

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 25, 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, M.D., Shelly Sekula-Gibbs, Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:02 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Tatro, Galloway, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that on March 10, 2003, a proclamation was issued but they wanted to wait until Mayor Brown was present for it to be presented and it was addressing the life and celebrating the work of a great American, Ms. Harriet Tubman, that Flying Geese Productions was committed to educating people about African American history and on March 10th Flying Geese Productions and the Buffalo Soldiers held a press conference in memory of Harriet Tubman and invited Ms. Melissa Thibodaux and the Buffalo Soldiers to the podium and presented them a proclamation for their works. Council Members Tatro, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown thanked them for being present and stated that he appreciated the contributions by such a great American and by the Buffalo soldiers. Council Members Tatro, Sekula-Gibbs, Berry and Robinson absent.

At 2:07 p.m. Mayor Brown called the meeting to order and Council Member Keller invited Rev. Elmo Johnson to the podium to lead everyone in prayer and Council Member Keller led all in pledging allegiance to the flag. Council Members Tatro, Sekula-Gibbs, Berry and Robinson absent.

At 2:09 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Members Sekula-Gibbs, Berry and Robinson absent.

Council Members Quan and Keller moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Sekula-Gibbs, Berry and Robinson absent. MOTION ADOPTED.

Council Member Vasquez was recognized for a point of personal privilege and stated that he wanted to bring attention to a member of Houston's family who was one of the Marines recently killed in Kuwait; that he wanted to ask for a moment of silence in honor of Corporal Bryan Matthew Kennedy of Spring Branch who was survived by his wife, Vallery and his daughter, Gretchen; that he along with other U. S. Marines and 8 British Marines were in the CH46C night helicopter which crashed Thursday. Council Members Sekula-Gibbs and Berry absent.

Mayor Brown stated that he would also ask everyone to keep in their prayers all service men and women who were in harms way during these days and that they may return safe and expediently. Council Members Sekula-Gibbs and Berry absent.

Council Member Parker moved that the rules be suspended for the purpose of adding at the end of Agenda speakers Dr. Marilyn D. McShane, Dr. Bob Glazier and have them followed by Ms. Regina Garcia and Ms. Marcia Perry; to move Ms. Brenda Flores before Mr. W. R. Morris and Mr. Robert Bartlett after Mr. W. R. Morris; to move Mr. Mike Mosteit, Mr. Richard Vela, Ms. Christine Sagtetter and Mr. Thomas Webb; Mr. Jeff Herrin and Mr. Ray Davis after Mr. Thomas Webb; and to add Ms. Esther Bervin to follow Ms. Lorraine Filemeno, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sekula-Gibbs and Berry absent. MOTION 2003-0280 ADOPTED

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

Mr. Tim Burton, 115 Tanglewood Dr., Baytown, Texas 77520 (281-414-3517) appeared and stated that his name was brought up in discussion during the March 12th Council Meeting regarding construction projects and he wanted to clear up the issue; that he worked in the city 12 years now on various projects with very minimal complaints and he wanted the Mayor and Council to know he was willing to work with each one of them as needed on any project he was to be on. Council Member Berry absent.

Council Member Keller stated that he appreciated Mr. Burton coming and thought it said a lot about him and his character and wished him the best of luck. Council Member Berry absent.

Council Member Alvarado stated that as a point of personal privilege she wanted to introduce students from the Houston Gateway Academy and asked that they stand to be recognized. Council Members Vasquez and Berry absent.

Mayor Brown welcomed the students and stated that he hoped they would find public service as a career. Council Members Vasquez and Berry absent.

Mayor Brown recognized former Council Member Ray Driscoll. Council Members Vasquez and Berry absent.

Ms. Lynn Edmundson, P. O. Box 130463, Houston, Texas 77219 (713-522-0542) appeared and stated that she was founding Director of Historic Houston, a nonprofit dedicated to preservation of Houston's architectural resources, and was present regarding Agenda Item 29, the lease between the Houston Aeronautical Heritage Society and the City of Houston for the 1940 air terminal on the Westside of Hobby Airport; that it was to be turned into an Aeronautical Museum and they fully supported the project; that it was one of the last Art Deco Buildings by Mr. Joseph Finger remaining in Houston and one of the few Art Deco terminals in the country; and urged Council's support. Council Members Vasquez and Berry absent.

Council Member Quan stated that he was impressed with the program; and upon questions, Ms. Edmundson stated that it would be private funding. Council Member Quan stated that it looked to be a wonderful project and he looked forward to working with her. Council Member Berry absent.

Mr. George Coats, 9 North Deerfoot Circle, Woodlands, Texas 77380 (281-367-7732) appeared and stated that he was President of the Houston Aeronautical Heritage Society and the 1940 terminal was the original Art Deco terminal and a rare and beautiful example from what was known as the Golden Age of Flight; that few cities in the United States still had one of such buildings still standing and his organization which was a 501C3 was prepared to lease it from the City of Houston and transform it into a state of the art air museum. Council Members Keller and Vasquez absent.

Upon questions by Council Member Quan, Mr. Coats stated that the building would be transformed into a nonprofit museum and eventually incorporate a restaurant and it would be available to the public for private and public meetings and serve as educational outreach programs; that the initial phase of the project would be in the \$500,000 to \$600,000 range and that money was raised and ultimately with all phases envisioned it would be about a \$10,000,000 to \$11,000,000 project. Council Members Keller and Vasquez absent.

Council Member Berry stated that it was an amazing facility and they were fortunate it still existed; that he was very impressed and fully supported what they were doing. Council Members Keller and Vasquez absent.

Upon questions by Council Member Parker, Mr. Coats stated that the museum in Galveston was a fine museum, but this was different in that the historic building itself was being saved and showcasing Houston's civil aviation heritage. Council Members Keller and Vasquez absent.

Dr. Marilyn D. McShane, One Main Street, Suite 621S, Houston, Texas 77002-1001 appeared and stated that she was new director for the Community Justice Institute at the University of Houston Downtown and she and Dr. Bob Glazier just wanted to introduce themselves and say they were the major research arm of the Downtown Criminal Justice Department and available, competent researchers with much experience in federal, national, state and local grants and provided training to law enforcement; and they hoped to be considered when research needed to be done. Council Member Keller absent.

Council Member Alvarado stated that she and Council Member Edwards talked about having other institutions look at the report on racial profiling and she appreciated them offering services. Council Member Keller absent.

Upon questions by Council Member Quan, Dr. McShane stated that she received her doctorate in Criminal Justice at Sam Houston University, worked in TDC and on the Ruiz litigation and was one of the initiators of the PHD Program at Prairie View A & M University. Council Member Keller absent.

Council Member Edwards stated that she would be contacting her to see how she could assist in her efforts. Council Member Keller absent.

Ms. Ms. Regina Garcia, 2425 Universal Blvd., Houston, Texas 77005 (713-522-9306) appeared and stated that she was present representing the Pedestrian and Bicycle Coalition of the City of Houston; that one of their main goals was to increase funding for sidewalks and they found the city did not apply for federal funds because of the bureaucracy; and they were now present asking the Mayor and Council to help them approach the Texas Department of Transportation asking them to reduce the bureaucracy on small projects so they could double that budget.

Council Member Alvarado urged the Mayor and Council to do what they could to try and amend regulations and allow Houston to apply for the moneys.

Council Member Vasquez stated that he would like to visit with Ms. Garcia to see if there were specific grants she wanted applied for; that he would be happy to facilitate in any way.

Upon questions by Council Member Goldberg, Ms. Garcia stated that Friday, May 16 was Ride To Work Day. Council Member Goldberg stated that TXDOT had really rigid standards and in the end the project would cost more if not the same than if the city just did it alone, but if there were ways to do the project at less cost and still use their money he would like it explored.

Council Member Sekula-Gibbs stated that she would also do whatever was needed to assist. Council Member Edwards absent.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. Michael Thomas out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Member Edwards absent. MOTION 2003-0281 ADOPTED.

Mr. Michael Thomas, 12211 Fondren #1111, Houston, Texas 77035 (713-283-0505) appeared and stated that he lived at the Airport Landing Apartments and those sidewalks were in very bad shape and it caused people to be in the street; that he and other disabled people lived at those apartments and sidewalks were very needed.

Mayor Brown stated that Mr. Robert Fiederlein was present and he would meet with him at this time and see what could be done.

Ms. Marcia Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she was with the Sierra Club and present asking the Mayor and Council to support the Bicycle Coalition in everyway possible; that her neighborhood had few sidewalks and people had to compete with cars; that if they worked toward such quality of life issues Houston would become the greatest city in the U. S.

Ms. Cynthia Buggage, 4211 Simsbrook, Houston, Texas 77045 (713-655-0050) appeared and stated that she was present representing Congresswoman Sheila Jackson Lee and the 18th Congressional District; that she had been fighting tirelessly for the Kesbeh family and if there was anything anyone around the table could do to help them they were asking that they please do so; that they were in danger of being deported and needed assistance.

Mayor Brown stated that was a federal issue; and upon questions, Ms. Buggage stated that Congresswoman Lee was working very hard trying to get Senators and others to sign on, but if there were any Senators or Congress people the Mayor and Council knew who they could call and urge their assistance they were asking that they do so. Council Member Parker absent.

Mr. Robert Bartlett, 8119 Wilmerdean, Houston, Texas 77061 (713-645-6370) appeared, presented information and stated that he was Chairman of the Houston Commission on Disabilities and present in support of Council Member Quan and his work regarding the visitability ordinance being worked on and was urging the Mayor and Council's support for that ordinance once it came before them; that visitability was another way of saying access, access to sidewalks and houses, it was a big issue in the disability community and they complimented Mr. John Palmer for his work on the ordinance.

Council Member Quan thanked Mr. Bartlett for his support and stated that he was pleased to say the Houston Builders Association, Houston Realtors, Commission on Disabilities and Center for Independent Living had all assisted and they hoped to have it before the Housing Initiatives Committee Thursday and they were in the process of crafting the ordinance.

Council Member Robinson stated that he looked forward to passage of such an ordinance and thanked all those that were partner in the efforts.

Council Member Sekula-Gibbs stated that she wanted to congratulate the visitability effort and those who assisted with their efforts also. Council Member Robinson absent.

Mr. Bartlett stated that he was in touch with Council Member Edwards regarding a concern at 1475 W. Gray; that the Metropolitan Service Center director had been ill and may have to leave for awhile and his right hand man had been hospitalized for some time; that Mr. Cavallaro had transferred out sometime ago, then transferred back to find his job was eliminated; that he had experience at the center and would encourage Council to retain him; that the entire disability community looked to and worked with that center. Council Member Robinson absent.

Mayor Brown stated that would be looked into. Council Member Robinson absent.

Mr. Michael Mosteit, 4345 Allen Genoa, Pasadena, Texas 77504 (713-943-0716) appeared and stated that he was a business representative with the International Brotherhood of Electrical Workers, an affiliate of the AFLCIO, his local and AFSCME 1550, Plumbers Local 68 and many other local unions which represented city employees; that the members worked in areas of aviation, traffic signals, building maintenance, drinking water, wastewater, parks and freeway lighting and he was present to address the possible furlough and layoffs being considered; that continuation of all services through the city were very important and his members who worked for the City of Houston served a very important role, any interruptions of airport operations or

traffic flow, drinking water, wastewater systems or lighting would be a very important security fields in the process the country was undergoing at this time; that city employees were the first line of defense and the city and all services had expanded but they were doing more with fewer employees and any furloughs or layoffs would be unwarranted in their opinion and they would like to be directly involved in meetings to help with the budget in '03 and '04. Council Members Sekula-Gibbs and Robinson absent.

Council Member Vasquez stated that on another matter he would like to visit with their representatives regarding the low voltage electronic installers. Council Members Sekula-Gibbs and Robinson absent.

Council Member Parker stated that last week the entire item of furloughs was referred back to the Administration and to her knowledge it was taken off the table for this fiscal year; and upon questions, Mr. Mosteit stated that to his knowledge Mr. Vanden Bosch submitted a proposal covering his department. Council Member Parker stated that in her opinion the City of Houston would probably have to lay people off in the next fiscal year, but thought Council Members were interested in seeing a top down system of layoffs rather than a bottom up system of layoffs, but they had seen no current plans. Council Members Tatro, Sekula-Gibbs and Robinson absent.

Council Member Quan moved that the rules be suspended for the purpose of hearing Ms. Brenda Flores out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Tatro, Sekula-Gibbs and Robinson absent. MOTION 2003-0282 ADOPTED.

Ms. Brenda Flores, 2041 Marnel, Houston, Texas 77055 (713-722-9258) appeared and stated that she was back and was going to holler a little at the Mayor; that she had survived the loss of a daughter, taking of the White House by the Supreme Court, and colon rectal cancer but didn't think she could survive the fees that kept being placed on homeowners; and the proposed drainage fee, they were already paying the highest water rates in the country and could not afford it; that she was also an advocate for the city worker and when he took office this city was being run without eight different layers of Administration he added since he came in and she did not see Mr. Vanden Bosch out there filling pot holes and did not want workers on the lower levels laid off but instead some Administrative positions should be done away with, deputy directors and assistant deputy directors, etc.; that Mayor Bob Lanier ran this city with a Director of Public Works and Deputy Director and that was it and the streets were not in such a mess as they were now; and Bob left him with \$50,000,000 excess and now he had them \$76,000,000 in the hole; that there were too many chiefs and not enough Indians and he needed to get rid of some of that deadweight Administration. Council Members Sekula-Gibbs and Robinson absent.

Mayor Brown stated that he wanted to correct a couple of things; that eight layers of Administration had not been added anyplace; and Ms. Flores stated that she would challenge him on that. Mayor Brown stated that Houston did not have the highest water rates in the country and he did not want people listening to get misinformation. Council Members Sekula-Gibbs and Robinson absent.

Council Member Ellis thanked Ms. Flores for coming and stated that it had been awhile since she was present; and Ms. Flores stated that she went in for an operation on October 11th and woke up a week before Christmas. Council Member Ellis stated that he agreed with some things she said, they did not need layoffs or furloughs for lower level employees and they did need to take a hard look at Administration management, upper management and middle management and see where they could get rid of some of those employees; that there was a proposal circulated and it was evaluating anyone at pay grade 24 and up excluding public safety, but it was to not look at service providers, the people out doing the work. Ms. Flores stated that they should look at city vehicles, many took them home and she knew of one that lived all the way in Galveston, they should park those cars. Mayor Brown asked who that person was; and Ms. Flores stated that it was Mike, but she would have to get the last name. Council Members Sekula-Gibbs and Robinson absent.

Mr. Richard Vella, 4039 Erby, Houston, Texas 77087 (713-645-7109) appeared and stated that as a citizen and property owner he was concerned about the frontline employees and felt the need to protect them, therefore he was against the proposed revision of Chapter 14 of the City of Houston Code of Ordinances relating to furloughs, voluntary separation, layoffs and reclassification; that with the steady growth in population for Houston it was requiring greater city services to protect, support and help neighborhoods and the frontline employees were the greatest resource; that frontline employees did not cause the budget problem and now was not the time to balance the budget on their backs; that neighborhoods could not handle reduction of services and upper management needed to be looked at. Mayor Brown, Council Members Galloway, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Christine Sagstetter, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 x-16) appeared and stated that as Council voted on Agenda Item 75 tomorrow to take measures to balance fiscal year 2003's budget she was asking that the \$15,000,000 from the disaster relief fund, \$10,000,000 in Debt Service Reserve and \$5,000,000 from Rainy Day Fund or Any Lawful Purpose Fund were fund sources identified in lieu of furloughs and layoffs and they held to their belief that the budget should be balanced with budget money and not by employees who had no part in creating a budget crisis; that going into the 2004 budget process they were committed to the following actions: 1) pursue a meet and confer with Administration to provide meaningful input at the front-end of processes and actions, 2.) protect city service provisions, 3.) identify potential sources of revenue, 4.) identify wasteful spending, 5.) bring forward class savings proposals and they would continue to work for the good of public service and its providers. Mayor Brown, Council Members Galloway, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Ms. Sagstetter stated that someone with their office had been in touch with Ms. Stein to try and set a meeting with Mayor Brown and so for they were unsuccessful. Mayor Pro Tem Quan stated that Ms. Stein was reassuring him they were working to get that done, but Council wanted to make sure they always had an input and opportunity to share their thoughts with the Administration. Mayor Brown, Council Members Galloway, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that the meet and confer process would not be with the Mayor though she thought they should meet, but she would image they were also trying to meet with the Human Resource Director or Mr. Haines; and that as the union moved forward in discussing the issues she wondered who would be the point person for the Administration's side; and Ms. Stein stated that she thought it would be the Human Resources Director, Mr. Lonnie Vara. Mayor Brown, Council Members Galloway, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Parker, Ms. Sagstetter stated that they were seeking equal footing with Police and Fire Departments in having meet and confer negotiations; that to clarify they were seeking authorization from the Mayor to officially begin a meet and confer process. Mayor Brown, Council Members Galloway, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Parker, Mr. Bibler stated that the governor vetoed the Bill that would have allowed that and he did not know if it had been refilled for this session; that the city had been in full support. Council Member Parker stated then there was no formal process for meet and confer, it would be voluntary negotiations which took her back to her question of whether they would be having voluntary negotiations with Mr. Vara as the Mayor said he would like the Union involved in the process; and Ms. Sagstetter stated a State Attorney General had rendered an opinion that it could be voluntarily entered into; and right now she had no date as to when AFSME would have a new local director appointed but she would try and get

her one. Mayor Brown, Council Members Galloway, Wiseman, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 x-16) appeared and stated that he wanted to remind Mayor Brown that when he took office he had one vision and they wanted to be a part of that vision; that he wanted Council to know they were eager to pursue the meet and confer; that Mr. Perry did veto the Bill and the State Attorney General's Office had an opinion they could go on with it with cooperation of the city government, so it could still happen and they could be a vital part of getting things to work toward improvement for employees as well as everyone else; that furloughs and layoffs was a major concern for those to be affected, it was a real situation and they were asking that Council continue to consider the working class in this matter when they made their decisions. Mayor Brown, Council Members Galloway, Wiseman, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Council was very concerned about that and had sent it back to the Administration because they were not ready for layoffs at this point and it was not on the table, but if anything came back again he would certainly be made aware of it immediately. Mayor Brown, Council Members Galloway, Wiseman, Keller, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that he was glad Council acted as they had on the purposed furlough ordinance, number one they said they were not giving carte blanche and number two with them coming down and their Indians vs. the Chiefs analogy, it was unfortunate, but it did not seem there was a lot of consideration to who would be furloughed; that he thought the last thing any of them wanted to do was to affect the frontline people; that he knew what had them concerned was it was still wide open and across the board, to punish everyone equally and he did not think that was a good policy to initiate and he hoped if it was necessary they see some precise recommendations come forth rather than the shotgun approach. Mr. Webb stated that they very much appreciated Council Member Tatro's involvement, his concern was appreciated. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Jeff Herrin, 5850 San Felipe #128, Houston, Texas 77057 (713-952-8455) appeared and stated that he was in the construction business, primarily industrial warehouse, and was present to help solve problems of budget shortfalls; that they were having a big problem in getting their building permits these days, prior to December it was a fairly simple process, but now it was changed and contractors and owners were confused as to what information was needed and he had tenants put on hold; that he was on hold now 39 days trying to get a building permit for a job that only took 30 days to build and in his opinion that was going backwards; that this week he had to layoff 15 people because of it; that one major holdup was a water letter with Christine Robinson; that he called every other day for three weeks and she was not available to talk with him and he finally went over her head to get the water letter, but it was getting difficult to do business and holding up commerce in the City of Houston. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Mr. Herrin for coming and sharing his situation and it would be looked into; and upon questions, Mr. Herrin stated that they did not anticipate needing to submit the tenant water listing letter, but when they received their rejection they immediately submitted that letter, etc., that day to Ms. Christine Robinson and called daily and told it was on her desk, but she did not return his calls and he finally went over her head and Barbara Grizzle got it out immediately and he thanked her for her attention. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Mr. Herrin stated that about January 1 the new Electrical Code was initiated, which was a whole other subject he needed to come back on, but now the process at One Stop now limited to any projects not requiring more than two exits and that eliminated just about every retail center and industrial project so now to build a commercial job it was going to take longer to get any permit than it did to do the job. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Keller, Mr. Herrin stated that Barbara Grizzle was over Christine Robinson and she hopped to it immediately, but from what he understood she said Christine was the only one who could approve it; that they had existing capacity and they only needed the letter. Council Member Keller stated that he thought they had an express window in Permitting where someone could pay extra to get a one stop shop and quicker turnaround; that he was not excited with the Electrical Code either, it was amazing the repercussions that caused with reconstruction in interior office space; and upon questions, Mr. Herrin stated that he thought the problem was lack of manpower, they had the fourth largest city in the U. S. and from what he knew there were three people looking at his plan and they only took eight a day now because they were at capacity; that he went several times and even 6:00 a.m. and was too late to have it accepted. Council Member Keller stated that he knew they were undermanned, but would check into this. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated Council Members had been hearing of problems in Permitting and he appreciated him coming and maybe it could be streamlined. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that forcing eleventh hour budget cuts causes shutdown mode and he believed that to maybe be the case there, but he wished him well in his next permits. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Susie Hargrove was present in the Chamber and could speak with him at this time. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Ray Davis, 17447 Kuykendahl, Houston, Texas 77379 (281-389-7604) appeared and stated that he owned the company and building Mr. Herrin was working on and he wanted to know why they were being discriminated against and what the job qualifications were for the job Ms. Robinson had to see if she was even qualified; that it was costing him \$25,000 a day and he did not have that so he also wanted to know who to submit his invoice to so he could get his money back. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan assured Mr. Davis there was no discrimination and their problem seemed to be the norm and they would look into it; that they wanted to have a Permitting Department responsive to citizens; that he had his address and they would follow-up with him. Mayor Brown, Council Members Galloway, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved that the rules be suspended for the purpose of hearing Mr. Ray Driscoll after Mr. W. R. Morris, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0283 ADOPTED.

Mr. W. R. Morris, 6530 Linden, Houston, Texas 77087 (713-921-4500) appeared and



stated that he was present to speak in support of what Local 1550 was trying to do, to protect jobs of city employees; that he was asking Council to try and not fix the budget on the backs of those who could least afford it; that he sent an E-mail to Council Members with a list of 14 departments and their positions, pay grades, etc., and if they would look at it they would see there were many Administrative people there, nonessential jobs; that the Mayor needed to concern himself with wasteful spending such as the half a million dollar backhoe that was sitting at 1700 Crosstimbers, it was bought 1 1/2 years ago and they could not use it because the city had no truck big enough to haul it and if they did it would be too big to set up on the esplanade; that was half a million dollars, how many jobs would that keep; and he would appreciate them looking at the spreadsheet he sent and not letting those who did all the work go. Mayor Brown, Council Members Galloway, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Mr. Morris was absolutely right and he thought that was what Council did want to do, look to see if nonessential personnel as opposed to central personnel doing the day to day work of the city; that they asked for scope of review audits before and would look at his spreadsheet. Mayor Brown, Council Members Galloway, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that he checked and had no record of the E-mail so he might want to resend it. Mayor Brown, Council Members Galloway, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Ray Driscoll, P. O. Box 741026, Houston, Texas 77274 (713-995-7273) appeared and stated that he was present to talk about the district lines for Council; that he was previously Council Member for District F and at that time the total Gulfton Area was included, it was 3.2 square miles and the Shenandoah area was surrounded by warehouses and apartments; that within that 3.2 square miles there were approximately 20,000 apartments and some 60,000 people; that when he became Council Member you could not walk through that area at night and when he left you could and he had nothing to do with it, it was the people in the area that did it, the businesses, apartments, residences all had their own organizations and worked together to reduce the crime, but since then it was split and half the area was in District C and half in District F and it was not working; and was present to recommend it be united again as the residents wanted. Mayor Brown, Council Members Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Mr. Driscoll for coming and sharing his experiences. Mayor Brown, Council Members Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that Council Member Driscoll had quite a bit to do with changes in the Gulfton Area, but the area was not always in District F and read from a redistricting staff plan dated April 27, 2001, written by Mr. Jerry Wood which had been brought to Council and discussed; that he and Council Member Goldberg had both looked at it and agreed upon it; and he did thank him for his comments, but respectfully disagreed with him. Mayor Brown, Council Members Galloway, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that there was an Agenda Item tomorrow to start studying redistricting and if there was specific precincts he wanted moved he should bring those forward and submit them as a part of the plan. Mayor Brown, Council Members Galloway, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that the Mayor's position was it should be a consensus between the two District Council Members and at this time they saw no need. Mayor Brown, Council Members Galloway, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent.

Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that to follow-up on what Council Member Tatro said was there any specific problems the residents were having because of their redistricting that he was unaware of; and Mr. Driscoll stated that to be specific he would have to go back. Council Member Goldberg stated that if anyone in his district was having a problem he wanted to know and would like them to come forward. Mr. Driscoll stated that he was vice chairman of Ser Ninos Charter School in his district and they invited him along with Mrs. Bush to come and she showed up but they did not see him; and Council Member Goldberg stated that he knew himself that he did not go to every single event he was invited to. Mayor Brown, Council Members Galloway, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he would like a copy of the report Council Member Ellis had from Mr. Wood, and they had gone through an arduous task of redrawing the lines and he cautioned that this not cause a ripple effect causing redrawing of all lines. Mayor Brown, Council Members Galloway, Edwards, Wiseman, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Lori Roberts, 12211 Fondren #1301, Houston, Texas 77035 (713-723-4342) appeared and stated that she was representing the handicapped and disabled persons at Airport Landing Apartments; that they were about to lose their 24-hour care service and people were panicking, she told them people of Houston were generous with buses, etc., and she was not worried, but they wanted Council to tell the state not to close them down; that they paid their own bills and were very involved with the city; that people her age and younger did not want to be in nursing homes. Mayor Brown, Council Members Galloway, Wiseman, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the issue had been presented to Council and they planned to contact their state legislatures on the matter. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Rose Dillon, 12211 Fondren #405, Houston, Texas 77035 (713-723-1516) was called and Ms. Olivia Ryner appeared and stated that she was present on behalf of Rose Dillon as she was ill, but she lived at Airport Landing and she and others there were very active in the community and they carried their national campaign Listen to the Cries of the Children for years; that she believed Houston could be number one and challenge all other cities to help the physically challenged. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jerry Chapman, 13322 Forest Knoll, Houston, Texas 77049 (281-458-3847) appeared, presented information and stated that he was present regarding issues of the Masonic Lodge, property taxes; that their services were open to anyone and everyone and they had no billing department, it did not matter how much you made if your child was accepted at their hospital you would never receive a bill; that they were granted tax exemption through the state, Harris County, Harris County Flood District and Port Authority and they were asking for tax exemption from the City of Houston. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Bibler stated that he did not know anything about the issue; that the F & A Director served as the tax collector and he would be glad to consult with him and the tax attorney. Mayor Brown, Council Members Tatro, Galloway,

Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Chapman stated that the East Houston Lodge owned a half of lot in Green River Gardens off E. Houston Road and it had a building on it and was currently listed in the Harris County tax roll at \$28,000. Mayor Pro Tem Quan and Council Member Ellis stated that they would be glad to work with him and someone would speak with him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) appeared and stated that she was going to run for Mayor in November's election and in the past ran for Council; that she wanted world peace; and continued with her personal opinions until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Darrin Dave, 3719 Luca, Houston, Texas 77021 (713-747-7077) appeared and stated that he was a husband and father of three with a bachelor degree in business management from Texas A & M and was present to appeal the decision of his termination from the Houston Fire Department; that on February 13<sup>th</sup> he left the station in his personal vehicle to get flowers for his wife for Valentines Day, they were separated and she was scheduled to leave for three months and he would just have enough time to give her the flowers, but while he was out he received a 911 call that he was not accounted for, then on his return his car stalled and it kept him out an hour or so, his captain met him upon his return to the station telling him he missed a call and he would have to relieve him of duty until further notice, but on February 18<sup>th</sup> he was officially terminated and now he was throwing himself at their mercy asking for a second chance; that he loved his job and helping others and felt he was an asset to the department and community. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he seemed like a fine young man, but how would he feel if he was supervisor and a person was not on call when needed; and Mr. Dave said he understood and did not fault his captain for the decision made, but he was throwing himself at their mercy. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she believed he made a bad choice but would like to meet with him and Chief Simms and if not get him back in the Fire Department maybe they could find something else for him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Julie Jackson, 87 East Misty Breeze Circle, The Woodlands, Texas 77381 (281-363-4243) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Lorraine Filemeno, 4200 Watson #301, Houston, Texas 77009 (713-868-4714) appeared and stated that she was present on behalf of those with disabilities who utilized the multi service center on West Gray, Mr. Nick Cavallaro had held the title at the center since 1997 and in his capacity was instrumental in many ways; that currently the Administrator was on

leave and it left the secretary to do her job and much more and it was too heavy of a responsibility to bare, the center was a wonderful facility with so much potential and it was their feeling Mr. Cavallaro should be brought back, it was not a position to be filled with a warm body but with someone sensitive and familiar with people with disabilities and he was that type person. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan called on Ms. Gloria Moreno with the Health Department who stated that Mr. Cavallaro was currently in his promoted position and at this time the position he held previously was unable to be filled with budget constraints; that Ms. Filemeno had said the Administrator was not at the center and that was incorrect as he was there, but there were concerns he may leave with upcoming issues and they were making sure other administrative staff was being reassigned to cover those duties at Metropolitan. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her office was setting a meeting with the Health Department to discuss the issue, she knew Mr. Cavallaro was an asset, and if she would like to come to the meeting she was welcome to attend. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Vasquez stated that his office had also been talking with the Administration regarding the issue and would like Dr. Kendrick at the meeting; and Council Member Edwards stated that Dr. Kendrick was asked to be at the meeting, but this was a unique service center and served people all over the region and she felt they should get a regional partnership with the county, etc., to help maintain it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Frank Sherwood, 9303 Hammerley #605, Houston, Texas 77080 appeared and stated that he worked for the City of Houston and together they built a world class city and the only way to keep it was with the workers; that they were hearing about layoffs and furloughs and they had families and trusted them as leaders to make honorable decisions; that they wanted their citizens serviced and had 4,000,000 people with 23,000 workers and that was a small portion; that they appreciated them listening and asked that they work with the union leaders and treat the employees in the same honorable and fair fashion as they had been treated. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they wanted ongoing dialogue and a recent survey showed 75% of the cities in the country were having budget problems because of the economy and knew they were having mass layoffs, but this Council asked the administration to look at other options before that point. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Esther Bervin, had been added to the list to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Clyde Sutgrey, 4503 S. Kirkwood #67, Houston, Texas 77072 (713-879-0307) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry

and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jackie Ballard, 3420 Ozark, Houston, Texas 77021 (713-522-4739) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Wanda Sterling, 1400 Lubbock, Houston, Texas 77002 (713-247-4355) appeared and stated that she was with the Municipal Courts and present to speak against furloughs and layoffs and hopefully would not be retaliated against for doing so; that the courts were severely understaffed and with wages 30% below what they should be, she was against furloughs and layoffs as without proper personnel many cases would not meet the docket for proper court dates and times; that it was hard to prepare cases now with the short staff they already had and her section, pending files, was one of the most crucial in the court as all pending cases, reset cases, paid cases, satellite court cases, bonds and invalid settings were housed and prepared there; that the courts generated a high revenue and she did not believe they should have to pay for the careless spending and poor mismanagement of city revenue; that they were asking Council to find other alternatives to fix the budget rather than at the expense of the city employees, the true workers. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Ms. Sterling for standing up for herself and other employees and wanted to again make it clear that for herself and other Council Members layoffs and furloughs from the bottom up was not even on their plate and if they did move toward that thought it should be from the top down; that she was in the Municipal Courts yesterday and wanted to compliment them as she managed to get through by following the information posted without any assistance. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James Neal, 6601 Dunlap #3048, Houston, Texas 77074 (713-837-0889) appeared and stated that he was on the executive board of the City of Houston Local 1550 and was present to urge Council Members to block layoffs and furloughs; that there was also an amendment to eliminate civil service protection for city employees and he would urge them to strongly vote against it if it was to come up; that he had five points to consider with that being the first point and secondly they supported Mayor Brown's proposal to move funds to help balance the budget such as the Rainy Day Fund; that third, city workers were led by AFSCME, Local 1550, and they had ideas to help the city gain strong financial footing with one example to include the city's share of the \$1.2 billion in Federal Homeland Security Money; fourth, was that city workers did not cause the fiscal crisis and felt they should not carry a large part of the burden; and fifth, was that all employees with the city were a vital part of homeland security and infrastructure and contributed to the health and safety of all citizens and any reduction in services would greatly jeopardize the vital safety net of the city and probably the most important workers in the city were solid waste workers and if they did not believe that they could ask a New Yorker who went through the garbage strike in the 1970s. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Neal for coming and stated they would take what he said under review although nothing was on the table at this time. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rodney Johnson, 3000 Greenridge #1202, Houston, Texas 77057 (713-446-4825) had reserved time to speak but was not present when his name was called. Mayor Brown, Council

Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Willie Moore, 1838 Wren, League City, Texas 77573 (281-330-2216) appeared and stated that he was the chapter chair of AFSCME and he was happy the furloughs and layoffs were removed from the '03 budget process, but was sad because the '04 budget was not far behind; that Chapter 14 protected municipal employees and it was continuing to be eroded; that city employees needed to be concerned but many were afraid to come to Council for fear of retaliation, fear of losing their job, but wherever they were right now he wanted to tell them if they were going to lay them off they were anyway and they could standup now and be counted or get laid off in the future; that Council was making a decision on their future at this time, but employees had a chance to make a decision on Council very shortly and all employees throughout the city needed to standup and protect their interest. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro moved that the rules be suspended to hear from Ms. Tammy Rodriguez at this time and to add Mr. Carlos Fernandez to the list, seconded by Council Member Wiseman. A vote was called but not recorded as a quorum was not present. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Tammy Rodriguez, 6111 Glenmont #21, Houston, Texas 77081 (281-216-9591) appeared and stated that she was president of the Gulfton Area and representing the neighborhood; that many new Houstonians were coming into the area and it was split between Districts C and F and she wondered if they were in office and had anything to do with the lines being redrawn. Mayor Pro Tem Quan stated that they were in office and a plan was usually presented to Council and they worked on that plan with community input. Ms. Rodriguez stated that she still had to look at the map when finding who she needed and would like them both at a meeting so she would not have to go to meetings two days apart; that during the latest legislative session they recognized the need to have them in a single district and created District 137 and on the federal level they were in District 25 and she would like that considered. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Rodriguez stated that two Council Members would be better only when people knew where to go. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro stated that he would like her to also submit precincts she wanted moved so they would have something to go by; and Ms. Rodriguez stated that she could have it by tomorrow. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Rodriguez stated that they wanted the Gulfton reunited under one district and did not care whether it was District C or District F. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Carlos Fernandez, 5655 Glenmont #710, Houston, Texas 77081 (713-662-3053) appeared and stated that he lived in the Gulfton Area and when he went for help he went to the wrong District Council Member, there was definite needs and issues in the community and 60,000 to 80,000 people in a 3.2 square mile area was quite a bit of people; that he helped with programs in the area and in his opinion he believed they did need core representation. Mayor Brown,

Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Fernandez stated that the area needed help with children, computers and mentoring and there were lighting issues, just basic needs. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Fernandez stated that he was proposing the same plan as Mr. Driscoll and Ms. Rodriguez. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that while he was substituting he would like to get an issue out of the way and asked for a motion to stay beyond the 5:00 p.m. recess. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Tatro moved to suspend the rules to stay in session beyond the 5:00 p.m. recess, seconded by Council Member Edwards. A vote was not recorded as a quorum was not present. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Ms. Maria Novo, 4711 Floyd #3, Houston, Texas 77007 (713-863-7813) appeared and stated that she was present to give her opinion on layoffs; that she had three friends who worked for the city and they were responsible and honest; that the city was big and the workers were all needed, there would be problems if they were let go; that they were happy with the workers the city now had and she hoped Council could find other ways than layoffs to balance the budget. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Johnnie McFarland, 1900 N. Loop West #540, Houston, Texas 77018 (832-641-2102) appeared and stated that he was vice president of Lodge 109 of the Fraternal Order of Police, a private organization which represented 300,000 police officers nationwide and approximately 5,000 civilian members in associate and auxiliary lodges and was present representing both the classified and civilian members; that the civilian members made-up a large part of the support personnel in all emergency response services and the organization felt their issues were as important to officers and the city as they were to them and vice versa; that with a city under constant threat of terrorist attack every job was important, citizens expected workers to serve and assist them, trash to be picked up and potholes filled, safe places for children to go and while the city called this quality of life issues, in times like these it was peace of mind and to accomplish this they needed people who could accomplish the task; that city workers were this city's greatest asset and they had their expectations also, they expected to be able to provide their services in a fearful time and when they were sometimes asked to go above and beyond they were asking the same of the Council Members to go farther to protect their jobs, the jobs necessary to this city. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Donald Williams, 4211 Simsbrooks, Houston, Texas 77045 (713-433-6469) appeared and stated that he worked for Right of Way Maintenance, District 18 and was present to speak on behalf of every employee in all departments; that basically the city was working understaffed and doing the best they could; that he did commend the Mayor and Council Members for taking

out of the '03 budget the layoffs and furloughs, but the 2004 budget was just around the corner and for Council Members not sure about layoffs and furloughs it would place an extra burden on employees and it should not be on the table to help correct the budget; that maybe a four day work shift, but they really needed their full pay as they were already making very little. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Williams for coming and speaking for himself and for other city employees; and to make a friendly suggestion they needed to organize, organize, organize, they needed to understand the connection between a veto of a governor, to understand what his veto of meet and confer meant. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Wendell Sexton, 4302 Rosebud, Houston, Texas 77053 (713-433-0867) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Charles X. White, 4302 Reed Rd., Houston, Texas 77051 (713-733-3599) appeared and stated that he was present regarding an issue a year old and they were wanting closure and movement on policies, protocol and ethics governing the Planning Department Director; that he was also present to correct misinformation, it seemed this Administration had a party line being played back to the community in a way that was damaging; that he read an article where he had stated did they need to picket to be heard, but when they received it back in the community it said they were going to bring 150 people to City Hall to picket and were going to picket the Mayor's house; that he wanted to know if the Planning Director could exercise his will over the will of the Mayor, Council, architects, developers and citizens in relation to super neighborhoods, clusters, civic clubs and homeowner associations, he could not interfere with them but was allowed to by the Administration; that they thanked Council Members who helped to try and bring it to a close, but they needed more help. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. White for coming and for his work over the years; that there seemed to be an impasse on bringing the two parties together on two simple issues, policy and procedure and she would like the Mayor to see if he could influence so they could get past that holding place; and Council Member Robinson stated that would be relayed to the Administration. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Ms. Olivia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared, presented information and stated that she was with the Sunny Side/South Park Super Neighborhood and was last present on December 10th when they were trying to straighten the split up that Mr. Litke caused; that what seemed to have happened was a city and county employee got together and decided they wanted to split from the Sunny Side/South Park Super Neighborhood and all the information presented was documented and after Council looked at it they would see why they were still coming. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Marvin Delaney, 5924 Ridgeway, Houston, Texas 77033 (713-644-1666) appeared and



stated that he was present with a resolution from the Sunny Side/South Park Super Neighborhood which he read to Council Members having to do with the Planning Department's policies and procedures causing trauma and discord in the community. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Preston Roe, 3731 Florinda, Texas 77021 (713-747-4358) appeared and stated that he was spokesperson for Super Neighborhood 68 which was not a recognized established super neighborhood at the present time; that they signed an agreement to be under the umbrella of the South Park Super Neighborhood and they submitted their SNAP under them, they were kicked out because they were told they were not established, but he had a signed document with him by all civic clubs in the Super Neighborhood 68 which he wanted to present for Mayor Brown; and unless there was a policy established they could not operate efficiently and he hoped notification would be sent to the president and ethics chairman. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Roe for his work; and upon questions, Mr. Roe stated that they resubmitted under Super Neighborhood 68. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Peter Tyler, 6110 Wister Lane, Houston, Texas 77088 (713-256-9205) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Ms. Nancy Stevens, 2503 Watts, Houston, Texas 77030 (713-218-8770) appeared and stated that she was a resident of Morningside Place and present requesting Council support sidewalks on Morningside Street; that there was increased traffic and it was a danger. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that he knew Council Member Goldberg had been working on this and they looked forward to visiting with her again as the CIP projects moved forward and would work with Council Member Goldberg. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. John A. Branch, 4430 Castor, Houston, Texas 77022 (832-215-5646) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Dr. Malisa Janes, 2112 W. Main, Houston, Texas 77098 (TDD 711 ask for 713-529-8692) appeared, presented information and stated that Council heard about the problems at the multi service center, but she needed Council to do an investigation; that she worked at the center over 8 years and the center had been a step child of the Health Department; that in her estimation the center did not fit into the Health Department, it was set up for those with disability not to get

healed and it should be staffed and planned as a rehab facility; that the money was there but grants were going by right and left as the Health Department did not know the area and did not know where to search; that poor administration continued to be a problem and she was asking that it be investigated and not just given a band-aid. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Robinson thanked Dr. Janes for coming and for her positive suggestions; that he was positive it would be on Council's Agenda as they visited with the Health and Parks Departments. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that it not only served citizens of Houston, but citizens of the greater Houston area and they should look at partnering with the county, etc., and deal with the real issue of rehabilitation; and Council Member Robinson stated that he would work with her as they moved forward on it. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Ms. Hannah Hawk, P. O. Box 6778, Houston, Texas 77265 (713-797-6722) appeared and stated that she was the spokesperson for the Muslim Public Affair Council and was present today on behalf of a family of nine ordered to be deported Friday to a country they were not even from; that Congresswoman Lee had been working very hard on their behalf and they were asking for Council's help also; following the 9-11 attack the Kesbeh family home was raided by immigration officials at daybreak and the husband and son held for six months at a detention facility on immigration violations which created an economical and emotional hardship on the family; that Mr. Kesbeh did seek asylum and three times was denied; that the beauty of America was to protect people from oppression and the Kesbeh family was seeking refuge in the U. S. and loved this country; that they were proud their nine year old girl was born here and they had lived here over 11 years; that Mr. Kesbeh graduated from Texas Tech in the 1970s with a masters in Agricultural Engineering and this law abiding and productive family was an asset to Houston and had made a family business of selling American flags; that none of the family children knew of any other country than the U. S. and most did not speak Arabic; that them being deported was outrageous and if they could just find one more senator to sponsor legislation they would be allowed to stay, it was Senate Bill 231 and if anyone could help it would be greatly appreciated. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Miss Afnan Kesbeh, P. O. Box 6778, Houston, Texas 77265 (713-797-6722) appeared and stated that she was born and raised here in the United States and was proud to be a Houstonian and citizen of the U. S.; that she did not want to go to Jordan and did not speak Arabic; that her friends were here and her dreams were here, she wanted her life and her future to be here and to go to college here and be a doctor. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Hector Garcia, 1715 Morris, Houston, Texas 77009 (no phone) appeared and stated that he was present to thank Council for tearing up the streets because they were going to be better, but he did miss the rings on the sidewalks along Congress Avenue where they used to tie the horses and wished they would replace those. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President seeking reelection and continued with his personal opinions until his time expired. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that that he wanted to stop all funds and shut down all businesses and companies, etc., and continued with his personal opinions until his time expired. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

At 5:36 p.m. upon motion by Council Member Wiseman and seconded by Council Member Edwards, City Council recessed until 9:00 a.m., Wednesday, March 26, 2003. Mayor Brown, Mayor Pro Tem Quan, Vice Mayor Pro Tem Keller, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. Council Member Robinson presiding. (NO QUORUM PRESENT)

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 26, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, 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. Paul Bibler, Senior Assistant City Attorney; and Ms. Martha Stein, Agenda Director present. Council Member Mark Ellis out of the city on city business.

At 8:18 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

**MAYOR'S REPORT** - Briefing by Houston Rockets on Arena Subcontracting

At 9:08 a.m. Mayor Brown reconvened the meeting of the City Council and stated that he would use his Mayor's Report time to hear from the Houston Rockets on the Arena subcontracting and that they were very pleased to have the President and Chief Executive Officer Mr. George Postolos with them, that a number of Council Members had asked questions about the Rockets meeting their minority participation and thought that was what they would be sharing with them today, and Mr. Postolos stated yes. Council Members Galloway, Goldberg, Edwards and Berry absent.

Mr. Postolos stated that the Rockets at the time of the first referendum made commitments to meet a 30% participation requirement with respect to the design, construction and operation of the Arena and they were now through the design and construction phase, largely as they completed the building and people were looking forward toward the participation and operation of the Arena, that most of the contracts on the operation of the Arena would be awarded starting in the summer and fall and they were present to just reaffirm their commitment to the 30% participation requirement and also just to give Council and the Mayor a sense of the procedures that they were putting in place to make sure that they fulfilled the 30% requirement, that the person who oversaw the design, construction and operation for the Rockets Organization was Mr. David Carlock, who was present with him, and one thing that he wanted to accomplish was just to introduce Council to Mr. Carlock, that Mr. Carlock was Vice President of Business Development for the Rockets and he and his staff were responsible for overseeing the procedures and had a quick presentation of the goal, the status and the process and commitment that they had made to reach their participation goals and stated that he would turn it over to Mr. Carlock. Council Members Goldberg, Edwards and Berry absent.

Mr. Carlock stated that today he would talk a little bit about what they were doing to meet the 30% participation goal that they had for the Arena and stated that they wanted to take the Council and Mayor through very quickly on specifically what goal they were trying to achieve, that he thought everyone was aware of it but they were certainly present to reassure everyone that they intended to meet that goal, what was the status, what progress they had made and what remained to be done, what processes that they had developed and implemented to make sure that they reached the goal and what kind of commitment were they making in terms of applying resources against those objectives and finally what were they doing within the community in terms of outreach to identify existing resources, partner with existing MWBE and community focused organizations, which they had invested a lot of time doing or having some real success in that regard, what was their goal, the Rockets were committed to achieving 30% overall MWBE participation and contracting goods and services related to the Arena operations, that was what they intended to do, that there would be about \$6.5 million worth based on their current budget projections of outsourced or sublet goods and services, and 30% of that represented about \$2 million annually that would go to MWBE companies and they hoped to exceed that goal certainly, but saw that as their minimum objective, what kinds of opportunities were there, a broad array of categories ranging from administration, general maintenance, food and beverage sourcing, procurement, printing, solid waste collection, uniform, security, trades and services, first aid, cleaning, basically the things that were required to run the Arena on a day to day basis and would be required for the next 30 years, that when they started the focus on the operation side of their goal they asked themselves a few basic questions, one was, what was the appropriate and correct process or best practices that they should implement to insure that they achieved their goal, what kind of resources should they put against their goal and what kind of outreach programs should they put in place as well, that he would talk briefly about those and how they translated into progress to date, that the first thing they did was to identify internal resources, they had two staff members, his group, the Business Development group of the Houston Rockets who were dedicated to the effort, and they would talk more specifically about what they did and they also had some external consultants who were supporting them, that he was involved and the General Manager of the Arena involved, the Director of Operations was involved and they had made a very substantial and real commitment with the Rockets staff to make sure that they achieved their goal, that they had met with construction consultants, operations consultants, MWBE consultants, as well as community and MWBE focused organizations to identify opportunities and make sure that they framed them up correctly and researched best practices in terms of qualifying potential bidders and then the actual bid and award process itself, that they also hosted a community forum at the George R. Brown a couple of months ago and they had over 150 participants interested, MWBE companies, and that forum was one of a series of events that they participated in to make sure that they were getting the word out properly, the other thing they had done was start to develop an in house database of companies that had come to them and expressed interest in getting involved at the Arena as well as some companies that had been recommended to them and that they had proactively contracted, that

database was growing everyday and currently numbered more than 400 interested MWBE companies, that they had also spent a lot of time making sure that they had established clear communication channels to the MWBE business communities, part of it had been meeting with organizations that were already in the base, the Houston Minority Business Council, the NAACP, the Urban League, the Hispanic Chamber of Commerce, that it also related to some of the things they were doing internally, so one way that they applied their database was that everyone in the database was categorized by what types of work they were interested in and when they had news or information related to those packages it was immediately delivered to those parties, that as he mentioned they were actively partnering with more than 15 MWBE and community focused groups, that some of the organizations were the Asian Chamber of Commerce, the Black MBA Association, the Houston Minority Business Development Center, the Small Business Administration, that they were actively involved in conversations with those groups and were soliciting their advise and recommendations and were asking them to help partner to make sure that they not only meet their goal, but exceed their goal, that finally where do they think they stand, they believed they developed good processes, they were in place and they were set up to be successful and had made a substantial investment in the program and would continue to do so, both in terms of staff as well as external resources, they developed strong working relationships with MWBE focused organizations and would continue to partner with them as they went forward, and finally they were committed to meeting their goal and they would do so. Council Members Tatro, Berry and Robinson absent.

Mr. Postolos and Mr. Carlock were questioned at length by Members of Council and Mayor Brown stated that he wanted to thank them for coming and that he believed that it would be helpful for everyone if they reduced to writing some of the items that they had discussed with them today, particularly the operations, what that entailed and how did they intend to get their 30% minority participation from those operations in some detail so that everyone could understand what was being proposed, that he too received a lot of complaints about what was going to happen and he commended them on what they had done so far and their construction, that they were going to meet that goal, that was understood, but many people were concerned about operations because that was a long term commitment, that it was also important to point out that their agreement was not with the City, that some members of the community signed the agreement with Mr. Alexander for that 30% participation, but many of them went out into the streets and campaigned for the referendum based upon that commitment even though it was not with the City, it was with the community, so it was extremely important that they live up to that commitment and knew that they were committed to do so, but for him, even after listening to them, better understand where the operations come from, if they would outline that and where they would meet the 30% commitment than they could all better answer the questions that were being asked of all of them, that if they would do that and get it in writing to the Council he thought it would be appreciated by everyone, and Mr. Postolos stated that they would be happy to do that. Council Members Goldberg and Edwards absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 43, 71, 75, 75a, 75b, 75c, 75d, 23, 28, 29 and 51 out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis out of the city on city business. MOTION 2003-0284 ADOPTED.

43. ORDINANCE approving and authorizing the following contracts between the City of Houston and **WEST HARRIS COUNTY REGIONAL WATER AUTHORITY**: (1) the Water Supply Contract, and (2) the Pumpage Fee and Pump Station Capacity Contract – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. ORDINANCE 2003-0242 ADOPTED.

Council Member Robinson stated that he wanted to thank everyone on Council, that it was a multi million dollar deal that they just passed and was another example of regional cooperation so he wanted to thank all of the folks on the City side and all of the folks present from the West

Authority for working with them to get the deal done and it meant that they had now taken care of everybody in the region in terms of the water supply and worked with them cooperatively on subsidence and everybody, he thought, was the better for it.

71. **NOTE:** This Item must be adopted prior to adoption of Item 75d  
ORDINANCE approving an Interim Borrowing of cash by the City General Fund from other City Funds; making findings and provisions related thereto Contract – was presented. Council Members Tatro, Wiseman and Berry voting no, balance voting aye. Council Member Ellis out of the city on city business. ORDINANCE 2003-0243 ADOPTED.
75. MOTION by Council Member Robinson/Seconded by Council Member Tatro that prior to further consideration of proposed ordinance making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003, the ordinance be amended to transfer \$15,000,000.00 from the Disaster Relief Fund to the Rainy Day Fund – (**TAGGED BY COUNCIL MEMBERS TATRO and PARKER**) – was presented.

Council Member Robinson stated that he had passed out a written amendment and what he would like to do and understood from the City Attorney, that the appropriate procedure was to table his amendments, that he had three of them and wanted to table all three of them and the thrust of the amendment was simply that he was trying to get them to a point where they would build up the Rainy Day Fund by taking the \$16 million out of ALP and moving it over to the Rainy Day Fund.

Council Member Berry asked why was he tabling the amendments, and Council Member Robinson stated that the thrust of what he was trying to get to was move additional funds over to the Rainy Day Account and after a couple of discussions with Coastal and the City Controller the easier way to do it was to just move the \$16 million from ALP over to the Rainy Day Fund and it would bump the Rainy Day Fund up to \$21 million.

Council Member Robinson moved to table Item No. 75, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis out of the city on city business. MOTION 2003-0285 ADOPTED.

- 75a. MOTION by Council Member Robinson/Seconded by Council Member Galloway that prior to further consideration of proposed ordinance making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003, the ordinance be amended to transfer \$16,000,000.00 from the Any Lawful Purpose Fund to the General Fund – (**TAGGED BY COUNCIL MEMBER GALLOWAY**) – was presented.

Council Member Robinson moved to table Item No. 75a, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis out of the city on city business. MOTION 2003-0286 ADOPTED.

- 75b. WRITTEN Motion presented by Council Member Robinson to amend the proposed ordinance making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003:  
“Amend Item 16 to:  
Transfer \$5.5 million from the ALP fund with \$5 million to be immediately deposited in the Rainy Day Fund and the remaining \$500,000 to be used to eliminate delaying the start of the April HPD Cadet class; and

Use all excess cash in the Disaster Recovery Fund not needed to help balance the FY’03 budget or payoff an outstanding bill to help purchase the “Midtown Superblock” for use as a

city park and underground parking garage to be a source of future dedicated funding for the Parks Department.” **(TAGGED BY COUNCIL MEMBERS PARKER and TATRO)** – was presented.

Council Member Robinson moved to table Item No. 75b, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis out of the city on city business. MOTION 2003-0287 ADOPTED.

75c. ORDINANCE making an appropriation and authorizing a transfer in support of the annual General Fund budget of the City for Fiscal Year 2003; making other findings and provisions related to the subject – was presented.

Council Member Robinson moved to amend Item No. 75c and offered the following motion: “Amend item 75c to transfer \$16 million from the ALP Fund to the city’s Rainy Day Fund to increase the Fund’s balance to \$21 million.”

Mayor Brown called on Mr. Haines to address what was being proposed by Council Member Robinson in his written amendment, and Mr. Haines stated that he would ask Ms. Susan Taylor, Assistant City Attorney, to speak to the amendment.

Ms. Taylor stated that as she understood the amendment that Council Member Robinson had put on the table, which was to amend Item No. 75c to transfer \$16 million from the ALP to the Rainy Day Fund and asked Council Member Robinson if that was the amendment that they were looking at and Council Member Robinson stated yes and asked if he was amending the right ordinance, and Ms. Taylor stated that he might be, but in Item No. 71 the Council just authorized the borrowing of \$15 million worth of cash from the ALP and so that money was no longer available for Council Member Robinson to appropriate and transfer to the Rainy Day Fund, there was a total, as she understood it, of approximately \$19 million in the ALP Fund and they had now allocated \$15 million of that for the borrowing and Council Member Robinson stated that he just wanted to make sure he was clear, that the money was going to be repaid since it was a borrow only if necessary, so why would it be inappropriate to say once the money came back to the account it would automatically go back to the Rainy Day Fund, that was the thrust of his amendment, and Ms. Taylor stated that if his amendment was to have something that springs into place at the point that the funds were reimbursed back to the ALP if they would then be appropriated and then transferred to the Rainy Day Fund, was that the amendment, and Council Member Robinson stated that he wanted to be clear, that Item No. 71 authorized the use of the money if necessary, and Ms. Taylor stated right, and Council Member Robinson asked if he needed to restate technically what he wanted done and asked if she would just tell them how to say, that was the thrust of what he was trying to get done, and Ms. Taylor stated that the ordinance that they passed in Item No. 71 provided that the reimbursement would take effect by July 15, 2003 and so what she understood Council Member Robinson’s proposal would be, was that upon the reimbursement of those funds the Council was appropriating those reimbursed funds and authorizing their transfer to the Rainy Day Fund at that point and time and Council Member Robinson asked if Ms. Taylor was saying that he needed to go back and amend Item No. 71 if the money was borrowed it be paid to the Rainy Day Fund as opposed to the ALP and Ms. Taylor stated no, that there was no need to change Item No. 71, it would simply put the money back into the ALP where it would again then be available for appropriation and what he was now saying was that he wanted to do an appropriation that would have a future effective date and a transfer that would have a future effective date so that it would be transferred to the Rainy Day Fund as of July 15, 2003, that was what she understood he wanted to do, and Council Member Robinson stated yes, if that was what he needed to do and stated that he adopted by reference the statement made by the Senior City Attorney.

Mayor Brown stated that they had gotten that covered so that they understood where they were and asked Mr. Haines to talk about the substance of Council Member Robinson’s amendment and what that meant overall.

Mr. Haines stated that he was looking at the bullets that were below the amendment and distributed a schedule to the Council Members that essentially addressed the question of the consequence or impact of the amendment and explained through the schedule as it related to the impact of the amendment. (Note: a copy of the schedule is on file the Office of the City Secretary for review.)

After a lengthy discussion by Members of Council, Mayor Brown stated that after Ms. Taylor's presentation Council Member Robinson added to his written amendment to say something to the effect "after payback from the interim borrowing, which was by July 15, 2003" and asked for a second and Council Member Parker seconded the motion, and stated that what was before them was Council Member Robinson's amendment and asked Mr. Haines based upon the analysis of his fiscal people and the fiscal advisors, very simply, could he recommend the passage of Council Member Robinson's amendment, and Mr. Haines stated that he could not at this time recommend approval because there was not an alternative that had been considered relative to how to dispose of a currently 5% program for the maintenance of their drainage system.

Council Member Tatro asked for a point of order and stated that they knew that Council Member Robinson's amendment was on the table and they had statements from Mr. Haines that it was an amendment, and the other part of Item 75c, which was now on the table, could it be reiterated, and Mr. Hall stated that he would ask Ms. Taylor to tell them technically where they were.

Ms. Taylor stated that Item No. 75c, as it was posted prior to Council Member Robinson's amendment being offered, was an appropriation of \$15 million from the Disaster Recovery Fund to be transferred to the General Fund, that when they divided the question that was the piece that was divided to be treated separately, and Mr. Hall stated that the amendment was to that, that they had just Council Member Robinson's amendment on the table right now.

A roll call vote was called for Council Member Robinson motion to amend Item No. 75c.

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 voting no	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis out of the city on city business.	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2003-0288 FAILED

Council Member Robinson asked if Item No. 75c was voted down was the \$15 million gong to be transferred to the Rainy Day Fund consistent with the budget amendment that was passed by Council, and Mr. Hall stated that it would be part of the Disaster Recovery Fund balance and all of that currently would be scheduled to go into the Rainy Day Fund.

A roll call vote was called on Item No. 75c.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye



Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Ellis out of the city  
on city business.  
Council Member Keller voting aye

Council Member Sekula-Gibbs voting aye  
Council Member Berry voting no  
Council Member Robinson voting no  
ORDINANCE 2003-0244 ADOPTED

75d. **NOTE:** Item 71 must be adopted prior to adoption of Item 75d

ORDINANCE making appropriations, including the General Appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2003; making other findings and provisions related to the subject – was presented.

Council Member Tatro stated that he believed they would be back in four weeks with the administration restating its expenses, because he believed there was no way they were going to hit the expenses, that how they could legitimately say that these were the true expenses of the City of Houston through June just bewildered him because it was almost irrefutable that the expenses would go up, that he would recommend the Council not approve the certification because it was again a stamp of approval on the administration's projections of expenses and knowing the time frame of the certification needs it did not need to be done at this time, that he would not be approving the certification. Council Members Vasquez and Robinson absent.

Council Member Quan asked Council Member Tatro for clarification, if they did not certify at this time when would they certify, and Council Member Tatro stated that they could certify anytime obviously before the end of the year, they were in March so they literally had three full months to go, and Council Member Quan stated that certainly they were always trying to predict the future but this was the budget that they had approved last June and now they were trying to certify at this point, which was March, and thought it was appropriate that they do the best they could to certify at this point with the numbers they had as opposed to just keeping it as an open question every week. Council Member Robinson absent.

Council Member Keller stated that the votes they had today were definitely making the best of a bad situation, that they asked for a couple of weeks to come up with some alternatives and he did not come up with any brilliant ways to accomplish the problems they had a few weeks ago and he saw Council Member Robinson make an effort but a lot of them that fought to separate it and address it and all that still had not come up with an alternative and it was because there was not a good option, every option they would see was going to stink, they were making the best of a bad situation and they did not have that choice, that he thought it was a big wakeup call to all of them to roll their sleeves up more than ever for the budget session to manage their way out of it and cut expenses, that they should make the best of a bad situation and move forward.

A vote was called on Item No. 75d. Council Member Tatro voting no, balance voting aye. Council Member Ellis out of the city on city business. ORDINANCE 2003-0245 ADOPTED.

Mayor Brown stated that he had met with every Member of Council, except Council Member Tatro, and everyone put together their best ideas on how to address the issue and they took all that into consideration.

23. ORDINANCE adopting and readopting Guidelines and Criteria required by Chapter 312, Texas Tax Code, for Tax Abatements; **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented, and tagged by Council Member Tatro.
28. ORDINANCE approving and authorizing first amendment to lease agreement between **ARTS COUNCIL OF THE HOUSTON / HARRIS COUNTY REGION**, as tenant, and the City of Houston, Texas for space in the Houston Center for the Arts - **DISTRICT D-**

**EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. ORDINANCE 2003-0246 ADOPTED.

29. ORDINANCE approving and authorizing lease agreement between the City of Houston and **HOUSTON AERONAUTICAL HERITAGE SOCIETY, INC**, a Texas 501(c)(3) Non-profit Corporation, for the former Houston Municipal Airport Terminal Building at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. ORDINANCE 2003-0247 ADOPTED.
51. ORDINANCE amending City of Houston Ordinance No. 2001-592 relating to Employment Conditions, Compensation and Benefits of Classified Police Officers of the City of Houston; ratifying an amendment to the agreement between the City of Houston and the Houston Police Officers' Union, Reorganizing certain classifications, ranks, and pay grades within the Houston Police Department, and containing other provisions relating to the foregoing subject; suspending the operation of certain ordinances, providing for severability – was presented.

Council Member Vasquez stated that a little over a month ago he requested some information from Chief Bradford and actually received it this morning and was very disappointed to receive it so late and that it took so long to actually receive the information and the actual response itself he would categorize it as inadequate for the information that he requested, that he was still going to vote for it and not tag the item, that he was disappointed in the Chief, that he was very slow in getting information, whether it was his office or other Council Members and he would like the Chief to be more responsive, especially in the difficult budget time when they were requesting information as it related to his department, that he did think it was important to have market pay for their officers and was going to support the item and thought it was appropriate, that he wanted to thank the officers and the Mayor for negotiating a decrease and for some accommodation and thought it was the right thing to do, that it was hard to support it without also noting that the firefighters did not have a contract and thought they needed to redouble their efforts to see whatever it took to get them to the table, to get the administration to the table and to come up with something that was palpable for the firefighters and that Council could support.

Council Member Tatro stated that the contract they were now under achieved what was ultimately the goal of HPD and it achieved their position in the market in the State of Texas against other jurisdictions and that was what they adopted, the first one and the second one and that was what he supported, that the renegotiation escalated the out years and he applauded the police officers union in taking the hit that they took in delaying the contract, but his concern was that in the out years they were adding to the increase that they had already agreed to, it was not so much a market issue, because under the current contract they were going to get CPI adjustments each year and that was what he supported, but he did have an issue with taking, under the current budget, a short term gain, a short term benefit in the next budget year and putting additional burdens on subsequent years, that he would be a no vote on the contract. Council Member Parker absent.

Council Member Berry stated that he thought at the end of the day it was commendable that 90% of the police officers stepped up and did it, that he thought it was a deal that was going to put off until tomorrow some financial decisions that they should have been ready to make today, all they had was what was before them, that he was going to support it and did think that they should have found other ways to find the \$13 million and thought that they should have made tougher cuts, fortunately the police officers stepped up and took it, but did want to make clear that it was a sacrifice for the officers and was not necessarily an easy thing to do.

Council Member Quan stated that he felt it was a sacrifice that the police officers had made and it would take two years before the police officers would recognize what they had given up and they in exchange were willing to make up for that difference in the out years and it was

not an extraordinary amount that they were being asked to contribute to make up for that difference, so he thought it was a deal that worked well for both sides and truly appreciated the efforts of the Houston Police Officers to help in times that were very difficult for all municipalities across the Country, that he would certainly be supporting the item. Council Members Goldberg and Vasquez absent.

Council Member Alvarado stated that she wanted to commend HPLU and the administration for reaching the agreement, but specially the union for stepping up to the plate and thought that it spoke to the leadership that they had in the union, not only were they interested in looking after the police officers and their interests but were looking at the City as a whole, that she was especially pleased to see the provision to begin the civilianization process at the crime lab which would allow a Chief Criminalist position to be civilianized immediately and thought that was something that would be a great benefit to the lab and hoped that all of her colleagues would support the effort, that she hoped that they could learn from this and hopefully move with the Fire Department and the Firefighters Union and urge them to come back to the table and work something out. Council Members Goldberg and Vasquez absent.

Council Member Robinson stated that he echoed everybody's comments and thank you to everybody, but they had to make some tough decisions, that he thought they failed to start the process when they dealt with Item No. 75 and if they were going to really be about the business then they needed to go on and not just say they hoped the firefighters come back to the table but they needed to say here is the package and they needed to say to the civilian employee workforce either they were going to do layoffs and some salary adjustments or they were not going to do anything, and that had repercussions, that either they were going to change the total DNA of City government or were going to put off until FY05 more tough decisions and that was going to have consequences for the people who were not at the Council table and would rather try to make as many of those tough decisions as he could now rather than later, so he was going to vote for the item, but it was not going to help them on tough decisions. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate the Houston Police Officers Union and thank them as well for working with the administration in delaying their pay raise, that it did give them \$13 million more to work with in this fiscal year and they appreciated that and thought that the tradeoff with the 3% cost of living raise down the road was very valid and would be well served and would continue to stabilize their relationships with the Police Department; that regarding the crime lab, she thought it was important to note that the answer was not in yet, that she did not think that anybody knew that just civilianizing the crime lab was the solution. Council Members Tatro, Goldberg and Robinson absent.

Council Member Keller stated that he wanted to send a clear message to the police officers that what they had done for the City had value and that value was defined, and they did not have to do it, that he hoped that the citizens would also notice it because it would help them keep services and help them move down the road to start fixing the problem instead of arguing about the problem and hoped that the citizens would say "thank you" to the officers in blue and in this event they have proven themselves to be true patriots to the City. Council Members Goldberg and Robinson absent.

Council Member Edwards stated that she wanted to give kudos to the leadership of the police union and knew they took some serious hits from this to make it happen and it seemed to indicate that the police were part of the team and were not separate and apart and distinct from the other workers and what they were doing, she thought, really showed a camaraderie with their fellow workers at the City of Houston and would like to say "thank you" and appreciated their stepping forward and being a part of the team. Council Members Goldberg and Robinson absent.

Council Member Galloway stated that she wanted to thank the police officers union for

working out the financial situation that they were in today and wanted them to know that they thought highly of them. Council Member Goldberg absent.

Council Member Wiseman stated that it appeared for various reasons and with perhaps with some reluctance they seemed to have a consensus that they supported it, that yes they had a tremendously hard working force and they had stepped up to help the City, but with everything that had transpired in the last few months and today, basically the way she saw it was that they had taken every crumb out of the cookie jar, pulled out every stash from under the mattress and now they had gone to Aunt Martha for allowance, that was what she saw their situation as being, that she supported it because it was something that they had to do and she supported the force and wanted to thank them for doing what they had done, but she did not want to see them move forward by taking a further step and pull a gun out and start holding a gun to people's heads, so they were going to have to be tough and that included being tough about the drainage fee and wanted to make sure they made the right decisions and not start taking the taxpayers hostage. Council Member Goldberg absent.

A vote was called on Item No. 51. Council Member Tatro voting no, balance voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Goldberg absent. ORDINANCE 2003-0248 ADOPTED.

Mayor Brown stated that he also wanted to express his thanks to the police officers union, they did not approach the administration, the administration approached them recognizing that the City, similar to the National government about every State in America and every large city, was now experiencing some fiscal challenges and Houston was no exception, that as they looked at Fiscal Year 2004 it would be even more difficult so they asked them to come back to the table and see if they could assist the City in dealing with the budget problems the City had, they did not have to, they had a contract and the City would have honored the contract, but they care about the City and came back and made the concessions, that 90% of their voters approved it and he wanted to publicly thank Hans and his leadership in getting that done. Council Members Goldberg and Berry absent.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 5, 39, 40, 41 and 42, seconded by Council Member Parker. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Goldberg and Berry absent. MOTION 2003-0289 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,298,809.83 and acceptance of work on contract with **INFRASTRUCTURE SERVICES, INC** for Repair and Replacement of Concrete Pavement, Sidewalks, Driveways and Wheelchair Ramps and Mudjacking of Pavement, GFS N-0655-01-3 (355-98) - 04.85% under the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Vasquez. Council Member Berry absent.
39. ORDINANCE appropriating \$14,846,347.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **MAXIMUS, INC** for an Integrated Case Management System for the Municipal Courts – was presented.

Council Member Alvarado moved to suspend the rules to hear from Ms. Barbara Sudhoff, Municipal Courts, at this time, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Berry absent. MOTION 2003-0290 ADOPTED.

Council Member Alvarado stated that she knew it was a very worthwhile project and

believed in it and wanted to vote for it but was just a little uncomfortable with some things and was not quite sure that the City or whoever negotiated, negotiated the best deal for them and would like to ask Ms. Sudhoff a couple of questions.

Upon questions by Council Member Alvarado, Ms. Sudhoff stated that the Maximus contract was based on deliverables and the payments were tied to those deliverables, the one time cost for Maximus was \$8,558,228 and could certainly provide them a copy of the deliverables and the payment schedule; that as to the pre final acceptance there was testing from the time that they went live to final acceptance, they also had Maximus staff on board, they had DBA and onsite technical support, that she did not have the specifics of the \$349,000 but would be more than glad to provide that to her, the payments for both Maximus and Deloitte were tied to deliverables, there were deliverables in the Maximus contract and a payment schedule associated that had the breakdown, that they also had deliverables for the project manager and although that was a balanced billing they would be glad to provide that to her; that as to the support Ms. Barbara Nash was present from Maximus to address that issue, that the maintenance and support figures addressed not only maintenance but also on site technical support and included software upgrades and DBA support, help desk support, two to three staff on site support each year. Council Members Wiseman and Berry absent.

Council Member Quan moved to suspend the rules to hear from Ms. Barbara Nash, Chief Operating Officer for the Justice Solution Division of Maximus Inc., at this time, seconded by Council Member Parker. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Wiseman and Berry absent. MOTION 2003-0291 ADOPTED.

Council Member Vasquez stated that he was going to tag the item. Council Members Wiseman and Berry absent.

Upon questions by Council Member Alvarado, Ms. Nash stated that the services were the same through the five years and the reason the price went up was just like an escalation of cost over time, that the services were the same but there was a price adjustment, that she thought it was about 10%, that it was primarily labor, some software maintenance agreement, and Council Member Alvarado stated that she wanted to call that to her colleagues attention, that it would seem to her that support would be less in the out years than in the beginning and would like to visit with them, that she intended to tag the item as well and stated that she did not see anything about warranty in it and asked where in the contract, was it separate from the support and how much was the warranty and was there a warranty for hardware and software and Ms. Nash stated that the warranties were included and some extensive warranties both for hardware and software, and Ms. Sudhoff stated that warranty was included and was not a separate line item, that they could describe for her in an attachment the warranty of both the hardware and software, that it was in the body of the contract and was already included in the negotiated cost, that it was not a separate line item, and Council Member Alvarado stated that it talked about change orders, that in the agreement the amount for change orders would never exceed 25% of the original contract amount and asked what was the original contract amount, and Ms. Sudhoff requested that Ms. Lisa Hargrove, from the Legal Department, take that question, and Ms. Hargrove stated that the original contract amount was for \$14 million, and Ms. Sudhoff stated that when they looked at change orders they could not look at change orders independent of deliverables because if the vendor did not comply there was retainage and a penalty, so they had set up in the Maximus contract deliverables that must be met before each payment was made, that as to who was going to manage the 25%, the funding was what would manage the cost, that as they come to an issue where they do not deliver then they would have retainage and that would provide them additional funding, but they were planning, part of their long term strategy was to provide ongoing status reports to both the TTI Committee and to the Fiscal Affairs as to the implementation, that it was a two year implementation project, that it was not just done by Municipal Courts, it would be a coordination between F&A, Legal, Judicial, Prosecutors Office and Administration, that there was another component and that was project management also with City IT, so they had various City departments that would be managing the contract, that

they were requesting Council to appropriate \$9.5 million at this time and they would come to Council for the remainder, and Ms. Nash stated that there was approximately \$2 million as a one time process for hardware, that was for database servers, network servers and scanners, and Council Member Alvarado stated that she wanted to tag the item and wanted to meet with them.

After further discussion and questions by Council Members, Ms. Sudhoff stated that \$1.4 million was a conservative estimate of growth per year, that the rest of it was going to come out of the efficiencies that they planned to implement, that the business case that was developed by F&A, they did an excellent job, but it was conservative in nature, for example the business case identified that in year 10 they would realize 45 FTE's cut for a savings efficiencies of about \$998,000, that was not going to occur in year 10, they were going to cut 30 point, with the Mayor's approval, their reduction in force plan that they had submitted to Mr. Haines and the Mayor, they would cut back that starting Fiscal Year 2004 so that the efficiencies were not going to be seen as the schedule forecast, but rather that the schedule was conservative, they would see those efficiencies much earlier in the project.

After further discussion Council Member Vasquez stated that the item had been tagged by many Council Members and asked that they move the agenda and Mayor Brown stated that the item had been tagged by several Members of Council and unless someone had a pressing need to talk they would move ahead on the agenda.

Item 39 was tagged by Council Members Vasquez, Alvarado, Tatro, Wiseman, Keller and Goldberg.

40. ORDINANCE appropriating \$2,926,800.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **DELOITTE & TOUCHE, LLP** for performing as the Integrated Case Management System Project Manager for Municipal Courts – was presented, and tagged by Council Members Alvarado, Wiseman, Galloway, Tatro and Vasquez. Council Member Quan absent.
41. ORDINANCE appropriating \$262,920.00 out of Municipal Court Technology Fee Fund No. 261 and approving and authorizing Compromise and Settlement agreement between **DELOITTE & TOUCHE, LLP** and the City of Houston, to settle a claim arising out of activities financed by the Fund – was presented, and tagged by Council Members Vasquez, Wiseman, Alvarado and Tatro. Council Member Quan absent.
42. ORDINANCE appropriating \$363,000.00 out of Municipal Court Technology Fee Fund for Various Projects for Municipal Courts Department – was presented, and tagged by Council Members Wiseman, Tatro, Vasquez and Alvarado. Council Member Quan absent.

### **CONSENT AGENDA NUMBERS 1 through 70**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **CENTRAL CITY INDUSTRIAL PARK** for Law Enforcement Services of 1 Lieutenant and seven (7) Deputies from Harris County Constable Precinct 6 - **DISTRICT I- ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent. MOTION 2003-0292 ADOPTED.
2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **LEAWOOD CIVIC IMPROVEMENT ASSOCIATION** for Law Enforcement Services of 1 Deputy from Harris County Constable Precinct 5 -

**DISTRICT C - GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Member Keller absent. MOTION 2003-0293 ADOPTED.

**ACCEPT WORK** - NUMBERS 6 through 12

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,510,914.78 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, CO.** for Generic Overlay Program, GFS N-1037-32-3 (OL2032) 02.65% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0294 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$748,827.16 and acceptance of work on contract with **ENVIRONMENTAL ENGINEERS AND CONSTRUCTORS, INC** for Windswept Lift Station Replacement, GFS R-0267-67-3 (4276-27) - 03.94% over the original contract amount **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0295 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,183,592.66 and acceptance of work on contract with **RWL CONSTRUCTION COMPANY, INC** for Construction of 84-inch Water Main along West 24th Street between Ella Blvd. and N. Durham Dr., Contract 6D-2, GFS S-0900-67-3 (WA10640) 02.26% under the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0296 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,175,605.05 and acceptance of work on contract with **E. P. BRADY, INC** for Construction of 30-inch Water Main along Oak Tree, Neuens and Campbell from Westveiw to Hammerly, Contract 57, GFS S-0900-74-3 (WA10647) - 10.75% under the original contract amount - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0297 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$911,211.36 and acceptance of work on contract with **JALCO, INC** for Construction of District-10 Water Well Collection Line, GFS S-0936-05-3 (10568) - 03.75% under the original contract amount - **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0298 ADOPTED.

**PROPERTY** - NUMBERS 14 and 14A

14. ORDINANCE appropriating \$101,669.00 out of Street and Bridge Consolidated Construction Fund Number 437 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of

Houston v. Beverly Edelman, et al, to acquire Parcel Number L98-13, for **ALMEDA-GENOA ROAD PAVING PROJECT (Almeda Road - State Highway 288)**; GFS/CIP N-0493-00-1 - **DISTRICT D- EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. ORDINANCE 2003-0249 ADOPTED.

- 14a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court in connection with eminent domain proceedings styled City of Houston v. Beverly Edelman, et al, Cause Number 731,631, for acquisition of Parcel L98-13; for **ALMEDA-GENOA ROAD PAVING PROJECT (Almeda Road - State Highway 288)**; GFS/CIP N-0493-00-1 - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0299 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 through 19

15. **TEXAS ACCESS CONTROLS** for Door Operators, Automatic, Part II, for the Houston Airport System - \$62,500.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0300 ADOPTED.
16. **KIDDE FIRE FIGHTING** for Fire Fighting Foam Chemicals, Polar Solvent/Aqueous Film Forming Foam, Part II, for Fire Department - \$145,012.50 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0301 ADOPTED.
17. **AMEND MOTION #2000-270, 2/23/00, TO EXTEND** expiration date from May 1, 2003 to April 30, 2004, for CUES, Closed Circuit TV Equipment Repair Parts and Service for Department of Public Works & Engineering, awarded to **KINLOCH EQUIPMENT & SUPPLY, INC** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0302 ADOPTED.
18. **AMEND MOTION #2000-588, 5/3/00, TO EXTEND** expiration date from May 3, 2003 to May 2, 2004, for Takeuchi Excavator Replacement Parts Contract for Department of Public Works & Engineering, awarded to **CARRUTH-DOGGETT INDUSTRIES, INC** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0303 ADOPTED.
19. **REMSTAR INTERNATIONAL, INC d/b/a MEGASTAR SYSTEMS** for One Automated Storage/Retrieval Filing System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$108,619.34 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Robinson absent. MOTION 2003-0304 ADOPTED.

**ORDINANCES** - NUMBERS 23 through 70



24. ORDINANCE approving and authorizing the sale to **CENTERPOINT ENERGY HOUSTON** of a 30-foot-wide easement, out of the City's 1.7028-acre, former Southwest Water Well Site Number 7, located at 8002 Westpark Drive, Lot 1, Block 2, Westpark Center Addition, Section 2; Parcel Number SY3-004; subject to the terms and conditions of the easement - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0250 ADOPTED.
25. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a consent to encroach issuing to Marine Lumber Company, Ltd. the right to encroach approximately 1408 square feet into the Daugherty Street right-of-way abutting Lots 1 and 16, of Block 71, Port of Houston Addition, Houston, Harris County, Texas, subject to the terms and conditions of the consent - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0251 ADOPTED.
35. ORDINANCE changing the name of Briarwillow Drive to Harvest Time Lane between Imperial Valley Drive and Wayforest Drive - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0252 ADOPTED.
37. Omitted
38. ORDINANCE approving and authorizing contract between the City and **RICE UNIVERSITY** for Demographic, Economic and Geographic Analysis of Issues in Redistricting, Strategic Partnership Agreements, Pending Legislation, Elections and Litigation - \$40,000.00 - General Fund had been pulled from the Agenda by the Administration, and was not considered. Council Members Keller, Vasquez and Berry absent.
52. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0253 ADOPTED.
- 52a. ORDINANCE annexing to the City of Houston, Texas 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston within the boundaries of Harris County Municipal Utility District No. 63; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0254 ADOPTED.
53. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0255 ADOPTED.
- 53a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Mission Bend Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0256 ADOPTED.

54. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CNP UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0257 ADOPTED.
- 54a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CNP UTILITY DISTRICT** and certain territory located in the vicinity of CNP Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within CNP Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0258 ADOPTED.
55. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0259 ADOPTED.
- 55a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 86 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0260 ADOPTED.
56. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0261 ADOPTED.
- 56a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** and certain territory

located in the vicinity of Charterwood Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Charterwood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0262 ADOPTED.

57. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0263 ADOPTED.
- 57a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** and certain territory located in the vicinity of Harris County Municipal Utility District No. 120, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 120 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0264 ADOPTED.
58. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 249** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0265 ADOPTED.
- 58a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 249 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0266 ADOPTED.
59. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0267 ADOPTED.
- 59a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area

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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 61 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0268 ADOPTED.

60. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0269 ADOPTED.
- 60a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MALCOMSON ROAD UTILITY DISTRICT** and certain territory located in the vicinity of Malcomson Road Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Malcomson Road Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0270 ADOPTED.
61. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0271 ADOPTED.
- 61a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MEMORIAL HILLS UTILITY DISTRICT** and certain territory located in the vicinity of Memorial Hills Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Memorial Hills Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0272 ADOPTED.
62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0273 ADOPTED.
- 62a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Mission Bend Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0274 ADOPTED.

63. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0275 ADOPTED.
- 63a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Northwest Park Municipal Utility district annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0276 ADOPTED.
64. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0277 ADOPTED.
- 64a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 110 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0278 ADOPTED.
65. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST MEMORIAL MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0279 ADOPTED.
- 65a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST MEMORIAL MUNICIPAL UTILITY DISTRICT** and certain territory

located in the vicinity of West Memorial Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within West Memorial Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0280 ADOPTED.

66. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 51** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0281 ADOPTED.
- 66a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area 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; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Fresh Water Supply District No. 51 annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0282 ADOPTED.
67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0283 ADOPTED.
- 67a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CIMARRON MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such areas; imposing the Sales and Use Tax of the City of Houston in the area within Cimarron Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0284 ADOPTED.
68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **PONDEROSA FOREST UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0285 ADOPTED.
- 68a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **PONDEROSA FOREST UTILITY DISTRICT** and certain territory located in the vicinity of Ponderosa Forest Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such

areas; imposing the Sales and use Tax of the City of Houston in the area within Ponderosa Forest Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0286 ADOPTED.

69. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0287 ADOPTED.
- 69a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such area; imposing the Sales and Use Tax of the City of Houston in such area; assigning annexed area to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0288 ADOPTED.
70. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WESTON UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0289 ADOPTED.
- 70a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WESTON UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for such area; imposing the Sales and Use Tax of the City of Houston in such area; assigning annexed area to adjacent district from which District Council Member is elected until such time as district boundaries may be changed pursuant to the Houston City Charter; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0290 ADOPTED.

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

**MISCELLANEOUS**

3. ORDINANCE appropriating \$63,633.07 out of Storm Sewer Consolidated Construction Fund as an additional appropriation to construction contract with **INTRA CONSTRUCTION CORPORATION** for Spring Lea Storm Sewer Facilities approved (by Ordinance No. 01-730) **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0291 ADOPTED.
- 3a. RECOMMENDATION by Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$94,646.25 on contract with **INTRA**

**CONSTRUCTION CORPORATION** for Spring Lea Storm Sewer Facilities, GFS M-0367-01-3 (M-0367-01) **DISTRICT A – TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Parker. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0305 ADOPTED.

### **ACCEPT WORK**

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,518,979.90 and acceptance of work on contract with **FLORIDA TRAFFIC CONTROL DEVICES** for Traffic Signal Construction - North Zone; GFS N-0650-01-3 (N-0650-01) - 04.80% under the original contract amount – was presented, moved by Council Member Alvarado, seconded by Council Member Quan, and tagged by Council Member Wiseman. Council Members Keller and Vasquez absent.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$14,335,110.15 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.**, for Improvements at 69th Street Wastewater Treatment Plant, GFS R-0509-04-3 (4242-4) - 01.47% over the original contract amount **DISTRICT I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Parker, and tagged by Council Member Alvarado. Council Members Keller and Vasquez absent.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,304,096.25 and acceptance of work on contract with **BRH GARVER, INC** for Construction of 72-inch Water Main along Clinton Drive and Federal Road, GFS S-0900-38-3 (10556) - 24.99% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Keller. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0306 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,980,025.64 and acceptance of work on contract with **CONSTRUCTION LTD.** for Construction of Utility Customer Service Division Renovation, GFS S-0955-01-3 (10456) - 03.25% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0307 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

20. **SYAGEN TECHNOLOGY, INC** for One Molecular Analyzer for Department of Public Works & Engineering - \$150,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0308 ADOPTED.
21. ORDINANCE appropriating \$74,963.13 out of Water & Sewer System Consolidated Construction Fund to approve payment for Emergency Sanitary Sewer and Water Main Repairs for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0292 ADOPTED.
- 21a. **JALCO, INC** for Emergency Sanitary Sewer and Water Main Repairs for Public Works & Engineering Department - \$74,963.13 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. Council Member Ellis out of



the city on city business. Council Members Keller and Vasquez absent. MOTION 2003-0309 ADOPTED.

22. **AMEND MOTION #2000-492, 4/5/00, TO EXTEND** expiration date from April 5, 2003 to April 4, 2004, for Tools, Automotive and Equipment Contract for Various Departments, awarded to **SNAP-ON TOOLS COMPANY** – was presented, moved by Council Member Parker, seconded by Council Member Tatro, and tagged by Council Member Quan. Council Members Keller and Vasquez absent.

## **ORDINANCES**

26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 399** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller and Vasquez absent. ORDINANCE 2003-0293 ADOPTED.
27. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY DRAINAGE DISTRICT NO. 10** - was presented and tagged by Council Member Sekula-Gibbs. Council Members Keller and Vasquez absent.
30. ORDINANCE appropriating \$7,487,569.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing contract for Professional Noise Compatibility Program and Real Property Acquisition and Relocation Consulting Services between the City of Houston and **W. D. SCHOCK CO.** for the Houston Airport System **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented.

Council Member Galloway stated that she had a problem in that they knew for sometime this was coming up and she had done a site visit of the location and there was approximately 190 properties where homeowners would have to be relocated and she saw they were building about five new homes in the same vicinity; that Council knew this about 4 years ago and she did not know about communication between Aviation and Planning but it seemed when people came to get a building permit or renovation permit they would be aware of it, to move into a house and then be told you had to move would cause problems and she did not think they were aware of this out there; and she hoped those two departments would begin working together because there were going to be more expansions. Council Members Keller and Vasquez absent.

Mayor Brown stated that he would make sure her suggestions were implemented so they would not have that problem. Council Members Keller and Vasquez absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0294 ADOPTED.

31. ORDINANCE appropriating \$3,000,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing professional environmental consulting services contract between the City of Houston and **CAMP, DRESSER & MCKEE, INC** for Houston Airport System Project No. 608, CIP A-0423 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0295 ADOPTED.
32. ORDINANCE appropriating \$600,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing amendment No. 2 to professional engineering services contract between the City of Houston and **POST, BUCKLEY,**

**SCHUH & JERNIGAN, INC**, for Runway 8L-26R at George Bush Intercontinental Airport/Houston, Project No. 522, CIP A-0304 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0296 ADOPTED.

33. ORDINANCE appropriating \$1,299,070.00 out of Houston Airport System Bonds 1998B AMT Construction Fund, CIP A-0354; approving and authorizing amendment No. 1 to the construction contract between the City of Houston and **STEWART-MATL, LTD.** for the Automated People Mover (APM) Maintenance and Storage Facility at George Bush Intercontinental Airport/Houston, Project 536B - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0297 ADOPTED.
34. ORDINANCE appropriating \$175,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B (AMT) Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for Miscellaneous Pavement Repairs and Rehabilitation at William P. Hobby Airport (Project No. 600), CIP A-0042 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0298 ADOPTED.
36. ORDINANCE closing the Central Street At-grade crossings of the Port Terminal Railroad Association's Tracks at Manchester Yard and Union Pacific Railroad Company's Track near Lawndale Avenue when the proposed Central Street Grade Separation (Overpass) is placed in service, GFS N-0676-01-2 (N-0676) - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0299 ADOPTED.
44. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, L.P.** for the Handling and Disposal of Hazardous Materials for Various Departments - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0300 ADOPTED.
45. ORDINANCE appropriating \$97,887.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Regional Computerized Traffic Signal System (RCTSS) CMAQ Project, under an engineering services contract with **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J CONSTRUCTION SERVICES, INC**, CIP N-0650-08-2 (approved by Ordinance No. 01-1005) - was presented.

Upon questions by Council Member Sekula-Gibbs, Mayor Brown stated that this was not the end amount, it was an ongoing process and as they completed the work they would be reimbursed the 80% by TXDOT. Council Members Keller, Vasquez and Berry absent.

Council Member Edwards stated that she had questions as to how this related to the 527 Spur and was tagging the item and Mayor Brown stated that someone would speak with her on the matter. Council Members Keller, Vasquez and Berry absent.

Item 45 was tagged by Council Member Edwards. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent.

46. ORDINANCE appropriating \$1,718,812.42 out of Airport System Consolidated 2001

NONAMT Construction Fund, awarding contract to **PEDKO PAVING, INC** for Lee Road Widening: Garner Bayou to FM 1960, GFS N-0709-01-3 (SB9005-1); providing funding for engineering, testing, contingencies relating to construction of facilities financed by the Airport System Consolidated 2001 NONAMT Construction Fund - **DISTRICT B - GALLOWAY** - was presented.

Council Member Galloway stated that she wanted to make note that the next bidder was \$1,000,000 higher and she wanted to be on record that she did some checking on this particular company and some projects were completed over and some under cost, but for only two bidders to bid and have a \$1,000,000 difference she wondered where the medium was between the two and hoped this was not going to be an underbid. Council Members Keller, Vasquez and Berry absent.

Mayor Brown stated that when that happened there was a procedure and it was checked into and this was in the range of what the city's engineers thought to be an appropriate amount to accomplish the job. Council Members Keller, Vasquez and Berry absent.

A vote was called on Item No. 46. - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0301 ADOPTED.

47. ORDINANCE appropriating \$1,490,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Marylyn Estates and Sharpstown Area Water Line Replacement, GFS S-0035-60-3 (WA10591); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and F - ELLIS** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0302 ADOPTED.
48. ORDINANCE appropriating \$1,620,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Gulf Meadows Subdivision, GFS S-0035-81-3 (WA10667); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Quan. Council Members Keller, Vasquez and Berry absent.
49. ORDINANCE appropriating \$106,300.00 out of Fire Consolidated Construction Fund for an additional appropriation for professional architectural services under contract with **LAY-SU & ASSOCIATES** (approved by Ordinance No. 2000-0265), and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund, GFS C-0089 and C-0142 - **DISTRICTS A - TATRO; C - GOLDBERG; E - WISEMAN; F - ELLIS; G - KELLER and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0303 ADOPTED.
50. ORDINANCE appropriating \$315,000.00 out of Parks Special Fund 491 (Edwin Allday Trust Account) and \$1,335,000.00 out of Park Consolidated Construction Fund 421; approving and authorizing the purchase of easements and other interests in Real Property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with the Townwood Park Expansion Project, CIP F-0206 and the Kingwood Park Project, CIP F-0504C; finding a public necessity for the two projects; replenishing existing fund F-0206-55-1 for the payment of

appraisal fees for various Parks Capital Improvements Projects - **DISTRICTS D - EDWARDS and E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0304 ADOPTED.

**MATTERS HELD** - NUMBERS 72 through 76

72. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$7,928,493.82 to Revenue Bond Debt Service as recommended in the January 2003 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - **(This was Item 1A on Agenda of March 12, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. MOTION 2003-0310 ADOPTED.
73. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,780,495.33 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Neighborhood Street Reconstruction Project No. 432A Phase I, GFS N-0364-02-3 (N-0364-02) - 05.41% over the original contract amount - **DISTRICTS C - GOLDBERG and I - ALVARADO - (This was Item 5 on Agenda of March 12, 2003, TAGGED BY COUNCIL MEMBERS KELLER and TATRO)** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. MOTION 2003-0311 ADOPTED.
74. MOTION by Council Member Parker/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-756, 6/14/00, TO INCREASE** spending authority from \$22,974,940.00 to \$26,974,940.00 for Reformulated Gasoline for Finance and Administration Department, awarded to **ADA RESOURCES, INC** for a total increase of \$4,000,000.00 - Central Service Revolving Fund - **(This was Item 12 on Agenda of March 12, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. MOTION 2003-0312 ADOPTED.

Council Member Wiseman stated that she did not want to delay the item but was wanting additional information, she knew departments had information on take-home vehicles and she would like to receive the mileage amount for each of those vehicles for each department; and Mayor Brown stated that Mr. Haines would get with her. Council Members Keller, Vasquez and Berry absent.

76. ORDINANCE appropriating \$22,500,000.00 out of City of Houston Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes Series A for a refund to Series E Commercial Paper C & E Fund used to acquire the Superblock located immediately across from the George R. Brown Convention Center - **(This was Item 17 on Agenda of March 12, 2003, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Keller, Vasquez and Berry absent. ORDINANCE 2003-0305 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Goldberg stated that he would like someone in Public Works, preferably Mr. Vanden Bosch, to get with him and discuss the construction of the Westwood Subdivision as he had not gotten very far, but he did want to praise Mr. Tim Lincoln of that department, he had been very responsive to his office letting him know of pre-construction meetings and answered their questions almost immediately. Council Members Keller, Vasquez and Berry absent.

Mayor Brown stated that Mr. Vanden Bosch would contact him. Council Members Keller, Vasquez and Berry absent.

Council Member Galloway stated that she had one concern, at the committee meeting Monday she spoke of drainage fees and had not received anything from the Administration, but it was regarding incorporating all usage in the city that would be used in flooding and all that in the entire Houston area instead of basing cost just on persons with water bills and none of the private utility and private water districts were included in this because she felt as though if they were to include all residents in the city then the fee could perhaps be less and if there were to be such a fee it would be a minimum fee; and she would like the point reconsidered where they did not charge persons who did not have storm drainage as her constituents said they did not want to be charged for drainage because they had no drainage; and she felt they were leaving out about 250,000 residents they included by just basing cost on those who had city water. Council Members Keller, Vasquez and Berry absent.

Mayor Brown asked that Mr. Haines address the issue and then get back to the Council Member. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated that this was his personal opinion, but the drainage fee was going to turn out to be a garbage can fiasco and the fee on the table now, whether they liked it or not, the overall \$5,000,000 was equivalent to 15.5% increase in the overall water and sewer rate and it was just a question of how they distributed it over the rate base and if they distributed it over the rate base that proposed \$18,000,000 was going to come from homeowners and \$18,000,000 was equal to a two cent property tax increase to homeowners; that if they wanted to end ALP then you either end ALP and draw the 5% transfer above the line now or shut off ALP and have to decide if they wanted a drainage fee or had no drainage program and he believed they were going to have to spend time really talking about it and he wished they would have started the process by actually shutting off the ALP today and increasing the Rainy Day Fund. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated that he was going to spend more time trying to raise the issue and he received the memo from the Legal Department and thanked the Mayor for getting him the memo but he did want to be clear the memo was a piece of crap, it was a memo from Connie Acosta and she sent him a piece of crap with her opinion about while they were skeptical of the degree of savings as a result of consolidating Police, Fire and Health Departments..., with all due respect to her he was paying Dr. Sheps to be the City's financial person and he thought it was Mr. Haines, even the City Controller, but did not know an Assistant City Attorney had thoughts on what kind of savings could come; that instead of telling him how to get the thing done he was berated about having an idea of how to save the taxpayers money and then at then end went oh by the way stupid it could be done you just have to ask the Legislature to put it on the November ballot, it would have been nice instead of being skeptical about the cost savings which was not even her job description for her to say the way it could be done was A, B, C, and he did not want a memo from anyone skeptical about his ideas and preferred a memo from someone who would try and work with him to get it done. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated he did thank Council Member Sekula-Gibbs and her chief of staff and Council Member Tatro as they had spent so much time on the SBC cost savings idea they knew there was somewhere about \$300,000 to \$400,000 in savings, at least

according to Richard Lewis SBC had up to \$1,000,000 not withstanding anything on VOIP and he hoped they would move quickly to implement the cost savings so they could be the beneficiary as they moved into the FY'04 budget. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated that he had no problem with the valet parking zones but would like to do the valet parking fees and he hoped they would move forward on it. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated that a Life Leadership and Success Conference was coming to town featuring Les Brown, it was to be held Friday, March 28th at the Radisson Hotel. Council Members Keller, Vasquez and Berry absent.

Mr. Hall stated that they did distribute a memo from Ms. Acosta to him but it did not have the sentence in it he referred to, it was struck out of the last version; that he indicated it was inappropriate and taken out, but on her behalf he would say he asked her to research the issues very quickly and it was about trying to obtain budget savings; that he did apologize that he received the wrong version. Council Members Keller, Vasquez and Berry absent.

Mayor Brown stated that he saw the original and they had agreed it was inappropriate and should not have been there. Council Member Robinson stated that in the end his argument was not with her, but if they were to solve problems they were going to have to suck it up and it was hard to do when you could not at least get the perspective as solution oriented as opposed to defending the status quo. Council Members Keller, Vasquez and Berry absent.

Council Member Robinson stated that if they were going to do referendums this November he would like that on the list and he would prefer to have someone work with him to get to a point where everything was straight and he did not mind losing at the table but he did not like coming to the table and fight to try and get it straight and cause more damage. Council Members Keller, Vasquez and Berry absent.

Council Member Goldberg stated that he disagreed with him when he said the drainage fee was akin to a two cent property tax increase because he was talking about a completely different audience, it was not property tax payers essentially but storm drainage fee users which was a different audience. Council Member Robinson stated that at the committee meeting \$18,000,000 of the \$85,000,000 would come off the \$3.75 assessed to homeowners, homeowners only would be charged \$3.75 additional and that spread across homeowners would generate \$18,000,000, to generate \$18,000,000 on property tax every penny increase generated about \$10,000,000 so it would be an equivalent to about a two cent property tax on homeowners and that was all he was saying. Council Members Keller, Vasquez and Berry absent.

Council Member Quan stated that there would be a Housing Initiatives Committee Meeting tomorrow morning at 9:00 a.m. and Council Member Edwards had her Homeland Security and Public Safety meeting at 10:00 a.m. and among topics would be Single Occupancy Housing and any input on disability would be appreciated. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Quan stated that this Saturday was the Annual Let's Make Houston Shine, a Keep Houston Beautiful Project, it was a major project of cleaning up throughout the city and there would be major door prizes for volunteers such as Astro tickets, Rocket T-shirts and Texan caps and he was looking forward to much community support. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Quan stated that he had brought a resolution to Council asking that they look at giving the U. S. Peacekeepers more time but now that they were at war it was time to stand with the troops and he wished all those risking their lives the very best. Council Members

Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Quan moved to continue in session past the noon hour to complete the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis out of the city on city business. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent. MOTION 2003-0313 ADOPTED.

Council Member Sekula-Gibbs stated that regarding the Health Department there was about a \$10,000,000 cut in budget in that department and it was highly there would be more cuts coming next fiscal year and many had discussed how to preserve services and at the same time reduce the city's fiscal input into the services and one way they were working to do that was by reopening the Riverside Clinic by placing a federally qualified health clinic into that center; that the only existing FQHC (federally qualified health clinics) they had in the city was the South Central Houston Community Health Center at the corner of Martin Luther King and Reed Road and they were very interested in placing a satellite in Riverside and that would be an automatic FQHC and fully functioning from the day they open and there was money available in the building fund to refurbish the building; that she felt it was a wonderful opportunity to partner with their existing FQHC and restore medical services in an expanded way into the Third Ward. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that the clinic in Magnolia was also seeing reduced hours and reduced numbers in staff and rather than let that continue she was encouraging the Mayor to partner with El Centro Del Cordizon which was applying to become an FQHC and support them with some CDBG money to build their clinic in the area. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Robinson stated everyone should bring something to the table and her suggestion for the Health Department was looking at the primary care/prevention the city provided which she estimated cost the city about \$15,000,000 a year and look at ways to push it into the FQHC arena, the more the city could help support the FQHC applications the tighter they became and the more likely they were to be looked on favorably at the federal level. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that on several occasions she had asked Human Resources about information regarding the city's insurance plan and thought it was important to maximize their negotiating positions, specifically requesting that their 60,000 covered patients get an opportunity to have a PPO, she thought it a simple request and many employees had verbalized and she was now stating it openly because she was having no help. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that the Neartown Little League would have their opening day ceremony this Saturday at 9:30 at Dunlavy and the parade would start at Dunlavy across from Richmond and proceed to the field. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to take a moment to speak about SARS which was Severe Acute Respiratory Syndrome and was a flue like illness coming this way from Asia; that it was not a lightweight flue and had 17 deaths but none in the U. S.; that if anyone had high fever, shortness of breath or flue like conditions they should be careful especially if they had been associated with someone who had traveled to Vietnam Hong Kong or Singapore or if they themselves had traveled here; and if they did have the symptoms they should wear a mask and not expose their family or coworkers and contact their physician. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Parker stated that at the last Public Safety Committee Meeting there was a discussion with the Chief of Police about conditions in the Crime Lab and the current status,

the committee voted to request that the Mayor ask the Justice Department to come review cases that may have been based on evidence from their Crime Lab and she understood he had done that but the audit of the DNA portion of the Crime Lab was discussed and they were getting increased information that there were problems throughout the lab and she wanted to be sure it was a comprehensive review and not just DNA testing; and Mayor Brown stated that he would make sure that was the case, he agreed no one should be convicted on evidence not accurate. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado stated that speaking of the Crime Lab they were recently told the HPD Crime Lab had lost its privileges to access the NDIS which was a national DNA database which allowed crime labs from all over the country to share DNA information and profiles electronically and she would like to know how that access was lost and what the future plans were if it was not gained again and how it affected the business the lab was supposed to be conducting. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado stated that she wanted to remind Council Members there was a Legislative Committee Meeting this Friday at 9:30 a.m. and she would urge all to attend so they would have a full update on legislation which would have an impact on this city. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado invited Council Members and constituents of District I to a civic leaders workshop, there would be representatives of Legal, HPD, Solid Waste and Planning and they would discuss deed restrictions, illegal dumping and various ordinances which would empower civic clubs to cleanup their neighborhoods and it would be held this Saturday, 8:30 a.m. at the Magnolia Multi Service Center. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado stated that she was told the hours at the Magnolia Multi Service Center were not reduced and she felt it important to state the information correctly as employees had been calling; that she asked for something in writing from the director and received it and understood there was no plan to close or reduce hours and she hoped there was not as it was one of the most widely used clinics in the city. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado stated that there would be a bike ride celebrating the 30th anniversary of KTSU this Saturday at 8:00 a.m. and you could register at the KTSU parking lot on Tierwester Street and they urged all to attend. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Council Member Alvarado stated that she wanted to assure Council Member Robinson that at the Neighborhood Protection Quality of Life Committee Meeting they did talk about implementing a fee for valet zones and the Administration was committed to looking into it and she did support it. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

Mayor Brown stated that for both Council Member Parker and Council Member Alvarado he would be sure everyone received a written report from the Police Chief updating them on the Crime Lab on the outstanding issues and how they were being addressed. Council Members Galloway, Wiseman, Keller, Vasquez and Berry absent.

There being no further business before Council, the City Council adjourned at 12:16 p.m. upon MOTION by Council Member Wiseman, seconded by Council Member Quan. Council Member Ellis out of the city on city business. Council Members Tatro, Galloway, Goldberg, Edwards, Keller, Vasquez, Berry and Robinson absent.



MINUTES READ AND APPROVED

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Anna Russell, City Secretary