

City Council Chamber, City Hall, Tuesday, April 15, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 15, 2003, 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.; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Michael Berry absent on city business. Council Member Carroll Robinson absent on personal business.

At 2:01 p.m. Mayor Brown stated that Council would begin their presentations. Council Members Tatro, Galloway, Edwards, Wiseman, Keller, Vasquez, Alvarado, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that it was his pleasure to introduce a 15 year old Fairfax Senior High student Miss Rose Marie Tan who had been compared to Gladys Knight and was a straight A student, her sight was set on being the first Asian R & B Superstar and was in Houston making her CD; and invited her to the podium to sing. Miss Tan sang Hero for everyone present; and Mayor Brown stated that she sang beautifully and thanked her for sharing her talent with everyone. Council Members Galloway, Edwards, Keller and Vasquez, absent.

Council Member Sekula-Gibbs introduced Mr. George Donnelly, Ms. Nina Hendi and Sam Houston's descendent and stated that Mr. Donnelly would explain some of the activities regarding San Jacinto Week. Mr. Donnelly stated that he was president of the San Jacinto Museum of History Association and with him were the San Jacinto volunteers; that the Museum in partnership with the Texas Parks and Wildlife were celebrating the spirit of freedom and independence through an enjoyable experience of Texas history; gave an overview of the commemorative ceremony for San Jacinto Day, the battle reenactment, etc.; and invited all to attend. Two Spokespersons gave an overview of the battle at San Jacinto and Ms. Hendi stated that the reenactors and Mr. Sam Houston the fourth would be joining everyone April 26, 2003, for a day of appreciation to the men and women in the military and the sacrifices they made and continued to make to ensure everyone's freedom; that it was her privilege to chair the anniversary, invited all to the celebration; and thanked all for the proclamation being presented. Council Member Sekula-Gibbs presented a Proclamation to the group commemorating the historic battle of San Jacinto, honoring the observation of such an important part of Texas heritage, extended best wishes for a successful and memorable week and proclaimed April 21st through April 26th as the "Battle of San Jacinto Week".

At 2:17 p.m. Mayor Brown called the meeting to order and stated that Council Member Parker would lead everyone in prayer.

Council Member Parker stated that she would call for a moment of personal privilege; that she entertained a group of 60 second graders with Wilson Elementary School and she thanked Mayor Brown for visiting with them.

Council Member Parker stated that she would like everyone to assume an attitude of prayer and join her in a moment of silence and she hoped they would join her in prayer for peace in the world and a speedy conclusion and restoration of government in Iraq; and led in the pledge of allegiance.

At 2:20 p.m. the City Secretary called the roll. Council Member Berry absent on city business. Council Member Robinson absent on personal business.

Council Members Keller and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Berry absent on city business. Council Member Robinson absent on personal business. MOTION ADOPTED.

Mayor Brown stated that the City Secretary would begin to call the speakers.

Council Member Parker moved that the rules be suspended for the purpose of hearing Mr. Robert Bartlett after Mr. Ron Height, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent on city business. Council Member Robinson absent on personal business. MOTION 2003-0362 ADOPTED.

Council Member Keller moved that the rules be suspended for the purpose of hearing Mr. John Eaglin and Ms. Elwin West after Mr. Robert Bartlett, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent on city business. Council Member Robinson absent on personal business. MOTION 2003-0363 ADOPTED.

Mr. Al Russell, 2022 Shadow Bend, Houston, Texas 77043 (713-827-7474) appeared and stated that he was present as a concerned homeowner and to say he was in favor of the ordinance which granted a \$1,730,000.00 loan to refurbish the Westview Forest Apartments; that other homeowners in Spring Branch Super Neighborhood West opposed to more low income apartments in their area the same as he, but thanks to the Spring Branch Super Neighborhood West they were able to hear from the prospective owner and general contractor for those apartments and now he and the other homeowners were joined in supporting the loan for those apartments; that this was especially important because it would improve the neighborhood; and thanked Council Members Tatro and Quan for providing their Super Neighborhood with information; that the Super Neighborhood concept did work but they needed time to hear of projects before they appeared on the Agenda. Council Members Ellis and Keller absent.

Council Member Quan thanked Mr. Russell for coming and stated that he was now on their list and when the Housing Committee looked at different projects he would be notified and have ample time to get information as it was developed; that they wanted him and others to be a part of the process. Council Members Ellis and Keller absent.

Mayor Brown thanked Mr. Russell for coming and stated that it was clear good communication made a difference; and thanked Council Members Quan and Tatro for their work on the issue. Council Members Ellis and Keller absent.

Mr. Ron Height, 1507 Shadowdale, Houston, Texas 77043 (713-752-6905) appeared and stated that he was president of the Spring Branch West Super Neighborhood and he wanted to second the things Mr. Russell said; that they did appreciate the help from Council Members Quan and Tatro, initially a lot of residents were opposed to the idea of anything to do with low income apartments, but once everyone heard him they switched from almost 100% opposed to almost 100% in favor; that he felt the money would be well spent as they did need help in improving the apartment complexes and he would also appreciate being put on a list for notification. Council Member Keller absent.

Mr. Robert Bartlett, 8119 Wilmerdean, Houston, Texas 77061 (713-645-6370) appeared and stated that he was chairman of the Houston Commission on Disabilities and present speaking on accessibility; that they had been working with Mr. Lewis of the Information Technology Department and he and his Deputy Director Ms. Jefferson went to one of their meetings and gave a wonderful presentation of Voice Over IP and assured the commission they would solicit their input so that the disability community would be heard in all phases of the project; that they also had a presentation from the Library Department and Ms. Lambert had taken positive steps to straighten out access problems for the deaf and hard of hearing community; that he asked people to test it and make sure it worked and he was pleased to be working with Mr. Lewis, the disabled community just wanted the same access to service as anyone else had.

Upon questions by Council Member Sekula-Gibbs, Mr. Bartlett stated that he did not know

whether he was expressing support for VOIP or not as the system had yet to be designed, there were three phases of the system and a long difficult project and he did think it was the way of the future and felt Mr. Lewis would not put in a system that was not accessible to all citizens. Council Member Sekula-Gibbs invited Mr. Bartlett to the TTI Meeting where the subject would be discussed at length and stated that he should bring some of the disabled with him; that she would contact him about the meeting.

Mayor Brown thanked Mr. Bartlett for coming and stated that they wanted to work with him on the current and upcoming system. Council Member Vasquez absent.

Mr. John Eaglin, 5619 Kenilwood, Houston, Texas 77033 (713-733-9830) had reserved time to speak but declined to speak when his name was called. Council Member Vasquez absent.

Ms. Elwin West, 3438 South MacGregor, Houston, Texas 77021 (832-549-1833) appeared and stated that she was present to speak on behalf of her brother Elijah Wilson, Jr., who was a city employee for 11 years; that he had an appeal on the 8th and they asked that a DNA test be done on a urine sample he produced and no one had yet called them to confirm if he could have it; that they said they would pay for it themselves; that another employee hit his dozer on the job and the policy was the person at fault had to take the test which was not her brother but he did anyway and the drug test came back with cocaine metabolite which had many derivatives from cough syrup and aspirin to a lot of things; that the city sent a memo he was terminated because of the cocaine in his system, but they had also gone to another doctor for a drug test and it was negative, but even with his appeal and everything else no questions had been answered and no one wanted to help; that he went about his benefits and was told the city said he had used illegal drugs and could not receive any workman's comp or anything and at this point she felt her brother's character had been destroyed; that several of his supervisors were subpoenaed and came in saying he was a good worker and never demonstrated in any way that he had used cocaine; that someone said they would do DNA testing and that was all they wanted so they could prove it was not Elijah's urine that tested positive. Council Member Vasquez absent.

Mayor Brown stated that it was his understanding that an appeal was made to the Civil Service Commission and a hearing upheld the decision to terminate his employment; and upon questions, Mr. Bibler stated that it was the Legal Department's decision that there was no other appeal, but he should seek council of his own lawyer about his rights. Council Member Vasquez absent.

Upon questions by Mayor Brown, Ms. West stated that they wanted to know why they could not have the DNA test done and why when he took the drug test there was nothing to seal and send off, the lab technician just let him put his sample in the vial and leave; that on her job you sealed it and signed it, etc., and he did not get to do that; that at the hearing those issues were brought out. Mayor Brown stated that he would think that left them without much they could do and maybe their attorney should explore what other options he thought would be appropriate; and Ms. West stated that they said DNA testing would be done and they just wanted to know if it was going to be done as it would prove whether that was Elijah's urine.

Upon questions by Mayor Brown, Mr. Bibler stated that he thought it was a matter if the Civil Service Commission so disposed they could have held the hearing open, there were constraints to decide all cases within 30 days, but again that was a decision on their part; that the Charter went to great lengths to insulate the employees, like her brother, from the politicians and City Council's control was pretty much limited to advise and consent on the people who serve on that commission, the entire concept was those who served on it and the employees at that level should be outside control of any politicians and the board actually had his fate in his hands. Council Member Vasquez absent.

Upon questions by Council Member Goldberg, Ms. West stated that they did a split

sample but no one could answer where the other sample was, the technician was clueless, and her brother had taken random samples over the years and never had a problem. Council Member Goldberg stated that Council Members were randomly selected for a test, he was selected, and they offered you the option of having a second sample and he thought it was great and it should be preserved; that maybe they could find out where that sample was and have it tested at a lab of their choosing; and Ms. West stated that was all they wanted. Council Member Goldberg stated that he felt the question should be answered of what happened to the second sample, it was an open option and if you did not have the right to have it tested why were they even taking it; that he also believed her brother had the right to a new trial by filing in a District Court and she might ask his attorney about it, but it was costly; and upon questions, Mayor Brown stated that he would ask Human Resources to give answers as to where the second sample was and someone would contact her. Council Member Vasquez absent.

Council Member Edwards stated that she would like to try to help and use her office as a point of reference; and upon questions, Ms. West stated that he was told to leave his sample on the counter and leave which he did. Council Member Edwards stated that was not her experience, the policy was always you bring it back and seal it and they would contact her. Council Member Vasquez absent.

Upon questions by Council Member Keller, Ms. West stated that his supervisor stated that was his first incident in 11 years and they did have him sign the stickers for his sample but he did not place it in the bag or seal it; that the supervisor of the lab could not answer any questions on how it was handled by the technician; that her brother may have certain hearing impairments or handicaps but they always told him he could do anything anyone else did and he proved it by holding his job for 11 years and holding a clean record and that was why she took off today to come and try to help him. Council Member Keller stated that he would rather error on letting someone back rather than take the risk of dismissing someone wrongfully and he hoped they did make efforts and exemplify that on their behalf. Council Members Ellis and Vasquez absent.

Upon questions by Council Member Tatro, Ms. West stated that the city sent the urine to a lab in Ft. Worth, Texas; that a split sample was taken and no one was able to produce the second sample. Council Members Ellis and Vasquez absent.

Mayor Brown stated that they could follow-up on the procedural problems she brought to their attention and would get back to her with answers. Council Members Ellis and Vasquez absent.

Ms. Sandy Kessler, 2505 Fannin, Houston, Texas 77002 (713-739-7752x162) appeared and stated that last year about this time they at SEARCH decided to invite Council Members to talk with them and she wanted to thank them for responding; that Joseph Benson, who was the next speaker, she wanted to personally introduce to Council as he had a very unique story and would not be here if it was not for Council's support in the Mobile Outreach Program; and again thanked Council for their support. Council Members Ellis and Vasquez absent.

Mr. Joseph Benson, 2505 Fannin, Houston, Texas 77002 (713-739-7752x162) appeared and stated that he used to be a licensed chef and worked until 1991 when he lost both legs in a car crash he should not have survived; that afterwards he lost everything using drugs to escape the horror of his life, but now he was drug free for two years; that when most people drove past and saw him under the Pierce Elevated they probably considered him a throw away human being, a Black man addicted to drugs sitting in a wheelchair; that everyone had given up on him including himself but then he met the crew of SEARCH's Outreach Mobile Program and they put him into a drug detox program and in time was able to convince him to come in from the cold and use the services they offered, they never gave up on him and now he could proudly say he was a graduate of SEARCH's program and regained his chef license through their program and now had artificial limbs and standing on his own two feet; that he worked in SEARCH's kitchen, paid his own rent, reconnected to his family and was a client advocate on SEARCH's Board of

Directors; that he loved his job and was honored to share his story today so that Council may be able to help others. Council Member Vasquez absent.

Mayor Brown thanked Mr. Benson for coming and stated Council was always very supportive of SEARCH and it was great to hear success stories such as his. Council Member Vasquez absent.

Council Member Goldberg thanked Mr. Benson for coming and stated that it also brought attention to the fact SEARCH had a catering service and when many nonprofits were hurting he would encourage nonprofits to use their services and help another nonprofit who was in the family so to speak; that he had a remarkable story and Ms. Kessler also had a story worth noting. Council Members Tatro and Vasquez absent.

Council Member Sekula-Gibbs congratulated Mr. Benson for regaining his Chef license and stated that SEARCH was a part of a great system working hard to diminish the 10,000 homeless who live in Houston/Harris County; that the Mobile Outreach Van went to several sites on a daily basis providing health care and it was not enough but it was a great start. Council Members Tatro and Vasquez absent.

Council Member Parker stated that she was glad Council Member Goldberg pointed out the catering service and she was a big supporter of the Mobile Outreach Van, it was originally funded with General Fund Dollars and over the past years had a considerable contribution through Federal Grant Funds and strongly urged Council Members to continue to fund that program and Mr. Benson was a great example. Council Members Tatro and Vasquez absent.

Council Member Alvarado congratulated Mr. Benson on his recovery and success story and stated that Ms. Kessler did a great job; that she was a big fan of SEARCH and she hoped they kept them in mind as they continued to fund their programs. Council Members Tatro and Vasquez absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 appeared and stated that he wanted to file charges against the City of Houston with charges of being traitor and continued with his personal opinions until his time expired.

Mr. Phil Cobb, 4507 Wipprecht #1, Houston, Texas 77026 (713-671-9828) had reserved time to speak but was not present when his name was called.

Mr. George Dawson, 8610 Woodlyn, Houston, Texas 77028 (713-631-5112) appeared and stated that he was the manager of an apartment complex in Northeast Houston and they had been trying to rehab the complex for the last five years without much luck; that they had a commitment to provide funds to complete the structure and the only conditions they had was the general contractor approved by the city and they presented three contractors and they still had not approved a contractor; that the contractors met their rules but Housing and Community Development had still not approved one and they were now looking for help from Council as he was frustrated. Council Members Wiseman and Vasquez absent.

Upon questions by Mayor Brown, Mr. Dawson stated that the problem, in his estimation, was the employees in the Housing Department just would not accept anything they gave them, they presented a contractor which met all criteria and they just would not accept them. Mayor Brown stated that there were a number of issues he was advised that were outstanding and Mr. Fickes was present and would meet with him after Council Members asked their questions and he would see what could be done to resolve it or be responsive to his questions. Council Members Wiseman, Vasquez and Parker absent.

Council Member Galloway stated that she tried to assist Mr. Dawson and it was trying the maze they had gone through; that even Council Member Quan had been in on some of the

meetings; that it seemed the contractor could do the work and did bid and supposedly met all criteria required; that Mr. Dawson also had another agreement with the bank as they were in collaboration on the project, but it seemed the bank had to approve the contract as well and she wanted to know who was the first to come out and say they accepted the contract. Mr. Dawson stated that the bank said they talked with Mr. Fickes and the city had not yet approved the contract. Council Members Edwards, Wiseman, Vasquez and Sekula-Gibbs absent.

Council Member Quan stated that last time he spoke with Mr. Dawson Chase Bank said they were willing to go forth as long as the city was; and moved to suspend the rules to hear Mr. Ken Fickes of the Housing and Development Department, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Edwards, Wiseman, Ellis, Vasquez and Sekula-Gibbs absent. Council Member Berry absent on city business. Council Member Robinson absent on personal business. MOTION 2003-0364 ADOPTED.

Upon questions by Council Member Quan, Mr. Fickes stated that Mr. Dawson failed to respond to numerous requirements they had given him to accomplish over the past few years, the most recent of which was a loan commitment they gave him in February to get it back on track and in it they required the bank to approve the contractor; that the bank sent Mr. Dawson two letters they were not going to approve the contractor and he had copies of them. Mr. Dawson stated that was not the understanding he got from Chase, they wrote him a letter asking for additional information and verbally the man at Chase told him they would only approve if the city said they would approve and that was where they were at this junction. Mayor Brown, Council Members Goldberg, Edwards, Wiseman, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon further questions by Mayor Pro Tem Quan, Mr. Fickes stated they would not agree until Chase agreed but that was not all, there were other issues needing to be resolved as a result of the commitment issue and they gave Mr. Dawson information and he understood that Mr. Dawson had a meeting with Ms. Stiner a few weeks ago and discussed it. Mr. Dawson stated that he knew nothing of an issue all he knew was they needed approval of a general contractor and a budget; that Mr. Fickes had met with the contractor and subs and it was his understanding he was all right with them. Mayor Pro Tem Quan stated that the information he had seen said over the past two years Mr. Dawson failed to comply with the banks requirement and the city's most recent loan commitment dated February 26, 2003, and upon questions, Mr. Dawson stated that Chase had not agreed. Mayor Brown, Council Members Goldberg, Edwards, Wiseman, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Fickes stated that the major items were a revised appraisal, a revised set of plans and specifications and a work write up; that he changed the scope of work dramatically since his last set of plans and they had seen no revised set of plans and specifications on the scope of work; that he had seen background information on the contractor and he would ask for the same additional information the bank was asking for. Mayor Brown, Council Members Goldberg, Edwards, Wiseman, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

After further discussion Mayor Pro Tem Quan stated that he would like a meeting arranged between him Council Member Galloway, Mr. Fickes and himself so they could get this settled. Mayor Brown, Council Members Goldberg, Edwards and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Ms. Cheryl Dawson, 8610 Woodlyn, Houston, Texas 77028 (713-631-5112) had reserved time to speak and declined to speak when her name was called. Mayor Brown, Council Members Goldberg, Edwards and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mr. Mark Flaum, 440 Louisiana #2200, Houston, Texas 77002 (713-547-8501) appeared

and stated that he was a Real Estate Attorney in the State of Texas and thought the problem they were having was they could not get a concise check list of all items required, for instance the appraisal, as he recalled the conditional grant said no appraisal was necessary so they were talking about a non issue and other issues like approval of the contractor and budget he believed if they could get with Mr. Fickes and do a calender of the conditional grant they would see there were certain conditions precedent to others and the only two that were existing conditions precedent that brought them back to Council for approval of the conditional grant was an approved budget and approved contractor, once those were satisfied they would come back to Council so they were not on the same page. Mayor Brown, Council Members Goldberg, Edwards and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that what Mr. Fickes said was that Chase Bank declined the loan on two occasions; and Mr. Flaum stated that it was not a matter of declining the loan it was already in existence, but what Chase had done was ask for more information such as tax returns on the contractor so they were questioning some of his qualifications; that he could help Mr. Dawson play the game but needed all the rules. Mayor Pro Tem Quan stated that he would ask those at Chase to be in the room with them at the meeting so they could get this finalized. Mayor Brown, Council Members Goldberg, Edwards and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Fickes stated that he thought they could schedule a meeting within the next 10 days. Mayor Pro Tem Quan stated that he would have Mr. John Palmer in his office schedule the meeting. Mayor Brown, Council Members Tatro, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mr. William Shepherd, 6056 S. Victory, Houston, Texas 77088 (832-643-4663) had reserved time to speak and declined to speak when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mr. Juan Perales, 6300 Washington Ave., Houston, Texas 77007 (832-794-8637) had reserved time to speak and declined to speak when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mr. Al Moore, 6509 Letcher, Houston, Texas 77028 (713-635-3452) appeared and stated that he was present to speak in reference to the East Houston Apartments and how it was affecting the community; that the apartments were centrally located in Houston in the northeast section of town and was a part of the economic base which made up the blighted communities surrounding and supporting the North Forest ISD; that in the absence of landowners and unemployed homeowners they could not continue to suffer the loss; that the apartment housing would increase enrollment in schools and generate taxes and he was requesting the release of funds and right to continue the rehab of the project allocated in the name of the East Houston Apartments; that it was started over five years ago and because of city employees it was still continuing; and he commended the Mayor and Council offices for trying to work it out. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that there was no question they wanted more good housing in that area of town and Council Member Galloway had worked on this quite a while an asked him to work on it also and they would do what they could to get it completed. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker and Sekula-Gibbs 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, Parker and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jack Terrence, 2808 Morrison, Houston, Texas 77009 (713-861-1991) appeared and stated that he was present about 20 years ago and pointed out that the city tax on the Rice Hotel in the 1980s was \$8.40 where as a past due parking ticket at that time was \$20.00; that he was always under the impression commercial properties paid more than their fair share of property tax but that was not the case; that the bulk of city property taxes was paid by nonresidential homesteads; that he looked on the computer and many times could see a large commercial establishment on a very large busy street was one half the tax rate per square foot as many of the rundown houses in the same neighborhood; that he looked up the Houston Chronicle on the computer and came across 13 properties they owned and of those seven had not had their land increase in value since 1999 and on several other properties they owned the land value had not increased in four years; that they were paying less taxes in 2003 on those 13 properties than they were paying in 1999 and many people had taxes increased two and three times; and he felt that was unfair and believed Council had an obligation to see that all taxes were appraised fairly and everyone was treated equally. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Terrence stated that he would not say there was favoritism, but something was wrong and he would prepare a list of hundreds of examples and send them to his office; that Crescent Real Estate, he believed the city was negotiating to buy property across from the George R. Brown for \$140.00 a square foot, however, it was on the tax rolls for \$40.00 a square foot and if they bought it they were paying 3-1/2 times its market on the Harris County Appraisal List. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) appeared, presented information and stated that he was hoping Council would help him get Coca-Cola vending machines placed and the profits to go to The Challenge Center; that they also wanted to place several machines at the new basketball stadium. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he believed he would have to go through the Purchasing Department and actually they had an RFP out at this time requesting proposals for vending machines and he believed their response was to be back either this or last week; and asked that someone from Mr. Cantu's Office direct him and see how he could participate. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Defilippo, 9301 Southwest Freeway #660, Houston, Texas 77074 (713-502-4077) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 8630 Valley South, Houston, Texas 77078 (281-458-8732) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado and Sekula-Gibbs 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 all US embassies closed and gave his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Brenda Fylnn Flores, 2041 Marnel, Houston, Texas 77055 (713-722-9258) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 3:31 p.m. City Council recessed until 9:00 a.m., Wednesday, April 16, 2003. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Sekula-Gibbs absent. Council Member Berry absent on city business. Council Member Robinson absent on personal business. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 16, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 16, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Martha Stein, Agenda Director present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 44

MISCELLANEOUS - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT**:
 - Position 5 - **MS. LESLIE GARCIA ASHBY**, appointment, to complete an unexpired term ending June 1, 2004
 - Position 8 - **MR. TRACY SUTTLES**, appointment, for a term ending June 1, 2005
 - Position 16 - **MS. EDNA RAMOS**, appointment, for a term ending June 1, 2006
 - Position 17 - **MS. SHEREA MCKENZIE**, reappointment, for a term ending June 1, 2006
 - Position 18 - **MS. GIGI HUANG**, appointment, for a term ending June 1, 2006
 - Position 19 - **MR. DONALD HENDERSON**, appointment, for a term ending June 1, 2006
 - Position 20 - **MS. DAYLE BLAKE**, appointment, for a term ending June 1, 2006
 - Position 21 - **MR. JERRY THOMPSON**, reappointment, for a term ending June 1, 2006
 - Position 22 - **MR. GARY WARWICK**, reappointment, for a term ending June 1, 2006
 - Position 23 - **MR. WILLIAM FRANKS**, reappointment, for a term ending June 1, 2006

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0365 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON PARKS BOARD**, for terms expiring January 1, 2006:
 - Position Four - **MR. PETER S. WAREING**
 - Position Five - **MS. ANITA STUDE**

- Position Six - **MR. REED MORIAN**
- Position Eleven - **MR. DON K. CLARK**
- Position Fourteen - **MS. YVONNE CORMIER**

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0366 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **MECHANICAL CODE REVIEW BOARD (formerly known as the AIR CONDITIONING BOARD)**, for terms expiring January 2, 2005:

- Position Three - **MR. RICHARD W. BURR**
- Position Five - **MR. JAMES R. GRAVES**, and to serve as Chair
- Position Seven - **MS. PAMELA BEST**

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0367 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MUNICIPAL ART COMMISSION**:

- Position One - **MR. REGINALD ADAMS**, appointment, to complete an unexpired term ending 1/2/2004
- Position Ten - **MS. SARAH TROTTY**, reappointment, for a term to expire 1/2/2005
- Position Eleven - **MS. SARAH C. REYNOLDS**, reappointment, for a term to expire 1/2/2005
- Position Twelve - **MS. ALVIA J. WARDLAW**, appointment, for a term to expire 1/2/2005
- Position Thirteen - **MS. MARIA SICARDI**, appointment, for a term to expire 1/2/2005
- Position Fourteen - **MS. KIM C. RENTERIA**, reappointment, for a term to expire 1/2/2005
- Position Fifteen - **MR. IBSEN ESPADA**, reappointment, for a term to expire 1/2/2005
- Position Sixteen - **MS. BARBARA CLAIBORN**, reappointment, for a term to expire 1/2/2005
- Position Seventeen - **MS. DRUCIE CHASE**, reappointment, for a term to expire 1/2/2005
- Position Eighteen - **MS. DEBRA DANBURG**, reappointment, for a term to expire 1/2/2005

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0368 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS also known as OLD SIXTH WARD**:

- Position Three - **MS. JANE M. CAHILL**, reappointment, for a term to expire 12/31/2004 and to serve as Chair, for a term to expire 12/31/2003
- Position Four - **MR. STEVEN KIRKLAND**, reappointment, for a term to expire 12/31/2004
- Position Five - **MS. ELIZABETH D. MCMILLIN**, reappointment, for a term to expire 12/31/2004

Position Six - **MS. CHRISTINE FARRIER**, appointment, to complete an unexpired term ending 12/31/2003

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0369 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

MS. JANE M. CAHILL, reappointment, to serve as Chair, for a term to expire 12/31/2003

Position One - **MS. MARTHA DIAZ**, reappointment, representing District 6, of the Texas Senate, for a term to expire 12/31/2004

Position Two - **MS. LARISSA LINDSAY**, appointment, representing District 147 of the House of Representatives, for a term to expire 12/31/2004

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-0370 ADOPTED.

ACCEPT WORK - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,703,877.57 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Dumbarton Oaks Subdivision, GFS S-0035-64-3 (WA10589) - 10.40% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller and Berry absent. MOTION 2003-0371 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 18

13. **MUSTANG POWER SYSTEMS** to Furnish and Install a New Generator End for Department of Public Works & Engineering - \$58,160.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-0372 ADOPTED.
14. **AMEND MOTION #2000-700, 5/31/00, TO EXTEND** expiration date from June 15, 2003 to June 14, 2004, for Wire Rope and Fittings for Public Works & Engineering and Solid Waste Management Departments, awarded to **SOUTHWEST WIRE ROPE, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-0373 ADOPTED.
16. **AMEND MOTION #2000-515, 4/12/00, TO EXTEND** expiration date from May 24, 2003 to May 23, 2004, for Automotive Refinishing Products Contract for Various Departments, awarded to **LUIS AUTO COLORS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-0374 ADOPTED.
17. **AMEND MOTION #1999-1281, 7/14/99 and 2002-266, 3/6/02, TO EXTEND** expiration date from July 14, 2003 to July 13, 2004, for Welding Equipment and Supplies for Various Departments, awarded to **RICE WELDING SUPPLY CO., INC (formerly AERIFORM,**

INC) and X-ERGO, DIV. OF NCH CORP. – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-0375 ADOPTED.

18. **AMEND MOTION #2000-571, 4/26/00, TO EXTEND** expiration date from April 26, 2003 to April 25, 2004, for Two-Way Radios, Parts and Accessories for Various Departments, awarded to **BEARCOM WIRELESS, HOUSTON COMMUNICATIONS, INC and SWS COMMUNICATIONS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-0376 ADOPTED.

ORDINANCES - NUMBERS 20 through 44

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of McIlhenny Avenue, from Smith Street to Brazos Street; vacating and abandoning said street to Carolyn F. Jackson Family Partners, Ltd., the abutting owner, in consideration of the owner's dedication of a forty-foot-wide combination sanitary sewer and storm sewer easement, located in the Unrestricted Reserve A. Block 1, Section 1, Spec's Midtown Addition, and the payment of \$103,175.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2003-0359 ADOPTED.
22. ORDINANCE approving and authorizing the granting of a 30-ft-wide pipeline easement containing 26,327 square feet (0.6044 acre) of land, more or less, to TEPPCO Crude Pipeline, L.P. in consideration of TEPPCO's release, relinquishment and abandonment of a general location pipeline easement situated within the City's 9.7365 acre tract; both tracts being out of Lot 48, Block 26 Moore Acres Subdivision, C. Williams Survey, Abstract 834, Harris County, Texas, and other consideration to the City - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0360 ADOPTED.
33. ORDINANCE correcting Item Numbers 36, 37 and 38 in the Assessment Roll included within Ordinance Number 86-997, and authorizing refund for certain assessment liens and apparent liens created by Ordinance No. 81-2170 for the initiation of a paving project for the permanent improvement of portions of Tidwell Road from U. S. Highway 59 to Hirsch Road, in the City of Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0361 ADOPTED.
35. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143** – was presented. All voting aye. Nays none. ORDINANCE 2003-0362 ADOPTED.
36. ORDINANCE consenting to the addition of 152.0064 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0363 ADOPTED.
39. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **MORGAN REBUILDERS COMPANY** for Machine Shop Services for Various Departments (as approved by Ordinance No. 97-1485) – was presented. All voting aye. Nays none. ORDINANCE 2003-0364 ADOPTED.
42. Omitted

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

7. REQUEST by Houston International Protocol Alliance for establishment of a Sister City relationship with Tampico, Tamaulipas (Mexico) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0377 ADOPTED.

Council Member Quan moved to suspend the rules to hear from Consulate General of Mexico Eduardo Ibarrola, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker absent. MOTION 2003-0378 ADOPTED.

Consulate Ibarrola stated that he wanted to thank them for the opportunity, that it was the first time he was before the City Council and wanted to express his appreciation for all that the City Council and the City of Houston and the Mayor were doing for the Mexican Consulate in Houston and for the Mexican community, that he also wanted to express his recognition for the decision to have a sisterhood relation with the important City of Tampico in the State of Tamaulipas, Mexico, that he thought that Houston being the most international cities in the United States was very important for Houston and very important for Mexico to have a sister city in the Republic of Mexico, that the city was Tampico and he was very glad of that and was pretty sure that they were going to work very close in order to improve the relationship, not only between Houston and Tampico, but between Houston and the whole Republic of Mexico. Council Member Parker absent.

Council Member Vasquez stated that he wanted to recognize the Protocol Office and thank them for all their effort in working with the Consul General and making it a reality, that it was a very important city for the City of Houston there was a lot of port business that went back and forth and wanted to congratulate the Consul General as a success for him as well and for the Country of Mexico, and Mayor Brown asked that Ms. Sonia Garza and her staff stand and be recognized.

Council Members Alvarado stated that she wanted to welcome the Consul General to City Council and also wanted to say that Council Member Berry held the Sister City Sub Committee meeting and they were very fortunate to have the Mayor of Tampico present, which was quite an honor and wanted to thank Ms. Sonia Garza and everybody involved.

Council Member Sekula-Gibbs stated that she wanted to echo a note of appreciation for the Consul's hard work on behalf of the citizens of Mexico and knew that he represented them well.

Council Member Berry stated that he wanted to thank the Mayor for putting it on a fast track to get it done, that he thought it was going to be good for the City and something they were all proud of, and wanted to thank the Consul General for his work and wanted to thank Marco Brocamontes who spearheaded it from the private sector and also Ms. Garza and Ms. Flor, who did a wonderful job and made them look so good and brought all the Sister Cities organizations together to welcome the Mayor of Tampico when he came a couple of weeks ago, that they looked forward to a great and lasting friendship.

Council Member Quan stated that he wanted to echo the thoughts of so many of his colleagues, that the Consul had been a great asset to the City since he arrived and his efforts on behalf of the citizens of Mexico on the Identity Program and the Workers Rights Program and he also wanted to acknowledge Marco as well and thanked Council Member Berry for mentioning it, that he talked to Marco a few months back and at that time it was just a dream and was now happy to see it become a reality. Council Member Tatro absent.

Mayor Brown stated that he wanted to thank the Consul for being present and

congratulations. Council Member Tatro absent.

ACCEPT WORK

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$682,646.43 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-0266-16-3 (4277-6) - 00.03% over the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. Council Member Tatro absent.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,201,098.55 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of Frostwood West Drainage Improvements, GFS M-1001-01-3 (SM5008) - 04.99% over the original contract amount - **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0379 ADOPTED.

PROPERTY

11. 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. Ronald E. Lee, Jr. Trustee, et al., Cause No. 772,896, for acquisition of Parcels LY1-008, LY1-008A, LY1-009 and LY1-009A; for **DUNVALE-LIPAN RELIEF STORM SEWER PROJECT**, CIP/GFS M0189-01-1 - **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0380 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **PATE ENGINEERS, INC** for Emergency Repair of the Alameda Road Cave-In for Department of Public Works & Engineering – was presented, moved by Council Member Quan, seconded by Council Member Parker, and tagged by Council Member Goldberg. (Note: Council Member Goldberg removed his tag later in the meeting.)

Council Member Goldberg stated that they had voted on the project a few months ago and he thought they were led to believe the project would cost \$3 million and the information he got was that it was going to cost \$10 million and did not know why it was not explained to them before when they were simply putting a down payment down with \$3 million, and Mayor Brown stated that the reason was that no one knew the extent of the damage and once they started the work they found out the magnitude of the problem, and Council Member Goldberg stated that he thought the \$3 million was a payment for work that had already been provided and seemed like after \$3 million they would know what the extent was, and Mayor Brown stated that actually the Council had approved \$7 million, and Council Member Goldberg stated that he was going to tag the item until they got questions answered, and Mayor Brown stated they would get all the answers to his questions.

15. **HOUSTON CHRONICLE** for 680,000 copies of the Annual “Recycling and Neighborhood Cleanup Handbook” for Solid Waste Management Department - \$34,906.80 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0381 ADOPTED.

19. **AMEND MOTION #2000-916, 7/19/00, TO EXTEND** expiration date from August 1, 2003 to July 31, 2004, for Electric Motor Supply contract for Various Departments, awarded to **GRAINGER INDUSTRIAL SUPPLY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0382 ADOPTED.

ORDINANCES

21. ORDINANCE declining the acceptance of, rejecting, refusing, and disclaiming the dedication of four access and utility easements, three fire hydrant easements, and a 10-foot-wide waterline easement (Parcel S99-036A through S99-036H); finding and determining that public convenience and necessity no longer require the continued use of a temporary sanitary sewer easement containing 51,279 square feet of land, more or less (Parcel S99-036I); approving and authorizing the sale of a former Westway Utility District Water Well Site containing 6,400 square feet of land, more or less; Parcel (S99-036J); Parcels S99-036I and S99-036J being situated in the W.C.R.R. Company Survey, A-917, Houston, Harris County, Texas; vacating and abandoning Parcel S99-036I to Metro National Corporation, the abutting owner; approving and authorizing the sale of Parcel S99-036J to Metro National Corporation, in consideration of owner's dedication of a sanitary sewer easement containing 14,630 square feet of land, more or less (Parcel DY2-003), and owner's payment of \$24,725.00 and other consideration to the City - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0365 ADOPTED.
23. ORDINANCE authorizing the creation of the Series E Commercial Paper SE Downtown Streetscape Fund (The "Fund"); and appropriating the sum of \$5,432,965.00 out of the Fund; and approving and authorizing contract between the City and **THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for Design and Construction of the Southeast Area (Downtown) Streetscape Improvement Project, GFS N-0786-01-2 (SB9131-01) - **DISTRICT I - ALVARADO** – was presented. Council Member Tatro voting no, balance voting aye. Nays none. ORDINANCE 2003-0366 ADOPTED.
24. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Criminal Justice Division, Office of the Governor for implementation of a Crime Victim Assistance Program by the Police Storefront Crisis Team; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$54,968.00 General and Grant Funds – was presented. All voting aye. Nays none. ORDINANCE 2003-0367 ADOPTED.
25. ORDINANCE amending Ordinance No. 98-256 that approved and authorized application for grant assistance to the Office of the Governor, Criminal Justice Division, to establish a Gang Violence Reduction Program in the City of Houston - \$74,644.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0368 ADOPTED.
26. ORDINANCE approving and authorizing the submittal of an application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL**, for the City's Epidemiology and Laboratory Capacity for Infectious Disease Surveillance (ELCIDS) Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant awards, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing eight (8) new staff positions - \$1,588,136.00 - Grant Fund – was presented. All voting aye. Nays none.

ORDINANCE 2003-0369 ADOPTED.

27. ORDINANCE amending Ordinance Number 2001-1085 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **SCIENTIFIC TECHNOLOGIES CORPORATION** for Immunization Marketing Plan for the City's Immunization Program - \$100,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0370 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **CATHOLIC CHARITIES OF THE DIOCESE OF GALVESTON-HOUSTON**, providing up to \$157,700.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the Administration and Operation of a “Short term rent, Mortgage, and Utility Assistance and Supportive Services” Project - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2003-0371 ADOPTED.
29. ORDINANCE repealing Ordinance No. 2001-426 and approving and authorizing a loan agreement between the City of Houston and **2003 GARDEN CITY, L.P.** to provide a loan of Federal “HOME” Funds in the amount of \$1,750,000.00 to finance a portion of the costs to acquire a 256-Unit Apartment Building at 9601 West Montgomery Road to be developed as Affordable Rental Housing - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Galloway.
30. ORDINANCE correcting certain temporary assignments of areas annexed for limited purposes to various council member districts; amending Ordinance Nos. 2003-0256, 2003-0270, 2003-0274, 2003-0280, 2003-0284, and 2003-0286 – was presented.

Council Member Ellis stated that he wanted to move Item 30 to the end of the agenda, that he never received any backup on the item, and Council Member Galloway stated that she wanted to tag Item No. 30. (Note: Council Member Galloway released her tag later in the meeting.)

31. ORDINANCE approving and authorizing lease agreement between the City of Houston and **TAVAERO JET CENTER, INC.** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0372 ADOPTED.
32. ORDINANCE finding and determining no special benefit to the abutting owner of property described as 17.9663 acres of land in the I.&G.N.R.R. Company Survey, Abstract No. 953, Harris County, Texas, and including all of Reserve “D” of the plat of Willow Glen, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 91-132 passed January 23, 1991, for the initiation of a paving project for the permanent improvement of portions of West Orem Drive in the City of Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2003-0373 ADOPTED.
34. ORDINANCE finding no special benefit to the abutting owner of property described as 2.5043 acres out of the Samuel McClelland Survey, Abstract No. 544, Harris County, Texas, and authorizing refund for certain assessment liens and apparent liens created by Ordinance No. 87-501 passed April 14, 1987, for the initiation of a paving project for the permanent improvement of portions of West Tidwell Road in the City of Houston, Texas - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2003-0374 ADOPTED.
37. ORDINANCE approving and authorizing School Crossing Guard Services contracts between the City of Houston and (1) **LA AMISTAD LOVE & LEARNING ACADEMY** and

- (2) **RAUL YZAQUIRRE SCHOOL FOR SUCCESS** - 5 Years - \$136,500.00 - Child Safety Fund **DISTRICTS C - GOLDBERG and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0375 ADOPTED.
38. ORDINANCE amending Ordinance Number 99-0383 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **ENFORCEMENT TECHNOLOGY, INC** for Maintenance of Hand Held Ticket Issuing Devices for Municipal Courts \$11,125.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0376 ADOPTED.
40. ORDINANCE appropriating \$440,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PARSONS TRANSPORTATION GROUP** for Design of the Transportation Kingwood Mobility Study & Engineering Services, CIP N0644G-02-2 (SB9082); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2003-0377 ADOPTED.
41. ORDINANCE approving and authorizing first amendments to professional construction management services contracts between the City of Houston and the following three companies: 1) **EMPIRE CONSTRUCTION SERVICES, INC.** (as approved by Ordinance No. 02-305), GFS R-0267-57-3, 2) **BROOKS & SPARKS, INC** (as approved by Ordinance No. 02-081), GFS S-0035-90-2 and 3) **WCW INTERNATIONAL, INC** (as approved by Ordinance No. 02-410), GFS N0367-01-3 – was presented. All voting aye. Nays none. ORDINANCE 2003-0378 ADOPTED.
43. ORDINANCE appropriating \$298,334.40 out of Police Consolidated Construction Fund, awarding construction contract to **PRC ROOFING CO., INC** for Construction of the Roof Replacements at the Police Academy Buildings “B” and “D”, GFS G-0066-05-3 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2003-0379 ADOPTED.
44. ORDINANCE appropriating \$539,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INDUSTRIAL TX CORPORATION** for Millbanks Lift Station Rehabilitation; GFS R-0267-77-3 (4276-37); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2003-0380 ADOPTED.

NON CONSENT AGENDA - NUMBER 45

MISCELLANEOUS

45. REVIEW on the record and make determination relative to the appeal from the decision of the Hearing Officer, filed by Claire B. Tapscott, Weycer, Kaplan, Pulaski & Zuber, P. C., Attorneys at Law, on behalf of **HOUSTON GARDEN CENTER** regarding their opposition to application filed by Greater Houston Soapbox Derby for Street Function Permits - **DISTRICT C – GOLDBERG** – was presented.

Council Member Goldberg stated that he was going to support the decision rendered at the hearing, that he had actually shopped at the Houston Garden Center and knew it very well and had visited with the Soapbox Derby and knew both and knew the situation entirely, however they were only allowed to base their decision on what was in the record and he had read the record

a couple of times and the argument from Houston Garden Center was very coherent when they looked at it directly, that they talked about economic devastation but there were really no facts or statistics and not even a good explanation of why they would suffer the harm and so just based on the record he would have to go with the recommendation made by the hearing officer, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2003-0383 ADOPTED.

MATTERS HELD - NUMBERS 46 through 52

46. MOTION by Council Member Wiseman/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 8 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. MOTION 2003-0384 ADOPTED.
47. 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 – **(This was Item 18 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0381 ADOPTED.
48. 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 – (This was Item 24 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0382 ADOPTED.
49. 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 – **(This was Item 28 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0383 ADOPTED.
50. 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 – **(This was Item 32 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO, SEKULA-GIBBS, PARKER, BERRY, ELLIS, GALLOWAY and KELLER)** – was presented.

Council Member Robinson stated that he had three amendments that he distributed to his colleagues in writing and offered the following:

Council Member Robinson presented the following motions to amend Item 50:

Amend Item 50 to calculate the proposed drainage fee inclusive of all exemptions that Council may grant as outlined in the City Attorney's memo of April 8, 2003. (Exempt all

state, county, municipality, school district and religious property.)

Amend Item 50 to develop additional fee structure models that generates no more than \$35 million and \$50 million in revenue respectively.

Amend Item 50 to include modeling a sunset provision that reduces the size of any drainage fee to a level sufficient for maintenance and debt service only after construction of the system.

Mayor Brown asked Mr. Haines to address the three items, and Mr. Haines stated that as to the three amendments they believed that they could be incorporated in several modeling scenarios that could be presented to and discussed with Council Members by both Public Works as well as CDM under the agreement.

Council Member Ellis asked Council Member Robinson on amendment number two, when he talked about having additional fee structure models basically was he saying that he would not be in favor of the present proposal that the administration had brought forward and Council Member Robinson stated that he thought he made clear that his preference would be to close off ALP and do a one for one replacement or just a little bit above it, that they do \$25 million out of ALP now, and he personally wanted to close off ALP and if they closed off the ALP and stopped the 5% transfer they would have to come up with at least \$25 million to \$30 million to do the minimum of what they were doing now.

Mayor Brown asked Mr. Haines to address the issue that was raised, and Mr. Haines stated that questions relative to the ALP, they had received instruction from the Mayor and he had asked that they proceed, that the expectation, he believed, that the Mayor had met with most Council Members who had expressed the same kind of feeling that the ALP be closed out, that there was a letter that had been distributed to the Council Members that would allow that to happen, including some dates, that initial action would be, and they would recognize that there was funding in both ALP and the Water and Sewer Fund generally to allow it to happen and to allow for at least an initial startup to manage the drainage program under its current maintenance structure, at least for a period of time, to allow Council Members to debate the matter, that they would effectively closeout the ALP and eliminate any further opportunity to pull down from Water and Sewer Revenues through ALP into any purpose at all and effectively retain those Water and Sewer Revenues strictly for water and sewer purposes.

Council Member Tatro stated that one of his concerns was the timing of the contract, but specifically going to what Council Member Robinson had done, that he wanted to tag the amendments and wanted them to be considered if the contract was adopted ultimately and planned to ask for a delay on the contract, that it was the policy issues of the exemptions, that he thought they had to consider exemptions almost before they started implementing the contract, to have somebody go out and study the fees, because they could be spending a heck of a lot of money on having somebody come up with equations for charging HISD and Spring Branch Independent School Districts and the University of Houston and TSU and he could tell them now that it was going to be a lot of money period, that he thought philosophically they had to decide whether those institutions should be exempted, that one thing he would not like to spend money was allowing some outside consultant to go burn cash coming up with a rate schedule that the Council would never sanction, that he wanted to tag the items and when the main item was considered he would ask for a weeks delay.

Council Member Quan stated that he liked Council Member Robinson's amendments, but Mr. Haines indicated that they would be among several that they would be considering in working with Camp, Dresser and McKee and that they would be soliciting from Council other concerns that they had as well, that they did not have a set criteria in mind, only would be looking at what Council Member Robinson had, but would be soliciting other advice, and Mr. Haines stated that was correct and the reality was that the modeling structure that they were going to use would

essentially role out any combination of iterations that Council Members may ask them to do and certainly based on the amendments offered by Council Member Robinson it was an all inclusive agreement and they did not see these activities or other kinds of activities driving price up on the agreement, not at all, and Council Member Quan stated that it was his understanding that Galveston, Austin, Dallas and El Paso had drainage fees in place already and he was curious to see how those City Councils had looked at the issues of what exemptions they had and while they did not know the full universe of options they had and he thought that they could certainly learn from other cities and did not want to be precluded from saying that they did not ask them to study that, and Mr. Haines stated that frankly they believed that was one of the compelling reasons why Mr. Vanden Bosch was recommending that particular firm because they had done in excess of a hundred different types of utility systems, such as what they were dealing with, whether they were talking about Galveston, Austin, Dallas or other communities, they believed that the inventory was available to them, and Council Member Quan asked if they would have an opportunity if they entered into the contract to meet with Camp, Dresser and McKee, go over some of the other models and make their own suggestions, and Mr. Haines stated yes.

Council Member Galloway stated that she supported Council Member Robinson's amendments and unlike her colleague thinking that the contract was to analyze all the data to get the information to them so they could make a better decision in awarding the consultant contract, she felt that it was the best thing yet because she expressed her concern about not being able to support the drainage fee at this time and by delaying it, and they were coming back with the research and data, this way she could explain it to her constituents and it would be better and give them a chance to determine a rate to know how much revenue they could bring in from it in order to have the storm drainage and thought it was the best way yet, and commended the Mayor for delaying the drainage fee until the budget year 2005.

Mayor Brown stated that the amendment had been tagged and they were now on the main item.

Council Member Tatro moved to postpone Item No. 50 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-0385 ADOPTED.

51. 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 – **(This was Item 33 on Agenda of April 9, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO, SEKULA-GIBBS and BERRY)** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs.

Council Member Tatro moved to postpone Item No. 51 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-0386 ADOPTED.

52. ORDINANCE approving and authorizing first amendment to professional construction management services contract between the City of Houston and **INTERSTATE ENGINEERS, INC** (as approved by Ordinance No. 02-129) – **(This was a portion of Item 47 on Agenda of April 9, 2003, POSTPONED BY MOTION #2003-361)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0384 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Galloway first

Council Member Galloway stated that she wanted to applaud Ms. Daisy Stiner because she had been working very closely on a project with her and had spent many hours and had also become quite familiar with District B's revitalization as far as home development and economic development, that she wanted to applaud her for taking time out of her schedule to work very closely with many of the CDC's in her community and her expertise in the area of community block grants.

Council Member Galloway stated that last Saturday she had her annual Easter egg hunt and it was in different parks in her district, that she wanted to give recognition to Mr. Roy Wilson in the Parks Department and his staff for doing a commendable job in assisting her and having a successful Easter egg hunt, that they had over 1,000 young people and wanted to share the spotlight with her colleague Sekula-Gibbs who came out at one of the Easter egg hunts, that they had an Easter egg hunt at Tidwell Park, Verde Forest and Pleasantville. Council Member Goldberg absent.

Council Member Robinson stated that in the last TTI Committee meeting they had a presentation from SBC that they could generate for them about \$1.7 million in savings on their current phone bill, that he sent a memo that asked that Mr. Haines, Dr. Scheps and Mr. Lewis to please sit down with the SBC folks to see how quickly and how much of the savings were legitimate. Council Member Goldberg absent.

Council Member Robinson stated that somebody had advised him, and he sent a memo to Mr. Anthony Hall, Legal Department, that they had an overweight truck ordinance or they had the right to collect an overweight permit fee like the State did and that they had not necessarily been collecting it if they did have an ordinance, that he was just trying to find it, that if they did have an ordinance what did they need to do to collect and if they did not have an ordinance could they in fact put into place an overweight truck permit ordinance and do like the State did and collect an overweight fee. Council Member Goldberg absent.

Council Member Robinson stated that as to Item Numbers 50 and 51, at the end of the day, for him, the discussion really came down to if they closed off ALP then they eliminated the existing \$27 million and so the only real issue in his mind was how much should the fee generate and should the fee be approved by Council or the public, that he hoped that Council Members were going to be willing to vote to close off ALP and if they did then they had to move some of the existing surplus out of ALP into a drainage utility otherwise they would not have any money and they knew that they would not get anything back on a drainage fee, even if a majority of Council were to support a drainage fee during the FY04 Budget process, that he would really like to focus on the question that Council Member Ellis asked, how much revenue the fee out to generate. Council Member Goldberg absent.

Mayor Brown stated that they would work on both of those items. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to thank Chief Bradford and his staff for being present at the funeral of Ms. Jones last Saturday, that it was very impressive and very appreciated by both the community and by the family, and also Lieutenant Silva, who had worked with her in trying to get information to the family about the death of their oldest son, that they would be meeting, thanks to the Mayor and Ms. Stein's efforts, tomorrow with the family. Council Member Goldberg absent.

Council Member Edwards stated that they lost several icons in District D, Ms. Molly Taylor Stevenson Sr., who was one of the pioneer families in Houston, the Taylor Stevenson Ranch on Almeda, that she was in her late nineties, so to the Taylor Stevenson Family, thanks for sharing their mom, that also they lost Mr. George Nelson, who was an icon in the media, radio business in the general community and the African American Community, that they appreciated his work as well. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to thank the library staff for their dedication to the reopening of Johnson Library, that they had a date, and she was going to state it publicly and hoped it would make it stick, and it was May 19, 2003, that the people in the Sunnyside area were glad and happy that it was working out. Council Member Goldberg absent.

Council Member Edwards stated that they had talked to their citizens in the Alameda Plaza Civic Club about the sink hole and that the item was on the agenda this week so they were watching, that they did not have to call her, she was going to see what they could do to get it remedied, that it was not going to delay any work, but as far as she understood the process was the same process that they had worked on the other sink holes that she had been a part of so she did not know what was unusual, but hopefully they could get it started. Council Member Goldberg absent.

Council Member Vasquez stated that he wanted to remind everybody that it was Infant Immunization Week and they had a great event on the past weekend and wanted to thank the Health Department and Brock LaMonte for putting on the event and having a full staff out there, that they immunized about 350 to 400 kids and it was great to have them come out and receive those free services and make a difference for those young kids, that hopefully they would keep them immunized over the years, that he wanted to remind everyone that it was Infant Immunization Week and encouraged everyone to get the information out to their neighborhood and community groups. Council Member Galloway absent.

Council Member Vasquez stated that he wanted to wish everyone a happy and safe Easter for anyone who was traveling. Council Member Galloway absent.

Council Member Quan stated that last Saturday they had a wonderful Super Bowl kickoff party and wanted to mention to everyone that people were looking for opportunities to do business with the Super Bowl and there would be a seminar on Thursday at the George R. Brown Convention Center for businesses interested in how to capitalize on the opportunity to do business during the Super Bowl, that if they needed information they were more than welcome to call his office at 713-247-2013 and ask for Sandra Strong. Council Members Galloway and Vasquez absent.

Council Member Quan stated that he wanted to congratulate Blue Print Houston on the first phase of their community meetings, that they had some wonderful meetings, that he was at the Chinese Community Center last night and he and Council Member Tatro were at the Kashmere Gardens Multi Service Center on Monday night and there were big turnouts on both occasions, that he looked forward to their congress on May 31, 2003. Council Members Galloway and Vasquez absent.

Council Member Quan stated that he wanted to wish everyone a Happy Easter and those of the Jewish Faith a happy Passover. Council Members Galloway and Vasquez absent.

Council Member Parker stated that she wanted to remind everyone that there was a special Fiscal Affairs meeting this afternoon at 2:00 pm., that they would have the Parks Department, followed by the Health Department and hoped they would have full attendance. Council Members Galloway and Vasquez absent.

Council Member Parker stated that she wanted to wish everyone a happy Passover and time of gathering of families together and for everyone to have a safe and happy weekend. Council Members Galloway and Vasquez absent.

Council Member Alvarado stated that she continued to read stories and it seemed like on a daily basis, about the DNA lab and her patience was wearing thin and felt that the Council really needed to take some action and had some conversations with Council Member Ellis about a committee between the County and the City, which she thought would be a good idea to have a kind of an independent overview of what was taking place at the lab, that she hoped that they could work together with the County as they knew it was not just a Houston problem, but a regional problem, that also in the news they would see that there were other labs through the State that were having similar problems so she hoped that the Legislature would pass some legislation that would deal with accreditation of their labs, that last week their Legislative Affairs

Committee passed a resolution supporting any legislation that called for independent audit of their lab and also supporting accreditation for labs across throughout the State. Council Members Galloway and Vasquez absent.

Council Member Ellis stated that last week the District Attorney gave him a call and stated that he was in favor of an independent committee looking and evaluating the crime lab to see where they go from that point forward, and since he had discussed it with the Mayor and talked to the Police Chief, and the Police Chief's position was that the committee would have to have some type of statutory authority so that they could evaluate the different cases and so forth and that would assist them in moving forward, but he was in full support of creating some blue ribbon committee, the County Judge had stated that he had funding for the committee and he would suggest to the Mayor that possibly he come up with five appointees and let the County come up with five appointees and figure out how they get their statutory authority, he thought what they could do was appoint a special prosecutor who was independent of the District Attorney's Office and allow that individual to oversee the committee, that he really did not know what the answers were, but thought they had to provide some community or consumer confidence, so to speak, that not only did they not want to see individuals go to jail on faulty work out of a crime lab, but they also wanted to be able to have confidence in the crime lab so they could prosecute those criminals that deserved to be prosecuted, that he would request that the Mayor take quick action and work with the County Judge because he had reached out and said that he had funding for it as well. Council Member Vasquez absent.

Mayor Brown stated that he heard Council Member Ellis say that the District Attorney was willing to take himself out of the process and have a special prosecutor, and Council Member Ellis stated that he thought there were two issues, and the first issue was what do they do from this point forward to make sure that they have an accredited crime lab, and Mayor Brown stated that they had experts evaluating the entire lab right now, that they were experts in that business, the entire lab, not just the DNA, people who did the accreditation, that they would get that information for him, but they were moving on that, that he shared Council Member Ellis's concern about people being convicted based on false DNA and thought that should all be evaluated as well, but as he read in the paper, the District Attorney had said he was not prepared to take himself out of that process, that he wanted to continue to be in charge of that, and Council Member Ellis stated that he had not had discussions on whether he wanted to take himself out of the process or not, that he did know was that the District Attorney's request was to evaluate it, get confidence back in the community and make sure that their crime lab was accredited, that he was amazed and dumbfounded Friday to learn that they were the fourth largest city in the United States and did not have an accredited crime lab, that he just assumed that and thought a lot of people were appalled to find that out as well, but was glad they were taking up the issue and hoped that the Mayor would have some type of press release or write a letter to all Council Members telling them what action he was taking, and Mayor Brown stated that they would give them an update, that the road they were on right now would lead to one of two things, a crime lab that everyone could have confidence in or get out of the business, one of the two, and Council Member Ellis stated that he agreed with him 100% and actually thought that the crime lab should be an independent crime lab, like a metropolitan or regional crime lab where all the law enforcement agencies throughout the region and County could use and access information from. Council Members Tatro and Vasquez absent.

Council Member Alvarado stated that she heard their concerns about the DA's involvement and would go on record to say that the committee would have to be independent of the DA's office and would hope that they could work towards that, and Mayor Brown stated that he had not spoken with the DA, but what he had been reading in the paper he indicated that he was not prepared to take himself out of the process, and Council Member Alvarado stated that she toured the lab almost a year ago she let everybody in Council know that they were not accredited and thought that everyone was surprised to learn that a city this size was not accredited and that there were many things that the City loses out on because they were not accredited, so that was very important, that they did have legislation pending at the Capitol right now that she thought

had a very good chance of passing so she hoped that would also help them to figure out what they do with the future of the lab.

Council Member Edwards stated that to inform those who may have not been at the Public Safety Committee meeting, they had met with the University of Houston and were in the process of meeting this week again with some people from Texas Southern University as far as the same process, so anybody that would like to work with them on that, that Council Member Parker initiated bringing the folks from the University of Houston down and knew that they could not be the body that probably could, but they were giving her some pointers as to where they look and what they were looking for.

Council Member Robinson stated that the independent commission idea was intriguing but the problem was if they did find out wrong doing they still ended up back in the system and what they really needed were two judges down at the courthouse to step up and call for a court of inquiry so that they keep it in the system and separate it from the prosecutors office and that becomes the more effective way to deal with it.

Council Member Galloway stated that she wanted to release her tag on Item No. 30.

Council Member Goldberg stated that Council Member Edwards had asked him to remove his tag on Item No. 12 and was willing to do so but still wanted to visit with Public Works, that he remembered the item coming to Council a few months ago and the cost at that time of \$3 million for repairs seemed high and now he understood that it was over \$10.3 million, that he wished when Public Works tells them how much something was going to cost that they were honest and tell them what the whole project was going to cost, because \$10 million seemed like a lot for repair, he knew it was a cave-in and significant, but it was coming out of the Water and Sewer Fund, the one they did not want to increase the rate on, and if they kept making \$10 million repairs they were going to have to increase the rate, and Mayor Brown stated that they would have someone come and give him a briefing.

12. **PATE ENGINEERS, INC** for Emergency Repair of the Alameda Road Cave-In for Department of Public Works & Engineering – was again before Council. All voting aye. Nays none. MOTION 2003-0387 ADOPTED.
30. ORDINANCE correcting certain temporary assignments of areas annexed for limited purposes to various council member districts; amending Ordinance Nos. 2003-0256, 2003-0270, 2003-0274, 2003-0280, 2003-0284, and 2003-0286 – was again before Council. All voting aye. Nays none. ORDINANCE 2003-0385 ADOPTED.

Council Member Berry stated that he wanted to wish Council Member Quan a Happy Birthday.

Council Member Berry stated that he wanted to commend Council Member Vasquez on his immunization project, that he heard about it on the radio and thought that was half the battle from everything he read on immunization was telling people how they get it down, that was how they improved the rates, that Brock LaMonte, who he mentioned had been working with Mr. Carl Davis in his office to prepare a video that could be distributed privately and Channel 45 and a few of the different stations had offered to pick it up, so he thought there was a lot they could do, mostly in publicizing their immunization efforts.

Council Member Berry stated that wanted to thank Mr. Roy Wilson for serving their constituents well, and Sergeant Marian Craig, at the Near Town Substation, that they got two compliments in the last 40 days on her going above and beyond in the call of duty to serve the City, that he wanted to thank her for making them all look good.

Council Member Goldberg stated that he wanted to recognize some Public Works

employees, Public Utilities Crew #4, who went out and quickly did a repair where a house had been with sewage for a few weeks, the supervisor was Mr. Kermit Thomas, and his crew, Mr. Tommy Thompson, Mr. Sergio Serna, Mr. Jose Martinez, Mr. Jose Arredondo, Mr. Terry North and Mr. Faun Lee, that they did a great job and wanted to recognize them.

Council Member Goldberg stated that he wanted to recognize Ms. Katy Dorfman from Council Member Berry's office, who helped them out on a very bad street reconstruction project, that it should never have gone the way it did and that was why he had said it before and really appreciated the Public Works section, if they were going to do a street reconstruction in District C to let him take a look at the plans and let him discuss it with the neighbors, because when they take a street and sink it three feet they have disastrous results and nobody knew about it, that it was probably a terrible design and all of it could have been avoided if they would just talk to the Council Member of the district, that it was the second time he had to say it and hoped they would do it in the future.

Council Member Goldberg stated that he knew last week they got some federal funding of \$8.7 million for some sort of terrorist mitigation and wanted someone from the administration to brief him on exactly where they were going to spend that money.

Council Member Goldberg stated that in this time of tight fiscal budget, this year and next year, they did have money out there that they were not collecting and had not collected for a long time and that was the street assessments, that when there was a neighborhood street reconstruction project they assess the property owners, that it could be \$500 and up to \$1,000, that they were all assessed and a matter of fact they had to sign an agreement saying they were willing to pay that money before the street reconstruction project was even put in the CIP, that they were willing to pay it and that money was out there and they were not collecting those street assessments and was wondering if someone would get with him and tell him why they did not collect that.

Mayor Brown stated that he wanted to wish everyone a Happy Passover and Happy Easter.

There being no further business before Council, the City Council adjourned at 10:02 a.m. upon MOTION by Council Member Quan, seconded by Council Member Sekula-Gibbs.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary