

City Council Chamber, City Hall, Tuesday, April 8, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 8, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:04 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Tatro, Wiseman, Ellis, Vasquez, Alvarado, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway stated that today there was a very special lady present and invited Ms. Elmira Cornett to the podium. Council Member Galloway presented Ms. Cornett a Proclamation for her dedicated commitment and services in the community and proclaimed April 8, 2003, as "Elmira Cornett Day" in the City of Houston, Texas. Council Members Vasquez and Berry absent.

Council Member Quan stated that this year he had the honor of being honorary chair of the Gulf Coast Job Expo for 2003 which was a conglomeration of the Gulf Coast Community Colleges working together to provide job opportunities for people in the area; that it would be held at the George R. Brown Convention Center starting tomorrow from 10:00 a.m. to 3:00 p.m. and invited representatives of the colleges to the podium. Council Member Quan presented them with a Proclamation extending best wishes for a successful and rewarding event and proclaimed April 9, 2003, as "Gulf Coast Job Expo 2003 Day" in the City of Houston, Texas. Ms. Amy Griffin stated that she was co-chair for the third annual Job Expo and they hoped everyone would come out; and thanked Council Member Quan and his assistants for all their help. Council Member Berry absent.

Council Member Vasquez stated that the week of April 13 through 19, 2003, was designated as National Infant Immunization Week and locally the Health and Human Services Department would participate in educating parents and caregivers about the importance of childhood immunizations and the kickoff was this Saturday at Northline Mall and invited Brock Lamont, Robert Grenwelge, Risha Jones, Decrecia Robinson, Graham Painter and Christian Setzer to the podium and presented them a Proclamation proclaiming the week of April 13 through 19, 2003 as "National Infant Immunization Week", in the City of Houston, Texas. Mr. Lamont stated that National Infant Immunization Week was a critical week as the city's infant coverage did lag behind other cities and introduced Mr. Graham Painter, president of the HHCIR Development Group who stated that Houston was very fortunate to have an immunization registry that was collaborative with the city, county and business community and it would enable them to find where the low levels were and they could work strongly there to get numbers up; and thanked all for their support.

At 2:22 p.m. Mayor Brown called the meeting to order and Council Member Sekula-Gibbs invited Reverend Edward Stein with Christ Church Episcopal Cathedral to lead everyone in prayer and she led all in pledging allegiance to the flag.

At 2:24 p.m. the City Secretary called the roll. All present.

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

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

Council Member Goldberg moved that the rules be suspended to hear Mr. Louis Parks as the first speaker to be followed by Ms. Paula Parshall, Mr. Frank Barnett, Ms. Mary Jane Connolly-O'Fiel and Mr. John A. Branch and Ms. Christine Dolan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2003-0339 ADOPTED.

Mr. Louis Parks, 3803 Linkwood, Houston, Texas 77025 (713-220-7203) appeared, presented information and stated that he was with the Linkwood Park Advisory Council and was present to draw attention to the many construction and quality problems with the Linkwood Community Center which was located at 3699 Norris and opened last year; that the building had not been opened a year and had many faults and was deteriorating rapidly; that yesterday during a walk through the site manager, Mr. Paul Marshall, and others made a list of 22 problems in three areas, design, contractor and parks and recreation and some may endanger children using the facility; that the contractor had not received final payment and that Council do whatever necessary to correct the problems.

Council Member Goldberg stated that a few million was spent on the project, it was brand new and already in a dilapidated state and tomorrow he did intend to refer it back to the Administration as it was going to take time to fix; and thanked Mr. Parks for coming.

Mayor Brown stated that they would welcome his motion to refer the matter back to the Administration.

Ms. Paula Parshall, 11316 Glaser, Houston, Texas 77076 (713-329-9955 X212) appeared and requested that the two bus loads of people with her stand to be recognized. Ms. Parshall presented information and stated that she was president of the Northside/Northline Super Neighborhood and today joined with Independence Heights to come before Council and combat prostitution; that in February a local television station chose to blast their communities and HPD for their big sweeps week story on prostitutes and clearly pointed the finger at their community but failed to show the rest of the City of Houston; that all Council Members were invited and sent representatives to their town hall meeting on March 6 which was chaired by Council Member Vasquez and over 125 people attended along with the Assistant Chief, Lieutenants, Sergeants, Captains and other officers along with the City Attorney's Office to stop the revolving door; that they understood HPD was able to set up sting operations to catch prostitutes and johns and was roughly done on a monthly basis; that they were also able to arrest them for

hitchhiking, etc., on a daily basis to curtail acts of soliciting and yet the City Attorney's Office advised them most prostitutes were back on the streets in less than 24 hours with no penalty; that they were asking Council to adopt a city ordinance which Dallas had passed called Manifesting the Purpose of Engaging in Prostitution which she included a copy of in her presentation to Council Members as they felt the ordinance clearly focused on the prostitutes and their acts of soliciting and could not be misconstrued with any other ordinance or law and they were asking that the ordinance be immediately reviewed, drafted and approved by each one on Council and they were asking it to be tied into the Public Health and Safety Code for a maximum fine of \$2,000.00 instead of the Class C misdemeanor with a fine of \$500.00 and no jail time; that the ordinance would only be as good as the stiff fine which backed it and they were not wanting the judge to lower such fine and they were wanting the prostitute to appear before the same judge and prosecutor so they would be clearly aware of repeat offenders.

Upon questions by Council Member Vasquez, Ms. Parshall stated that this was a serious situation and huge issue in their community; that they needed something done and done quickly.

Council Members Galloway stated that this was a revolving door issue and legislation on penalty did need to be looked at to make it higher; that she hoped it could be moved on quickly; and thanked all for coming to Council.

Council Member Robinson stated that he was very supportive of the effort and hoped it could be moved quickly on.

Council Member Edwards stated that they had her support on the issue as well; that what they did would be felt all over the city and there was a similar problem in her area and she thanked them all.

Council Member Alvarado congratulated Council Member Vasquez for bringing this to them; that she also had an area in her district and she supported it, it would help citywide.

Mr. Frank Barnett, 507 Spell, Houston, Texas 77002 (713-691-6657) appeared and stated that he was president of the Independence Heights Super Neighborhood 13 and present supporting adoption of a new ordinance, Manifesting the Purpose of Engaging in Prostitution, he had never seen prostitution so ramped; they even had their own website, Airline and Crosstimbers Prostitutes, Anything You Want, and in a four mile radius there were 17 motels and another was to be built; and he was begging them to adopt the new ordinance.

Ms. Mary Jane Connolly-O'Fiel, 207 E. Burrell, Houston, Texas 77022 (713-699-3654) appeared and stated that she was president of the Yale Victoria Civic Club and they were apart of the Super Neighborhood 13 and present today because they wanted to see solution oriented government, something the city proposed to the community, that in 1998 they met with the Planning Department regarding the proliferation of motels in their area and the Acres Homes Area with one being built less than seven tenths of a mile from Kennedy Elementary and they did have 17 motels within a one mile area and it was doing nothing but demoralizing the area, to pick up

your children from school you had to walk past the prostitutes and a young man walking home from Booker T Washington was solicited; that the news media did an injustice to their police storefront; and she urged support for Council Member Vasquez and their ordinance.

Council Member Parker stated that she tried to revise the hotel/motel ordinance and they did all they could to stop new motels from coming in while staying on the bounds of legality; that she would be happy to hear the proposed prostitution ordinance in her committee though she thought it would be more appropriate in Council Member Edwards committee.

Council Member Quan stated that he appreciated them coming to Council and the storefront had done a lot in the area; that he was also interested in seeing if they could discourage it through the hotel operators; that the ordinance was something to be looked at and he understood the Dallas ordinance did move prostitution from there to Houston.

Council Member Sekula-Gibbs stated that it was a health issue as when a neighborhood had increased prostitution it also had an increase in iv drug use, alcoholism and HIV and Hepatitis C, it went into a negative spin and she was happy to work with them as best they could.

Council Member Edwards stated that she mentioned children were solicited; and upon questions, Mr. Bibler stated that prostitution charges regarding a minor would be handled by the District Attorney's Office and he would be glad to get with him and see how it was handled.

Mayor Brown stated that they would move expeditiously on their request and he would ask Council Member Edwards who chaired the Public Safety Committee to handle the proposed ordinance.

Mr. John A. Branch, 4430 Castor, Houston, Texas 77022 (832-215-5646) appeared and stated that he was president of the Independence Heights War on Drugs and television reports put it out that they were a community with prostitution and he was urging Council to get involved in the terror in their neighborhoods; that they were asking them to help with the pride in their neighborhood and if this was in River Oaks it would be on the Agenda next week and they wanted it on the Agenda quickly; that they were also asking Judges give maximum not minimum fines; and during the Super Bowl there would be people coming to the city but they did not want them coming to their area for prostitution.

Council Member Parker stated that the Super Bowl was coming and would bring new prostitutes and they did need to get a handle on it now; that there was a problem all over though more in their area and there was a consorted effort to address it. Council Members Quan and Berry absent.

Council Member Keller stated that when Independence Heights was better all of the city was better and he would like information from him and to make the ordinance as enforceable as possible. Council Members Quan and Berry absent.

Council Member Tatro stated that he thanked Council Member Vasquez and them for their efforts; that solving it in a much broader solution was what they needed to do and it would benefit the city in the long run. Council Members Quan and Berry absent.

Council Member Robinson thanked them all for coming and stated that it would seem maybe the state could have them audited, if someone was saying they could not keep track of their paperwork maybe that state would have an interest in that the hotel occupancy tax may not be being reported correctly. Council Members Quan and Berry absent.

Council Member Vasquez thanked Mayor Brown for hearing this and taking action in terms of sending it to Council Member Edwards Committee and whenever she called a meeting he would be happy to attend and alert civic club leaders to attend; that he thanked them for coming and for making a difference to Houston. Council Members Quan, Sekula-Gibbs and Berry absent.

Mayor Brown asked Mr. Bibler to make sure the Legal Department started working on the issue and to look at other civil remedies, if men were driving and soliciting for prostitution see if their cars could be impounded; that they were able to do that in New York and few wanted to go home and have their wife ask where the car was, so he would like that looked at as well. Council Members Vasquez, Sekula-Gibbs and Berry absent.

Ms. Christine Dolan, 5757 Woodway #250, Houston, Texas 77057 (713-974-1335) appeared and stated that she was a veteran broadcast and journalist who lived in Washington, D. C. and among other thing an expert in human trafficking, sex slavery and prostitution with adults and children; that they were having a fund raiser for their foundation in Houston on May 1st; that three years ago the International Center for Missing and Exploited Children, the grandson for the National Center of Missing and Exploited Children, commissioned her as an investigative journalist and she spoke to many victims as well as good and bad cops; that it was a very serious issue with 4,000,000 new victims trafficked annually worldwide with the youngest being infants; that there was a connection between tots, traffickers and terrorism and Bill Clinton said when he was President that after drugs and weapons human trafficking was the most successful transnational international, transcriminal enterprise in the world, but she came to the conclusion after seeing it first hand that human trafficking was the financial bedrock of all other crimes because human beings were a commodity that could be sold and resold and what they were seeing in Houston may be human trafficking and not just prostitution and prostitution was not a victimless crime and you had to go after the clients; and she implored all with this concern to shift the way they looked at it. Council Members Vasquez and Sekula-Gibbs absent.

Upon questions by Council Member Ellis, Ms. Dolan stated that they tried to get counseling for children in safe houses and support law enforcement globally; that she had law enforcement contact her saying they were under trained; that her website was [www.helpsavekids.org](http://www.helpsavekids.org). Council Member Ellis stated that maybe Ms. Dolan or a representative of her group might work with the Vice Department and have continuing education programs so they could identify if they were identify if they were individuals who had been trafficked. Ms. Dolan stated that she would be glad to go speak with the

victims and see if they were foreign; and Council Member Ellis stated that they were open to any ideas and suggestions she would have. Council Members Vasquez and Sekula-Gibbs absent.

Mayor Brown stated that Assistant Chief Stewart was present and would speak with her at this time to get information about what she and her organization was doing and how they might take advantage. Council Members Vasquez and Sekula-Gibbs absent.

Council Member Alvarado moved that the rules be suspended to hear Ms. Maria Calles out of order at this time, seconded by Council Member Wiseman. All voting aye. Nays none. Council Members Vasquez and Sekula-Gibbs absent. MOTION 2003-0340 ADOPTED.

Ms. Maria Calles, 6915 Avenue P, Houston, Texas 77011 (713-923-5726) appeared and a group of people with her stood to be recognized. Ms. Calles stated that their concern was the Magnolia Multi Cultural Center, it was in the southeast area and the only one in the area for such purposes; that the community was asking if the center was going to stay open and if so would it be providing the same services; that those with her and others walked to the clinic and they were provided necessary services at the clinic; that they were low income families and many petitions were signed asking for the services to remain. Council Members Vasquez and Sekula-Gibbs absent.

Mayor Brown thanked them for coming and stated that he knew of no plans to close the center; and upon questions, Ms. Calles stated that they heard the center was to be closed and the services provided would be of no help to them. Mayor Brown stated that during the process of putting together budgets a lot of ideas were thrown out, but he would suggest unless something was presented to Council formerly it was just rumor and there was nothing he knew of that would suggest closing that center; and Ms. Calles stated that she greatly appreciated that. Mayor Brown stated that Ms. Moreno with the Health Department was present and would meet with her to answer any questions. Council Members Vasquez, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that Ms. Calles was speaking about the clinic part of the center; that about a month ago she spoke on the issue because she received many calls and she asked for clarification to be given to the employees as she was told people going to the clinic was told hours were going to be reduced and may close; that people were very discouraged when trying to make appointments; that she had a memo from Dr. Kendrick stating the clinic was not to close but the message was not communicated to those working there and that miscommunication was what stirred everything up; that the other type of clinic she was speaking of was the federally qualified health clinic that Council Member Sekula-Gibbs was working on and was entirely different. Council Members Galloway, Keller, Sekula-Gibbs and Berry absent.

Mayor Brown stated there were no plans to change anything and if they did change they would consult with those in the community, it would not be done by surprise; and he would make sure a memo went to the employees. Council Members Galloway, Keller, Sekula-Gibbs and Berry absent.

Council Member Robinson stated that they were beginning the new budget process for next year and she should keep an eye on the process as it went forward; that his hope was any new resources would not go out the door but that basic services could be held onto; that what he learned was rumors were sometimes what coalminers called the canary in the coal mine, when rumors started dropping like canaries in a coal mine there may just be a little gas out there and they needed to keep their eyes open. Ms. Calles thanked Council Member Robinson and thanked the families who came with her; that many families were downstairs and could not come up because of ID purposes but still many signed petitions. Council Members Galloway, Keller, Sekula-Gibbs and Berry absent.

Mayor Brown stated that he would have the Director of Health to go out and speak to the staff at the clinic and put rumors to rest. Council Members Galloway, Keller, Sekula-Gibbs and Berry absent.

Council Member Quan thanked Ms. Calles and those with her for coming; that he knew they had difficulty in Magnolia for a while in staffing, but the clinic Council Member Sekula-Gibbs talked of could provide more services and he hoped the group could understand later what it would be. Mayor Brown, Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Tammy Betancourt, 5847 San Felipe #1260, Houston, Texas 77057 (713-266-5691) appeared and stated that she would forego her remarks to allow Mr. Clint Harrington to speak as he needed to leave. Mayor Brown, Council Members Galloway, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Clint Harrington, 1021 Main #1400, Houston, Texas 77002 (713-860-3000) appeared and stated that he was present as president of The Houston Building Owners and Managers Association regarding the storm drainage issue; that at the committee meeting he heard conversations with Mr. Haines and appreciated everyone's thoughts on trying to simplify the process as much as possible as they were very confused by it, but he was present to urge the Council to stop the progression of the storm water drainage ordinance and fees until such time as the issue had been fully researched and a conference and plan of action established, should the new fees be adopted what projects would be addressed and at what priority level; that they were concerned the issue was not fully explored or developed; that 4% of excess water rates, approximately \$22,000,000 per year, were currently being dedicated to the issue and what projects had the money been spent on already; that \$22,000,000 would be an addition to the new fees which would create \$85,000,000 more per year, \$107,000,000 and yet no project plan or priority plan, no understanding of where it was going and it was indefinite, there was no end to it so when would it be sunset; that representing commercial property owners he could say commercial office properties, in addition to bearing a considerable tax burden, also spent large amounts of additional fees for necessary permits, licensing and code change requirements and an important thought to keep in mind was that all of those were passed on to the tenants of the buildings and they were trying to attract other viable businesses to Houston and yet raising fees and operating expenses; and urged Council to study the fees and if they thought it necessary leave it to the voters.

Mayor Brown, Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Quan stated that he always valued BOMA's input in these matters and he believed he was right they did need to look at a sun setting provision on this plan and Camp, Dresser and McKee had an item on tomorrow's Agenda that would hopefully go into more detail on the plan, but he felt they were far from adopting anything at this time. Mayor Brown, Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he was glad the business community was starting to weigh in on the issue; that the Administration had town hall meetings with homeowners throughout the city and he thought they also needed to discuss it with developers and business property owners; that he wished he would not call it a storm drainage fee because it was actually a tax and he wished the Administration would not call it a storm drainage fee because if you owned property you were going to pay so it was an additional tax; that he felt there were unique ways to restructure the Water and Sewer Enterprise Fund and in doing so without implementing a storm drainage tax they would have significant revenues and leverage they could use and issue bonds and take care of the hot spots in Houston; and he believed Mr. Harrington made a good point from the standpoint of where would the money be spent, what was the plan of action and what steps would be taken to implement the process. Mayor Brown, Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she had raised the same concerns and in essence it was a tax because if you owned the property you paid the fee, but it operated as a fee according to the state enabling legislation and what troubled her about it being a fee was according to the legislation people and organizations were not exempt so tax exempt organizations, school districts, universities, non-profit organizations and churches would not be exempt and they too would have to pay so it was something that needed to be looked at carefully as they were talking about enormous costs. Mayor Brown, Council Members Tatro, Galloway, Alvarado, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he would not thank him yet because he wanted them participating aggressively; that his frustration was they were not engaged in this on a thoughtful basis, it was getting rammed down their throats and it would take people like him, the business community and residents to slow it down; that it was not just \$85,000,000 as once you opened the spigot you could do revenue bonds off it and once you obligated the bond money you had all kinds of issues about whether you could ever cut it off; and he did not even think there was a point for a Camp Dresser because Council had no discussion and when you read the Camp Dresser document they were paying someone \$400,000 and yet Council had not even decided on policy decisions and he had no faith in opening an \$85,000,000 spigot. Mayor Brown, Council Members Galloway, Alvarado, Parker, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.



Council Member Vasquez stated that he wondered why Mr. Harrington had not come to Council earlier as they had been working on this a year and had public meetings as well as private meetings; that his concerns were still valid and needed to be addressed, however, he would caution him to not overreact to inflammatory political rhetoric that may not be factually accurate and encouraged him to get more factual information; that in terms of numbers and types of projects it was on record and he was welcome to come to his office and see it; that in terms of facts versus fee the factual aspect was it was a fee and enacting legislation called it a fee and in terms of exemptions the Legal Department was forming a legal opinion on it and enacting legislation did allow for exemptions, however, it was on a city by city basis and they needed the Camp, Dresser and McKee study because they wanted to do it right and be fair to business owners and home owners and because the Public Works Department did not have the expertise and skill capacity to go any further and in terms of the CIP Plan they gave up street projects so they could shift the CIP to drainage programs and if they believed the CIP was the only answer they were squeezing parks, libraries and streets to take care of the drainage problem; and encouraged Mr. Harrington to stay involved but get facts of the matter. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that Council Member Vasquez mentioned the CIP was focused on storm drainage and Council Member Robinson said the CIP would change in one year, while drainage projects were removed from his district and projects came on the CIP that had nothing to do with drainage, the Cotswold Project came on and was never in the CIP but was going to be funded this year and redoing a mile of Buffalo Bayou was never on the CIP and would be funded this year so some projects were added and some removed; that business made decisions every day whether they would locate in the city or county and the fee on businesses and school districts, etc., was weighed heavily and felt it would drive many new businesses away and he hoped he would reiterate that in the future to the Council body. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he thought they went to the word fee to early when they were trying to establish a drainage utility fund and he was in strong support of a drainage utility fund and thought there should have been one in the 1970s when they were the fastest growing city for a number of years and he would like him to stay engaged on the cost benefit analysis; that the way it was structured now he did not think it was passable and there needed to be intersection as far as institutions exemption and how much commercial burden and he would like him to see if he and others could come up with another way to do this. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that Mr. Harrington was working with facts and figures being presented by the Administration and she found it interesting that when someone disagreed with Council Member Vasquez he would tend to stray toward people being political, it was facts and figures presented by the Administration and information straight from state legislation that he referred to Council Members and because they disagreed with him it did not mean they were being political. Mayor Brown, Council

Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Bill Carey, 5615 Kirby #550, Houston, Texas 77005 (713-965-2920) appeared and stated that what raised the flag for them was when they received a copy of the initial proposal by Mr. Vanden Bosch, it was like here was the target and a fee had to be created to get to that point, but the mechanics on how to get from Point A to Point B maybe they did not know and now were looking at a consultant; that they may be jumping in late but they heard about it late and they did want to be plugged in and help find something right for everyone. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that they may not be able to notify every Houstonian but on certain issues they started with a historic data base of people with an interest and it should not be that they just showed up but that they were invited to the table; that he did not have to be political, this was an issue important enough for him to lobby the Administration to create an entire committee for the first time in the history of the city and his problem was they said they had the Turner, Collie and Braden study and at the same time in the backup for the Council Agenda they were saying they were hiring a consultant to go out and evaluate the problem; and he would like expertise to help define and he looked forward to working with him and those at BOMA. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that Council Member Robinson brought up an interesting point of the interested parties being notified and him being a part of the planning and he thought that should be one of the biggest concerns and along the political timeline they were on the fourth quarter; and upon questions, Mr. Carey stated that there were 500 members in BOMA, about three to one building owners to other allied professional members, mostly on the commercial side. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Vasquez, Mr. Carey stated that they first heard about this about six weeks ago. Council Member Vasquez stated there was a meeting with about six business stakeholders and his group was invited and that was during the time the public was being invited as well through the CIP process; and Mr. Carey stated that they did like to participate and he hoped their organization had someone there. Council Member Vasquez stated that he would be happy to sit with him and give as much information as possible and would encourage him to not sit with someone who supported it but someone who opposed it as well and to sit with Mr. Vanden Bosch and he should do his homework. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that whoever was in charge of the next meeting she wanted to encourage them to be sure BOMA was invited. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Tammy Hendrix, 3712 Ascot Lane, Houston, Texas 77092 (713-686-0756) appeared and stated that she was vice president for Legislative Affairs for the Institute of Real Estate Management, an international organization with their Houston Chapter being 630 members and all their organization groups were either representative of industrial, apartment or retail establishments and their position was a little different than BOMA; that Council Member Keller said it best as the focus seemed disorganized and they would like to offer their help in going through the process; that it was a problem which needed to be addressed but they were not sure this was the right road in making it happen and invited Council to invite them to the next meeting on the issue. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Ms. Hendrix for coming and stated that they would like her participation on the matter. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that Council Member Robinson alluded to while the new tax was being addressed they did not appear to be addressing any building codes or subdivision or development codes which may go along with storm drainage in the future; and upon questions, Ms. Hendrix stated that any real estate professional would have the healthy opinion that you had to look at the whole picture and not expect you could look at something and not have it affect something else and many other groups such as NAOPS, CCIM, CIC would be able to provide valuable input which they would probably provide at no charge. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that some federal funding had been done in the Medical Center and it seemed to him as a course of action they should hold onto Camp, Dresser and McKee for a little bit and get the full picture; that Council Member Parker, he and the committee asked if they would be dealing with the development ordinance and they received a look like they just said something lewd and the overview was after they did the fee they would get to the development ordinance; and upon questions, Ms. Hendrix stated that she had not seen the scope of work with Camp, Dresser and McKee which was on the Agenda. Council Member Robinson stated that he felt if this was rushed it was going to be hurt and it would seem to him if folks like this were willing to help develop a scope comprehensive in nature they should develop a comprehensive scope and place everything on the table. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he agreed with Council Member Robinson and was for a more cautious approach also so that everyone who had a stake was provided an opportunity to share their views and if they were willing to share their views at no cost they would take them for sure. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he thought solving Houston's flooding problem would increase the assets of her members as well as every homeowner and house across the city; that he just got off the phone with someone who extended an

invitation and requested to meet with BOMA and they never followed-up so some of the fault for BOMA was their own; that the development ordinance was a very important ordinance but would take a year or so to work out and they also needed to get the updated flood plan maps accessed, technology increased and they were able to get a much more exact understanding of what the flood plain would look like, but he would be happy to sit with her and if she did not receive an invitation to the meetings let him know and he would follow-up on her behalf. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated that a few Council Members absolutely said they were in opposition to any form of drainage fee and maybe one or two who absolutely supported it, but she believed all agreed they needed to upgrade the drainage program but they had not seen a coherent plan to fund it and those neutral on a fee still had a number of questions before they were willing to embrace it and she did want to see changes on the development code and thought they needed a private sector oversight committee to set the program and projects as they moved through; that they still had a long way to go on this and she was glad she was present and hoped she stayed engaged. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Larsen, 5353 Deep Forest Dr. #601, Houston, Texas 77092 (713-688-6070) appeared and stated that he was legally blind and had METRO Lift Para Transit Service since 1989, but as of July 2002 they were trying to say he was no longer eligible; that he was also a computer club member at the Houston Area League of PC and he was being denied access to that public place and that was breaking the American Disabilities Act and he was basically looking for help. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he believed he had been speaking with Ms. Kim King and she was present earlier but left; that Mr. Cantu was present and would speak with him; that they understood there were questions of eligibility and Ms. King's Office would work to see what could be done. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Ruby Cooper, 8814 Linda Vista, Houston, Texas 77087 (713-631-4198) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Maryland Whitaker, 9014 Livings, Houston, Texas 77028 (713-635-8547) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado,

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

Mr. John Eaglin, 5619 Kenilwood, Houston, Texas 77033 (713-733-9830) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.  
(NO QUORUM PRESENT)

Mr. Terrance Lebleu, 7900 Westheimer, Houston, Texas 77063 (832-274-4643) appeared and stated that this was his second address to Council in reference to the same two issues at 7900 Westheimer; that what he learned through city employees was all that had to be done to correct the problem was for Council to advise that one of the addresses be changed; that two properties on Westheimer shared the same address and there were times when the Fire Department responded to the wrong building and yet no one was addressing the situation; that he was asking again for anyone's help. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.  
(NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he brought a good point; that 7900 Westheimer was used for two different buildings with one being apartments and the other town homes; and Mr. Lebleu stated that the town homes were individually owned and he was president of the association and for him to make a change of the address he needed 52% to 61% of the owners to agree and he could not get that, but if Council would mandate an address change it would have to happen. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, 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 as he understood it the Planning Department called the light company who gave everyone their addresses, but what happened here was an apartment complex sold half which became a condominium and he did not know those procedures but would think they could check with Planning and see what they did then. Mayor Pro Tem Quan stated that Ms. Hargrove was present with Planning and she could speak with him at this time and hopefully this would be the last time he had to come; that a recommendation could come before Council. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Annie Vaughn, 270 N. Carolina, Houston, Texas 77029 (713-674-1207) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.  
(NO QUORUM PRESENT)

Mr. Douglas Nichols, 2418 Broad, Baytown, Texas 77521 (281-426-6804) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado,

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

Mr. Paul Marshall, 7535 W. Tidwell #M100, Houston, Texas 77092 (713-690-79000) appeared and stated that he was a retired Captain with the Navy Reserves and was present as the Area II Chairman which encompassed all of southeast Texas to implore support for the Guard and Reserves; that he wanted to tell them a little about ESGR and to recommend that at some point in the future a Proclamation be presented recognizing the sacrifices being made by the Guard and Reserve people as well as getting the Mayor to sign a letter of support reflecting that the City of Houston would comply with all laws contained in a federal code called the (USERRA) Uniformed Services Employment Rights and Reemployment Rights Act; that Area II was responsible for over 130 military units and those units since the first of the year were involved in Noble Eagle, Iraqi Freedom and they had marines guarding the Taliban and al-qaeda prisoners and they mobilized parts of over 23 Reserve and National Guard Units to assist NASA in the recovery of shuttle debris in East Texas; that he was advising Council they had a resource available to them in Houston for their constituents whether they be service members or employers who appeared to have difficulty in resolving the friction that was sometimes incurred when a guard or reserve member was called to perform his or her military service, there was specific rules and guidelines to follow to ensure everyone was protected. Mayor Brown, Council Members Tatro, 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. Marshall for coming and asked that he meet with Mr. Cantu so that he could get the necessary information for the proclamation and if a sponsor was needed for the proclamation his office would be more than happy to work with him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan 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, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM 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, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, 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 would continue where she left off last week and voiced her personal opinions until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he wanted to talk about regime change and continued with his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:24 p.m. City Council recessed until 9:00 a.m., Wednesday, April 9, 2003. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, April 9, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis; Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Assistant City Attorney; and Ms. Martha Stein, Agenda Director present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 a.m. Mayor Brown reconvened the meeting of the City Council. Council Members Vasquez, Quan and Vasquez absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 32**

#### **MISCELLANEOUS** - NUMBERS 1 through 2A

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **PLUMBING CODE REVIEW BOARD**:
  - Position One- **MR. GERALD R. SPENCER**, reappointment, for a term to expire 1/2/2005
  - Position Two- **MR. GERALD L. HARRIS**, appointment, to complete an unexpired term ending 1/2/2004
  - Position Three- **MR. ORLAN E. BITNER, SR.**, reappointment, for a term to expire 1/2/2005
  - Position Four- **MR. BENJAMIN ZERMENO**, reappointment, for a term to

expire 1/2/2004

Position Five- **MR. MARK CLAYTON**, reappointment, for a term to expire  
1/2/2005

- was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez, Quan and Robinson absent. MOTION 2003-0341 ADOPTED.

2. ORDINANCE appropriating \$89,407.00 out of Fire Consolidated Construction Fund as an additional appropriation under construction contract with **STRIPING UNLIMITED CORPORATION** (approved by Ordinance No. 2002-500) to Replace Apparatus Approach Slabs and Parking Lots at Fire Stations 04, 16, 19, 30, 51 and 55, GFS C-0089-02-3 - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO** - was presented. Council Members Vasquez, Quan and Robinson absent. ORDINANCE 2003-0335 ADOPTED.
- 2a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 3 in the amount of \$94,893.00 on contract with **STRIPING UNLIMITED CORPORATION** to Replace Apparatus Approach Slabs and Parking Lots at Fire Stations 07, 26, 44, 47, 48, 49 and 59 (Group I), GFS C-0089-02-3 - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez, Quan and Robinson absent. MOTION 2003-0342 ADOPTED.

**DAMAGES** - NUMBER 3

3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **BEULAH CLAUDINE PARKS** v. City of Houston; in the 127th Judicial District Court of Harris County, Texas; Cause No. 1997-33898 - \$30,000.00 - Property and Casualty Fund - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez, Quan and Robinson absent. MOTION 2003-0343 ADOPTED.

**ACCEPT WORK** - NUMBERS 5 through 11

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$440,863.50 and acceptance of work on contract with **GREYTOK CONSTRUCTION, INC** for South Main Estates Park - Community Building, GFS F-0499-01-3 - 05.00% over the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0344 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,349,308.23 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC** for Conrad Sauer Detention Basin and Pump Station, GFS M0221-03-3 (M-0221-03) - 00.96% over the original contract amount -



**DISTRICT A - TATRO** - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0345 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$944,324.72 and acceptance of work on contract with **E. P. BRADY, INC** for Construction of 48-inch Water Line along Westview from Wisterwood to Gessner, GFS S-0900-48-3 (WA10613) - 03.40% under the original contract amount - **DISTRICT A - TATRO** - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0346 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,241,048.73 and acceptance of work on contract with **E. P. BRADY, INC** for Construction of 30-inch Water Main along Cochran, Reid and Irvington from Euel to Berry Street - Contract - 31A-1, GFS S-0900-57-3 (WA10630) - 00.24% under the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Wiseman, seconded by Council Member Parker. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0347 ADOPTED.

**PROPERTY** - NUMBERS 12 through 14

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, on behalf of MNC Mall, Ltd., a Texas limited partnership [MNC Realty Management, LLC (James R. Jard, president), general partner], for abandonment and sale of a 10-foot-wide water line and water meter easement and three 10-foot-wide water line easements, all located within the Partial Replat of Tract A, Memorial City Subdivision, Section 1, Parcels SY3-047A through D - **STAFF APPRAISERS - DISTRICT G - KELLER** - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0348 ADOPTED.
13. 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. Degussa Construction Chemicals, Inc., a foreign corporation, et al, Cause Number 779,716, for acquisition of Parcel KY1-108; for **SPENCER ROAD WATERLINE PROJECT**, GFS/CIP S-0900-71-2 - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0349 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels K98-062 and K98-062A, located at 1025 Highway 6 North, owned by Sam's Real Estate Business Trust, a Delaware business trust, Darrel Davis, Realty Manager, for the **IH-10 AT HIGHWAY 6 WATERLINE PROJECT**,

CIP S-0100-02-1 - \$129,738.00 - **DISTRICT A - TATRO** - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0350 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 15

15. **LONE STAR TRUCK CENTER** for Pavement Marking Vehicles for Houston Airport System \$107,475.00 - Enterprise Fund - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0351 ADOPTED.

**ORDINANCES** - NUMBERS 20 through 31

20. ORDINANCE consenting to the addition of 194.0643 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 281**, for inclusion in its district - was presented. Council Members Quan and Robinson absent. ORDINANCE 2003-0336 ADOPTED.
21. ORDINANCE consenting to the addition of 63.9715 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district - was presented. Council Members Quan and Robinson absent. ORDINANCE 2003-0337 ADOPTED.
22. ORDINANCE establishing the north and south sides of the 1100 blocks of East 6th½ Street and East 7th Street and the south side of the 1100 block of East 7th½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. Council Members Quan and Robinson absent. ORDINANCE 2003-0338 ADOPTED.
30. ORDINANCE appropriating \$88,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for construction of Lyons Avenue Pavement Replacement from Zindler Street to Port Street under engineering services contract with **LANDTECH CONSULTANTS, INC** CIP N-0719-02-2 (SB9040) (approved by Ordinance No. 00-1107); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. Council Members Quan and Robinson absent. ORDINANCE 2003-0339 ADOPTED.
31. ORDINANCE appropriating \$230,435.00 out of Police Consolidated Construction Fund 435, CIP G-088-02-1, and approving and authorizing the transfer of such funds to the Airport Revenue Bond Fund 501 for and in connection with the transfer of jurisdiction of Parcel IY0-008 to the Police Department for the Relocation of the Houston Police Department Firing Range **DISTRICT B - GALLOWAY** - was presented. Council Members Quan and Robinson absent. ORDINANCE 2003-0340 ADOPTED.

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

**ACCEPT WORK** - NUMBERS 4 through 11

4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$657,326.72 and acceptance of work on contract with **RESICOM, INC** for Parks to Standard Program - Phase II, Bid Package No. 44 - Edgewood Park Community Center, GFS F-0363-44-3 - 22.86% over the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0352 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,483,376.24 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of Gessner/Warrenton Relief Storm Sewer, GFS M-0126-S3-3 (M-0126-31C) - 00.82% under the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Robinson absent. MOTION 2003-0353 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$641,533.47 and acceptance of work on contract with **CHIEF CONTRACTORS, INC** for Sanitary Sewer Maintenance Repair Contract by Cleaning and Television with Point Repair, GFS R-0266-14-3 (4277-4) - 00.10% over the original contract amount - was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez, and tagged by Council Member Ellis. Council Members Quan and Robinson absent.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$573,544.87 and acceptance of work on contract with **CHIEF CONTRACTORS, INC** for Sanitary Sewer Maintenance Repair Contract by Cleaning and Television with Point Repair, GFS R-0266-15-3 (4277-5) - 01.82% under the original contract amount - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2003-0354 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 through 17

16. **GARTEK TECHNOLOGIES, INC** for Programming Services for the Integrated Land Management System (ILMS) for Planning & Development Department - \$50,000.00 - Building Inspection Fund - was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2003-0355 ADOPTED.

17. **INDUSTRIAL TX CORP.** for Sims Furnace No. 2 Safety Repairs for Department of Public Works & Engineering - \$298,700.00 and contingencies for a total amount not to exceed \$313,635.00 Enterprise Fund - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2003-0356 ADOPTED.

**ORDINANCES** - NUMBERS 18 through 32

18. ORDINANCE authorizing an exception to **SECTION 18-36 OF THE CITY OF HOUSTON CODE OF ORDINANCES** regarding contractor contributions to candidates for entities proposing to provide insurance coverage to the City – was presented.

Council Member Robinson stated that he had some discussion on and off a little bit with the administration on the item and did not intend to tag it but hoped they would take a look at it again, that essentially what the concern had been was that the brokers said because as to the market condition it was just difficult to get the information from them in a timely manner and he hoped they would continue to look out and could address that issue because he thought if they started down this road they could end up exempting more and more people from being covered under the ordinance of providing that disclosure so he hoped they would look at it again when it came back up. Council Member Quan absent.

Council Member Tatro stated that he wanted to tag the item, that his concern was that it appeared that they would be basically suppliers of the contractor, whether they supplied pipe, materials or insurance and his concern was if it would be any different than any other supplier that would be part of supplying something to the contractor at the front end so he was not sure if it was so finely honed or if it would be open to others because he was not sure legally and that was what he wanted to discuss with the Legal Department, what might separate them from other people who supply something to the major contractor, and Mayor Brown stated that the item was tagged by Council Member Tatro and would have someone meet with him to answer his questions. Council Member Quan absent.

19. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced - was presented. Council Member Quan absent. ORDINANCE 2003-0341 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **RIVER OAKS HEALTH ASSOCIATION** providing up to \$376,910.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for the administration of a Housing Assistance and Supportive Services Program in connection with a Community Residence, which sum includes a limitation of additional funding in the amount of \$188,455.00 - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards. Council Member Quan absent. (Note: Council Member Edwards removed her tag later in the meeting.)

24. ORDINANCE approving and authorizing Loan Agreement between the City of Houston and **TTSF, LP#5**, whose sole General Partner is TTS#5 Family, L.L.C., to provide a \$1,730,000.00 second lien loan of Federal Community Development Block Grant Funds to finance a portion of the costs to acquire a 346-unit Apartment Complex located at 10110 Westview Drive, Houston, Texas, commonly known as Westview Forest Apartments, to house low and very low income residents - **DISTRICT A – TATRO** – was presented, and tagged by Council Member Tatro. Council Member Quan absent.
25. ORDINANCE approving and authorizing reimbursement agreement between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL** for a Solid Waste Management Grant, Household Hazardous Waste - \$26,216.00 - Grant Fund - was presented. Council Member Quan absent. ORDINANCE 2003-0342 ADOPTED.
26. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **WANDA MILBURN, KATHLEEN MOORE, DONNA JANUS, ARCOLA WITCHET, TINA JOHNSON** and **SHELLIST, LORE & LAZARZ, LTD., LLP** to settle a lawsuit \$44,000.00 - Property and Casualty Fund - was presented. Council Member Quan absent. ORDINANCE 2003-0343 ADOPTED.
27. ORDINANCE appropriating \$500,000.00 out of Water & Sewer System Consolidated Construction Fund for spending authority to address the Design and Engineering Services relative to the Emergency Repair of the Almeda Road Cave-In for the Public Works & Engineering Department - **DISTRICT D – EDWARDS** – was tagged by Council Member Keller. Council Member Quan absent. (Note: Council Member Keller removed his tag later in the meeting.)
28. ORDINANCE awarding contract to **HOLLIDAY DOOR & GATE SYSTEMS, INC** for Overhead Door Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,784,853.72 - General, Fire Department Revolving, Fleet Management and Enterprise Funds – was presented, and tagged by Council Members Wiseman and Keller. Council Member Quan absent.

Council Member Robinson asked if the item was to fix the automatic doors at the fire station that were installed in the past, and Mayor Brown stated that was correct, and Council Member Robinson stated that he knew a number of them had raised that question. Council Member Quan absent.

29. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation under contract between the City of Houston and **GARNER & ASSOCIATES, INC** (as approved by Ordinance No. 99-0616) and appropriating \$50,000.00 out of the General Improvements Consolidated Construction Fund as an additional appropriation under contract between the City of Houston and **HANSBURY ENTERPRISES, INC d/b/a DOLPHIN ENVIRONMENTAL CONSULTANTS** (as approved by Ordinance No. 99-0506) for Environmental Consulting Services, CIP D-0033-53-2 and D-0033-52-2; providing funding for contingencies relating to construction of facilities financed

by the General Improvements Consolidated Construction Fund - was presented. Council Member Quan absent. ORDINANCE 2003-0344 ADOPTED.

32. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **CAMP, DRESSER AND MCKEE** for Professional Services relating to the Development of a Stormwater Utility and Fee Structure - \$400,000.00 - Stormwater Utility Fund – was presented, and tagged by Council Members Wiseman, Tatro, Sekula-Gibbs, Parker, Berry, Ellis, Galloway and Keller. Council Member Quan absent.

Council Member Wiseman stated that she would like additional information, the calculations that were done to provide the fee structure that had been presented to them and what was published in the Houston Chronicle, that she would like to get the actual figures that were used to compile it, and Mayor Brown stated that he would have Mr. Haines meet with her and share that with her. Council Member Quan absent.

Council Member Vasquez moved to suspend the rules to hear from Mr. Vanden Bosch, Director of Department of Public Works, seconded by Council Member Parker. All voting aye. Nays none. Council Member Quan absent. MOTION 2003-0357 ADOPTED.

Upon questions by Council Members, Mr. Vanden Bosch stated that as a matter of background the City had spent over the last seventeen years on the average between \$15 million and \$16 million on major storm drainage projects, that the City also periodically did a comprehensive drainage plan which was an assessment of the need basically, that it was not a design plan or a series of designs, it was a general assessment of what the need was based on certain criteria and the criteria they used was basically was there protection from structural flooding, could they carry a two year storm event in the local streets and a five year storm event on major thoroughfares, that coupled with that there was also a rough estimate of costs based on some criteria that existed at the time, that over the years there had been one of those comprehensive drainage plans done on some periodic cycle, not vigorous but maybe every 15 years, that he thought that the one that was finally produced in 1999, the previous one, he believed, was done in the 1970's, so it was a periodic update and a go by and gave them an indication of where to look at for their projects, that based on that plan the need to comply with the criteria that he just discussed in 1999 was approximately \$2.1 billion and that was not solving the complete problem, it was to address the need as he stated, structural flooding, two year and five year, that he thought that Tropical Storm Allison gave everyone a reminder of it and the importance of it, that it they took \$1.2 billion and divided \$15 million into it they got an awful big number and was such that probably the need would increase faster than they would approach a solution to the requirement, that there was just not the money in there to do the necessary drainage to accomplish a plan in any real time, one way to address that, the Legislature had passed enabling legislation to enable municipalities to do a storm drainage utility through a fee if it was based upon the contribution to the problem, cities could raise money to address their storm water, that was what they were proposing at this time, that Item 32 was a proposal to contract with an engineering firm, Camp, Dresser, McKee, who had a great deal of expertise, approximately 375 storm water utilities had been created and they had done almost of a third of them, about 116, that a large number of those were also for cities

over 100,000, that he thought El Paso and Austin in Texas, they had the expertise in setting up the district, the contract was not envisioned to be a design contract or to redo or re-look at the comprehensive drainage plan, it was to setup the structure of the utility, that Public Works could not do it because they had never done one and also it takes a concerted manpower effort that frankly they did not have the ability to do, that basically up to now the investigation had been done by him and one other person in their spare time and that would not cut it to get a professional ordinance that had a fair and equitable billing structure, that what they were doing was addressing the structure of the fund, how much they needed to raise based on his previous background information, that it was not their job to determine how much the City needed, and Mr. Haines stated that what they were trying to do was meet what they believed was a timely capital program of \$1.2 billion over a reasonable period of time plus continue to maintain the existing drainage program, which was about \$25 million a year, that those were the two elements, and Mr. Vanden Bosch stated that they were not going to be looking at where the money was going to spent or what projects were going to be done, that they were using a fee to accomplish a program of approximately \$1.2 billion based on the criteria that was in the comprehensive drainage program and that he briefed them on in May of 2002, that there were hundreds of projects, that there were 10 projects currently in the storm water management program, there were literally hundreds of possible projects in the entire program that the utility fee would address and those projects had been, he believed, discussed and shown on maps and were in the comprehensive drainage program and showed the area to be addressed on each one of them, and Mr. Haines stated that the Council Members received yesterday three documents, one was a map of the entire City that showed areas in the City by Council District that had been identified under the study that Mr. Vanden Bosch had referred to earlier, the second part was a listing by Council Districts of all of the neighborhoods that had been identified in the study and the third element were the 10 projects that had been funded to date, 10 of the total. Council Member Quan absent.

Upon comments by Council Member Tatro, Mayor Brown requested that Mr. Haines respond regarding the contract with CH2M Hill and Mr. Haines stated that CH2M Hill was retained and there was a regional master plan that was developed by CH2M Hill and it provided the blueprint upon with two fortunate and significantly important agreements were eventually approved by Council over the last six months, with both the West and North Harris County Regional Water Authorities, that as to the question of stakeholder involvement, however, he wanted to tell the Council Members that he had been meeting on a consistent basis with stakeholders, and indeed in the case of BOMA, he offered them an opportunity to meet with them in January and he had met with stakeholders and believed that part of the scope of the study with CDM included a continued drill down exercise to meet with as many stakeholders as possible, that he was meeting with a group of stakeholders that afternoon and Council Member Tatro was certainly welcome to join him. Council Member Quan absent.

Upon further questions by Council Members, Mr. Haines stated that their recommendation would be essentially to shut down the current source of funds for the maintenance program for drainage which was the Water and Sewer Revenue, and Mr. Vanden Bosch stated that the \$85 million would contribute an estimated, at this time, \$45 million to \$50 million in new project funds, that of the new money raised, \$35 million would go to fund things that were currently being funded other ways; that in the

presentations the concept was rolled out and the specific fees suggested was somewhere between \$3.50 and \$5 per single family resident, that they had to start somewhere, they could not start with a detailed plan being very precise, they had to start out with an approximation and that approximation was based on some assumptions that were rolled out at the same time, that part of the proposed contract would be for the contractor to participate in explaining the details of what they come up with, they were fully confident and in talking with them, that the range they had provided, the \$3.50 to \$5 range, that they did not give the contractor perimeters, that they had talked to them and they were not going to tell them to come up with a fee and wait six months and have them come back and tell them what it was, that they were going to work with the City on a much closer basis than that, that they would be assisting the City, that part of what they were going to do was come up with the details of a plan on how they were going to do it based on having done it in 117 different places, on what was the most effective way, that they had to report back prior to the middle of August, to have done that and participated in stakeholder explanations, that Council would actually see the results sometime in the middle of August. Council Members Edwards and Quan absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Vanden Bosch stated that as to the exemptions he would like to address it in two parts between the engineers and the lawyers, that he thought the key word was wholly independent, that was a legal matter and the lawyers should talk about that, that was one of the reasons they wanted to hire Camp, Dresser, McKee, to look at the system, that they made a rough cut and said commercial property so much, that they knew all commercial property was not the same, that they wanted Camp, Dresser, McKee to look at the system for evaluating, that they needed to figure those things out; and Ms. Ann Day, Senior Environmental Lawyer, stated that basically the exemptions were those people who just were totally not subject to a fee at all, and the wholly sufficient privately owned drainage system, which was defined in the act really meant people who simply did not connect to their system at all, so they could not levy it on them because they did not benefit from the City's system so the act specifically required them to be exempt, but as Mr. Vanden Bosch stated within the category of people who were subject to it, who had to pay what and what was that based on, those were all to be decided by Camp, Dresser and McKee and City Council and the stakeholders, but all of those properties had to be subject to a fee, that how much that fee could be could vary depending on its impacts on the drainage system.

After a further lengthy discussion by Council Members, Mr. Vanden Bosch stated that basically they arrived at a fee amount of \$400,000 based on a level of effort or hours like all of their design contracts were, basically professional services contracts, that they furnished the estimate to the Council Members, that it was broken down by tasks, dollars per task, that they gave them the five tasks and the total dollars broken down, and as to CDM's expertise in billing systems for cities, they had talked to them and would submit to them that they were doing a great job in collecting their water and wastewater fees, they collected over 99% of them and that was pretty good and that was how they intended to do it, and he had talked to them about that, about how they intended to integrate those two structures, that they would probably put it as a separate line item on the water and wastewater bill, they thought it was a good system.

After further discussion by Council Members, Council Member Robinson stated that he wanted to lay an amendment on the table in light of Anthony Hall's memo of April



8, 2003, which said it may exempt other property and it listed a County, municipality, a school district and religious organizations, that he wanted to go on record that he supported all the exemptions that they may give because they would have to calculate the fee inclusive of the exemptions that must be given so he wanted to lay on the table, if he could get everybody to lift their tag and then just tag it along with the main item an amendment that read, "Amend Item No. 32 to calculate the \$85 million fee inclusive of all exemptions that Council may grant as outlined in the City Attorney's memo of April 8, 2003", that if he could not get the tags lifted he would then offer it next week as a written amendment, but thought that Council Members would be in agreement that they ought to at least see a calculation with those exemptions. Council Members Goldberg and Edwards absent.

Mayor Brown asked Mr. Vanden Bosch if that was contemplated in the contract before the Council, and Mr. Vanden Bosch stated no, not to blanketly calculate all possible exemptions, in essence if they voted to do that they were voting to raise the rate for single family residences significantly. Council Members Goldberg and Edwards absent.

After a further lengthy discussion, Mayor Brown stated that Council Member Robinson introduced an amendment and all Council Members did not release their tags so his amendment would not be considered at this time.

**NON CONSENT AGENDA** - NUMBERS 33 and 34

**MISCELLANEOUS**

33. RECOMMENDATION from Director Department of Public Works & Engineering to set a hearing date for 9:00 a.m., Wednesday, June 4, 2003, to create a Stormwater Drainage Utility for the City of Houston – was presented, and tagged by Council Members Wiseman, Tatro, Sekula-Gibbs and Berry.

**PROPERTY**

34. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of the properties listed below and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount:

Parcel SY3-015  
Former Park Ten Municipal Utility District  
Park View Drive at Holly Oak Road  
**DISTRICT A – TATRO – APPRAISERS**

Parcel SY3-059  
Former Northeast Water Well Site No. 7  
3400 Dane Street  
**DISTRICT H - VASQUEZ- APPRAISERS**

Parcel SD5-055  
Former Water Well Plant Site No. 2  
3830 Tiffany Drive  
**DISTRICT D – EDWARDS–APPRAISERS**

Parcel SY2-011  
Excess Fulton Street right of way  
2604 Fulton Street  
**DISTRICT H–VASQUEZ- APPRAISERS**

Parcel SY2-005  
Excess Blackhawk Boulevard right of way  
Blackhawk Boulevard at 9400 Fuqua St.  
**DISTRICT E-WISEMAN-APPRAISERS**

Parcel SY0-030  
Former Hampshire Oaks Storm Sewer No. 5  
2500 block of Munger  
**DISTRICT I-ALVARADO-STAFF APPRAISERS**

Parcel S96-078  
Excess Fulton Street right of way  
Fulton Street and Cavalcade Street  
**DISTRICT H - VASQUEZ - APPRAISERS** – was presented.

Council Member Tatro named Mr. Patrick O'Conner and Mr. Tom Kvinta as appraisers for Parcel SY3-015.

Council Member Edwards named Ms. Shiela Stewart and Mr. William July as appraisers for Parcel SD5-055.

Council Member Wiseman named Mr. Michael D. Copland and Mr. George E. Sims and Associates as appraisers for Parcel SY2-005

Council Member Vasquez named Mr. William Kvinta and Mr. Frank Lucco as appraisers for Parcel S96-078.

Council Member Vasquez named Mr. A. J. Pradia and Mr. Carl Raia as appraisers for Parcel SY1-059.

Council Member Vasquez named Ms. Jasmine Quinerly and Mr. John Fonteno Jr. as appraisers for Parcel SY2-011.

The City Secretary stated that Parcel SY0-030 would be done by staff appraisers.

Council Member Quan moved approval of the recommendations, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0358 ADOPTED.

**MATTERS HELD** - NUMBERS 35 through 48

35. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$2,146,968.56 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Bid Package 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - 07.78% over the original contract amount - **DISTRICTS A - TATRO and C - GOLDBERG - (This was Item 3 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** – was presented.

Council Member Goldberg moved to refer Item No. 35 back to the administration, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2003-0359 ADOPTED.

36. ORDINANCE appropriating \$43,130.00 out of Solid Waste Consolidated Construction Fund 427 for and approving and authorizing the purchase from Frost Family, I. LTD. of a Parcel of Land, for and in connection with the Southwest Solid Waste Service Center Expansion Project located in the 11500 block of Post Oak Road; being 26,907 square feet of land, more or less, out of the George Allen Survey, A-96, Houston, Harris County, Texas; Parcel Number MY2-001; CIP L-00NA - **DISTRICT C - GOLDBERG** – **(This was Item 9 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0345 ADOPTED.
37. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance and Administration Department to **AMEND MOTION #99-1946, 11/9/99 and #02-1054, 9/11/02, TO EXTEND** expiration date from April 9, 2003 to August 8, 2003, for Apparel Uniforms for Houston Airport System, awarded to **CINTAS (formerly UNIFORMS TO YOU) and UNIFORMS PLUS** – **(This was Item 10 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.
- Council Member Ellis moved to refer Item No. 37 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0360 ADOPTED.
38. ORDINANCE granting the City's consent to the creation of **HARRIS COUNTY RURAL FIRE PREVENTION DISTRICT NO. 5** – **(This was Item 19 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0346 ADOPTED.
39. ORDINANCE approving and authorizing second amendment to the Loan/Grant Agreement between the City of Houston ("City") and **SP8600, LTD**, a Texas Limited Partnership, whose sole general partner is SP8600 Management, L.L.C., to change the senior lender from Southwest Bank of Texas to Column Financial, Inc; and approving and authorizing subordination and inter-creditor agreement between the City and **COLUMN FINANCIAL, INC - DISTRICT F – ELLIS** – **(This was Item 28 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0347 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City and **BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P.** for Demographic, Economic and Geographic Analysis of issues in Redistricting, Strategic Partnership Agreements, pending Legislation, Elections and Litigation - \$15,000.00 - General Fund – **(This was Item 33 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, SEKULA-GIBBS and TATRO)** – was presented. Council Member Tatro voting no, balance voting aye. ORDINANCE 2003-0348 ADOPTED.
41. ORDINANCE amending Ordinance No. 1996-0061 to increase the maximum contract amount for professional legal services contract with **MLADENKA-FOWLER, ADAMS & ASSOCIATES** for Litigation relating to City's Sexually

- Oriented Business Ordinance - \$40,000.00 - Property and Casualty Fund – **(This was Item 34 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER PARKER)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0349 ADOPTED.
42. ORDINANCE appropriating \$4,100.00 out of Water & Sewer System Consolidated Construction Fund No. 755; approving a Pipeline Crossing Agreement with **UNION PACIFIC RAILROAD COMPANY** for the Gulf Freeway No. 2 Lift Station and Force Main Extension Project (Near Old Galveston Road at Park Terrace), CIP R-2011-33-3 (WW4841-01) - **DISTRICT I – ALVARADO – (This was Item 37 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0350 ADOPTED.
43. ORDINANCE amending Ordinance No. 2002-102 (passed by City Council on February 13, 2002) to increase the maximum contract amount and approving and authorizing first amendment to contract (approved by Ordinance No. 2002-102) between the City of Houston and **DATASTREAM SYSTEMS, INC** for Computer Software Maintenance Services for the Public Works and Engineering Department - \$130,090.00 - Enterprise Fund – **(This was Item 38 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0351 ADOPTED.
44. ORDINANCE awarding contract to **CKS HYDRO SERVICES, INC** for Runway Rubber Removal, Friction Testing, and Miscellaneous Airfield Paint Removal Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$3,270,000.00 Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO – (This was Item 39 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0352 ADOPTED.
45. ORDINANCE awarding contract to **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$2,412,072.80 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E- WISEMAN and I - ALVARADO – (This was Item 40 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0353 ADOPTED.
46. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD.** for Construction of Water, Wastewater and Drainage Facilities serving Section 1 of the Bellaire Villa Subdivision; approving and authorizing an assignment of the construction contract to **W & W ASSET MANAGEMENT, INC**, CIP S-0800-72-03 and R-0800-72-03 - **DISTRICT F - ELLIS – (This was Item 44 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0354 ADOPTED.
47. ORDINANCE approving and authorizing first amendments to professional construction management services contracts between the City of Houston and the following three companies: 1) **INTERSTATE ENGINEERS, INC** (as approved by

Ordinance No. 02-129) 2) **ISANI CONSULTANTS, INC** (as approved by Ordinance No. 02-0406) and 3) **LOCKWOOD, ANDREWS & NEWNAM, INC** (as approved by Ordinance No. 02-477), GFS N0369-02-3 – **(This was Item 47 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented.

Council Member Ellis asked Mr. Bibler if they could separate the question, taking the number one company out of it and vote on number two and three separately and delay the first one and Mr. Bibler stated that unless there was some reason that he did not know of where the Public Works Department would say that these guys were all working on some project together they could and he thought the proper structure of that would just simply be to knock out number one for the moment and then they would come back next week with a separate ordinance that included only what was left.

Council Member Ellis moved to separate the question, removing number one and postpone Interstate Engineers, Inc. for one week, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0361 ADOPTED.

Council Member Ellis stated that he understood that what they were doing was reducing the factor of what they would be paying each of these different entities and it was his understanding that the number one contractor was about \$30,000 in delinquent taxes to the City, County and school district and would request that the Legal Department take a look at it and see if they could get out of the contract with that contractor before next week so they could all hear about it and vote on it at that time, and Mayor Brown asked Mr. Bibler to handle it, and Council Member Ellis stated that as he understood most of their contracts had a 30 day written notice that they could get out of.

Mr. Bibler stated that as he understood the proposal was to amend the contract and they could not amend a contract that did not exist anymore and so the two concepts were mutually exclusive, if they got them out of the contract then they could not bring the item back because it would not be possible to do, and Mayor Brown asked that he take a look at it and see what they could do.

Council Member Galloway stated that they had already passed an ordinance that prohibited them from honoring contracts or issuing them for delinquent taxes and Council Member Ellis stated that they had passed the ordinance but it would not go into affect for sixty days.

A vote was called on the balance of Item No. 47. All voting aye. Nays none. ORDINANCE 2003-0355 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 – (This was Item 60 on Agenda of April 2, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0356

ADOPTED.

Council Member Edwards stated that she wanted to remove her tag on Item No. 23.

Council Member Keller stated that he wanted to remove his tag on Item No. 27.

23. ORDINANCE approving and authorizing contract between the City of Houston and **RIVER OAKS HEALTH ASSOCIATION** providing up to \$376,910.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for the administration of a Housing Assistance and Supportive Services Program in connection with a Community Residence, which sum includes a limitation of additional funding in the amount of \$188,455.00 - **DISTRICT D – EDWARDS** – was again before Council. All voting aye. Nays none. ORDINANCE 2003-0357 ADOPTED.
27. ORDINANCE appropriating \$500,000.00 out of Water & Sewer System Consolidated Construction Fund for spending authority to address the Design and Engineering Services relative to the Emergency Repair of the Almeda Road Cave-In for the Public Works & Engineering Department - **DISTRICT D – EDWARDS** – was again before Council. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2003-0358 ADOPTED.

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

Council Member Wiseman stated that last week they lost a dedicated public servant in Officer Charlie Clark who was killed the line of duty, that he served the City well for 20 years and served in the southeast quadrant of the City, which included District E, that she was proud to say that she had the pleasure of working with Officer Clark in her community, that he did a tremendous job and would be sorely missed and wanted to extend her condolences to his family and express the gratitude for the service that he provided and the ultimate sacrifice that he made and asked for a moment of silence for Officer Clark. Council Member Robinson absent.

Council Member Galloway stated that she held some meetings in her district and what some of her constituents stated was the fact that their garbage some weeks was overloaded and the garbage was on the side of the garbage can and the City did not pick it up and it was hard for them to get bags and stickers because they never knew which weeks that they were going to have extra trash and asked if there was some way that Solid Waste could have something where they could have the bags for sale at the grocery stores and Mayor Brown stated that they were doing it with a couple of grocery chains and were trying to get into more chains and it was an active proposition right now. Council Member Robinson absent.

Council Member Galloway stated that she was still waiting on the report about Mason Road, that she had not received any follow up information, and Mayor Brown stated that Mr. Haines was working on it and would get her an answer. Council Member Robinson absent.

Council Member Galloway stated that she had been hearing from some minority contractors that when Council passed a contract on the agenda a couple of months ago the contract was signed by the minority contractor as well as Public Works and then after they got all the paperwork and everything and the minority contractor purchased over \$6,000 in insurance, then they said they had no work for them, that she heard that it was happening with other minority contractors who Council had approved, that they said the work had run out after they had approved it, that she would be happy to give the Mayor the names of those companies, and Mayor Brown stated that he would be glad to take a look at it. Council Members Wiseman and Robinson absent.

Council Member Edwards stated that the young lady that was senselessly murdered along with Officer Clerk, Ms. Alfredia Jones, her wake would be on Friday and the funeral on Saturday at True Light Missionary Baptist Church, that she would get the exact times and send it out to the community, that she had spent a good deal of time on Saturday with the family and one of the things that she found out was that the oldest son in the family had been murdered similarly three years ago and they had never found the persons who did it, that she would like to have someone from the Police Department or the DA to find out what the status of that investigation was and asked if Mayor Brown could have someone deal with it she would appreciate it, and Mayor Brown stated that he would have the homicide division look at it. Council Member Wiseman absent.

Council Member Edwards stated that she was sure that a lot of them had heard about the U.S. Vets controversy and she wanted to applaud the Midtown Civic Club and the South Main Coalition and the U.S. Vets, she understood they had a very productive meeting yesterday and it seemed as though people were coming together, that she had attended at least seven meetings on the issue in the last month and wanted to give a lot of praise to the people who had decided to make it work and come together and talk it through. Council Members Galloway and Wiseman absent.

Council Member Vasquez stated that they all knew that Officer Clark was one day shy of the 20 years and asked if there was anything that the Council and the City could do to give him that extra day so that he would have completed the 20 year service and Mayor Brown stated that he would make that request to the pension board to see if that could be done. Council Members Galloway and Wiseman absent.

Council Member Vasquez stated that he wanted to thank everyone who helped make the supplies for soldiers drive a reality, that as many of them knew he sponsored a collection day last Friday all day to gather basic supplies for soldiers that they were in need of, that it was a huge turnout and they actually collected three eighteen wheelers filled with supplies and they were driven to Fort Bliss over the weekend where the items were dropped off, that he actually traveled to El Paso to see the supplies unloaded and now the supplies were on their way to soldiers in all different branches of the armed services in the Iraq theatre, that it was another example of just how generous Houstonians were, that he was personally touched to see Houstonians from all walks of life working together to help their men and women serving in the war against Iraq. Council Members Galloway and Wiseman absent.

Council Member Vasquez stated that on Saturday from 10:00 a.m. to 2:00 p.m. at Northline Mall his office was hosting an infant immunization drive and were providing

free immunizations for children up to two years of age, that the research had shown that if children were vaccinated by two years of age they tended to receive 80% of their immunizations that they would need in a lifetime and so it was a very important kickoff to Infant Immunization Week, which would be April 13 through 19, 2003 and invited people to come out. Council Members Galloway and Wiseman absent.

Council Member Vasquez stated that they would have the annual Easter Egg Hunt at Moody Park and it was put on by the North Central Civic Association, that Commissioner Sylvia Garcia would serve as the Easter Bunny and invited everyone to come out and get their picture taken with the north side Easter Bunny. Council Members Galloway and Wiseman absent.

Council Member Robinson stated that he wanted to thank Council Member Vasquez for doing the supplies for soldiers. Council Members Galloway and Wiseman absent.

Council Member Robinson stated that he hoped to get some kind of update on the Valet Parking Zone fee and where they were. Council Members Galloway and Wiseman absent.

Council Member Robinson stated that tomorrow at the TTI they had a special called meeting and he had a chance to visit with Mr. Richard Lewis and he hoped they could have a package of items when they got to the appropriate point and time, that he provided him with some information and all of it would be discussed, that Council Member Sekula-Gibbs had been working with him and Southwestern Bell and they had made representations that separate and distinct with anything to do with Voice Over IP, they now believed with some restructuring, they could save them in the neighborhood of \$1 million or \$1.7 million, that would be discussed and he shared that information with Mr. Lewis and he and his staff were in the process of meeting with the Southwestern Bell folks. Council Members Galloway and Wiseman absent.

Council Member Robinson stated that he did think they made some progress and hoped they would have enough time to hash out their policy directives relative to the drainage fee and thought it made life much more easier when they do that and appreciated his colleagues indulging his request for an amendment and hoped they would consider it next week when they put it on the table. Council Members Galloway and Wiseman absent.

Council Member Keller stated that one of the great things about his job was going to their community high schools and listening to them, that he had the honor to speak to his alma mater, Robert E. Lee High School, last week and he learned quite a bit listening to them about the effects of the war on them, that Lee High School was the most diverse high school in HISD, that there were 42 countries represented at Lee High School, that it was amazing to him that there were 42 countries represented at one high school and they did not even have a metal detector or an incident, that everybody lived peacefully at Lee High School, but when they went out into the City they got hit, their hair pulled or beat up because they were from France or from a country that was similar to Iraq and he could not believe that their kids were having to experience this in this day and time, that there was no reason for that amount of ignorance in the year 2003. Council



Members Galloway, Wiseman and Vasquez absent.

Council Member Quan stated that they had a wonderful City with a number of wonderful people who did care about each other and last Friday he and Council Member Galloway had the opportunity to visit the Calhoun Family, that the Calhoun Family had a story that was reported on Channel 11 whereby the grandmothers house was in deteriorating condition and the granddaughter wrote a letter at Christmas in her English Class at Wheatley High School as to what she would like and a number of citizens stepped to the plate and Oak Creek Builders built her a new home and that was the dedication of the new house in the Fifth Ward last Friday and he wanted to thank all those involved in the process. Council Members Galloway, Wiseman and Vasquez absent.

Council Member Quan stated that this morning the Gulf Coast Job Expo began and he knew many people were out of work and they were hoping to be able to place a number of the citizens in jobs, that over 60 companies were there and it was going on at the George R. Brown from 10:00 a.m. to 3:00 p.m. and hoped people would avail themselves of that opportunity, that also for those people who were wishing to do business with the City of Houston, they also had at the George R. Brown the Government Procurement Conference, that it was a connections opportunity with over 140 vendors on how to do business with the City, the State, the County, the school district and all areas of government. Council Members Tatro, Galloway, Wiseman and Vasquez absent.

Council Member Quan stated that last weekend Hits Theater in the Heights started their production of Joseph and the Amazing Technicolor Dreamcoat at Miller Outdoor Theater, that it was a wonderful production and would be going on this coming weekend and encouraged the citizens to see that as well, that the production was free. Council Members Tatro, Galloway, Wiseman, Vasquez and Berry absent.

Council Member Quan stated that in the audience was a woman who had been working with the City for quite a while who would be missing shortly, Ms. Sally Bradford, Airport, that they wanted to let her know how much they appreciated all the work she had done in working with Council and the Houston Airport System and wished her the best of luck in her new job. Council Members Tatro, Galloway, Wiseman, Vasquez and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to offer Mayor Brown congratulations because it was reported that the City of Houston was going to receive \$8.6 million in direct funding from the Homeland Security Department, that the State of Texas got \$25 million in addition to that. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis and Berry absent.

Council Member Sekula-Gibbs stated that they had a problem that had come up again, that 43 more doctors had declined to participate in HMO Blue, the largest independent group of physicians called the Texas Gulf Coast Medical Group had withdrawn from HMO Blue, that brought the total number of physicians who had withdrawn to between 400 and 500 since their contract went into place, that it was a serious matter that continued to evolve and would ask that they put the item on the

Fiscal Affairs Committee meeting because if they did not address it they were going to find themselves with an insufficient number of doctors to deal with their patients, that if they could offer their employees a PPO option she thought they could find that the doctors would be more stable and the hospitals would be more stable. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

Council Member Parker stated that the next regularly scheduled Fiscal Affairs Committee meeting was April 29, 2003 and she would post a discussion on the health insurance contract. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

Council Member Parker stated that there was a special meeting of the Fiscal Affairs Committee this afternoon to discuss the Fire Department Budget for 2004, as they had with Police and Public Works and a couple of others, so she would ask Council Members to join her this afternoon to discuss the Fire Department's Budget. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

Council Member Parker stated that several of them went to the Astro's opening day baseball game last Tuesday night and she spent 45 minutes in traffic trying to get from City Hall to the game and could have walked it a lot of faster, that she knew there were other Council Members who had the same problem, that traffic control was inadequate and would like to know if they were still having the weekly downtown construction coordinating meetings and Mr. Haines stated that the game not only came to their attention, there were a couple of other games that had been problematic as well, including some of the arts performances on the weekend and they had that on their next downtown agenda, they were transitioning now from getting construction protocols improved to how to deal with those games, that they had been meeting every two weeks and believed they were going to be meeting on Friday. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

Council Member Alvarado stated that she wanted to remind everyone that they had a Legislative Affairs Committee Meeting on Friday morning at 9:30 and one of the things they would talk about were the various pieces of legislation that had been introduced regarding their DNA Crime Lab, that it seemed that everyday there was a new discovery with the crime lab and urged her colleagues to attend the meeting. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

Council Member Alvarado stated that they were still getting a lot of junk email and very offensive and pornographic, that it was very offensive and she had raised the issue last year and thought that there was a way to filter some of the stuff, that it not only went to their main computer but went to the Blackberry which was very annoying and hoped that the IT Department could resolve that issue, and Mayor Brown asked when that occurred to advise Mr. Richard Lewis to see if they could start screening out. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez and Berry absent.

There being no further business before Council, the City Council adjourned at 11:26 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, Wiseman, Ellis, Vasquez and Berry absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary