

City Council Chamber, City Hall, Tuesday, April 22, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 22, 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, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs M.D, Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Gabriel Vasquez and Carroll Robinson absent on personal business.

At 2:07 p.m. Mayor Brown stated that Council would begin with the presentations. Council Members Tatro, Galloway and Keller absent.

Council Member Quan invited Ms. Daisy Stiner of the Housing and Community Development Department to the podium and stated that it was National Housing and Community Development Week; that CDBG funds enhanced the quality of life and on the 28th Anniversary presented Ms. Stiner a Proclamation commemorating the significant contribution of the CDBG funds in Houston and proclaimed April 21-27, 2003, as "Community Development Week" in Houston, Texas. Ms. Stiner stated that the Housing and Community Development Department was honored to be a part of the CDBG Week Celebration and presented framed posters celebrating the 28th year of the CDBG to the Mayor and Mayor Pro Tem; and thanked all who worked with and supported them. Council Member Galloway absent.

Council Member Berry stated that recently the Rhythm and Blues Foundation handed out their Hall of Fame inductee awards to one of Houston's own Mr. Johnny Nash; that in 1972 he released his biggest hit "I Can See Clearly Now" and he was being honored today in recognition and appreciation of his outstanding achievements; and presented him a Proclamation proclaiming April 22, 2003, as "R & B Hall of Fame Inductee Johnny Nash Day" in Houston, Texas. Mr. Nash stated that this was one of the most gratifying moments of his life and certainly his career and he thanked the powers that be that saw fit to give him this. Council Members Keller and Quan absent.

Council Member Goldberg stated that April 26th was Bowl for Kids Day; that he was a Big Brother and on the board of directors for Big Brothers Big Sisters and this was their big fund raising event of the year which was really needed and invited Mr. Khambrel Marshall, Chairman of the Board, to the podium and presented a Proclamation to him congratulating the organization in their role of guidance to children in the community and proclaimed April 26, 2003, as "Big Brothers Big Sisters Bowl for Kid's Sake Day" in Houston, Texas. Council Member Goldberg presented Mr. Marshall with a Certificate in recognition of his endless efforts and community services. Mr. Marshall stated that if he had known of this he may not have come, but he would go a long way for Big Brothers Big Sisters; that on behalf of Big Brothers Big Sisters and the many thousands of volunteers who worked tirelessly to continue to bring dependable adult mentorship he thanked them and thanked Council Member Goldberg for the kind words and for bringing attention to the Bowl for Kid's Sake Day; that anything done for kids was done for the community. Council Member Galloway absent.

Council Member Parker stated that as a point of personal privilege she wanted to say tomorrow the Houston Area Women's Center was having a Jeans for Justice Day and the theme was not about the clothes but about the crime; that everyone was encouraged to wear jeans for the day; that it was not a cause for celebration as it commemorated a ruling in Italy in which a rape conviction was overturned because the Judge said the woman was wearing jeans and could not have been raped.

At 2:23 p.m. Mayor Brown called the meeting to order and Council Member Alvarado invited Reverend Burnis C. Swisher with St. John Missionary Baptist Church to lead everyone in prayer and she led all in pledging allegiance to the flag.

At 2:25 p.m. the City Secretary called the roll. Council Members Goldberg and Berry absent. Council Members Vasquez and Robinson absent on personal business.

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

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

Mr. Larry Lane, P. O. Box 1593, Houston, Texas 77347 had reserved time to speak but was not present when his name was called. Council Member Galloway absent.

Ms. Anna Martin, 3114 Airport Blvd., Houston, Texas 77051 (713-733-4833) had reserved time to speak but was not present when her name was called. Council Member Galloway absent.

Ms. Judy Cross, 3122 Airport Blvd., Houston, Texas 77051 had reserved time to speak but was not present when her name was called. Council Member Galloway absent.

Mr. Joseph Omo Omuari, 15 Charleston, Houston, Texas 77025 (713-655-1929) appeared and stated that he was present regarding the city budget; that in 2001 he proposed a business grant proposal which used some funding geared toward the Sports Authority and now that the Rockets Stadium and Reliant Stadium, etc., were finished he wondered if they would continue having the 15% luxury tax and allow them to be beneficial for the entire community; that he would like the Mayor to go to the State Legislature so the funds could be used for other programs. Council Members Galloway, Wiseman, Keller and Alvarado absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Ms. Jocelyn Marshall, 1000 Gears #3217, Houston, Texas 77067 (281-872-4058) appeared and stated that she worked for the City of Houston and now they were trying to terminate her for something she did at 16; that on the paper she was given it had Lee Brown on it so she thought she should speak to him, but she was not understanding it. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Mayor Brown stated that Mr. Cantu would meet with her and find an answer to her question. Council Members Galloway, Wiseman, Keller, Alvarado and Berry absent.

Ms. Jean Dember-MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that Allen Parkway Village evictees had been consistently punished by evasion and evictions and Mrs. Mary Pruitt and her children were homeless and apart and Mr. Lynwood Johnson was in jeopardy of his health because of inappropriate housing despite promises and federal regulations; that last month Mayor Brown said housing would be provided while arbitration went on and that had not happened. Council Members Galloway, Keller and Berry absent.

Mayor Brown stated that a considerable amount of time had been spent on the issue she brought to their attention in Council and in hearings and at the request of Council Member Robinson he contacted an arbitrator and his response was because arbitration needed two sides, one to reach a conclusion it was impossible here because you also had to follow the rules and regulations of the agency and his conclusion was this matter was pending before the courts and they had ruled against the ones she was representing and they were prepared to do what they could to be helpful, but going over something already adjudicated and not in her favor it did not allow them to be helpful. Council Members Galloway, Keller and Berry absent.

Ms. Jessica Valentine, 1915 Blodgett, Houston, Texas 77004 (713-522-4104) appeared and stated that last month they came regarding assistance for Mary Pruitt and Mayor Brown referred them to Mr. Cantu and today Ms. Pruitt was still homeless; that she was told Citizens Assistance contacted the Wesley Community Center and she took Ms. Pruitt there personally and she was given a paper saying they no longer handled that program so she immediately contacted Mr. Cantu again, but her question was why was she still homeless after 17 months. Council Members Galloway and Keller absent.

Mayor Brown stated that Mr. Cantu would answer her questions; and Mr. Cantu stated that the Wesley Community Center was a subcontractor for the emergency shelter grant program and he provided her a copy of the letter faxed to Ms. Shakur to give to Ms. Pruitt and according to the director at Wesley Ms. Pruitt had an appointment last Thursday and failed to show up; that he was still willing to meet with her and work out whatever assistance was available for her. Council Members Galloway and Keller absent.

Council Member Quan stated that he knew Ms. Pruitt's situation very well and had referred her to Mr. David Mandell with the Coalition for the Homeless and he said he would be glad to look into her situation and see what could be arranged, but she needed to cooperate also and make herself available. Council Members Galloway and Keller absent.

Ms. Valentine stated that when you were in her situation you did not think clearly and one month's rent would not help. Council Members Galloway and Keller absent.

Council Member Edwards stated that Wesley was an emergency shelter; and upon questions, Mr. Cantu stated that it was an emergency shelter and only temporary; that they were trying to get Ms. Pruitt stabilized and an appointment had been set for Thursday, April 17th to meet with a case manager, but she did not show up. Council Member Edwards stated that if they could get the family back together and stabilized they could work on permanent housing but she had to participate in the program to get started. Council Member Keller absent.

Ms. Valentine stated that the report they received from Dr. Britton was slightly different than the one the city said they received, it stated that both parties would have to be willing to mediate and it was her understanding the Housing Department was the one who did not want to mediate; and Mayor Brown stated that he would make sure she received a copy of what he had. Council Member Keller absent.

Council Member Wiseman stated that as a point of personal privilege she wanted to recognize a group of youngsters present with CHATA which was a public speaking, public service and career club and they were a home school support group whose goal was to educate and empower youth; and asked them to stand to be recognized. Mayor Brown and Council Member Keller absent. Mayor Pro Tem Quan presiding.

Ms. Connie Samples, 10230 Royal Oaks, Houston, Texas 77016 (713-635-1535) had reserved time to speak but was not present when her name was called. Mayor Brown and Council Member Keller absent. Mayor Pro Tem Quan presiding.

Ms. Mary Pruitt, no address, no phone appeared, displayed pictures of her family and stated that they were still homeless and on the streets; that she had found several houses but needed the money; that they had a sad Easter and Mother's Day was coming; and asked that Council do something to place them in a house. Mayor Brown, Council Members Wiseman and Keller absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that her having no job was one of the problems in getting long-term shelter for her; that short-term shelter would allow her to get a job and go on; that they were willing to work with her but they had to get her stabilized so she could get a job and get long-term housing; and asked Mr. Palmer to meet with them and set up a meeting with Mr. Mandell, Mr.

Cantu and any Council Members who wanted to participate. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding.

Ms. Christine Coronado, 7180 Moline, Houston, Texas 77087 (713-446-8891) appeared, presented information and stated that she appeared last December regarding a situation with her parents and the Housing and Community Development Emergency Home Repair Program; that the home was immediately worked on in January with them being relocated at the end of December, but due to financial problems it was on hold and she was wanting to know who was responsible for maintenance of the property while the home was being repaired during the construction phase; that a citation was issued to the property because of the debris scattered throughout and she was now told the citation was dismissed because the home was being worked on but who was responsible for the upkeep because if she needed to keep the lawn cut she would, but she needed the commode, carpet, wood, etc., picked up. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Goldberg, Ms. Coronado stated that immediately after she brought the matter to Council's attention her parents were relocated and construction began, but they ran into difficulties as the extent of damages was more than the estimate; that she was not notified that Houston Urban League was no longer working on the home, but she did know they stopped in January. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he could fill in, there was a limit to how much could be spent on home repair and after they looked at the flooring there was extensive termite damage and repairs were greater than what was provided for; that there was a measure coming before Council within the next two weeks and they would be granting additional funds to the project so the Coronado's home could be completed, but her question was who was to keep up repairs while the work was going on and that was a good question. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved that the rules be suspended to hear Ms. Stiner, Director of Housing and Community Development Department, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent on personal business. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0388 ADOPTED.

Ms. Stiner stated that the program perimeters required the amount of assistance be limited to any one homeowner and in this particular situation the Urban League attempted to combine funds they received from another agency but even with those funds the extent of repairs exceeded the budget for both programs; that the item coming before Council tomorrow was a pilot program to try and assist families who had another event in the scenario; that in her opinion the department and the agencies had gone the extra mile in trying to package different levels of assistance to get the Coronado's home repaired and in terms of who was responsible for the property, as always the property owner was. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Coronado stated that her parents actually applied for assistance in 1999 and it took three years to finally get attention and that was when she came before Council; that at the time they tried getting assistance the home only needed minor repairs but within the three years and then with Allison the repairs worsened and it exceeded and would continue to exceed the repairs needed, so she understood they had gone over and beyond what they were responsible for in a typical situation, but this was not a typical situation unless other families were caught up for three years. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Alvarado, Ms. Stiner stated that she visited with

several Council Members and they were presenting to Council this week efficiencies in the program; that the program was never intended to respond to deferred maintenance; that what happened was they had continued to accept referrals when the repairs were beyond what the program was able to do and tomorrow they were bringing improvements to the program, but they would isolate particular situations so everyone would not be in one pool; secondly, they would no longer be asking repair agencies to act as case managers and try and find other funding as that slowed them down and took them out of the repair business so they were hopeful with what they were presenting that everyone they took into the program would be assisted. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that when work was done on his home the contractor hauled off the debris; and Ms. Coronado stated that on the work specifications it said the contractor was to haul away debris weekly, rake yard and clean all construction debris. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Stiner stated that it was explained to her the contractors took the debris but as Ms. Coronado indicated there was dumping on the property. Ms. Coronado stated that all the debris was from the home; that she was there on a regular basis, but she was told they would take the debris at the end, but there was never an end and debris was never removed. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked that Ms. Stiner follow-up; and Ms. Stiner stated that she would; that was not the information she had and she did want to be correct. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they were trying to address her concerns and it was his hope in a couple of weeks they would be back on the job; and Ms. Stiner was going to check and get the contractor responsible. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Ahmad Solomon, 2828 Hayes Road, Houston, Texas 77082 (281-920-0648) appeared, presented information and stated that hate crimes and threat of terrorism against Arabs and Muslims in America were for real and Houston was not an exception; that he was representing himself and was from the biblical city of Nineveh in Iraq and came to America over 41 years ago when he found America to be a place of peace and tranquility, but since the tragic events of 9/11 Americans of middle eastern descent had become targets of terrorism and hate crimes with little protection or media coverage and the situation was further exacerbated when politicians like his Congressman John Culbertson and Council Member Mark Goldberg made statements to frighten Americans that Houston was in eminent danger by Arabs and Muslims. Mayor Brown, Council Members Galloway and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Goldberg, Mr. Solomon stated that he had a televised interview about three weeks ago talking about the war and then he reported Houston was in eminent danger and he believed it was a political statement to generate animosities toward the people. Council Member Goldberg stated that he knew which interview he referred to and he needed to get a copy of the tape because he never said the word Arab or Muslim; and Mr. Solomon stated that was correct but it was the message passed on to the public, the message was very clear. Council Member Goldberg stated that if he associated terrorism with Arabs and Muslims then it was a problem Mr. Solomon had, but he himself did not associate it with it. Mayor Brown, Council Members Galloway and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they were very concerned with any hate crimes directed at the Arab or Muslim communities and the FBI wanted to work with the city to investigate such cases; that Assistant Police Chief Norman Wong was in the Chamber and would be glad to meet with him; that they wanted Houston to be a city where everyone felt safe. Mayor Brown, Council Members Galloway and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that if he felt he was being profiled or hate crimes against him she would like the information. Mayor Brown, Council Members Tatro, Galloway and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she shared his sympathy but would like him to understand their position, for several weeks America was under a high level of alert and everyone including him was cautioned, there was no intention to single out any particular people, but to be alert; that Houston was a particular target because of all in and around it which could be targeted; and she would ask that he work with the authorities and be patient because this was a difficult time. Mayor Brown, Council Members Tatro, Galloway and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she respectfully disagreed that he should be asked to be patient; that he was a U. S. citizen and she thought there was evidence that profiling was going on and it did need to be stopped; that she was not asking him to be patient but to bring his information forward. Mayor Brown, Council Members Tatro, Galloway and Berry absent. Mayor Pro Tem Quan presiding.

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

Mr. Mandar Apte, 2500 Old Farm Road, Houston, Texas 77063 (832-563-0320) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Krishnaveni Gundu, 9717 Cypresswood Dr. #102, Houston, Texas 77070 (832-912-7761) appeared and stated that she was present on behalf of herself as a citizen of Houston and as the US Coordinator for the International Campaign for Justice in Bhopal and wanted to show pictures to show what happened in Bhopal 18 years ago and why it was so relevant to Houston; that the two women with her came from Bhopal and were gas affected women survivors and had led the struggle for justice in Bhopal and were extremely concerned about what was happening in the United States with the Homeland Security Act; that because of what happened there a law was passed allowing residents to go to chemical plants, etc., to see what was being stored there and now they were under the threat of a rollback on those rights and they were extremely concerned; and that Dow Chemical had four facilities in Texas and a large one in Houston and they refused to meet with surveyors and they contaminated waters and refused to clean it up. Mayor Brown, Council Members Tatro, Galloway, Keller and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that there was the Environmental Protection Agency that did oversee such issues, he did not know if it was a city issue to the extent it would affect their health but then the City Health Department would be involved in conjunction with the federal agency, but as far as the shipment and storage of chemicals in interstate commerce it was a federal issue; that if she had concerns they would be more than happy to work with the EPA Director for the area. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Sarah Kelley, 9407 Pipestone, Houston, Texas 77074 (713-779-1566) appeared and stated that that they were the Houston Family Missions called Making Kids Smile and with Mothers Day coming they were concerned about honoring the children and this year wanted to honor the children whose parents served in the military and they along with Santa's Angels and Texas Cops and Kids were planning a very special fun day at Six Flags Astroworld on Flag Day which was June 14, 2003, and were planning on approximately 2,500 family members of our troops to be present; that there was a special patriotic presentation planned for them including a

full military color guard, guest speakers, clowns and more and today they were present seeking support and promotion of their project "Military Family Day at Astroworld. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Ms. Kelley stated that they had talked with Astroworld. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was making an exception and allowing another speaker; and another spokesperson with Ms. Kelley stated that on behalf of the Houston Family Missions they wanted to thank Council Members for all they did and if they needed them they could contact them at the number on their handout. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Anand Kumar, 7315 Bromton, Huston, Texas 77025 (713-660-9821) appeared, presented information and stated that he was present to make an announcement of a great humanitarian visiting Houston May 1st through May 4th; that Ravi Shankar had several projects going on one being the International Association of Human Values and another organization called the Art of Living Foundation which taught stress management. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Kumar stated that one was on May 1st at Rice University and the other on May 3rd at the Verizon Wireless Theater; and it would be great if Council Members could make it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Rita Foretich, 12751 Zavalla, Houston, Texas 77085 (713-729-9826) appeared and stated that she was present to express her concern over the sewer fee appearing on the water bill, each month it marched along with water and it was a burden; that she attended a meeting in District C and Mr. Haines presented the new proposed fee which was to be \$3.50 to \$5.00 per resident and \$75.00 per acre for businesses; that they needed to find some way to have one sewer fee, two fees was just too much; that there was no assurance once the fee was set it would not keep climbing; that she felt there should be some other type of funding and did not feel it was right to take the sewer money they had presently and spend it on something else; that she would also like to know how much money from the initial sewer charge actually went to that purpose, it did not seem equitable to keep spending the money on other projects. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman thanked Ms. Foretich for coming and sharing her concerns that she too had many of the same concerns she raised; that she had proposed the practice of sewage rate averaging since during warmer months they used more water and not all of it went back into the sewage system, yet they were paying for that sewage service; that sewage rate averaging would allow them to only charge for services actually used; and asked the Mayor Pro Tem to copy her the same information Ms. Foretich requested. Mayor Pro Tem Quan stated that several Council Members had asked the same question of how much money had been diverted from water sewer over the years that was not used in drainage and he believed Mr. Haines was going to get the information for all Council Members. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Ms. Foretich for coming and for all her work in District

D; that they would be talking about her questions and letting her know what was going on. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Ellis thanked Ms. Foretich for coming and stated that he shared some of her same concerns and felt they could find funding by restructuring the Water and Sewer Enterprise Fund; that there was an issue, but he did not think it was right to disguise a fee that was a tax. Ms. Foretich stated that she was concerned about the ethics of it, when you got into camouflaging funds you got into all kinds of problems and the sewer charge was a contract made with residents to be used that way and it had already been raided. Mayor Brown, Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-228-3334) appeared and stated that they were again present regarding Mary Pruitt; that people had gone into the hall and talked with them, numerous phone calls were made, etc., but all came to dead ends; that the Mayor and Council had access to some resources and she believed the least costly might be quickly resolved and that would be to assign a social worker to Ms. Pruitt, being homeless had its problems and it was boiling over here and if someone could walk them through the process perhaps it could be put to rest. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would love to find that person, but he thought they were strapped as far as resources that would directly address that concern and that was why his hope was the Coalition for the Homeless addressing the problem on a day to day basis; that they may be able to find the best possible solution, but it would not happen overnight, she would not have a house of her own tomorrow, but they did need to begin the process to begin; that he spoke to the executive director and he was willing to help. Ms. Shakur stated that the fact was assurances had been given to them and they found them to be dead end after dead end and she was very concerned; and Mayor Pro Tem Quan stated that he did sympathize with her frustration but they were trying to do what they could, it was not like they had an inventory of homes and they needed to look at a developmental process to get her stabilized so they could look to her independence for a long-term solution. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was going to stop all contracts with the U. S. and continued voicing his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that he was denouncing all mankind except his mother and her children and continued voicing his personal opinions. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) appeared and stated that they had the documentation needed except the liability insurance packages and

would like to yield to Mr. Doernbrack. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro moved that the rules be suspended to hear from Mr. Egon Doernbrack, seconded by Council Member Wiseman. A vote was called but not recorded as a quorum was not present. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Egon Doernbrack stated that he was present on behalf of Gregory Foster, he was a loan officer and had the pleasure of meeting Mr. Foster and was trying to help him get vending machines in areas to get his Challenge Center started; that his boss elected to put the first Coca-Cola machine in his office. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he had directed Mr. Foster to Mr. Cantu last week and he was to follow-up with Mr. Wells. Mr. Doernbrack stated that they did not meet the to get in a proposal deadline because they did not know one existed, but wanted to apply for the nonprofit mechanism, it was a unique non-profit business model. Mayor Pro Tem Quan stated that they would be glad to take a copy and present it to the Finance and Administration Department. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Hector Garcia, 1715 Morris, Houston, Texas 77009, no phone appeared and stated that he was 75 years Saturday and he had called an officer on a disturbance and it took two hours for him to arrive. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Assistant Chief Wong was present and would speak with him at this time and see what could be done to address the matter. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

At 3:56 p.m. City Council recessed until 9:00 a.m., Wednesday, April 23, 2003. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs and Berry absent. Council Members Vasquez and Robinson absent on personal business. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 23, 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 9:11 Mayor Brown reconvened the meeting of the City Council. Council Members Tatro and Berry absent.

MAYOR'S REPORT

Council Member Galloway moved to suspend the rules to consider Item No. 16 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Tatro and Berry absent. MOTION 2003-0389 ADOPTED.

16. ORDINANCE establishing the boundaries of Single Member Districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision – was presented, and tagged by Council Member Galloway. Council Member Berry absent. (Note: Council Member Galloway released her tag later in the meeting.)

CONSENT AGENDA NUMBERS 1 through 43

MISCELLANEOUS – NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$125,408.80 - Enterprise Water & Sewer Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0390 ADOPTED.

PROPERTY - NUMBER 4

4. 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 and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Shek Din Wong, et al., Cause No. 761,126, for acquisition of Parcel A97-356; for **LEY ROAD PAVING PROJECT**, CIP/GFS N-0587B-01-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0391 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 13

5. **HOUSTON EQUIPMENT CO.** for Gate Operators, Parts and Components for Houston Airport System - \$115,077.50 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0392 ADOPTED.
6. **MID-MINNESOTA WIRE AND MFG., INC** for Wall-Mounted and Mobile Turnout Gear Storage Systems for Building Services Department - \$15,180.00 - Fire Department Revolving Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0393 ADOPTED.
9. **IKG INDUSTRIES** for Fiberglass Grating for Department of Public Works & Engineering \$60,593.40 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0394 ADOPTED.

ORDINANCES - NUMBERS 14 through 42

24. ORDINANCE consenting to the addition of 214.5 acres of land to **HARRIS COUNTY MUNICIPAL DISTRICT NO. 278**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0386 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and **DEPELCHIN CHILDREN'S CENTER** for Counseling and Psychotherapy Services for the Houston Fire Department's Juvenile Firesetter Program; providing a maximum contract amount - \$150,000.00 Grant Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0387 ADOPTED.
31. ORDINANCE approving and authorizing legal services contract between the City of Houston and **CALLIER & GARZA, L.L.P.** representing Debra Duncan, R.N. relating to lawsuit styled Mayra Guzman and Victor Hernandez, Individ. and on behalf of the Estate of Unnamed Triplets vs. City of Houston d/b/a Sunnyside, Cause No. 2001-37386 in the 80th Judicial District Court of Harris County, Texas - \$45,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0388 ADOPTED.
35. ORDINANCE appropriating \$184,594.17 out of Water & Sewer System Consolidated Construction Fund and \$231,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Wynnewood Gardens Subdivision, CIP S-0800-59-03 and R-0800-59-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0389 ADOPTED.
36. ORDINANCE appropriating \$232,463.66 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Clark Springs Subdivision, CIP S-0800-82-03 and R-0800-82-03 **DISTRICT D – EDWARDS** had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.
37. ORDINANCE appropriating \$135,227.88 out of Water & Sewer System Consolidated Construction Fund and \$165,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Clark Springs Subdivision, CIP S-0800-83-03 and R-0800-83-03 **DISTRICT D - EDWARDS** had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.
38. ORDINANCE appropriating \$125,279.19 out of Water & Sewer System Consolidated Construction Fund and \$189,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing a developer participation contract between the City of Houston and **CLARK SPRINGS, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Clark Springs Subdivision, CIP S-0800-84-03 and R-0800-84-03 **DISTRICT D - EDWARDS** had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.
40. ORDINANCE awarding construction contract to **SUMCO, INC** for Construction of Melrose Park Improvements and Upgrades; GFS F-0511-01-3; providing funding for construction management, engineering testing services and contingencies relating to construction of

facilities financed by the Community Development Block Grant - \$491,600.00 - CDBG Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0390 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Chief of Police for approval of supplemental funding in the amount of \$150,000.00 to **IDENTIGENE, INC** for DNA Analysis Services for Police Department - Asset Forfeiture Fund – was presented.

Council Member Alvarado stated that she understood that Item No. 1 was the contract to continue the DNA analysis and wondered if it was enough that they were appropriating until they had a contract and were the going to have to come back, that they did approve some funding not too long ago, and Mayor Brown stated they were in the process of developing new contracts and the item would carry them to that point and then the decision would be made and they would come back to Council, so it was temporary and not the permanent out sourcing of it, and Council Member Alvarado asked if there was a possibility that they were going to come back for a third time for funding, and Mayor Brown stated that was correct, that what they were doing now was that they had people looking and doing an assessment of the lab and then they would make a decision of whether to get out of the business or continue, in the meanwhile they were outsourcing DNA analysis, that once the analysis review audit of the lab was completed they would make a final decision, that they did have on the street RFP's for conducting the analysis henceforth, and Council Member Alvarado asked if they knew of the \$150,000, how many cases it covered, and Mayor Brown stated that he could not tell them and did not know if anyone could tell them because it depended on the nature of the testing that took place, but they would have maybe more than one company that would get the contract. Council Member Berry absent.

Mayor Brown asked Mr. Hall if he wanted to add something, and Mr. Hall stated that he wanted to explain to Council Members that the Police Department did not have control over how many were tested, which was why they could not tell them, that the prosecutors made the requests for testing and how many samples were tested was also a product of the request they made, that the Chief wanted the Council to be aware that they had never run out of money for tests, as the newspaper story suggested some time ago, that the question was that they typically did not test all that in that case they were asking to be testing, which was, as he understood it, was in excess of 30 samples, so how much it cost was virtually impossible to be determined ahead of time because it depended on how many samples were sent over to be tested by the prosecution, that the testing had never stopped because they did not have money, that it would run out if the Council did not approve the item, that the good thing about it was that one of the decisions that the Council was going to have to make in the future was whether they wanted to outsource it or keep it in house, and the item would give them some good idea of how much it would cost to outsource it.

Council Member Edwards asked if the whole lab itself was under investigation or was it just the DNA part, and Mayor Brown stated that they were looking at the entire lab, there was a group of professionals in the business that were coming in to look at the entire lab process and give a recommendation about how Houston meets the standards, the accreditation standards and could they become accredited and if there was some reason that they could not then the recommendation would be to get out of the lab business all together, that they did have a group from the Professional Association of Forensic Scientists coming in to look at the entire lab, that Item No. 1 was just for doing DNA analysis with the one company, and Mr. Hall stated that what was confusing was that there were a number of things going on at one time, that Item No. 1 was a consequence of the Mayor authorizing the Police Department to cease doing DNA testing in

the City and to outsource it, that was all that it related to, that Item No. 1 was the company that the contract presently existed with to do the DNA testing for their prosecutions and investigations, that there was a separate analysis that was being conducted by a national accreditation agency that was evaluation the whole of the process to see what needed to happen for them to be accredited to get up to standard and to be used by City Council to analyze how they ought to go forward, that it was his understanding that the other functions were still being conducted, that was his understanding as of last week, and Mayor Brown stated that was correct. Council Member Berry absent.

Council Member Ellis stated that he was supportive of the item and in reading the back up it talked about that they were looking at different proposals from five laboratories in Texas and Louisiana that were accredited and asked if the company was accredited to do DNA analysis, that it did not say anything in the backup and he did not know anything about the company and was curious as to whether or not they were accredited, and Mayor Brown stated that as far as he knew they were but he would check and get an answer to him, and Council Member Ellis stated that he would tag the item and needed somebody to bring it to him and show him that it was an accredited company, and Mayor Brown stated that it was accredited, and Council Member Ellis asked to have that in writing and stated that he would withdraw his tag.

After further discussion by Council Members, Council Member Keller moved to suspend the rules to hear from Captain Holland, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2003-0395 ADOPTED.

Upon questions by Council Members, Captain Holland stated that he was handling the bid process with the accredited laboratories, that the bids were due in Friday, that the purpose of Item No. 1 was to get them through the gap so they would not have to cease testing and retesting, that he thought at the rate they were spending that they would expend them, that it was a very expensive process and again the point of asking for the supplement was to insure that they would not have to stop the process of retesting cases that had been reviewed by the District Attorney, and also pending trial cases as well, that he was told that in four to six weeks they should be back before Council with a longer term, probably multi vendor contract, that there was more than one company that did this kind of work; that one of the things that NFSTC (National Forensic Science Technology Center), would be evaluating was the method by which they stored drugs and basically all of the Crime Lab operations, that the firearms was one of the areas of the lab that was being assessed right now, that the House General Investigating Committee had looked at the issue and held a number of hearings regarding the issue, that at the hearings that he had been present at they had taken a global view of the whole issue, they were aware of what was happening in Houston's lab and thought they were also considering legislation that would affect labs throughout the State, that it was a pretty broad view that they were taking.

Council Member Parker stated that Mayor Brown had indicated that he had contacted the Justice Department and stated that it would probably be helpful to Council Members if they could get a copy of the request that he sent to the Justice Department and Mayor Brown stated that he would be happy to send them a copy of it.

Upon further questions by Council Members, Captain Holland stated that Identigene was one of the companies that proposals were sent out to and they were accredited, that he knew that New York City outsourced some of their DNA and believed that they did some of it inside, that there were a considerable number of options and one option was to outsource all of the DNA work an another option would be to outsource everything, they were obviously keeping their minds open to all of that, but in terms of DNA work, some departments outsource part of the DNA and do part of it in house, so that was also an option, that they did not have enough information to give them figures as to how much it would cost to outsource it all or just the DNA at this time, that one of the things they were hoping to get out of the NFSTC assessment was an idea of what it would cost them to do DNA properly in house, that way they could come up with

some kind of cost benefit analysis, that only part of Item No. 1 was the cost of the analysis, a considerable issue was paying for the expert testimony in court, the addition to the contract would cover that kind of cost, the contract allowed for that, but he could tell them was that their biggest concern at this point was keeping the testing moving so that they would not slow up trials in court and so that they would not slow up the process of reviewing past conditions, that the hourly rate that they charged to testify in court depended upon the company, but \$200 an hour.

A vote was called on Item No. 1. All voting aye. Nays none. MOTION 2003-0396 ADOPTED.

Council Member Galloway stated that she wanted to release her tag on Item No. 16 and Mayor Brown stated that Item 16 would be considered at the end of the Agenda.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 45, 45a, 45b, 45c, 46, 18 and 19 out of order, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2003-0397 ADOPTED.

45. WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:
Amend Item 45c 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.) – **TAGGED BY COUNCIL MEMBER TATRO**

Council Member Ellis asked if Item No. 45 passed they would do both options and asked if that was everybody's understanding, and Mr. Haines stated yes.

Council Member Sekula-Gibbs stated that she had talked with the people from Camp, Dresser and McKee and asked them if they would also study the possibility of restructuring the water sewer debt, which was actually brought up by Council Member Ellis as part of a way to either eliminate the need for the fee completely or reduce the amount of the fee by restructuring the water sewer debt, that she would like to make sure that it was part of their scope of work, and Council Member Ellis stated that he did not think that CDM had the capabilities to do what he proposed to the Mayor, that came more from investment bankers and financial investors, so if they were opposed to the fee they would be more inclined to vote against it, that they were already paying people to do that for the City right now, and Mayor Brown asked Mr. Haines to address that, and Mr. Haines stated that he would concur with Council Member Ellis that the City had on retainer now financial advisors and they also worked with investment banking firms on a regular basis, that clearly Council Member Sekula-Gibbs intent that the issue of considering a restructuring or improvement in the efficiency of the water and sewer debt made a lot of sense that it be done on a regular on going basis to coincide with it was certainly something that they would agree with, but not to expand the scope of CDM, that it would come to them separately and they would have it as a clear set of options under their policy debate.

Council Member Edwards stated that one of the concerns that had expressed in the community was a basic fundamental lack of trust that the City really knew and was hearing the communities concerns about the issue, that she thought everyone agreed that they needed to deal with the drainage issue, that she would like to suggest if it was possible to include the Superhead Alliance, a group of presidents, in some kind of process where they were involved with Camp, Dresser, McGee on helping to address issues, not to develop the model, but to be a part of the process so that there was a community piece in it, and Mayor Brown stated that if it passed Council he would direct that CDM proceed with that suggestion, that he thought it was a good one.

Council Member Keller stated that he felt that CDM would do good on the physical analysis of it and thought that they should parallel the analysis with the fiscal analysis and that they in

response to Council Member Sekula-Gibbs remarks would be able to adapt to any and all models of funding that could come up.

A vote was called on Item No. 45. All voting aye. Nays none. MOTION 2003-0398 ADOPTED.

- 45a. WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:
Amend Item 45c to develop additional fee structure models that generates no more than \$35 million and \$50 million in revenue respectively. **TAGGED BY COUNCIL MEMBER TATRO** – was presented. All voting aye. Nays none. MOTION 2003-0399 ADOPTED.
- 45b. WRITTEN Motion presented by Council Member Robinson to amend Item 45c below:
Amend Item 45c 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. – **TAGGED BY COUNCIL MEMBER TATRO** – was presented. All voting aye. Nays none. MOTION 2003-0400 ADOPTED.
- 45c. 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 50 on Agenda of April 16, 2003, POSTPONED BY MOTION #2003-385)** – was presented.

Council Member Tatro stated that he had passed out to each Council Member a letter from Mr. Haines to the Mayor and Council dated June 6, 2002 and the bottom paragraphs laid out a timeline that the administration was proposing and it showed that they had planned to have public meetings in July through September 2002, that they planned to bring it to Council around December 2, 2002, where they said they would have discussions, something which still had not been done to this day, that the letter also stated that it was recommended that the basis of the fee calculation they used in pervious surface, the methodology, would equitably charge the utility service customer storm drainage management cost, and so on, and then the last paragraph was that the approach outlined above supported the necessary planning and analysis to establish a reliable utility while providing the public, through a series of public meetings a thorough understanding and advance notice, that he thought they all remembered the start of the public meetings, which were cancelled back in December, how hastily they were called and it boggled the mind considering the administration was planning it June 6, 2002, that he did believe it had been in the works for a while and did believe they could do it in house if they simply looked across the State of Texas and looked across other jurisdictions they could easily find how storm water utilities were broken down, what the philosophy of the being broken down was, that there was a multiple of policy decisions that he thought needed to be made, and to suggest that a Camp Dresser could do that any better, give them an inventory before they made a policy decision, he thought was putting the cart before the horse, that he thought in light of the timing it was impractical at this point and time to suggest on what should be and was planned to be the eve of passage of it to now get a consultant in house to justify a lot of the work that obviously had to be done previous to their ever coming to Council, so he did believe it was an extraordinary expenditure, that he would be a no vote on the item.

Council Member Ellis stated that he wanted to say what a fine and reputable company Camp, Dress and McGee was and with that said he, like Council Member Tatro, did not feel that it was necessary at this time and thought there was some confusion around the Council table as to what the scope of the work for CDM was supposed to be, that it was primarily to figure out how they were going to implement a storm drainage fee and or a storm drainage tax, that he would encourage those people around the table who wish to create a new tax for the property owners of the City of Houston to vote for it, that if they did not want to create a new tax then they would vote against it or delay the item until they found out whether there were other options or

avenues they could go down to finance the storm drainage utility fund.

Council Member Ellis moved to postpone Item No. 45c for two weeks, seconded by Council Member Wiseman.

After a lengthy discussion Council Member Keller moved to call the question on the motion by Council Member Ellis to postpone Item No. 45c for two weeks. Council Members Quan and Tatro voting no, balance voting aye. MOTION 2003-0401 ADOPTED.

A roll call vote was called on Council Member Ellis motion to postpone Item No. 45c for two weeks.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-0402 FAILED

After an additional lengthy discussion by Council Members a roll call vote was called on Item 45c as amended. Council Member Galloway absent.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting absent	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting aye	ORDINANCE 2003-0391 ADOPTED AS AMENDED

46. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering to set Public Hearing to be held Wednesday, June 4, 2003 at 9:00 a.m. relative to the creation of a Stormwater Drainage Utility for the City of Houston – **(This was Item 51 on Agenda of April 16, 2003, POSTPONED BY MOTION #2003-386)**

Council Member Tatro stated that he thought it was incumbent upon them that when they had a public hearing to have something for the public to weigh in on, that he thought that everybody was for establishing an enterprise fund where ideally they put the money in and it could not be used for something else, that the revenue source was what the discussion was all about, but he did think they would be adding insult to injury by passing it and setting the date for June 4, 2003 when they did not have information to give to the public, that the reason for the public hearing was to give them the opportunity to weigh in on the direction they were taking and did not believe until they had it and made the policy decisions, probably based on the Camp Dresser findings, that it was proper or just to hold the public hearing and not prepare the public for the debate which they were asked to weigh in on. Council Member Galloway absent.

Council Member Tatro moved to refer Item No. 46 back to the administration pending a date when the information would be available for the public to weigh in on. Council Member

Galloway absent.

Mayor Brown stated that he wanted to clarify that by State law they had to hold two public hearings, that the one they were voting on today would be for the creation of the structure for the drainage fee, for the utility, and then after that they would come back with a second public hearing for the fee itself, so it was following the procedure that they must follow by State law, and Council Member Tatro stated that he incrementally he did not see why they could not hold public hearings back to back or on the same day. Council Member Galloway

Council Member Robinson asked if they create a drainage utility fund was the drainage fee the only source of revenue that could go into the fund, and Mr. Haines stated no, and Council Member Robinson stated that the only reason why he asked the question was that he wanted to be clear that they were creating the bank account and in the bank account hearing he could ask anybody that came to the podium if they preferred to put General Fund Revenue in the account, did they want them to continue funding it out of the ALP, which meant he would be protecting the \$35 million transfer or did they want them to create a drainage fee and they could have that discussion, that he thought they ought to move forward on the first public hearing to start the process of creating the fund and continue to debate about whether it was Council Member Ellis restructuring, whether it was General Fund or what if anything the fee ought to be. Council Members Galloway and Goldberg absent.

Council Member Tatro stated that he would withdraw his motion to refer back to the administration. Council Members Galloway and Goldberg absent.

Council Member Wiseman stated that they were going to have a public meeting before they had the information that everyone said was so vital to have from the Camp, Dresser and McGee study and she felt that was repeating what happened at the beginning of the year, that they were asking the public to give them input on something that they did not have answers to, so she had a real issue with it. Council Members Galloway, Goldberg and Robinson absent.

Mayor Brown stated that he would ask Mr. Haines to clarify it but the bottom line was that they could not have the fee until they had the second public hearing.

Mr. Haines stated that what was being asked to do was simply nothing more than to provide a public hearing to create or consider the creation of a utility enterprise fund, that would be the expectation that would be incorporated in part of the budget process, to put a rope around, once and for all, the issue of managing a storm water system, that there would have to be a second public hearing that would have to be called by City Council to determine whether or not a fee would be assessed against that particular purpose, however, the creation of the fund did not include an expectation that there was a fee involved, it did assume however that there was going to be some kind of money that was going to go into that fund that would maintain and hopefully capitalize a storm water utility system. Council Members Galloway, Goldberg and Robinson absent.

Council Member Quan stated that he was not opposed to a public hearing but was concerned about the timing, that he really wanted it to be a process where the public felt that they had a role in what they developed, that he saw that it was scheduled for Council time on Wednesday, June 4, 2003 at 9:00 a.m. and the public hearings that they often had on something as contentious as this would probably run into two or three hours oftentimes, that he was concerned that they would make it at a more convenient time for the public to come, that they could get civic club involvement, that everybody would feel that they had an opportunity to speak on it and asked if they could have a hearing in the evening that was more informational as well. Council Members Tatro, Galloway, Goldberg, Edwards, Parker and Robinson absent.

Mr. Haines stated that was a question that he had to defer to the City Attorney to answer, and Ms. Susan Taylor, Assistant City Attorney, stated that essentially there was a statutory

hearing of the governing body that was required and that was what they were actually talking about setting, whether they had an additional public meeting or opportunity for the public to appear in addition to the statutory required hearing would certainly be the call of the City Council, but this one needed to be during the City Council meeting, and Mayor Brown stated that one of the things they could do if they found that there were a large number of people coming to the public hearing, they could recess the hearing and hold it whenever Council so desired, they had that flexibility. Council Members Tatro, Galloway, Goldberg, Edwards, Parker and Robinson absent.

Council Member Alvarado stated that there was talk of two meetings and asked when was the second one, and Mr. Haines stated that the second public hearing could not be called until after CDM had finished their work, that there had been plenty of opportunity through committee process to let it happen so it would be much later during the year and probably not before either late summer or fall and that would be the City Council's call, that they would have to call with 30 days notice to have that public hearing. Council Members Tatro, Galloway and Robinson absent.

Mayor Brown stated that they must have two hearings, one to create the utility and the other to establish a fee, and Mr. Haines stated that the reason that June 4, 2003 was because of the budget, that right now they were following the general direction of Council Members to close out the ALP, to establish some capacity in an interim basis to be able to fund up a drainage maintenance program, other than what they called Fund 227 they did not have in place a earmarked restrictive utility enterprise to be able to manage a storm water program, so the plan was to be able to incorporate in the process of the budget a recommendation to establish the enterprise utility, so the timing of the public hearing would coincide with the process of being able to put that in place once and for all and be able to take those funds that they hopefully could get approved by Council in the next couple of weeks and closing the ALP to go into that. Council Members Tatro, Galloway and Robinson absent.

Council Member Ellis stated that he was in favor of having the public hearing and looked forward to the general public coming down and expressing their views, that he looked forward to the open dialog and would request that the administration set up some type of web page showing the process with which they were going through, allowing people to put in their comments over the web page and a place where Council Members could access it and pick up what public opinion was and would encourage the administration to move forward with it. Council Members Galloway and Robinson absent.

A vote was called on Item No. 46. Council Members Tatro, Wiseman and Berry voting no, balance voting aye. Council Members Galloway and Robinson absent. MOTION 2003-0403 ADOPTED.

18. ORDINANCE appropriating \$14,000,000.00 from the Water & Sewer Renewal and Replacement Fund (Fund No. 751) and authorizing its transfer to the Water and Sewer System Junior Lien Revenue Bond Debt Service Fund (Fund No. 714) for the purpose of paying Water and Sewer Debt Service – was presented, and tagged by Council Members Wiseman, Ellis Tatro, Berry and Keller. Council Member Galloway absent.

Council Member Keller stated that he wanted a meeting with Mr. Haines and someone from Public Works, that his main questions regarding Item No. 18 and Item No. 19 were that he had a question regarding the math used to complete the 2003 Drainage Maintenance, the maintenance that they had scheduled to be completed in the Neighborhood to Standards Program, that he was not coming up with the same numbers, that he wanted to make sure that if it was set up, that it was set up protected and secured, that the transfer that they were talking about in Item No. 19, in the memo from April 14 they talked about doing the transfer at the close of FY03 and they were not quite there yet so he wanted to know why they were doing that before they anticipated needing to do that, and Mayor Brown stated that he would have them meet with him and give him answers to his concerns. Council Members Galloway and Robinson absent.

Council Member Robinson stated that he wanted to thank Mayor Brown for putting the two items on the agenda and hoped that Council would pass them and looked forward to the other two items to come. Council Members Galloway and Vasquez.

After further discussion, Mayor Brown stated that Item No. 18 had been tagged. Council Member Galloway absent.

19. ORDINANCE making an appropriation of \$15,000,000.00 from the Public Works & Engineering Accumulated Unexpended Fund (Fund No. 754); authorizing its transfer to the Rainy Day Fund (Fund No. 12R); amending Ordinance No. 2003-0243 related to the Interim Borrowing of Cash in support of the City's General Fund – was presented, and tagged by Council Members Wiseman, Ellis, Keller and Tatro. Council Member Galloway absent.

After a lengthy discussion Mayor Brown stated that Item No. 19 had been tagged. Council Member Galloway absent.

2. ORDINANCE appropriating \$114,744.45 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for the East Water Purification III Administration Building Renovation, GFS S-0056-Y8-3, Project No. 10536-4, approved by Ordinance No. 01-0550 - **DISTRICT E – WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Keller. Council Member Galloway absent.
- 2a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$208,906.32 on contract with **PEPPER LAWSON CONSTRUCTION, LP** for East Water Purification Plant III Administration Building Renovations on Construction Contract No. 53044, GFS S-0056-Y8-3 (10536-4) - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway absent.

Council Member Keller stated that he was going to tag Item 2a as well and requested a meeting regarding some of the design criteria used, and Mayor Brown stated that they would have someone meet with him. Council Member Galloway absent.

PURCHASING AND TABULATION OF BIDS

7. **STEPCO RESTAURANT SUPPLY, INC (Bid No. 2)** - \$193,726.00 and **TEXAS PROCUREMENT CENTER, LLC** - \$5,811.78 for Food Service Equipment for Convention & Entertainment Facilities Department - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro. Council Member Galloway absent.
8. **ALFA LAVAL, INC (Bid No. 5)** - \$319,000.00 and **TEXAS PROCUREMENT CENTER, LLC** \$9,570.00 for Repair of Rotating and Conveyor Assemblies for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway absent.

Council Member Ellis stated that he had some questions about the item, that he knew it was a reverse auction and did not understand it from the standpoint that there were four or five bidders, but then there was one company that bid down four times. Council Member Galloway absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Calvin Wells,

Purchasing Agent, at this time, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2003-0404 ADOPTED.

Mayor Brown requested that Mr. Wells explain what happened, and Mr. Wells stated that they used the methodology of reverse auction and the auction really closed with the lowest bidder being Alfa Laval, Inc. at \$446,000, that they knew all the time how much money they had to spend for the particular project as well as Texas Procurement Center, that they called him and asked if they could negotiate it downward even further, and it was from \$446,000 to \$328,000, that the lowest one was \$446,000 and that was what the market closed with, that the time period closed and bids closed at that particular level, that they went back to the company knowing how much money they had to spend for the particular project, they could talk to the lowest bidder, but could not talk to anyone other than the lowest bidder, that he had the right to reserve the right to refuse the whole solicitation, and Mayor Brown stated that in essence Mr. Wells negotiated a better deal for the City, and Council Member Ellis stated that he could understand number 7, because it started out at \$276,000 and there were some 18 bids and it went down to \$193,000 but that one was a little confusing, but now that Mr. Wells had explained it he understood. Council Members Galloway, Vasquez and Berry absent.

Council Member Quan stated that he also wanted to commend Mr. Wells because they asked that same question when they saw it and he just wanted people to realize that they saved about \$340,000 because of the reverse auction process, and stated that a somewhat complaint that he heard, and he just wanted to clarify it, that TPC got 3% off whatever the item was, and Mr. Wells stated that was correct and they were paid up front after the job was done, after the award was made, and Council Member Quan stated that his concern was that if they had an allocation but did not draw down on it had they been paid on monies that they were not actually even using, and Mr. Wells stated that they had the opportunity to extend a contract as well through the City Council, and would get no more money if they extended the contract to include another million dollars the fee was still set, if they did not use all the funds the fee was still set, and Council Member Quan asked if at a million dollars at 3% TPC would get \$30,000, but if they did not use the full million and used on half a million would they still get the \$30,000 and Mr. Wells stated yes, and Council Member Quan stated that then their percentage became 6% as opposed to 3% and Mr. Wells stated yes, and Council Member Quan stated that it was incumbent upon them to actually use the money, and Mr. Wells stated to use some good estimates, and they were seeing better estimates coming out of each department now because the budget was tight, and Council Member Quan stated that he wanted to make sure that they really were getting their money's worth, that he liked the system, and he and Council Member Ellis had advocated for increasing it and this was a good example of how they saved money but wanted to make sure they were tight on those numbers. Council Members Galloway and Vasquez absent.

Council Member Tatro tagged Item No. 8. Council Members Galloway and Vasquez absent.

Council Member Alvarado moved to suspend the rules to consider Item No. 39 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2003-0405 ADOPTED.

39. ORDINANCE appropriating \$3,411,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendments to professional construction management services contracts between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** (as approved by Ordinance Nos. 02-675 & 2000-1024), providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, GFS R-0267-03-3 and R-2011-23-3 – was presented. Council Member Galloway absent.

Council Member Keller stated that he was not going to tag Item No. 39 but had talked to Public Works and was going to request a meeting next week to discuss the current scope of work being done and the increased scope of work, that he wanted to also applaud Public Works for lowering the multipliers and saving the City money and the private sector and engineering companies complying and cooperating with that, but wanted to see what the extension and increased work at all the facilities was going to be. Council Member Galloway absent.

Council Member Quan stated that he knew Mr. Smith did great work and valued his services and had spoken with him and also wanted to meet with him ahead of time as well and did not plan on tagging the item either, but just follow through to make sure that work was done within the scope. Council Member Galloway absent.

A vote was called on Item No. 39. All voting aye. Nays none. ORDINANCE 2003-0392 ADOPTED.

10. **WESTERN REFUSE & RECYCLING EQ., INC** for Heil Garbage Truck Bodies Aftermarket Replacement Parts and Service Contract for Solid Waste Management Department \$1,250,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Member Galloway absent.
11. **MUNCIE POWER PRODUCTS, INC** for Equipment, Muncie and Chelsea Pumps Contract for Public Works & Engineering and Solid Waste Management Departments - \$47,700.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0406 ADOPTED.
12. **ACR SUPPLY, INC** for HVAC Repair Parts for Various Departments - \$544,900.00 - General and Fire Department Revolving Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway absent.

Council Member Keller stated that he wanted to tag the item and to try to save a meeting it looked like six bidders came in and five of them got kicked out for non compliance so that was not really a good bid and wanted to know why all of them did not meet specs and who decided what needed repair, what mechanical contractor did the HVAC work and if he could not get a good answer as to why they all did not meet the specs, because only 1 out of 7 met the specs, he would like to see the specs himself.

Council Member Goldberg stated that he wanted to tag Item No. 12. Council Member Galloway absent.

13. **FOCUS CAMERA, INC** - \$799,419.85, **HPI INTERNATIONAL, INC** - \$342,226.70, **THE TAPE COMPANY (Bid No. 3)** - \$89,440.00 and **THE TAPE COMPANY (Bid No. 2)** - \$386,115.50 for Photography Supplies for Various Departments - \$1,617,202.05 - General, Enterprise, Cable Television and Building Inspection Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Wiseman and Keller. Council Member Galloway absent.

ORDINANCES

14. ORDINANCE amending **CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Rabies Vaccinations – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0393 ADOPTED.

15. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed realignment of a portion of the Sanitary Sewer lines through Pinewood Village Park by the Public Works Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto - **DISTRICT B – GALLOWAY HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 28, 2003** – was presented. All voting aye. Nays none. Mayor Brown and Council Members Galloway and Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0394 ADOPTED.
17. ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2003 pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2003 pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof – was presented. All voting aye. Nays none. Mayor Brown and Council Members Galloway and Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0395 ADOPTED.
20. ORDINANCE appropriating \$320,000.00 out of Fund 928, Sharpstown Public Improvement District Fund, for payment to **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2002-1077 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0396 ADOPTED.
21. ORDINANCE approving and authorizing special warranty deed conveying to **NOBILTY INVESTMENTS, INC** a parcel of land containing 11,454 square feet (0.2629 acre), more or less, being out of the M. B. Gary Survey, A-284, Houston, Harris County, Texas (the former Westpark No. 1 Lift Station, located at the Southwest Freeway and Newcastle Drive); in consideration of Nobility Investments, Inc.'s payment of \$151,050.00 and other consideration to the City **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0397 ADOPTED.
22. ORDINANCE approving and authorizing special warranty deed conveying to **BRELIAN, INC** a parcel of land containing 27,963 square feet (0.6419 acre), more or less, Parcel S98-063, being out of the Stafford Smith Survey, A-1049, Harris County, Texas (the former Alief Road Water Plant Site), located at 8600 Westpark Drive; in consideration of Brelian, Inc.'s payment of \$320,000.00 and other consideration to the City - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0398 ADOPTED.
23. ORDINANCE issuing a permit to **GREP COURTLAND SQUARE, L.P.** for constructing, using, occupying, operating, maintaining and repairing a utility duct containing various water lines and electrical conduits within the 700 block of Francis Avenue and the 700 block of Stuart Avenue, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0399 ADOPTED.
26. ORDINANCE amending Ordinance Numbers 2002-880 and 1997-1175 to increase maximum contract amounts to contracts between the City and **YWCA OF HOUSTON - AREA 2 YWCA OF HOUSTON - AREA 3, YWCA OF HOUSTON AREA - 5, JEWISH COMMUNITY CENTER AREA- 6, YWCA OF HOUSTON - AREA 7, INTERFAITH MINISTRIES FOR GREATER HOUSTON - AREA 8, INTERFAITH MINISTRIES FOR GREATER HOUSTON - AREA 9, CITY OF LAPORTE, CITY OF SOUTH HOUSTON,**

FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK, DENVER HARBOR SENIOR CITIZENS, INC, JULIA C. HESTER HOUSE, INDOCHINESE CULTURE CENTER, PILGRIM COMMUNITY CENTER, WESLEY COMMUNITY CENTER, INC, WHEELER AVENUE BAPTIST CHURCH, ALZHEIMER'S ASSOCIATION, LONE STAR LEGAL AID (FORMERLY GULF COAST LEGAL FOUNDATION), INTERFAITH CAREPARTNERS (FORMERLY FOUNDATION FOR INTERFAITH AND MINISTRY), PERRYLEE HOME HEALTH, SHELTERING ARMS, SPECTERA DENTAL, INC, HEIGHTS AUDIOLOGY & HEARING AIDS, THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON and THE SALVATION ARMY (ASSIGNED FROM CITY OF PASADENA) for Various Services to the Elderly – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0400 ADOPTED.

27. ORDINANCE approving and authorizing amended and restated Emergency Home Repair Program Administrative Guidelines to replace the guidelines which were authorized and approved in September 2002 – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0401 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and the **NATIONAL ASSOCIATION OF MINORITY CONTRACTORS - HOUSTON CHAPTER**, to provide \$2,166,172.00 in Community Development Block Grant Funds for the Administration of an Emergency Home Repair Program – was presented.

The City Secretary stated that the administration had at this time pulled Item No. 28 and it would not be considered. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

29. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA URBAN LEAGUE, INCORPORATED**, to provide \$2,190,615.00 in Community Development Block Grant Funds for the Administration of an Emergency Home Repair Program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0402 ADOPTED.
30. ORDINANCE appropriating \$50,000.00 out of Housing Special Revenue Fund and approving and authorizing contract between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION** to provide \$1,701,163.00 in Community Development Block Grant Funds for the Administration of the Emergency Home Repair Program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0403 ADOPTED.
32. ORDINANCE approving and authorizing legal services contract between the City of Houston and **HEARD & MEDACK, P.C.** representing Soren John Vindekilde, M.D. relating to lawsuit styled Mayra Guzman and Victor Hernandez, Individ. and on behalf of the Estate of Unnamed Triplets vs. City of Houston d/b/a Sunnyside, Cause No. 2001-37386 in the 80th Judicial District Court of Harris County, Texas - \$50,000.00 - Property and Casualty Fund – was presented. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that her question was regarding malpractice insurance, that the City was being held libel for it, and was not going to tag the item, but wanted to talk to someone, and asked if the doctors who worked for the clinic carry their own private malpractice insurance or was it carried by the City, and Mr. Hall stated that they would have someone visit with her regarding the item. Mayor Brown and Council Member Galloway absent. Mayor Pro

Tem Quan presiding.

A vote was called on Item No. 32. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0404 ADOPTED.

33. ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Wynnewood Gardens Subdivision, CIP S-0800-57-03 and R-0800-57-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0405 ADOPTED.
34. ORDINANCE appropriating \$144,334.13 out of Water & Sewer System Consolidated Construction Fund and \$192,769.15 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing a developer participation contract between the City of Houston and **ARETE REAL ESTATE & DEVELOPMENT COMPANY** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Wynnewood Gardens Subdivision, CIP S-0800-58-03 and R-0800-58-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0406 ADOPTED.
41. ORDINANCE appropriating \$6,846,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** for 69th Street Wastewater Treatment Plant (WWTP) Dryer Replacement/Rehabilitation, GFS R-0265-24-3 (WW4760-04); providing funding for construction management, engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Keller and Vasquez. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he would like a meeting and Mayor Pro Tem Quan stated that he would like a meeting on Item No. 41 as well. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

42. ORDINANCE appropriating \$880,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **INDUSTRIAL TX CORPORATION** for Eldridge Parkway Lift Station, GFS R-0267-71-3 (4276-31); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0407 ADOPTED.

MATTERS HELD - NUMBERS 43 through 46

43. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$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 – **(This was Item 8 on Agenda of April 16, TAGGED BY COUNCIL MEMBER**

GOLDBERG) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. MOTION 2003-0407 ADOPTED.

44. 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 – (This was Item 29 on Agenda of April 16, 2003, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0408 ADOPTED.

The City Secretary stated that Council Member Galloway had previously announced that she had released her tag on Item No. 16. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

16. ORDINANCE establishing the boundaries of Single Member Districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision – was again before Council. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0409 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that the reports that were sent out regarding the accidents involving employees and the payouts that had been done, she would still like information as to if employees were held to any liability or were departments held to any liability and if not, why not, that she did not want to go into a big discussion, but would like to talk to someone about it, that it seemed like a number of accidents and would like to know where the accountability lay, and Mr. Hall stated that he would come and visit with her on it. Mayor Brown and Council Members Galloway, Ellis and Alvarado absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that Council Member Alvarado had brought to attention that there were two bills that were currently pending, House Bill 2790 and House Bill 2789 and basically if they accepted the analysis done by the lobby team if the bills were passed it would gut the City’s ability to enforce deed restrictions and she would really like to see what ever kind of urgency that they could get to speaking with the representative who was sponsoring those bills to see if they could have it pulled or at least have it redone, that she was not sure what the intent of it was, that she would really like to have someone look at that as quickly as possible and see what they needed to do regarding it. Mayor Brown and Council Members Galloway, Ellis and Alvarado absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that the U.S. Men’s Clay Court Championships were being held at Westside Tennis Club on Wilcrest, closer to Briarforest than to Memorial, that they could call Gallery Furniture for information or tickets, that he thought it was unbelievable how much Mattress Mac had done for the tennis community and also bringing the spotlight of tennis back to the City of Houston, that he would also like to compliment their pro, Ms. Chris Young, for putting the unbelievable event together, that she had done a great job and he complimented her and looked forward to participating in the event this weekend, and Mayor Pro Tem Quan stated that he had been out to the Clay Court Championships and it was a great event. Mayor Brown and Council Members Galloway, Edwards, Wiseman, Ellis, Vasquez Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Sekula-Gibbs stated that she would like the City Council’s support in

writing letters that would be attached to the two FQHC Applications that were going out from the City of Houston, that those applications deadline would be April 30, 2003 and any letter of support that could be sent on behalf of the applications would be very much appreciated and it would enhance the applications, that the two locations of the new starts, she believed, would be in Council Member Vasquez's district and she was going to make sure he knew and hopefully he would send a letter of support as well, that the first was El Centro de Corazon and the second was coming forth from the Northeast Community Center, that they could contact her office to get the exact addresses to send the letters of support to, that the Northeast Community Health Center would serve the Fifth Ward and Settegast area and would exist inside the Houston Recovery Center, which was the old San Elizabeth's Hospital and would be a wonderful addition to the area, which was now underserved and federally determined to be a medically needy population, that the letters would be sent to the Bureau of Primary Health Care. Mayor Brown and Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Sekula-Gibbs stated that the other issue had been in the Chronicle and all over the Internet, was the question of House Bill 601 and Senate Bill 308, that bill actually came out of their legislative committee as being supported by the City but many of the Council Members did not know about it and did not give it their support and she was calling attention to it and asking people to remember that it had very dangerous fiscal consequences if it was to come forth as a law from the State, that it would have the consequence of removing three City Council appointees on the Municipal Pension Board and would also allow benefits only to be increased and then the City would be mandated to pay for anything that the market did not support, the fiscal consequence of the bill, if it was to come forward, would be enormous in a down market time, if the market stayed low it would be up to \$1 billion that the City would have to commit to the Municipal Employees Pension over a 20 year period and that was something that she thought the City really had to look at very seriously and she had asked the State Legislators to not support it and would ask also the citizenry to recognize that it was not a wise move for the City to take, that she thought it was important the City be responsible and act responsibly and not move in that direction. Mayor Brown and Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that he agreed with her and wanted to commend her again on her efforts on the federally qualified health centers and would be glad to write a letter of support, that as they may know it was National Minority Health Week as well and as far as the House Bill he knew that Representatives Turner and Wong had worked hard to stop that bill. Mayor Brown and Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Parker stated that she wanted to call the administrations attention to something that happened over the weekend of the big Super Bowl kickoff party downtown, that she happened to be in her office about 5:00 p.m. and received an email from one of the restaurant owners on Market Square complaining that all of the parking meters around Market Square had been bagged before the lunch hour, meaning that they were unavailable for parking, that unfortunately he contacted her really late in the day and she was not able to be very helpful to him but when they followed up with it and she contacted the host committee and backtracked it she was told that when there was an event they tried to minimize difficulties for business owners and local restaurants by trying to limit the hours where meters were unavailable and that the meters had been scheduled to be bagged on Saturday morning, that the reason they were bagged mid day on Friday, according to Traffic Management, was that it was cheaper to have someone come out instead of paying overtime to have someone come out on Saturday, that she would submit that it was a heck of a lot cheaper to have someone come out on Saturday rather than cutoff all of the restaurant parking for a Friday restaurant day, which was the busiest day of the week along Market Square and that was really pennywise and pound foolish and the business owners, the restaurateurs were owed an apology and certainly thought they needed to

reexamine that policy. Mayor Brown and Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Parker stated that she wanted to wish Council Member Wiseman a Happy Birthday. Mayor Brown and Council Members Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that in response to Council Member Sekula-Gibbs comments about the Legislation, that it was discussed in their Legislative Affairs Committee and would suggest if anyone wanted to be up to speed and updated on what action they as a body was taking then they needed to attend the committee meetings. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she wanted to congratulate Mayor Brown who was recently named as one of the 100 Most Influential Black Americans that was listed by Enony, that they were certainly proud of him. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she knew they were getting ready to start the Houston International Festival and knew that some time ago there was talk about revisiting the whole contract and while she did support the festival and thought it was a great thing she would like someone to visit with her, that she would like to examine the contract and see how much they were spending on the Houston International Festival. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that they would have a Legislative Affairs Committee meeting and would recommend if they were interested in knowing what the committee was voting on and what legislation they were being briefed on, to attend the committee meeting on Friday at 9:30 a.m. in the Council Chamber. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Alvarado stated that there was a tragedy in her district that occurred in the Clinton Park area where two young children were on a Moped bike and were struck by a vehicle and unfortunately it was a hit and run, the guy that was driving the vehicle got out and looked at the two kids and got back in his vehicle and took off, that as of today they still did not have a suspect in hand and she would just like for everyone to keep Ms. Shekeylla Eaglin in their prayers, that she was undergoing surgery, that she had a chance to visit her yesterday, that she had a broken leg and some other fractures, and asked for a moment of silence for Mr. Michael Saulsberry, who was killed during the accident. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that yesterday they had a special guest yesterday at Council, Mr. Johnny Nash, a great recording artist, who was inducted in the Rhythm and Blues Hall of Fame. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that he wanted to thank Dr. Kendrick and Mr. Brock LaMonte in her department, that Mr. Carl Davis in his office was coordinating an immunization video to follow up what Council Member Vasquez did for distribution and they had private sponsors who were already interested in doing that in Spanish as well and the Health Department had been

more than accommodating to help them get that done. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, M.D. and Robinson absent. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that he wanted to let each of them know that they were welcome to attend and to let the public know that they were having a neighborhood solutions conference on Saturday from 9:00 a.m. to 1:00 p.m., that the real focus of the conference was not so much what the City did or what the City could do for them, but the fact that most of the solutions to neighborhood oriented problems, the knowledge was already known by different neighborhood leaders across the City, and as they traveled into the different districts they find that somebody in Kingwood may have figured out a solution to something that someone in Sunnyside may now know or vice versa, and if they could get them talking he thought it might help, that it would be on Saturday, April 26, 2003, in Ballroom C at the George R. Brown, the topics were Neighborhood Revitalization and Beautification, Deed Restrictions, Working with the City to Enforce City Ordinances, and most of the time would be focused on the things like the Stella Link Redevelopment Project in Council Member Goldberg's District that was done primarily through private efforts and neighborhood leaders who brought that together, that he wanted to thank the following departments who had agreed on their Saturday to come out and help, Neighborhood Protection, Public Works, City Legal, HPD, Urban Forestry, Sign Administration, 311 and Parks and Recreation. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that he had gotten a call from a constituent who had his car stolen, which was an unpleasant experience, but Officer Whittiker was very pleasant and very accommodating and as bad an experience as it was he certainly alleviated a lot of the grief in that, and a just a reminder to every City employee when they dealt with a constituent they had an opportunity to make the City either look good or bad and Officer Whittiker went above and beyond and hats off to HPD. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Goldberg stated with a lot of cutbacks in community centers and some of the social programs they really had to try and recognize and help organizations that worked with children and do not take a dime of City money and did not even ask for it, that he was talking about Big Brothers Big Sisters, that Saturday was their big fundraiser, bowling, Bowl for Kids Sake at the Palace Lanes, 4191 Bellaire, that they really did need the money, that he mentioned yesterday that one third of their staff had been let go, that one third had to be laid off because of budget cuts, that on top of that the buildings, which were near Sharpstown, their office was in terrible shape, but AGC, Association of General Contractors, had stepped up and were volunteering their time and efforts and were going to work and try to get their offices back into shape, so he wanted to recognize them for that and also for the Council Members who had signed up and pledged money for the Bowl for Kids Sake, that he appreciated it. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Goldberg stated that Council Member Parker had been holding Fiscal Affairs meetings with some of the departments and they were talking about their core services and where they intended to cut and he had noticed that a lot of the cuts were things like supplies or computers, that they went from \$100,000 per year and say that next year was zero or \$20,000 and he asked how were they going to do that and they said they were just not buying supplies next year and not buying computers next year and there was a problem with that in that either it was not the truth and they would have to buy them next year and would have to get the money from somewhere else or maybe they did not need them the years before and that fund had

been way over priced, that there was a problem one way or another, that he would like to see cuts and to give them an example of where they eliminated services or shift services to different departments, that Council Member Robinson had talked about taking Miller Outdoor Theater, where the funding came from Parks and Recreation, and moving it over to Convention and Entertainment, that he thought it was a great idea and he had talked to them and they did have the money, that now they were talking about a million dollars less that Parks and Recreation would need, that was real money, that it was a million dollars that they would not have to come back and say they made a mistake or that they needed more of and that could go to C&E, that another thing that Convention and Entertainment was willing to do was to maintain all of the parks downtown, they had the equipment and personnel and that was a cut that could come out of Parks and Recreation and they could maintain it, that how did Convention and Entertainment get their money, part of it was through parking revenues, that they got from the General Fund and some other Enterprise Funds, almost over \$2 million dollars, \$1.8 million of General Fund money went to C&E, that it was like taking money from the right pocket and putting it into the left pocket, that it was still within the City of Houston, they were not spending it elsewhere and shifting money from C&E he thought they could take some of that responsibility, that at Tranquility they pay \$70 per space from the General Fund and pay it to Convention and Entertainment, that at City Hall, where all of the Council Members park, it was \$51.76, it was money from the right pocket going to the left pocket, they had that money, that he did not mind paying it to them, but they needed to take some of the burden from departments like Park and Recreation and wherever else they could help, they also got money from Lots C and H, in all it was about \$1.8 million, that he thought that as long as they kept doing it they should shift some of the responsibility and cost to Convention and Entertainment. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Goldberg stated that he was a little concerned about C&E, that there was an article in the Chronicle about the fact that they were not getting conventions booked at the rate that they should be, now that they knew the construction of the hotel was under way and the expansion of the George R. Brown, most big conventions, where they had 5,000 or 10,000 members, they were booked three years in advance, that they were certain that it was going to be completed at least within three years and they were not getting the conventions that they should be, that there was an editorial in the Chronicle and if they did not have a chance to read it, he urged that they read it, that it was very well written, that he wondered if he could get someone from the administration to address that and talk about and see what the problems were and if they needed help from the City Council then they needed to come to Council on that. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Goldberg stated that he wanted to recognize the City Secretary, Ms. Anna Russell, who was awarded at a ceremony headed by the Mayor for 50 years of service, that they appreciated her service to the City. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Wiseman stated that last night she had the opportunity to visit with a wonderful group of constituents in Gulf Meadows and they presented to her a copy of 85 Neighborhood Protection violations that they presented to Monticella Flannigan and had not had any kind of response on, that she brought an extra copy for the Mayor to assist her in addressing those needs. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:42 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Wiseman. Mayor Brown and Council Members Tatro, Galloway, Edwards, Ellis, Keller, Alvarado, Parker, Sekula-

Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary