted and then the surety was not entering into a contract with another contractor, well that had happened and it was with Contractor Technology, that the problem now was that a representative of the construction company had called and said they had repeatedly tried to get Public Works and Engineering to sign off on the contract, that they had spoken with Mr. Tim Lincoln and he keeps telling them that there were two more signatures that were necessary, that he understood that the contractor defaulted and that the surety had to go through the selection process, but they had spend the last 30 days dragging their heels just because they would not sign the contract with Contractor Technology, if there was some problem with the contract he would like some feedback from Public Works and would also like for the Mayor to get involved in it so they could expedite the project and get it up and running again. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Ellis stated to Council Member Parker that with regard to the budget process and her asking for some requests from Council Members, were they presently as they went through the Fiscal Affairs Committee meetings and the interviews with the department heads, was that their budget process for this year, were they going to have questions for them and have them bring their budget back, and Council Member Parker stated that they were going to bring their full budget back, and she personally would hope that they would not have the full dog and pony show in May that they traditionally have, but they would have the opportunity absolutely to meet with each department head and go through the line item budget, and Council

Member Ellis suggested to all of the department heads as they come to the Fiscal Affairs Committee meetings that they bring solutions to make their department run more efficiently and more effectively and they also bring budget cuts as well, that was what he would like to see. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Goldberg stated that last night was opening night of the Rodeo and it was a good reminder that the stadium was not only the house that the NFL built but was also the house that the Rodeo built, that while it was always exciting to have it and it was exciting first night opening there were a lot of problems and part of those had to do with the elevators, that they were either not working, not enough or could only handle half the space, and on top of that the escalators were a huge problem with it being overcrowded and some people could literally be in danger of being stampeded, that he knew it was a County project and did not know if they had a liaison or should they offer their services to the County to help them out on it, but if there was anything to do to help them he thought they should offer it, that on top of that as to the mobility, often times at the intersections he saw the officers assigned to those intersections just standing around and not even guiding the traffic, that he was pleased to say that none of them were HPD officers, but if there was some way they could help them out with the mobility they seemed to have a problem with that also, and Mayor Brown stated that the stadium was handled by the County and thought that Mr. Mike Surface was in charge and that he might want to give him a call and share with him his observations, otherwise he may not know, that it was a County function and not a City function. Council Members Galloway and Berry absent.

Council Member Goldberg stated that his second item had to do with the garbage stickers, that there were a few incidents of people stealing the garbage stickers and keeping them and he knew that the policy was not to replace them for free, the solution was either to create a sticker that if they attempt to tear it off it would break off or have the people cut them into sections and paste them on the cans, or they may even have to go to putting stickers inside the home or something, but he thought it was a tragedy when someone paid for the sticker and they honestly have it stolen from them yet they had to pay again, and Mayor Brown stated that he would have the Director of Solid Waste to address the issue and see what the solution could be. Council Members Galloway, Quan and Berry absent.

Council Member Wiseman stated that an issue was brought to her by a constituent that she would like to bring to the Mayor's attention and request some assistance on, that it was regarding flooding problems at her home, that all the drainage came down the street to a culvert at the corner which did not drain the water fast enough and their home floods, that she happened to live in Huffman, one of the areas that was omitted in any of the drainage studies, that in October Public Works went out and re-graded the ditch on her street, but that did not help, then they told her that they needed a bigger culvert under the street to allow the water to drain and then they told her that it would not be done because she did not live in Kingwood, that she was not sure that she understood that logic because she lived in the City of Houston, that she continued to try to get the issue resolved and called a certain individual in Public Works for assistance but he offered none and instead hung up on her, that she was very concerned about it and would like for someone from Public Works to visit with her on it and would like to get it resolved. Council Members Galloway, Quan and Berry absent.

Council Member Wiseman stated that another thing that was brought to her attention by constituents, they call 311 and try calling departments and it was very upsetting to hear that several different City department representatives they spoke to told them that the requests being made for the services they were requesting, while legitimate requests and services under the City's jurisdiction and should provide, they could not provide them because the City did not have any money, that it was her understanding that they were supposed to still be providing those services and if they were not she wanted to know why not and she wanted to know why representatives were telling people that they were not going to clean a ditch or fill a pothole because the City did not have any money. Council Members Galloway, Quan and Berry absent.

Council Member Wiseman stated that she wanted to extend some thanks to the Department of Public Works for a lot of work that they had been doing, that Mr. Jeff Taylor, Mr. Paul Nelson and Mr. Eric Dargen had been very helpful in resolving a lot of other issues that she had been bringing to them recently and she wanted to thank them for their prompt and efficient response in taking care of the needs of the constituents that she had with respect to that, that Mr. Attaberry and Mr. Tracy Wingate also had done a great job of helping her out in her district with some of her constituents, that they had been very professional and cordial, that she wanted to extend a special thanks to Mr. Vanden Bosch who was doing every thing possible to try and make sure that his department is efficient and effective and prompt in their response. Council Members Galloway, Quan and Berry absent.

Council Member Wiseman stated that she wanted to thank Chief Bradford who went out personally to Patterson Elementary a couple of days ago to address a safety issue that the school was facing with the children and street crossings, that she appreciated the fact that he himself went out there and looked at the situation with her, that it said a lot when they could have someone at the highest level of that department come out and very seriously look at a situation for them. Council Members Galloway, Quan and Berry absent.

Council Member Wiseman stated that at her CIP meeting on the 19th in the southeast side of the City there was a misrepresentation that was made with respect to the storm drainage studies that were being conducted, it was told to the citizens that there was a Phase IV of their study and that the reason their area, which historically flooded every time they had rainfall events, was left out was because it was part of what was called a Phase IV, that she did receive confirmation from Mr. Vanden Bosch that there was no Phase IV, that they had no phases for the study, that it had not been requested that those areas be looked at and her concern was that she had not received a response as to how it happened that they were told that information, that she would like a written response as to why they were told there was a Phase IV. Council Members Galloway, Parker and Berry absent.

Mayor Brown stated that he would have Mr. Haines meet with her on that, that Council Member Ellis's question about Kirkwood, he had checked on that and the contract had been executed. Council Members Galloway, Parker and Berry absent.

Council Member Robinson stated that he understood that Council Member Ellis had been dealing with the taxicab issue and he would like to visit with him, he had a couple of questions and understood that they were trying to work out a happy medium, that there was an issue about some back parking tickets that were ticketed to the vehicles and what he hoped that as part of the process he was going through the update and revise and come up with an ordinance and maybe he could work with the Municipal Courts folks to see who was the driver at the time the tickets were issued and whether or not they still had a valid taxicab drivers license in the City and they could approach trying to collect their back money that way as well as dealing with the cab companies going actually to the drivers, and Council Member Ellis stated that he though there was a consensus from most Council Members that had spoken with the cab companies that it would be an option in a way that they could enforce it from this day forward as well as going back and try to recapture those delinquent parking fines, so he would agree with him. Council Members Galloway, Parker and Berry absent.

Council Member Robinson stated that he had passed out a memo to his colleagues at Council to try to capture some things that were going on under the TTI Committee, that he did not speak about the Voice Over IP in the memo but one of the consensus in committee was that they wanted to work with Mr. Lewis and SBC and they had a couple of folks show up to do some analysis on their land line and also work with Nortell, the people who did their switches, to see if there were any savings that they could receive, that he wanted Council Members to know that they were working on it and wanted to thank Council Member Sekula-Gibbs office and Council Member Tatro and Richard Lewis for working with him on trying to move down the road so they could come back to Council and let all of them know whether or not there were any savings out

there to be had and if there was how much and when they could get it done. Council Members Galloway and Parker absent.

Council Member Robinson stated that he was still very much interested in departmental consolidation as not just a one time savings for FY03 but to see the potentials that ripple out over the next two or three years and that was why he was also the proponent of the four day work week option to at least let the administration have the ability to decide if they wanted to use it or not because if they did furloughs this year they still did not have cost savings in FY04 and they may end up in a position where they would have to do them again where the four day work week may just be a better option. Council Members Galloway and Parker absent.

Council Member Robinson stated that he wanted to thank Mayor Brown again for being willing to put the items on the agenda and thanked all the Council Members for being engaged in that process and thanked all of the citizens who came down. Council Members Galloway and Parker absent.

Council Member Edwards stated that this was the last week of Black History Month and would like to take the opportunity to congratulate Council Member Robinson on the excellent publication that he put together on Houston City Governmental Officials of minority or ethnic backgrounds, that she thought it was very good and wanted to get as many copies as she could for their district people. Council Members Galloway, Ellis and Parker absent.

Council Member Edwards stated that regarding the Kmart situation, she had the opportunity to meet with several officers and the issue of people being cited for driving 80 miles per hour in a 40 mile zone and be repeatedly ticketed and brought in for that and then those tickets being dismissed, she thought was problematic for solving the issue of drag racing or that type of activity, that one of the other things that was brought up by the officers was that a lot of the young people were people who were not even from the Houston area but came in, that it was kind of the place to be to show off their stuff and so she thought they really needed to assist in trying to discourage people in that. Council Members Galloway, Ellis and Parker absent.

Council Member Edwards stated that she had asked for an audit of the Housing Authority, a financial and operational audit and had still not heard the status of that, and Mayor Brown asked Mr. Haines if he had an answer for that and he stated no, and Council Member Quan stated that he would respond and stated that he had spoken with Mr. Calloway at HATCH and those items should be coming her way and if not then this week he would be glad to follow up with Mr. Etuk to make sure that they were, that they had to provide that every year to Housing and Urban Development so he would be glad to follow up, and Council Member Alvarado asked who was conducting the audit and Council Member Edwards stated that was her next question, and Mr. Haines stated that he was not sure if they had it and would not have been able to do it without working directly with either HUD or the Housing Authority itself, that if they missed something he apologized, and Mayor Brown asked if they had the authority to audit that organization and Mr. Haines stated that he did not think they did, and Council Member Quan stated that he believed it was a HUD audit and had a chance to meet with the regional director this weekend and again he would be glad to follow up. Council Members Galloway, Wiseman, and Ellis absent.

Council Member Edwards asked if City and State ordinances were subordinate to federal or national treaties, and Mr. Hall stated yes, that in the general scheme it would be, but he would have to know precisely what the issue was, and Council Member Edwards stated that she was going back to the earlier conversation of where was their place as far as a local body and she understood that the NAFTA Treaty in particular had Chapter 11 where the State of California had now been successfully sued by a foreign country regarding their EPA Laws, based on Chapter 11 of the NAFTA Treaty and the reason it happened was a tribunal, not even in a court of law, but in a tribunal, said that the EPA Laws of California were affecting the bottom profit line of that company, so if that was correct and how these governments worked together she would encourage the Council Members that they could not just act like it was affecting them because it

was, and however they felt on it to at least know what the issues were because if she was correct their laws were subordinate to national treaties, and Mr. Hall stated that when they talked about generally the relationship between the federal, state and local governmental entities it was an area that was completely different than adjudication of disputes between sovereign nations, that it was an entirely different issue and process and a real question about how those decisions could be enforced, that relating to domestic governmental structure, it was probably better to say that States could not as a matter of law pass laws that were inconsistent with the United States Constitution and outside the area that the federal government had taken jurisdiction of, that they called it preemption, but as she knew, their federal structure was kind of rooted on the basis that States had all power that they had not given to the federal government and that was a whole area of law itself, conversely State governments versus local governments, they were subject absolutely to the grant of authority and either State constitutions and in their case the State Constitution or the State laws that were passed, and Council Member Edwards stated the issue regarding treaties was very much a concern to her because they in Texas were part of that treaty, Texas, Mexico, California and Canada, which meant that the laws that they had regarding what a truck does on I-10 or I-45 could be used against the City and people could sue the City and that was the only point she was making, and Mr. Hall stated that he wanted to make one point, States could not be part of international treaties, obviously the issue of what happens as a consequence of trying to enforce State regulations pursuant to a treaty was an issue that could be litigated because they would be doing it in the name and part of the United States government. Council Members Galloway, Wiseman, and Ellis absent.

Council Member Edwards asked regarding San Jacinto Rail, was the resolution that was sent a part of the answer that Mr. Hall's office put together, could the answer that was crafted by Ms. Taylor and her staff be sent without the resolution and Mr. Hall stated that the resolution was sent to all of the parties involved as an action of the Houston City Government, that it was not their answer, it was a separate and apart document, that the answer that they sent was part of the administrative process and was entirely separate and the resolution had nothing to do with that process, and Mayor Brown stated that it was a statement of the position of the City Council, that was what the resolution was. Council Members Galloway, Wiseman, and Ellis absent.

Council Member Edwards stated that she tagged a motion last week regarding TSU and she tagged it because there were some concerns in their community from the home owners around TSU regarding the expansion, because they wanted to meet with the administration, that she removed her tag because she was told that they could have a meeting with that organization and with the president, that the meeting was scheduled on Wednesday of last week, the 19th, to occur on Monday at 5:00 p.m., that her office received a call at 4:00 p.m. that the meeting had been canceled and that the president was in Austin, that she received a note today that the president had been snowed in, that the constituents of Third Ward loved Texas Southern University and wanted to be a partner in its expansion but were not willing to just stand by and let their homes be removed without some kind of dialog or conversation so she would encourage them to move forward in trying to build that partnership with the homeowners in the Third Ward area. Council Members Galloway, Wiseman, and Ellis absent.

Council Member Tatro stated that to follow up to Council Member Robinson letter regarding the water and sewer rates and read from the letter and stated that he thought it was incumbent upon Council and certainly his request, to request or demand that the administration, instead of piece meal, that the administration show the plans or at least the options for dealing with the storm drainage and water and sewer rates. Council Members Galloway, Goldberg and Parker absent.

Council Member Vasquez stated that he wanted to invite everyone to a townhall meeting that he was hosting next Thursday evening, March 6, 2003, at 7:00 p.m. at Kennedy Elementary School, regarding prostitution problems in the Crosstimbers and Airline area of his district, that District Attorney Chuck Rosenthal planned to attend and they had also invited Chief Bradford, that residents in the Independence Heights area were pleased with the HPD storefront in the

neighborhood but the officers were limited when it came to making arrests for prostitution, that they had done numerous sweeps in the area, but it was a recurring problem and one that needed a long term solution. Council Members Galloway, Goldberg and Parker absent.

Council Member Vasquez stated that the near northside residents and the Houston Police would hold their March on Crime and everyone was welcome to come out to the parade and rally, that the parade would start at 11:00 a.m. at Holy Name Church, at Hogan and Marion and would wrap up at Castillo Park at around 12:30 p.m., that there would be about a 30 minute rally and would be a great opportunity in the near northside to meet some of the civic club leaders and people trying to make a difference in their neighborhood.

Council Member Vasquez stated that he wanted to compliment Council Members Robinson and Tatro for talking about the drainage fee on a policy level, that it was a serious problem to the City and drainage and flooding was going to get worse over the next couple of years and not better and they needed to have a discussion focused on policy and its full implications and what the impact would be for the future of the City, that in terms of coordinating the timing issue they had to realize that they were not going to have every minute piece of detail in terms of being able to answer the questions but they had to have enough information to feel confident that it was the direction of the City and that it did solve a significant public policy problem and that it was the best way to go in the best interest of the City of Houston, that he hoped that they could focus on that debate and minimize the politics because he thought the flooding was getting worse and that it would continue to be a long term policy. Council Members Galloway, Goldberg and Parker absent.

Council Member Quan stated that last week he spoke about the Sunnyside Clinic and understood that a memorandum was being prepared at this time to answer some of those concerns, and Mayor Brown stated that was correct, he had been trying to follow up with the Health Department on the operation of the clinics and more and more as he saw it he thought the federally qualified health clinics was the way to go because there was no way they could really resolve the concerns of so many of their citizens, he thought that working in conjunction with private groups made more sense and could leverage their dollars. Council Members Galloway, Goldberg and Parker absent.

Council Member Quan stated that in Dallas they had adopted a program called Community Prosecution, in which the City Attorney worked with local communities in assigning a City Attorney to take a proactive position in bringing civil suits as well as criminal suits where there were nuisances in the community, that he knew that Southwest 2000 and other neighborhoods had expressed an interest in doing the same thing and would like to propose that to Mr. Hall, and Mayor Brown stated that they would look at that, that he thought there was a lot of merit in that, that they did that when he was in New York and had their Police Department and Legal Department look at using civil remedies to help address criminal matters. Council Members Galloway, Goldberg, Keller and Parker absent.

Council Member Quan stated that he wanted to thank Mayor Brown for putting their resolutions on the agenda today, that he thought that a free society demanded that they discuss issues and while obviously he was disappointed with the results but it was worthy to discuss and thanked the Mayor for having the courage to put it on the agenda and knew there was a lot of sentiments against it and his emails were going 50/50 both ways, that he was willing to accept whatever vote they had taken and as they knew they were probably the only major city in the Country who had turned down such a resolution. Council Members Galloway, Goldberg, Keller and Parker absent.

Council Member Parker stated that as to his discussion of civil remedies, on Monday morning she and Council Member Edwards were having a joint Neighborhood Protection and Public Safety Committee meeting and the first item on the agenda was a presentation on their Asset Forfeiture Unit and also a discussion of exactly what he had brought up and hoped he

would be able to come to the committee meeting. Council Members Galloway, Goldberg and Keller absent.

Council Member Vasquez stated that he wanted to thank Council Member Alvarado for her persistence on the Police DNA Lab, he thought that was a growing issue and concern and sometimes it was a hard one to understand but he appreciated her leadership on it and looked forward to hearing from the Police Department and the Police Chief about how they were going to solve that problem. Council Members Galloway, Goldberg and Keller absent.

Council Member Sekula-Gibbs stated that she wanted to thank Council Member Quan for bringing up the issue of federally qualified health centers, she appreciated anyone else speaking because it made it more relevant to everyone at home and reviewed statistics on federally qualified health centers and stated that there were several possibilities for those clinics to exist, one was at the Riverside, currently closed, City Health Department clinic, that it was a clinic that they spend on average \$1.7 million per year, that it was now closed and a great place for them to relocate or establish a satellite of their only FQHC, which was now at Martin Luther King and Reed Road, that the Magnolia Multi Service Center was an area where they did not have adequate clinic services and unfortunately because of budget cuts they had to shrink their service there, that Denver Harbor was another area where they could use CDBG Grant money to help build clinic, that Saint Elizabeth Hospital on Lyons was another place where they could use CDBG money to help build their clinic, the Gulfon area was another area where Council Member Ellis was helping to build a new multi service center for the City, that the City had great opportunities to work with these fledging organizations, some exiting, some becoming and they needed to take it up as a commitment. Council Members Galloway, Edwards, Wiseman, Keller and Vasquez absent.

Council Member Sekula-Gibbs stated that she went to see George Strait, that it was a wonderful concert and the acoustics were excellent, that she did not think that parking was bad. Council Members Galloway, Edwards, Wiseman, Keller and Vasquez absent.

Council Member Sekula-Gibbs stated that it was the Mardi Gras weekend and Galveston would be celebrating as well as New Orleans. Council Members Galloway, Edwards, Wiseman, Keller and Vasquez absent.

Council Member Berry stated that he wanted to commend Building Services for the progress report, which was an annual report, and they obviously produced it in house, that it was a quality brochure and there was some useful information. Council Members Galloway, Edwards, Wiseman, Keller and Vasquez absent.

There being no further business before Council, the City Council adjourned at 1: a.m. upon MOTION by Council Member Quan, seconded by Council Member Robinson. Council Members Galloway, Edwards, Wiseman, Keller and Vasquez absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary