

City Council Chamber, City Hall, Wednesday, May 28, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 28, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, 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, Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; and Ms. Martha Stein, Agenda Director present. Council Member Carol M. Galloway out of the city on city business.

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

At 9:09 Mayor Brown called the meeting to order and Council Member Edwards led everyone in prayer and the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Galloway out of the city on city business.

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

Mayor Brown stated that the first order of business would be a public hearing.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** regarding the proposed realignment of a portion of the Sanitary Sewer lines through Pinewood Village Park by the Public Works Department - **DISTRICT B - GALLOWAY**

Ms. Katey Farley, Legal Department, Assistant City Attorney, stated that the hearing was being held because the Department of Public Works and Engineering planned to replace some neighborhood sewer systems in the Pinewood Village area and in order to realign portions of that system with new larger lines they needed to relocate some of the existing lines that were in Pinewood Village Park which was a City park property, that the park was purchased by the City about 1961 and at that time it actually had a sanitary sewer treatment facility on it and it had existing sewer lines running through it, that when the plant was abandoned in 1967, the property, by City Council motion, was designated as a park, that it did have existing sewer lines in it but Public Works wanted to reroute the lines to make the system more efficient, but because sanitary sewer use was a non park use of the park property they had to have the Chapter 26 hearing as mandated by the Texas Parks and Wildlife Code, that at the hearing evidence would be presented so that City Council would be able to find and determine that there was feasible and prudent alternative to the use of the park land for sanitary sewer purposes and that the sanitary sewer project included all reasonable planning to minimize harm to the land as a park, that Mr. John J. Sakolosky from the Public Works and Engineering Department would present some evidence to describe the project and the need for the realignment of the sanitary sewer improvements through the park and the project's expected impact on the park, that he would be followed by Mr. H. R. "Beto" Bautista, Parks and Recreation Department, who would make a statement about the impact on the park.

Mr. Sakolosky stated that they were pleased to present the information on the park and requested that they turn to the brochure that had been passed out, to Exhibit B, which provided the location of the park, that the park was located in the east part of Houston, just south of Little York and just east of Route 59, that the sewer improvements were generally in the Pinewood Village Subdivision, that the project provided the removal and replacement of 68,000 lineal feet of

sanitary sewer in the area, that generally the sewers collect flow from the east and north and convey it to the west, that the purpose of the sewer improvements were to increase the capacity of the sanitary sewer system, that they had looked at various alignments and had concluded that the alignment was the most prudent and best location within the corridor, that the project would actually reduce the amount of sanitary sewer corridor within the park itself, that Exhibit C showed them the existing sanitary sewer corridor in the park and also the proposed, that in effect the area shown in green was existing sanitary sewer that crossed the park diagonally and that sanitary sewer corridor would be abandoned and the sanitary sewer would be relocated along the east property line and the south property line, so in effect there was a net decrease of sanitary sewer usage in the park, that there was an alternate location which was considered which would have taken the sanitary sewer south from Briarwick Street but it would have required use of back lot easements and because the Public Works program was really to relocate from back lot easements to public right of way that was not considered a good alternative, also because of the obstacles in the back lot, structures and shrubbery, that was not considered a good location, so the location within the park was actually along the east property line and along the south property line, the improvements that would be made to the park because of the project included a reduction of sanitary use within the park and the existing sanitary sewer that was abandoned would be plugged and grouted and along the south property line there were a couple of locations where there were existing trees and to minimize any impact to the trees the sanitary sewer would be boarded and tunneled beneath the trees to prevent any impact to the trees, that in summary the project provided an increase of sanitary sewer capacity to the area and improves the actual conditions within Pinewood Park by reducing the amount of sewer corridor.

Mr. Bautista stated that Mr. Sakolosky had just summarized the benefit to the park, that the park would benefit by the reduced encumbrance as well as the new alignment that would traverse through the park, that in the brochure under Exhibit H the Parks and Recreation Department had provided a memorandum supporting the project, that they believed it was a good thing for the park.

Ms. Farley stated that was the conclusion of the presentation from the Legal Department, Public Works Department and the Parks Department, that she did not know if there were any public speakers that had signed up and the City Secretary stated that no one had signed up to speak at the hearing.

Council Member Quan asked how many people used the park, what was the park used for and did they have swing sets or play grounds and would the alignment disrupt the use of the park for any period of time, and Mr. Bautista stated that Pinewood Village Park was a small park, about an acre, and had swing sets, landscaping and picnic tables and the alignment would benefit the park in that it did not diagonally cut across the park anymore, it went along the edge of the park and was a better alignment, that he had been told by the Public Works Department that the project would take about thirty days through the park.

Council Member Parker moved to close the public hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0511 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 3, 24, 23, 36, 14, 28, 41, 41a and 41b out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0512 ADOPTED.

Council Member Vasquez asked for a point of clarification and asked if there was a public speaker on an agenda item then the agenda item could not be moved out of order, and Mayor Brown stated that was correct.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON LIBRARY BOARD**:
- Position 1 - **MR. MIGUEL ESPINOSA**, reappointment, for a term to expire 3/12/2005
 - Position 3 - **MS. PATRICIA LASHER**, reappointment, for a term to expire 3/12/2005
 - Position 5 - **MR. JACK BLANTON, JR.**, reappointment, for a term to expire 3/12/2005
 - Position 7 - **MS. ZARINE BOYCE**, reappointment, for a term to expire 3/12/2005
 - Position 9 - **MS. SAUNDRIA CHASE GRAY**, reappointment, for a term to expire 3/12/2005
 - Position 10 - **MS. HARRIET LATIMER**, appointment, to complete an unexpired term ending 3/12/2004
 - Position 11 - **MR. FRANKLIN JONES, JR.**, reappointment, for a term to expire 3/12/2005
 - Position 13 - **MS. LILLIE ROBERTSON**, reappointment, for a term to expire 3/12/2005

- was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0513 ADOPTED.

Mayor Brown stated that they had two members of the Library Board present, Ms. Zarine Boyce and Ms. Lillie Robertson and asked that they stand and be recognized and stated that they wanted to thank them for their participation, that the Library was very important to the City, and Council Member Goldberg stated that they also had another new appointee, Ms. Harriet Latimer and Mayor Brown stated that they wanted to thank her for joining the Library Board and appreciated her help.

Mayor Brown stated that he wanted to recognize Council Member Ellis and wanted to welcome him back to the Council.

Council Member Ellis stated that he wanted to introduce Girl Scout Troop 4094 from Saint Francis LaSales, that they all graduated and in the fall would be attending Saint Agnes Academy, and Mayor Brown stated that they wanted to welcome them to the City Council meeting and hoped that they would consider public service as a career as they finished their educational process.

24. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of Tourism and the Solicitation of Convention Business - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2003-0490 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for support of the Arts Community - was presented, and tagged by Council Members Goldberg and Vasquez. (Note: Council Members Goldberg and Vasquez released their tags later in the meeting.)
36. ORDINANCE appropriating \$1,040,000.00 out of General Improvement Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** for Renovation of Mecom Fountain, GFS D-0113-03-3; providing funding for construction management and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Keller. (Note: Council Member Keller released his tag later in the meeting.)

Council Member Keller asked that someone get with him on the item, that one of his concerns was, that he supported the fountain and the reconstruction of the fountain, it was a

large ticket item, but he needed to understand why they had such a large amount in construction management, that it was a pretty focused site that may not require as much construction management as most and it looked like they just put a percentage in and the salary reimbursement part of it was pretty large also and both of those together added up to \$160,000 so he would like to get a breakout of those two items, and Mayor Brown stated they would have someone meet with him on it.

14. RESOLUTION relating to the reappointment of Directors to the Board of Directors of the **HOUSTON HOUSING FINANCE CORPORATION:**
Position Three - **MS. CAROLYN MATTHEWS**
Position Six - **MR. R. RICHARD KILDAY**
Position Nine - **MS. DANA SIMONS**
Position Twelve - **MR. ALBERT E. MAGILL, III**
- was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. RESOLUTION 2003-0013 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **KEEP HOUSTON BEAUTIFUL** for Clean Neighborhood Program for the Solid Waste Management Department - \$100,000.00 - General Fund - was presented, and tagged by Council Member Goldberg.
41. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Library Department to Change the Library Fee Schedule - **(This was Item 2 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented.

Council Member Alvarado moved to postpone Item No. 41 for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0514 ADOPTED.

- 41a. WRITTEN MOTION by Council Member Alvarado to amend Item 41B below that all revenue collected by the library or agent of the library will be directed to the library budget - **(TAGGED BY COUNCIL MEMBERS ALVARADO, VASQUEZ and WISEMAN)** - was presented.

Council Member Alvarado moved to postpone Item No. 41 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0515 ADOPTED.

- 41b. ORDINANCE approving and authorizing contract between the City of Houston and **UNIQUE MANAGEMENT SERVICES, INC** for Library Collection and Recovery Services for the Library Department; making various findings and provisions relating to the subject - **(This was Item 2a on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBERS ALVARADO and WISEMAN)** - was presented.

Council Member Alvarado moved to postpone Item No. 41 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0516 ADOPTED.

At 9:30 a.m. Mayor Brown requested the City Secretary to call the list of speakers. Council Members Ellis and Robinson absent.

Council Member Tatro moved to suspend the rules to hear Mr. Claude Cummings and Mr. Ken Jones after Mr. Nassim Joseph, seconded by Council Member Parker. All voting aye. Nays

none. Council Member Galloway out of the city on city business. Council Members Ellis and Robinson absent. MOTION 2003-0517 ADOPTED.

Ms. Paula Parshall, 11316 Glaster Dr., Houston, Texas 77076 (713-329-9955 x 212), appeared and stated that she was from the Northside Northline Super Neighborhood 45, that they came before the City Council on April 8, 2003 to ask for their help with the prostitution problem not only in their neighborhoods, but in the City of Houston, that most of them that day clearly acknowledge that prostitution was not only a problem in the community where they resided but those that they represented, that they asked that the Council consider the adoption of the ordinance that the City of Dallas had called Manifesting for the Purpose of Engaging in Prostitution which was adopted in Dallas on August 9, 1976, that the ordinance had never been overturned by the federal courts in over 30 years of existence, that they returned to ask the Council to vote yes for the ordinance, that thanks to Council Member Edwards and her committee the ordinance was even better than the Dallas ordinance, that for one reason it was revised not only to address the prostitutes but to include the Johns, which was a major problem, if they did not have one they did not have the other, that the other thing was that it included to do the fines so that the minimum amount of the fine would be \$500 with a maximum of \$2,000, that if prostitution worked alone that would be one thing but it did not, it was a magnet that brought other crimes into their neighborhoods and communities, that it caused the deterioration of the neighborhoods and cities, that prostitution had no boundaries, that it affected all of them all of the time, that it was an election year and they knew that all of the Council Members were interested in improving the quality of life for all of the citizens of Houston or they would not be serving on the Council today, that they had no doubt that they would receive full support, a yes vote, from each one of them for the ordinance, that with the passage of the ordinance they also asked that the prostitutes and Johns be made to go before one judge and one prosecutor, so that the judge and the prosecutor know who the repeat offenders were. Council Members Ellis and Robinson absent.

Mr. Ed Gonzales, 1518 Morse, Houston, Texas 77019 (713-526-2759) appeared and stated that he was present for the Near Town Montrose Super Neighborhood and the Near Town Association, that in spite of the best efforts of law enforcement, prostitution was a bold and thriving enterprise in Montrose, that prostitution diminishes their neighborhoods and diminishes the quality of life their neighbors were striving to maintain, their community of neighborhoods, business and property owners were requesting Council today to match the boldness of the criminal activity and vote for, approve and pass the anti prostitution ordinance that they had before them today.

Dr. Diana Rathjen, 5616 McKnight, Houston, Texas 77035 (713-837-9303) appeared and stated that she was not present to speak on prostitution but on a totally different topic, that she left Rice University to come to the City of Houston 23 years ago as the administrator of the Classified Testing Division, that was the group that selected the police and fire candidates for entry and promotion positions, that they tested for every non appointed position in the Police and Fire Department, that today she was present to discuss with them three points, that one was that they had problems in the Police and Fire Department with cronyism and subjectivity entering into the selection process, that number two was that the problems had high dollar amounts to the taxpayer, they could cost them a lot of money, that number three was that she had tried to report them through the chain of command, through the Human Resources Department, the Fire, Police and Legal Department, but to this point the problems had been covered up rather than addressed, that very briefly to give them two examples, one, in the entry or selection of firefighters and police officers they were under the Nugent Consent Decree and the City was vulnerable to a class action law suit with a high dollar amount if they did not follow the provisions, but there were provisions in the consent decree that they had not been following, they had not been fixed and it left them very vulnerable, that was the entry level, that number two, was the promotion of the police and firefighters to the higher ranks, it was now through Meet and Confer through assessment centers, they were using outside vendors and it was very questionable whether there had been bid rigging or something going on, that Justex and Associates, out of

Sam Houston State University, had received three out of the last four contracts, the last one with no competition at all, they were the ones who did the police survey, their salary survey, they got the millions of dollars in pay increases and then with the Meet and Confer Agreement that gave them the pay increase the consulting firm got three out of the next contracts, then the consulting firm was selecting their captain candidates and other level positions, there were violations in their contract, there were things they were not doing right, they allowed subjectivity into the system, those violations were covered up, they were hidden and then subsequent contracts were taken to City Council without any information and approved again and again, then Justex and Associates just recently endorsed Chief Bradford on the eve of his jury selection with an endorsement in the newspaper, that Mayor Brown had recently said he may take a position with Sam Houston State when he left office, and yet why was the consulting firm getting repeated business or with the last contract at no competition at all, that she was asking for an independent review by City Council of these processes to insure the integrity of the system and to save taxpayers money. Council Members Goldberg, Ellis, Alvarado, Berry and Robinson absent.

Mayor Brown stated that she seemed to be making allegations about misconduct if not corruption and Dr. Rathjen stated yes, and Mayor Brown asked if she had filed any official complaint with the Office of Inspector General, the District Attorney or her boss, and Dr. Rathjen stated that she had filed with OIG, her boss and the DA, that they were in various stages of investigation, that her concern was her own department covering things up, that she was trying to go through the chain of command, that she had reported everything today in writing through the entire chain of command, through Legal, HR, Fire and Police, and Mayor Brown asked if she felt that there was a mass conspiracy that involved all of the agencies that she had mentioned, and Dr. Rathjen stated that she had the documentation to show that they had been advised in writing and that they were covering it up, and Mayor Brown stated that it was a very serious allegation and he would certainly make sure that the Office of the Inspector General would conduct a thorough investigation, that it was his first hearing that she, who was responsible for the testing had some serious reservations about what they had been doing, and Dr. Rathjen stated that was her concern, that she had gone to the Mayor's office, and Mayor Brown stated that she had not gone to him, that it was not correct, it was his first hearing of it, and Dr. Rathjen stated that she had gone to Mr. Haines and Mr. Spellman, that her concern was could the OIG adequately investigate the Police Chief and the Mayor, and Mayor Brown asked what were they investigating the Mayor for, that was a new one on him, and Dr. Rathjen stated that she was asking the Council to do an independent review, why was Justex and Associates getting all the contracts with no competition at all, and then the Mayor saying in the newspaper that he was going to work for them, and Mayor Brown stated that he had never said he was going to work for them, that was not accurate, that he had never said that he was going to work for anybody, that was wrong and was not true and was inaccurate, and Dr. Rathjen stated that the print media sometimes made mistakes, and Mayor Brown stated that she should not repeat what she did not know to be truthful, and Dr. Rathjen stated that she would ask Mayor Brown personally and Mayor Brown stated that he was not going to tell her what he was going to do, that she worked for him, he did not work for her, that she should not overstep her boundaries. Council Members Goldberg, Ellis, Alvarado, Berry and Robinson absent.

Upon questions by Council Members, Dr. Rathjen stated that she was trying to go through the internal remedies, that she felt the next appropriate step would be City Council, that City Council, for example, approved the contracts and information had been withheld from them that was what she was trying to bring forth, that she had not contacted the Department of Justice, that part of the OIG investigation was complete and the part that had been given to her that she had seen indicated that they were basically covering up, there were certain areas that they were not going into, they were taking things on faith, they were contradicting written documents; that she had been with the City of Houston since 1979, that the reason she was hired was to oversee the promotion and selection for the classified divisions of Police and Fire, that meant Chapter 143 of the Texas Local Government Code and then the Meet and Confer Provisions, that she needed to make sure they were in compliance with the law and with, for example, the Nugent Consent Decree and the Professional Testing Standards, that she had a PHD in Psychology

and the reason she was hired was for the testing background. Council Members Goldberg, Edwards, Wiseman, Ellis, Alvarado and Robinson absent.

After further discussion, Council Members Parker, Vasquez and Edwards requested that she provide them a summary of the allegations that she had made and to whom she had reported to and Mayor Brown stated that it would be helpful if she shared that with every Member of Council since there seemed to be a great deal of interest, so of the information requested, if she would give it to every Member of Council it would be helpful. Council Members Goldberg, Edwards, Wiseman, Ellis, Alvarado and Robinson absent.

Council Member Parker moved to suspend the rules to hear Mr. John Guess out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg, Edwards, Ellis, Alvarado and Robinson absent. MOTION 2003-0518 ADOPTED.

Mrs. Mary Conolly-Ofiel, 207 East Burrese, Houston, Texas 77022 (713-699-3654) appeared and stated that she was president of the Yale Victoria Civic Club and a member of Super Neighborhood 13, that she was present to speak on behalf of her neighborhood and as well as for Frank Barnett, who was president of the Super Neighborhood 13 and was not able to be present, but as they could see many of their neighbors were present and had been standing quietly, that she would like for them to recall some of the comments by Ms. Parshall, that prostitution was a very serious issue in their neighborhood and there were many concerns, that the prostitution in their neighborhood had escalated to the point that it was really deteriorating their neighborhood and many of them had worked way too hard in their neighborhoods to make their homes and their neighborhoods much more residential areas and to have a quality of life for their children, that she hoped that they would support the ordinance, that the ordinance would help everyone within the City of Houston. Council Members Goldberg, Ellis and Robinson absent.

Mr. John Branch, 4430 Castor, Houston, Texas 77022 (832-215-5646) appeared and stated that he was president of Independence Heights War on Drugs, that the War on Drugs started the war a while back and others had joined in with the Super Neighborhood Northline and all parts of the City, that when Mayor Brown was Police Chief he asked that neighborhood oriented policing be put in place and that was what started the War on Drugs to get involved, that President Bush started a war a while back, but would not have sent troops into Iraq unless he had the weapons to win the war, that HPD needed the right weapons, that Mayor Brown's administration had been dedicated to the children, that he had brought his kids and grand kids to Council because they ask why were the women dressed on the streets the way they were and he had to say it went back to City Council, so he brought them to day so they could look at the face of the Council Members so they could give them the answer to the new ordinance to stop that where they would not have to see that anymore, so when they vote on Item 17 he asked that they vote for the children because they were voting for the future of the kids so they would not have to grow up in that type of environment. Council Members Goldberg, Ellis, Parker and Robinson absent.

Council Member Vasquez moved to suspend the rules to consider Item No. 17 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg, Ellis, Parker and Robinson absent. MOTION 2003-0519 ADOPTED.

17. ORDINANCE amending the **CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Manifesting the intent to engage in Prostitution; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and establishing a penalty therefore; providing for severability - (Requested by Public Safety and Homeland Security Committee) - was presented. All voting aye. Nays none. Council Member

Galloway out of the city on city business. Council Members Goldberg, Ellis, Parker and Robinson absent. ORDINANCE 2003-0491 ADOPTED.

Council Member Vasquez stated that he wanted to thank the civic clubs and super neighborhood councils for being present, that he wanted to recognize and give credit where credit was due, that the idea originated with them and percolated up the community at their public hearing on prostitution, that he wanted to thank the Police and Legal Department and also Mayor Brown because the super neighborhood councils organized and got together and it was a great example of his philosophy of neighborhood oriented government and he wanted to recognize that and give credit to Mayor Brown as well. Council Members Ellis and Robinson absent.

Council Member Edwards stated that she wanted to also congratulate the community, that they believed in their office in developing partnerships of service and Mayor Brown was very definitely a very sincere partner of the effort because he brought it to them and brought also the mechanism, that she was a strong believer that most of the solutions to the problems were in the community and that they had the answers and it was their responsibility to try to make those answers a reality, that she wanted to thank Mayor Brown and Council Member Vasquez for their leadership in the effort, that she wanted to also thank Chief Bradford for supporting the particular effort, but primarily the kudo's went to the community. Council Members Goldberg, Ellis, Parker and Robinson absent.

Mayor Brown stated that he wanted to express his thanks to Council Member Edwards for taking it up in her committee and also Council Member Vasquez for his work in the community, but most of all for those who showed up and for those who wanted to be present but could not be, that it was a classical example of neighborhood oriented government at work. Council Members Goldberg, Ellis, Parker and Robinson absent.

Council Member Parker stated that she wanted to record her yes vote with the permission of Council, and Mr. Paul Bibler, Assistant City Attorney, stated that they could have the record reflect that had Council Member Parker been present she would have voted yes, and Mayor Brown stated to let the record reflect that if Council Member Parker had been present she would have voted yes on Item No. 17. Council Members Goldberg, Ellis, Parker and Robinson absent.

Mr. Nassim Joseph, 3903 Drake, Houston, Texas 77005 (713-665-3116) appeared and stated that he was a citizen of Houston since 1957 and was present to specifically to address the Voice Over IP issue that the City of Houston was looking at to replace their current telephone system, that he had been in the telecommunication industry for over 32 years and had seen many changes in the industry, that he was a proponent of IP Telephony, that it was not in its infancy, however it was not a mature product as yet, that there were some serious concerns that Houston administration should consider when looking at that particular item, that number one, the RFP as he read it was directed to a particular product, that being CISCO Systems, disallowing many other vendors to even qualify to bid for that particular project, that IP Telephony was only as good as the data network, that if the data network went down they would have no telephone service, that what he failed to see was that the City may not have had an initial assessment and analysis performed of the current telephone system and where they wanted to go, their target environment and the gap analysis of how they wanted to get there, that their solution could be a combination of a switch system, such as they had currently and IP Telephony, that IP Telephony could clearly be running right alongside the current system, however he did not see that solution addressed, the analysis should include their current environment, obviously, what the current costs were, any quick hits, did they have too many lines, not enough lines, not enough equipment, etc., that once that analysis was done then they would have the information to arrive at an RFP for the solution, how could they come up with a solution without an initial assessment, that he wanted to address Council Member Goldberg's article of May 19, 2003 in the Houston Chronicle, the SBC issue with respect to overcharging, etc., was a separate issue from the current system's environment, that again their initial

assessment and analysis should uncover the need for possibly a line and tariff audit and anyone in their telecommunications department should be aware of the general exchange tariffs and how service orders were written and how they were charged, clearly it would be a separate issue from the current phone systems. Council Member Vasquez absent.

Upon questions by Council Members, Mr. Joseph stated that based on the information that he got from the City with approximately 18,000 to 22,000 lines they were looking at no more than \$100,000, that would include the data and the voice systems, that clearly the assessment had to include the data network because of the drastic impact that Voice Over IP would have on their data network, that he did think there was a need for an assessment of the City's inventory because they had several alternatives in front of them, they could utilize current equipment, enhance that equipment, they could deploy both Voice Over IP with their current equipment, they did not have to totally replace it all. Council Member Berry absent.

Council Member Edwards stated that she thought there was a need for an assessment and asked if it was possible to do an independent assessment and wanted to ask Mr. Lewis or Mr. Haines to say if there was a problem with that and also what that would mean for the contract. Council Member Berry absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Richard Lewis, Director, IT Department at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2003-0520 ADOPTED.

Upon questions by Council Member Edwards, Mr. Lewis stated that his initial response would be that by limiting the appropriation to the \$527,000 it was his opinion that they were getting an independent assessment of both the Voice and Data Network, that scope of work detailed about 7 pages of specifics to be assessed, that the primary two things being assessed was a complete inventory of the voice network and an assessment of the data network to determine if it was ready to handle a significant volume of voice traffic with the new technology, that he discussed having a separate assessment early on and there were basically two reasons why his judgment was that they should not, that first he knew that the telephone line savings was going to be integral to the return on investment and the Council's questions with regard to saving money and for that reason he believed, and still did, that a party that had financial risks for the design and implementation would not incur that risk without performing some level of assessment themselves, that was the first point, that the second point was that he believed that the technology would save money, the turnkey approach, where they had a design bill, where they were holding one entity for it, he thought, would expedite the project and that they were leaving money on the table, and for those two reasons his judgment was that they should proceed with a turnkey approach, but he structured the business deal so at the end of the assessment they did not have to do any more work, and he was responsible for that structure and that recommendation to the Mayor. Council Member Robinson absent.

Upon questions by Council Member Quan, Mr. Joseph stated that the most recent phone system he had done an assessment for was for 27,000 lines for a major hospital in the Medical Center, that was within the last six months, that ran below \$100,000, that he was looking at all alternatives and presented the hospital with several alternatives and they actually went with all of them, the reduction to them was \$165,000 per month in savings, that was operational, telco and maintenance. Council Members Keller, Vasquez and Robinson absent.

Upon questions by Council Member Ellis, Mr. Lewis stated that the difference in the assessment fees had to do with the number of hours and the hourly rates used by the proposers to calculate their fees, so it was those two variables, that originally in the nine proposals that were submitted the assessment fees ranged from a low of about \$150,000 to a high of \$3 million, when they moved to the short list of six for the second round of competition the fees for the assessment ranged from \$174,000 to a high of just under \$1.8 million, that they took those

six proposers and rated them equally on price, experience and approach and functionality based on tests that they conducted of their technology on the City's network and three firms were rated the highest, at that time it was Getronicswang, Logical and IBM, that he wanted them to understand that they went from six firms to three, that during the competition of the three they got best and final prices and in two of the three cases they came down, so at that point they were looking at basically Getronicswang, when their best and final submission occurred in early January their fees for the assessment was \$527,000, Logical was still at \$174,000 and IBM during that process dropped their assessment fees from \$1.8 million down to \$996,000, their judgment was that Logical' hours were significantly less than Getronicswang and their rates were 40% higher, therefore during the last phase of the selection recommendation process they thought that the Getronicswang fees were clearly the best value to the City of Houston based on the number of hours and their rates, that it was a high tech procurement, and all along working with the lawyers who helped them so greatly on the deal, they basically used three different criteria, price, experience and the functionality of the product, that it was a form of a professional services contract, that it had more rigidity in the statute than what the professional service act did, but it was generally not the low bid, that if Council Member Parker amendment passed it would mean they would pay them up to \$527,000, that he suspected that the fees would come in on that unless he stopped and through a change order reduce the scope of work, which would reduce the amount of fees they would be paid, but that was provided for in the contract, they could not increase it over that amount, but he could decrease it if he saw things that caused him to want to shrink the scope, that it was not a down payment on the Voice Over IP System, that it would be assessment data for both the voice network that they desperately needed to better manage that network in their relationship with SBC and it would also tell them the condition of their data network and whether or not it was capable of carrying voice traffic on it in high volumes. Council Members Tatro, Vasquez and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Lewis stated that every department in the City would be looked at and as he had said on a number of occasions there was not a migration strategy to deploy the technology, that would come in the design phase of work and they may or may not deploy it to all departments, it would just be based on the cost benefit ratio of each of the stages of work during the implementation phase, that they were only approving the whole contract so that they could lock into a price that could only go down should they decide to move forward, that was the only reason they were approving the contract, that the IT pricing market was very good and if it went down they would benefit from it, that it could not go up by that action.

Council Member Goldberg asked if they were going to integrate the Police Department and asked if there was anyone present who could address that question, and Mr. Lewis stated that Mr. Al Garcia, Chief Technology Officer for the Houston Police Department was present. Council Member Ellis absent.

Council Member Goldberg moved to suspend the rules to hear from Officer Al Garcia at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Ellis absent. MOTION 2003-0521 ADOPTED.

Upon questions by Council Member Goldberg, Officer Garcia stated that he would like to tell them that the 911 Center had a new switch which was a traditional type PBX so he thought the 911 concerns were probably allayed from that standpoint, that he had also looked at some other Police Departments where there had been some implementations, the Oakland PD, basically any new facilities that they put in for doing Voice Over IP, that the LA County Sheriff's Department was taking the same approach when they built the new building, they put in the Voice Over IP type capabilities when they put in new facilities, so he thought from a public safety standpoint the reliability of the Voice Over IP product line was equal to the traditional PBX that they had today, that in some of the larger departments that he had looked at it was the trend to go to Voice Over IP. Council Members Ellis, Keller and Alvarado absent.

Upon questions by Council Member Robinson, Mr. Lewis stated that they had two staff people who had been actively involved in the project, Mr. Robert Riley and Mr. Simon Angel, that Simon had been responsible for some oversight of the citywide voice system for a number of years, that since late February, he and Janice had both been scrutinizing the conclusions that her staff had been reaching on the traffic studies and as he told them previously he thought some of those judgments were a little conservative, that as the executive ultimately accountable to the Mayor for the department and the project, he was going to ultimately be responsible for those judgments, that what they had before them was a simultaneous process, as the local exchange provider, SBC would be involved in the assessment, that Getronicswang brought a wealth of network experience and IP Telephony expertise through their subcontractors that were going to provide the City with three different perspectives, one from Getronicswang, one from SBC and one from the IT Department and he thought that was going to serve them well and thought they were going to be very pleased with the quality of the assessment work, that they received a draft amendment Friday morning, relative to the language of a contract extension, relative to a rate savings and transfer of tariff, and he had circulated to the Council Members so that they would have it and they had a meeting with the Legal Department tomorrow afternoon and believed they could proceed expeditiously with that and intended to do so, that it was around \$529,000 to move two sets of lines to the longer term contract. Council Member Keller absent.

Upon questions by Council Member Tatro, Mr. Lewis stated that RFP, contrary to some of the statements made today, was open on the solution to be provided, but it did call for an internet based telephone protocol, which was in his view and what most professional believed was the future of technology for voice and data, that three of the eight manufacturers of the technology submitted proposals, that he had presented a final solution contract instead of just an independent assessment contract because the competitive markets offered them pricing that they may not see again for a long time. Council Member Keller absent.

Mr. Claude Cummings, 3915 Cherry Forest Dr., Houston, Texas 77088 (713-419-6044) appeared and stated that at the last meeting Council Member Parker wanted and asked for a written guarantee from SBC that they would provide the \$1.8 million and he wanted to go on record saying that it was provided and he had copy of it for the Council, but also he agreed and asked that they vote against the amendment and vote against giving the contract to Getronicswang, because he was of the opinion that there was a point of time when they could back out of the agreement, that he was of the opinion that if they spent that kind of money with Getronicswang then a year from now when they were getting ready to move forward what someone was going to say was that they had already spent \$500,000 with Getronicswang they were not going to move with some other company, they were going to go forth with the people that did the assessment. Council Member Tatro absent.

Council Member Parker stated that she wanted to thank Mr. Cummings for being present and appreciated his work on the guarantee, that it was exactly what she had asked for. Council Member Tatro absent.

Mr. Ken Jones, 6001 Storington, Ste. 196, Houston, Texas 77040 (713-462-0977) appeared and stated that he had said it before, the bid process was flawed and was directed at one product, that he had a copy from Getronicswang web page that tells them how to do a bid process and it says how they approach solving problems and it says they did an assessment first and then bring to the table possible solutions, that they did not develop a solution and then go out and do an RFP to support that solution, that was the wrong way to do business, it was not the way people do business and was not the way government should do business and continued to voice his personal opinions until his time expired. Council Member Parker absent.

After a lengthy discussion by Council Members, Council Members Vasquez and Goldberg stated that they wanted to release their tags on Item No. 57.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 23, 57 and 57a out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2003-0522 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for support of the Arts Community - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2003-0492 ADOPTED.

57. WRITTEN MOTION by Council Member Parker to amend Item 57A below as follows
That the ordinance for Item 52 on the May 21 City Council Agenda be amended to change the amount appropriated from \$911,000 to \$527,767:
That Article IV Section E of the contract between the City of Houston and GETRONICSWANG appearing as Item 52 on the May 21 City Council Agenda be amended to reduce the amount of the Original Appropriation from \$911,000 to "\$527,767 to pay the costs of the Phase I Assessment only" - **(This was Item 52 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented.

Council Member Sekula-Gibbs stated that she wanted to offer a substitute motion to refer Item No. 57 back to the administration so that they could have an independent assessment, seconded by Council Member Tatro.

A roll call vote was called on Council Member Sekula-Gibbs motion to refer Item No. 57 back to the administration and Mayor Brown stated that he wanted to urge everyone to vote against it, that they spent a lot of time on the item and it would ultimately save the City money and it would not be in the City's or taxpayer's best interest to delay the item.

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 out of the city on city business.	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 aye
Council Member Wiseman voting no	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-0523 FAILED

Council Member Ellis stated that he understood the amendment and asked what would happen to Item No. 57a because it was equipment acquisition, that if the amendment passed did it have nothing to do with anything about equipment acquisition, and Mr. Hall stated that the amendment indicated that it was changing the \$911,000 to \$527,000, that Item No. 57 becomes \$527,000.

A vote was called on Item No. 57. Council Members Tatro, Alvarado, Sekula-Gibbs and Berry voting no, balance voting aye. Council Member Galloway out of the city on city business. MOTION 2003-0524 ADOPTED.

57a. ORDINANCE appropriating \$911,000.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **GETRONICSWANG CO. L.L.C.** for an IP Telephony System - **(This was Item 52A on Agenda of May 21, 2003, POSTPONED BY MOTION #2003-487)** – was presented.

After a lengthy discussion by Council Members a vote was called on Item No. 57a. Council Members Tatro, Sekula-Gibbs, Alvarado and Berry voting no, balance voting aye. Council

Member Galloway out of the city on city business. ORDINANCE 2003-0493 ADOPTED.

Council Member Parker moved to suspend the rules to allow Ms. Heidi Sweetnum to speak as a substitute for Mr. John Guess, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0525 ADOPTED.

Ms. Heidi Sweetnum appeared and stated that she was the Project Director for Blueprint Houston and was present on behalf of Mr. John Guess, who was a member of their executive committee and the Chair of their Citizens Congress, which was coming up, that she would like to invite them to attend the Citizens Congress, which was going to be on Saturday, May 31, 2003, from 8:00 a.m. to 3:00 p.m. at the George R. Brown, that she wanted to personally invite them to attend as a delegate and to please invite their constituents to attend, that the congress was open to the public, it was free and complimentary lunch would be provided, that she would like to thank them for co-sponsoring the Citizens Congress and to thank a number of the Council Members for participating in earlier meetings, that they had a lot of support from them and they had emailed their constituents earlier and they were present to ask them to do it one more time, that public interest in Blueprint Houston had been building with help from people like the Council Members, that they had 1,000 people participate in their meetings over the last 6 months and they had collected over 2,500 ideas about Houston's future and now they were ready for the culmination of the process and that was going to be the Citizens Congress, that at the Congress the participants would be called delegates and would review the work that had been done by the citizens over the last 6 months and then prioritize them, the results would be ratified into what would be called a Citizens Agenda for Houston's future, that from their participation in earlier meetings she knew that they recognized that Blueprint Houston was a citizen based process and they made every effort to include neighborhoods and citizens from all over the City, that at the congress they were expecting a broad cross section of the City and they had trained over 100 facilitators to guide the small table discussions and they already had about several hundred delegates registered, that they hoped they had time on May 31, 2003 to join them and that they would let their constituents know about and they had some brochures to hand out. Mayor Brown, Council Members Tatro, Keller and Alvarado absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they encouraged everyone to participate and asked if they could register at the door, and Ms. Sweetnum stated that they could register at the door and they would like for them to register on line at www.BlueprintHouston.org or telephone 713-520-1295. Mayor Brown, Council Members Tatro, Keller and Alvarado absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez moved to suspend the rules to add Ms. Johnnie Jenkins to the speakers list after Mr. Rich Cowan, seconded by Council Member Goldberg. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro, Keller and Alvarado absent. Mayor Pro Tem Quan presiding. MOTION 2003-0526 AODPTED.

Ms. Janet Honn, 3575 Mobile Dr., Houston, Texas 77013 (713-642-3222) (Cell 832-878-1796) appeared and stated that she was the owner of a privately owned school bus company in Houston, that she had been present before, that the problem she had was back on March 27, 2003 she received a letter from the City of Houston, Finance and Administration, and they were advising her that her insurance was fixing to cancel and she was very aware of that, it was a calculated move on her part because the State of Texas required that anyone who carried more than 15 passengers, including the driver, for hire, they required that they carry \$5 million coverage, that right now the City required that they carry 40-20-15, that to be compliant with the State of Texas she calculated the move so that she would go ahead and get a carrier in the State assigned pool for the 40-20-15 and she would go under a motor carrier's umbrella for the \$5 million, which would make her, at this time, the only bus company in the City of Houston that was Texas State compliant, that what happened was that she received the letter and called

Finance and Administration and talked with Ms. Bianca Santos and told her that she was aware that the insurance was fixing to cancel and that they had calculated that move to change their risks, when they came down to the wire in getting the new coverage she paid her insurance agent to drive to Austin to bind her insurance so that there was no lapse as far as the mail or anything else, that she had a letter from her insurance agent telling them that there was never once a lapse in her coverage at all, but the City of Houston, Finance and Administration, revoked her license saying that she had a lapse in insurance, and she had all the documentation to prove there had never been a lapse, that they revoked her license and went to the school, one of her largest accounts, and began writing tickets and scraping City stickers, when she called the City to find out what had transpired, because she had received nothing in writing other than the original letter they said it was because her insurance had lapsed, they said they had received notification that she had insured nine of her buses, that the letters had come back from the State pool, that it was ludicrous, why would she insure nine buses instead of thirty, that they said they would go ahead and reactivate her license if she would come in and pay the fees, and she said okay, and called Mr. Blaten Daniels and explained to him that they were having a change in the corporate structure, she was bringing a new investor on and said she would be in on Monday, which was the 19th and he said it was fine, that if she was going to change the corporate structure wait and come in and take care of it all then, so she did, that she had proof that she went in on the 19th, that it was written by Johnny Lee of the City of Houston and Bianca Santos, that she brought them everything that they needed, that she wrote a check that Bianca Santos, an employee of the City of Houston told her she needed to, which was for \$2,135, that on the 20th the City of Houston was back out at the school, her largest account, writing tickets, saying that number one, she did not have insurance, that was what they said to her school people and number two, her license had been revoked, that she called the City to find out what was going on again and they said she wrote her check for too much money and the wrong amount, but she wrote her check for the amount of money the City of Houston told her to write it for, that she had copies of where she went back on the 21st and rewrote the check for the lesser amount and on the 21st where they again said they had canceled her check. Mayor Brown and Council Members Tatro, Wiseman and Vasquez absent.

Upon questions by Council Members, Ms. Honn stated that she had been dealing with Mr. Daniels and Dr. Scheps on the matter, that she was operating her buses at this time and had not been ticketed recently, that the problem was that she had been present before and Council Member Edwards had been helping her because she was in her district then, and it seemed to be an ongoing problem with the department and she did not know if it was their mode of operations or if it was a target at them personally because she could not believe that every company was treated in that manner, that she had decided to do, under the Freedom of Information Act, was to request copies of all the files of the other privately held bus companies in the City of Houston and review it and get back to the Council Members because even after she paid the amount she was held responsible for the City of Houston giving her the wrong amount. Council Members Tatro, Goldberg, Edwards, Wiseman and Vasquez absent.

Mayor Brown stated that Mr. Daniels of F&A was present and he would assign him to get with her and take care of the problem, and Ms. Honn stated that they had an additional problem with Schedule H's as well, that everyone of her drivers had a criminal history background check and no one gets a set of keys until they had one and yet one third of her drivers, when she went to F&A they said they did not have Schedule H's on those people, yet she had a receipt to prove that every one of her drivers went to the Police Department and were finger printed, that she wanted to know what was happening between the Police Department and F&A, were the Schedule H's not getting to them, was the Police Department not forwarding them, or were they getting to F&A and not being counted to her file, and Mayor Brown stated that he would ask Mr. Daniels to provide an answer to that problem and a resolution. Council Members Tatro, Goldberg, Edwards, Wiseman, Vasquez and Robinson absent.

Mr. Jorge Figueroa, 10327 Piping Rock, Houston, Texas 77042 (713-974-8090) appeared and stated that he was present regarding the proposal for the Master Plan for Memorial Park,

that they belonged to a group of people, both youth and adult, who played soccer, baseball, tennis, softball and volleyball at that park for many years, that the proposal for the Master Plan for Memorial Park called for the removal of the ball fields, including the tennis courts, that when they found out about it they started collecting a petition and they already had thousands of names, that he had copies of a petition with Council Member Vasquez, that they totally oppose the master plan and did not want it approved, that they would like to remain there, that the children they took to the fields would like to remain there, that the proposal that they had presented had been to replace the fields someplace else nearby, that nearby cost \$1 million an acre around that area, that the proposal also called for private money to do that, that it would cost a lot of money to remove the fields which were already paid for, that they called for the park to remain as it was built. Council Members Tatro and Vasquez absent.

Mayor Brown asked what exactly he was concerned about the master plan, and Mr. Figueroa stated that they were concerned that they were going to be removed out of there sooner or later by removing the fields, that they wanted to conserve the fields, and Mayor Brown asked if there was anything that he had seen that would suggest that it was going to happen, and Mr. Figueroa stated that the past experiences, that they had come up with master plans before, that it was something that they were pretty worried about.

Council Member Sekula-Gibbs asked if they had spoken with the Parks Director about it and how many signatures had they collected, and Mr. Figueroa stated that there were thousands of names, that the Parks Board and the Parks Department were continuously forgetting about them and every master plan that they did at the Parks Department they never consulted with the people who used the fields, that the master plan was being presented as a conservation project, but instead if they would look at it, and he had a print, even in the short time action plan there was additional trails all over the park and some trails were going to go very close to the ball fields and they had a bike trail going by what they called the warm up areas in the ball fields and it was going to cause some conflict, and Council Member Sekula-Gibbs asked if they had been told where they were going to be relocated. Council Members Tatro, Vasquez and Berry absent.

Council Member Parker moved to suspend the rules to hear Mr. Frank Monteverdi out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro, Goldberg, Vasquez and Berry absent. MOTION 2003-0527 ADOPTED.

Mr. Frank Monteverdi, 22002 Castle Spring Dr., Katy, Texas 77450 appeared and stated that he was present as part of the same group, that they had seen the plans and the plans actually had a short term plan and a long term plan, that in the long term plan softball fields and other fields and facilities were actually removed permanently, that they detected that they would be relocated, however they did not define where they would be relocated, there had been some studies done and would actually submit based on the documents they were able to find that the studies did not follow service levels, certain types of parks and recreation on the State and Federal level type criteria, there had been some analysis done but the analysis said that was going to be expensive if they did full analysis and met that criteria, but instead there had been a plan done, that he was part of the Greater Houston Partnership and participated in other committees and to answer their questions, yes, they did feel like they had not had an adequate voice on it yet, that in fact the way a lot of them had found out about it was through their times playing, that he for example had played at Memorial Park for 12 years and one of the teams he represented had played for 19 years, that he enjoyed it because his family went there with him, that he liked it also because certain areas were fenced in so he had some level of protection as well, and Council Member Sekula-Gibbs stated that she thought it would be appropriate, since they were bringing a collaborate voice to Council that they have an opportunity to talk about it in a better situation such as the Neighborhood Protection Quality of Life Committee and asked the committee chair, Council Member Parker, if she would be willing to take the issue up at the Neighborhood Protection Quality of Life Committee where they would have more chance to speak on it in greater detail without the time limitations they had today, and Mr. Monteverdi

stated that he agreed it would be a great suggestion. Council Members Vasquez, Berry and Robinson absent.

Council Member Parker stated that it was going to committee and was tentatively scheduled for June 16, 2003, that they were way ahead of themselves, Council had not been presented with the plan and the City had not moved it to Council for adoption and they were correct when they talked about short term changes to the park and then long term changes, that she would suggest that those long term changes did have very large dollar signs attached and she would be shocked to see if any of those long term changes happened, but they had the time to get there, that nothing in the immediate plans called for removing the soccer or baseball fields and she would urge Council to just stand down a little bit until they actually saw the plan and it would be coming to committee as soon as they could get it scheduled in. Council Members Vasquez and Berry absent.

Mayor Brown stated that he urged them to go to committee and voice their concerns at that time. Council Members Vasquez and Berry absent.

Council Member Quan stated that he did attend the Parks Master Plan presentation and exactly as they were saying that was one of the items proposed and how they were going to find adequate or suitable facilities within any proximity of Memorial Park was very difficult to believe, that he lived next to the park and used those facilities, that he thought the idea of the plan was just to bring forth a number of ideas that they had been discussing for a long time, but they did need citizen input and that was why he was glad that they had taken the time to come before Council and raise the issue and thanked them for being present and expressing their views. Council Members Vasquez and Berry absent.

Mr. Armando Bermudez, 41 James, Houston, Texas 77009 (713-228-5427) appeared and stated that he was a native Houstonian and used those facilities when he was a teenager and now his kids used those facilities and now his grandkids were starting to use them in tennis, that those facilities were for the children and the organizations that played there had large groups that came out there during the week, that some were church groups and some were City leagues, that they were talking about one league having about 800 members, playing different days, and if they got rid of those facilities where they played, where were those kids going, that they did not want to see them standing on the corner, that when kids burned energy they get home, eat, take a shower and go to sleep, so he thought it was very vital for them to keep the fields for the future of their kids. Council Members Vasquez and Berry absent.

Mr. John Aguilar, 5401 Chimney Rock, No. 147, Houston, Texas 77081 appeared and stated that he also was part of the group against the Master Plan for Memorial Park, that he was also a member of Saint Theresa Parish, which was next to the park, that if they were familiar with Annunciation downtown, next to Enron Field, when they built that field the parking became an issue for the church and they were going to have that same problem because part of the trails and part of the parking was going to be using the same parking lot as Saint Theresa, that one of the biggest concerns they had was even though the Parks did not have the money to move the parks it was in the plans to remove the fields from the park and that was why they were present, that at the last meeting they had at Saint Theresa for the project was that May 31, 2003 was the deadline or a milestone that the Parks Department had decided to move on with the plan. Council Member Robinson absent.

Council Member Parker stated that if the gentlemen would contact her office they could be put on the notification list for the committee meetings.

Council Member Quan stated that he also attended Saint Theresa and did not see where the impact on the parking would affect Saint Theresa and Mr. Aguilar stated that if they looked at the long term master plan they had about seven locations that they called the access roads or pavilions that they were going to build on the trails and there was a real large one that was

between the church and the golf course, so it was going to be a big kind of traffic area, and Council Member Quan stated that he would be glad to look at it with him and work with Father Steve. Council Member Robinson absent.

Mr. Rudy Vasquez, 501 Tallant, Houston, Texas 77076 (713-695-8347) appeared and stated that he had a grandson and granddaughter that were enrolled in the Zena Garrison Tennis Program at Memorial Park, that he knew that the committee's main concern was the softball fields and did not know if anybody mentioned that there were five softball fields that were built at Memorial Park plus a baseball field, the M.D. Anderson Baseball Field that had been there since he had been around and he was 64 years old, that on June 7, 2003 there was going to be a revived baseball in Houston that was sponsored by the City of Houston and would be held at M. D. Anderson Baseball Field, that it was trying to revive baseball back into the City Parks and Recreation and the City ball fields, that they were inviting the young men and young ladies to work out and try out at a complex that the Conservation Committee and the Parks people wanted to eliminate from the field, that they were using the word conservation and it was just a guise they were using to eliminate softball and baseball from Memorial Park, that why did the same committee not say to get golf out of Memorial Park, they were not going to mess with golf, that they were present to ask that they not just take consideration on golf. Council Members Tatro, Vasquez and Robinson absent.

Mr. Joe Padilla, 7418 Alderson, Houston, Texas 77021 (713-674-8317) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Vasquez and Robinson absent.

Mr. Don Stokey, 863 West 43rd Street, Houston, Texas 77018 (713-692-6801) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Vasquez and Robinson absent.

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) appeared and stated that he had something different for them today, that he knew they all had a very hard and stressful job and he had a stress reliever for them, that they had started growing organic fruits and vegetables on their property on the Gulf Freeway, where they had seen the big piles of mulch, that he wanted to encourage them any time they wanted to come out and they would give them shears and let them cut their own fruits and vegetables, that they were organic and they used no chemicals or pesticides, that it was very healthy, that the stress relief was out of this world, that they would love it, that they were going to allow the public to pick the vegetables and just make a donation, that there was no charge, that if they wanted to take a plant there was a charge for that, but the vegetables were free, that they were struggling and they took guys out of prison, that they were happy and loved what they were doing, but he just needed some help and if there was anything that the City could do to let them do some work, to just give them an opportunity to maybe help with the heavy trash pickup, anything, that they had some equipment and did land clearing, that whatever the City could do to help them would be greatly appreciated. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-45111) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent.

Council Member Quan moved to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro, Goldberg, Vasquez, Sekula-Gibbs and Robinson absent. MOTION 2003-0528 ADOPTED.

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) appeared and voiced her personal opinions until her time expired. Council Members Tatro, Goldberg, Vasquez and Sekula-Gibbs absent.

Mr. Clifford Harris, 4112 Dorchester, Houston, Texas 77003 had reserved time to speak, but was not present when his name was called. Council Members Tatro, Goldberg, Vasquez and Sekula-Gibbs absent.

Mr. Binh Nguyen, 1322 Spillers, Houston, Texas 77043 (713-468-7243) appeared and stated that he was the messenger of his community and was delivering thousands of signatures on a petition in two forms about the resolution from the City for the Heritage Symbol of the Freedom and Democracy for the Vietnamese Community and he was asked by the community, a population of more than 150,000, that he had to take time off from his job to deliver the petition to the Mayor and City Council Members, that they wanted to hear from the City and he did not have the answers for them so he hoped that after today's message that he could hear something from the City or at least to deliver a message. Council Members Tatro, Goldberg, Vasquez and Sekula-Gibbs absent.

Council Member Parker stated that the issue was that the Vietnamese American Community around the United States was petitioning their local governments to allow what was formerly the flag of South Vietnam as a symbol of the Vietnamese American Community, that they were very clear that the current government of Vietnam had their own flag and that it was the symbol of Vietnam, but they believed that what they called the Heritage Flag best represented the Vietnamese American Community and they wanted the right and ability to display it when their community was involved in public events and the petition reflected that request, that she had requested from the administration a review of the protocol around that and certainly thought that they should honor the request by the local community to be designated in the way that they thought was most appropriate. Council Members Tatro and Vasquez.

Council Member Ellis stated that he thought Council Member Parker said it all and knew that there were a lot of Council Members around the table who had spoken with Mr. Nguyen and were sympathetic to his cause and would urge the administration to give them some type of answer as well. Council Members Tatro and Vasquez absent.

Council Member Quan stated that in conferring with the Mayor the administration was looking at it and they expected that something would be coming forward very soon, that they were checking on the protocol rules on it, but the administration indicated that there was strong support for such a resolution, and Mr. Nguyen stated that on behalf of the community they thanked them all and would open eyes and ears to hear from them. Council Members Tatro and Vasquez absent.

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

Mr. Rudy Bruhns, 1406 Hayes, Houston, Texas 77009 (713-224-4445) appeared and stated that he received a call from Mr. James Murff, Assistant Director of Properties, at 4:30 p.m. on Friday, May 21, 2003, that Texans Super Shuttle had been granted the right by the Department of Aviation to provide service to three off airport terminals identified in Greater Houston Transportation Company's Scheduled Ground Transportation Agreement, that in a letter dated February 26, 2003, exercising the six month option period contained in Amendment Number Three of their agreement, Mr. Richard Vacar stated Greater Houston Transportation Company was expected to continue operations in accordance with the agreement, that the letter went on to state that the agreement did not identify an exclusive service area, therefore Greater Houston Transportation Company would continue to provide services under the agreement in a non exclusive area, that exclusivity was, however, authorized at the three off airport terminals identified in the agreement, that under the terms of the Scheduled Ground Transportation Agreement, the GHTC paid the airport a minimum of \$201,829 a year, that during the last 12 months, GHTC paid the airport \$235,006, that Texans Super Shuttle operated under a HGTC license which required that service be provided as part of a regularly scheduled transportation

service, the airport fee for a GHTC vehicle was \$1 compared to the \$2.31 for departure that SGT express shuttle paid, that due to reports from their express shuttle managers and drivers that Texans Super Shuttle was not maintaining their schedules and making non scheduled pickups they had a private investigator firm monitor their operation and he had passed out copies of the affidavit reports along with a summary of the reports which showed that Texans Super Shuttle operating more as a taxi cab than a shuttle service, that apparently there was a misunderstanding by the Department of Aviation between contract service and an SGT license, that Section 9143.6A of the Airport Ground Transportation Ordinance states that when the director finds that reliable, modestly priced, scheduled commercial carrier service between an airport and one or more specific points would be beneficial to the traveling public and should be assured by contract, he may recommend that the City enter into a contract for such service, that if such a contract would require a substantial financial investment or commitment by an operator in order to provide the required service the Director may designate a specified service area, which the contractor must service in accordance with the terms of the contract and two, recommend that the contract include language to the effect that the City would not grant to others the right to use airport property to provide the same or similar commercial carrier service, that the current Scheduled Ground Transportation Agreement followed the intent of Section 9.143.6A and contained such language in Article 9 but was being disregarded. Council Member Tatro absent.

Council Member Ellis stated that he would be committed to pick it up in the Regulatory Affairs Committee and asked what type of action could they take right now, and Mr. Bruhns stated that he thought the department, based on the ordinance, and he did not think the department, frankly, was aware of what was in the Ground Transportation Ordinance that provided that they could have an exclusive contract, while they disagreed with the department where they say it was not exclusive, the wording was in the contract and they could rescind the decision they made to grant Texan Super Shuttle the right to pickup at the off airport terminals that they were paying the airport \$20,000 a month to have that right to, and Council Member Ellis asked if they could tell Texan Super Shuttle that if they picked up from the same locations as the taxicabs that they would be charged \$2.31 per departure, and Mr. Bruhns stated that he did not think they could do that under the ordinance. Council Member Tatro absent.

Mayor Brown asked Mr. Hall if he was aware of the issue, and Mr. Hall stated that yes he was and it was a fairly sticky and complicated issue, that as he understood they were talking about two different things, that what Mr. Bruhns and the taxi drivers had a contract that had in it the possibility for exclusivity at some very designated locations that were named, principally the three big hotels, that was what they were talking about, that the question that Mr. Bruhns was raising now involved someone who had a permit that in effect had been allowed to pickup at all other places except that, in other words, the designated places except those three that had not been declared exclusive, that the contract expired, he thought, in about 3 months, that the issue was though a different one that Mr. Bruhns was raising now, and that was that they were not operating pursuant to the permit they were issued, and that was a fact based deal that the airport needed to investigate and frankly if they were not performing under the permit they could revoke, that it was a fact based deal, to find out if it was true, that Mr. Bruhns had presented a private investigators report and Mr. Hall suggested it be submitted to the airport and that they check and see if it was correct and they could revoke the permit, and Mr. Bruhns stated that now there was a new issue, that the issue he was bringing up now was a different issue, what Mr. Hall had stated was true, that the airport had granted them the rights to pickup at hotels within their service area, but now the airport had granted them the rights to pickup at the three main hotels that in the letter they sent extending their contract, that they were exclusive, that was as of Friday afternoon, and Mr. Hall stated that was new to him, that he was not advised of that, and Mayor Brown stated that they could look into the concern that Mr. Bruhns had brought to their attention today. Council Members Tatro and Quan absent.

Upon questions by Council Member Robinson, Mr. Hall stated that the contract had two different provisions, it was exclusive for three locations or could be and was allowed to be and

was non exclusive for all of the other locations, that Mr. Bruhns was bringing some new information with regard to the three locations that he did not know about until Friday, that as Council Member Robinson stated the issue would go away and he would remind Council about why it was and it certainly was a policy decision to make, that as they knew the history of schedule service was at best spotty for the City of Houston and its history at the airport over the last 25 years, that one of the things that obviously was involved was that if they ran schedule service they had to run schedule service whether they had one person on there or ten, if it was supposed to go every 30 minutes, it went every 30 minutes, and it went to specific locations, that the problem was that they had at least one or two experiences where companies had failed, had asked to get out of the contract because they were not making money, so in an effort to try to assure a viable economic model the airport adopted the thing that they would grant exclusivity, that it could grant exclusivity to the three most favorite locations, for that privilege though, they pay more than twice the fee that otherwise would be paid to the City for permit service out at the airport, that it was something that ought to be taken up by the Council because the public policy question was did they want transportation service available to people on a scheduled basis where they would pay substantially less than they would pay to a taxi company for a taxi ride in, that was the real public policy issue and it could not be done artificially, in other words, it could not be scheduled service, without frankly in his judgment, some exclusivity in it or people could not make money at it and that was the reality. Council Members Tatro, Wiseman and Quan absent.

Council Member Vasquez stated that in reviewing the information that Mr. Bruhns had provided it did seem that Texan Super Shuttle had violated their contract in terms of picking up other people and operating their permit in terms of operating more as a taxicab than as a shuttle service and asked if they were in violation, and Mr. Hall stated that he had known Mr. Bruhns for thirty years, but it was his information, they would act if the department went in and investigated and found that, certainly if he provided it to them it would be his expectation that they would go check it out and take the appropriate action, and Council Member Vasquez asked Mr. Bruhns if the Airport System conducted an investigation, and Mr. Bruhns stated that the Finance and Administration had done some checks on it and they turned over the information to the Department of Aviation about a month ago and they said they were going to follow up on it, and Council Member Vasquez stated that he remembered reading some type of memo from F&A saying that they had conducted an investigation and had in fact found that the Texan Super Shuttle was in violation of their permit, and Mr. Hall stated that he would find out about that part, that they could revoke their permit if they found they were not complying with it, that he had just talked to the Director of F&A and he stated that he sent a memo but it was related specifically to the Offshore and Technology Conference and they talked to them about it and they ceased and desisted immediately, that it was only on that one event, that he was not aware of any other check on anything else, but certainly they would check it out. Council Members Tatro, Goldberg, Ellis and Quan absent.

Mayor Brown stated that the issue that Mr. Bruhns was bringing to the Council was currently under investigation by the Aviation Department, that they had not completed their investigation therefore they did not have any findings, once that was completed they would do what was appropriate based upon the results of the investigation. Council Members Tatro, Goldberg, Ellis and Keller absent.

Mr. Jerry Brady, 827 East Rogers, Houston, Texas 77091 (713-695-4321) appeared and stated that he was the President of Liberty Cab Company and was present to discuss the Texan Super Shuttle, that there were three major issues that he would like to discuss with them, that issue number one related to allegations that the Texan Super Shuttle was operating outside the scope of their ground transportation permit, that he believed the allegations should be investigated and if they were correct the shuttle operation was taking the bread and butter off of the table of the Houston taxicab drivers, that the second issue related to the recent television coverage in regard to the Texan Super Shuttle, in the television interviews he witnessed the protestors representing the Texan Super Shuttle misrepresented themselves incorrectly as

taxicab companies and taxicab drivers, to the best of his knowledge there was not a taxicab company or taxicab driver there, that he would like to correct that misrepresentation, that the third issue was the revenues being lost by the City of Houston, that taxicabs currently paid \$2.75 per trip when they left Intercontinental Airport and the Texan Super Shuttle vans were only being charged \$1 per van to load, therefore every taxicab trip that was lost to the Texan Super Shuttle cost the City lost revenues. Council Members Tatro, Goldberg, Ellis, Keller and Alvarado absent.

Mr. Rich Cowan, 8155 Hartford, Houston, Texas 77017 (713-649-1112) appeared and stated that he was owner of the City Cab Company and was present to talk about the new airport shuttle called the Texan Super Shuttle which operated out of the Bush and Hobby Airports, that as they were aware it had been hard time for the taxicab industry, they had 9/11 which hurt the air travel, they had the SARS, which had also hurt air travel and also had the war, they had limousines that were allowed to go into the airport and solicit cab trips, which were also hurting them and now they had Texan Super Shuttle having a booth inside the terminal for which they were using to solicit business, that Texan Super Shuttle was a regulated scheduled transportation service, not a taxicab, which they were operating now, they kept no schedule, and showed up at hotels only when the doorman called them and picked up passengers at points other than the airport and hotel and dropped passengers off at points other than the airport and hotels, they were soliciting business inside the terminal, that the City of Houston was doing nothing about it, as a matter of fact they were rewarding them by increasing their routes, they already had one airport shuttle operated by Greater Houston Transportation, that there was no need for two other shuttles, there was not enough business, that to the best of his knowledge Houston Transportation was giving good service and abiding by the law, that how much business was the City of Houston going to let other transportation entities take away from the cab industry before it collapses, that he felt that the City thought that the only trips that cabs should take were people to and from the grocery store, doctor's offices and Laundromats and all the other trips that no one else wanted, that was what they should carry, that if the City wanted door to door shuttle service they should look very closely to the taxicab industry's proposal of shared ride operated by taxicabs, the City needed to start making limo's and airport shuttles do what they were licensed to do and not to operate as a taxicab, that if they wanted to be a cab, let them buy a taxicab permit and be a cab, why did they not want to, because it cost too much to operate, the insurance was two to three times more, they needed to install a meter or radio and a top light and needed to paint all of their cars one color, that they could not go into the terminals anymore and solicit business, they had to stay in line for four or five hours at the airport to pickup a trip, no wonder nobody wanted to be a taxicab, but the City seemed to feel that it was fine that they take away all of their business and give the cream of the crop to other entities. Council Members Tatro, Goldberg, Ellis and Keller absent.

Upon questions by Council Members, Mr. Cowan stated that he did not think that the market could withstand more than one scheduled shuttle provider at the airport, that they had a lot of expenses that they had to incur, but yet they were told they had to compete and if they went out of business too bad, but the burden was put upon them, that his argument was that their ability to have a permit as a shuttle and yet to abuse their permit and operate as a taxicab was an unfair advantage, that if they wanted to pickup all over the City then they should get a taxi permit. Council Members Tatro, Goldberg, Ellis, Keller, Quan and Robinson absent.

Ms. Johnnie Jenkins, appeared and stated that she was the President of Square Deal Cab Company, the City's third largest taxicab company and largest Black owned taxicab company in the United States, that her family's company had been serving the residents and visitors of Houston with reliable and courteous taxi service for over 50 years, that she was present to take issue with statements recently made before the Council and local news media by representatives of the Texan Super Shuttle, the visitors to Houston did not have an option of choosing a Black owned taxicab company for their taxi transportation needs, their company was living proof that the residents and visitors to Houston did have the option of choosing a Black owned taxi company for transportation needs and that they do so hundreds of times a day, that moreover she was personally offended that Texan Super Shuttle representatives found it

necessary to spread misinformation that Blacks and other minority groups were being discriminated against in the City taxi industry, that there were currently over 100 taxicab companies in Houston and the vast majority of the companies, in fact, were minority owned. Council Members Tatro, Goldberg, Ellis, Keller, Quan and Robinson absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (713-203-) had reserved time to speak, but was not present when his name was called.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak, but was not present when his name was called.

At 12:41 p.m. Mayor Brown stated that they would return to the agenda.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 2 through 38

MISCELLANEOUS - NUMBER 4

4. RECOMMENDATION from Director Human Resources to approve a eighth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0529 ADOPTED.

ACCEPT WORK - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,858,727.84 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.** for Generic Overlay Program, GFS N-1037-31-3 (OL2031) 00.10% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0530 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,984,650.71 and acceptance of work on contract with **J & N INTERNATIONAL COATING, INC** for Rehabilitation of Four Ground Storage Tanks at Four Pumping Stations, GFS S-0600-22-3 (10521-22) - 00.45% over the original contract amount **DISTRICTS E - WISEMAN; G - KELLER and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0531 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13A

9. **RESICOM, INC** for HVAC Work at Fire Station No. 3 for Building Services Department \$33,000.00 and contingencies for a total amount not to exceed \$34,650.00 - General Improvement Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0532 ADOPTED.
10. **NORTHWEST COMMUNICATIONS, INC** for Backup Radio Network System Equipment for Department of Public Works & Engineering - \$44,200.00 - Enterprise Fund - was

presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0533 ADOPTED.

11. **BIOSYSTEMS, INC, Bid No. 1** for Citrus Cleaning Solvent for Department of Public Works & Engineering - \$197,400.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0534 ADOPTED.
13. ORDINANCE appropriating \$132,307.20 out of Water Sewer Renewal & Replacement Fund for Emergency Force Main Repair for Public Works & Engineering Department, CIP R-0266 - was pulled by the administration and not considered. Council Members Tatro and Ellis absent.
- 13a. **TROY CONSTRUCTION, L.L.P.** for Emergency Force Main Repair for Department of Public Works & Engineering - \$132,307.20 - Enterprise Fund - was pulled by the administration and not considered. Council Members Tatro and Ellis absent.

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 33

15. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City Budgets for the time period July 1, 2003 through June 30, 2004; authorizing notice of such public hearing - **HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 10, 2003** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. RESOLUTION 2003-0014 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 13-foot by 56-foot portion of Westheimer Road right of way out of Lot 6, Block 9, Avondale Addition; vacating and abandoning same to Catania Enterprises, Inc., the abutting owner, in consideration of the owner's conveyance of a 5-foot by 106-foot strip of right of way for the widening of Westheimer Road, out of Lots 6 and 7, Block 9, Avondale Addition, and the payment of \$4,400.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0494 ADOPTED.
19. ORDINANCE consenting to the addition of 227.2957 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0495 ADOPTED.
21. ORDINANCE appropriating \$200,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **LOCAL INITIATIVES SUPPORT CORPORATION** to provide a grant to establish a Pilot Rebuild Home Program which will provide financial assistance of up to \$20,000.00 to each qualified elderly and/or disabled low-income victim of Tropical Storm Allison to rebuild their home on the existing lot was pulled by the administration and not considered. Council Members Tatro and Ellis absent.
33. ORDINANCE appropriating \$75,000.00 out of Airports Improvement Fund as an additional appropriation for professional services contract for Professional Engineering Services with **C3S, INC** for Miscellaneous Projects at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD) (Project No. 409K), CIP

A-0138; originally approved and authorized under City of Houston Ordinance No. 2001-0747 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0496 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**:
Position 1 - **MR. JONATHAN S. DAY**, reappointment, for a term to expire 12/31/2004
Position 2 - **MS. ROGENE GEE CALVERT**, reappointment, for a term to expire 12/31/2003
Position 3 - **MS. B. A. HENDERSON**, reappointment, for a term to expire 12/31/2004
Position 4 - **MS. LINDA M. MCNEIL**, reappointment, for a term to expire 12/31/2003
Position 5 - **MS. LYDIA VALADEZ MCSTAY**, appointment, for a term to expire 12/31/2004
Position 6 - **MR. FELIX FRAGA**, reappointment, for a term to expire 12/31/2003
Position 7 - **MR. IRA C. COLBY**, reappointment, for a term to expire 12/31/2004
Position 8 - **MS. ADA EDWARDS**, appointment, for a term to expire 12/31/2004
Position 9 - **MR. JAY D. HIRSCH**, appointment, for a term to expire 12/31/2003
- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0535 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.031 per square foot for properties connecting to the 12-inch water line constructed by **TEXAS ICE STADIUM, LTD** located along I-45 South **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Members Tatro and Ellis absent.

ACCEPT WORK

6. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$411,825.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at Fire Stations 26, 31, 32, 42, 44, 65, 73 and Fire Training Academy Drill Tower - 24.8% over the original contract amount - **DISTRICTS B - GALLOWAY; E - WISEMAN; F - ELLIS; H - VASQUEZ and I - ALVARADO**- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0536 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **HOUSTON FREIGHTLINER, INC (Bid No. 3)** - \$324,032.00, **HOUSTON FREIGHTLINER, INC (Bid No. 2)** - \$265,126.00 and **HENNA CHEVROLET, L.P.** - \$130,924.00 for Medium-and Heavy-Duty Trucks for Department of Public Works & Engineering - Enterprise Fund- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0537 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. ORDINANCE amending Ordinance No. 93-1209, as previously amended by Ordinance No. 93-1315, Ordinance No. 96-415, and Ordinance No. 2001-644, with respect to the issuance of City of Houston, Texas Water & Sewer System Commercial Paper Notes, Series A; amending Ordinance No. 95-232, as previously amended by Ordinance No. 96-415, and Ordinance No. 2001-644, with respect to the issuance of City of Houston, Texas Water & Sewer System Commercial Paper Notes, Series B; authorizing an amended and restated Issuing and Paying Agency Agreement, a revised Dealer Agreement, and an amended and restated Revolving Credit Agreement with respect to the Series A Commercial Paper Notes and an amended and restated Issuing and Paying Agency Agreement and a revised Dealer Agreement with respect to the Series B Commercial Paper Notes; approving the use of a revised Offering Memorandum in connection with the sale of the Series A Commercial Paper Notes; making other provisions regarding such Series A Commercial Paper Notes and Series B Commercial Paper Notes and matters incident thereto - was presented, and tagged by Council Member Berry. Council Members Tatro and Ellis absent.
20. ORDINANCE approving and authorizing application for grant assistance from the **U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION**; declaring the City's eligibility for such grant; authorizing the Director of the Mayor's Office of Public Safety and Drug Policy to act as the city's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Drug Policy to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$500,000.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0497 ADOPTED.
22. ORDINANCE accepting a sculpture titled "Witness to Freedom" for display in Hardy Tidwell Park and approving and authorizing contract between the City of Houston and **ROSALINDA R. TORO** for acceptance of such sculpture - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0498 ADOPTED.
25. ORDINANCE approving and authorizing a contract between the city and **DELOITTE & TOUCHE LLP** for professional auditing services citywide; providing a maximum contract amount; making various findings and provisions relating to the subject; containing provisions relating to the subject 3 Years with two one-year options - \$3,439,097.00 - General Fund - was presented, and tagged by Council Members Keller and Vasquez. Council Members Tatro and Ellis absent.

Council Member Keller stated that he wanted a brief meeting and the main issue he wanted to know, was it mandatory that they had to have the function or could it be delayed one year and was there a way they could do it out after a year or a serious cutback was what he wanted to look at, and Mayor Brown stated that they would get the answers for him but they had to have the service, and it would be on the Fiscal Affairs agenda next week. Council Members Tatro and

Ellis absent.

26. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **C.P.C. MAINTENANCE, INC** for Air Compressor Maintenance & Repair Services for Various Departments (as approved by Ordinance No. 98-886) - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0499 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **QUESCO TURBOMACHINERY SERVICES** for Air Compressor Maintenance & Repair Services for Various Departments (as approved by Ordinance No. 98-887) - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0500 ADOPTED.
29. ORDINANCE appropriating \$154,813.00 out of Water & Sewer System Consolidated Construction Fund and \$231,000.00 out of Affordable Housing Midtown Bond Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Six, Phase A of the Greenpark Subdivision, CIP S-0800-85-03 and R-0800-85-03 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. Council Members Tatro and Ellis absent.
30. ORDINANCE appropriating \$190,399.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Affordable Housing Midtown Bond Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Six, Phase B of the Greenpark Subdivision, CIP S-0800-86-03 and R-0800-86-03 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. Council Members Tatro and Ellis absent.
31. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LIN YAN SUSHI, L.P.** for Construction of Water Line on Westheimer Road near Mandell Street, CIP S-0802-05-03 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. Council Members Tatro and Ellis absent.
32. ORDINANCE appropriating \$12,811.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **J. R. and PAMELA REITZ** for Construction of Water Line on Rosamond Street, CIP S-0802-08-03 - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0501 ADOPTED.
34. ORDINANCE appropriating \$454,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Engineering Services associated with the Design of Water Line Replacement in the Cloverland-3 Area, CIP S-0035-A4-2 (WA10764); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Quan. Council Members Tatro and Ellis absent.

35. ORDINANCE appropriating \$473,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Engineering Services associated with the Design of Water Line Replacement in the OST-Yellowstone Area, CIP S-0035-A8-2 (WA10768); providing funding for contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0502 ADOPTED.
37. ORDINANCE awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Rosewood Park Improvements and Upgrades, GFS F-0512-01-3; providing funding for construction management, engineering testing services and contingencies relating to construction of facilities financed by Community Development Block Grant - **DISTRICT B - GALLOWAY** \$143,500.00 - Grant Fund - was presented, and tagged by Council Member Edwards. Council Members Tatro and Ellis absent.
38. ORDINANCE appropriating \$160,844.20 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Design of Ella Boulevard from Pinemont Drive to W. Little York Road under Professional Engineering Services Contract with **CENTURY ENGINEERING, INC** (approved by Ordinance No. 00-1105), CIP N-0546-01-2 (SB9046); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO and B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0503 ADOPTED.

NON CONSENT AGENDA - NUMBERS 39 and 40

MISCELLANEOUS

39. MOTION to set a date not less than seven (7) days from May 28, 2003 to receive nominations for Position Three of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a term to expire two years from date of appointment - was presented.

Council Member Quan moved to set Wednesday, June 4, 2003, to receive nominations for Position Three of the Port of Houston Authority of Harris County, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0538 ADOPTED.

40. MOTION to set a date not less than seven (7) days from May 28, 2003 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 of the **SMALL BUSINESS DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, terms for three years from date of appointment - was presented.

Council Member Quan moved to set Wednesday, June 4, 2003, to receive nominations for Positions 2, 4, 6, 8, 10 and 12 of the Small Business Development Board of Directors, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0539 ADOPTED.

MATTERS HELD - NUMBERS 41 through 57A

42. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt

recommendation from Director Building Services Department for approval of final contract amount of \$7,282,710.49 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC** for Northeast Regional Right of Way Maintenance Facility, GFS D-069A-01-3 - 04.77% over the original contract amount - **DISTRICT I - ALVARADO - (This was Item 4 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0540 ADOPTED.

43. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Building Services Department for approval of final contract amount of \$1,255,248.16 and acceptance of work on contract with **PROGRESSIVE COMMERCIAL AQUATICS, INC** for Parks to Standard Program - Phase II, Agnes Moffitt Pool Renovation, GFS F-0363-42-3 - 05.00% over the original contract amount - **DISTRICT A - TATRO - (This was Item 5 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0541 ADOPTED.
44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **A&T ENVIRONMENTAL CLEANING, INC** for Demolition Services for Planning & Development Department - \$66,799.00 and contingencies for an amount not to exceed \$70,138.95 - Dangerous Building Consolidated Fund - **(This was Item 14 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0542 ADOPTED.
45. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **LONE STAR TISSUE, INC** - \$1,404,652.30, **MORSE WHOLESALE PAPER CO., INC** \$196,255.65, **STARCO DISTRIBUTION** - \$32,078.78 and **UNISOURCE** - \$900,844.89 for Paper Products for Various Departments - \$2,533,831.62 - General and Enterprise Funds - **(This was Item 17 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0543 ADOPTED.
46. ORDINANCE amending **CHAPTERS 10 AND 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the maintenance or adoption of natural areas - **(This was Item 20 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Wiseman moved to postpone Item No. 46 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. MOTION 2003-0544 ADOPTED.

47. ORDINANCE amending certain prior Ordinances relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series A; approving a Substitute Credit Agreement; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a seventh amended and restated issuing and Paying Agency Agreement, a seventh amended and restated Dealer Agreement and an updated Offering Memorandum - **(This was Item 21 on Agenda of May 21, 2003,**

- TAGGED BY COUNCIL MEMBER TATRO**) - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0504 ADOPTED.
48. ORDINANCE amending certain prior Ordinances relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; approving a Substitute Credit Agreement; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a first amended and restated Issuing and Paying Agency Agreement, a first amended and restated Dealer Agreement and an updated Offering Memorandum - **(This was Item 22 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Tatro and Ellis absent. ORDINANCE 2003-0505 ADOPTED.
49. ORDINANCE amending certain prior Ordinances relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series B; approving a Substitute Credit Agreement; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a second amended and restated Issuing and Paying Agency Agreement, a second amended and restated Dealer Agreement and an updated Offering Memorandum - **(This was Item 23 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0506 ADOPTED.
50. ORDINANCE amending certain prior Ordinances relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series C; approving a Substitute Credit Agreement; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a third amended and restated Issuing and Paying Agency Agreement, a third amended and restated Dealer Agreement and an updated Offering Memorandum - **(This was Item 24 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0507 ADOPTED.
51. ORDINANCE approving and levying an assessment for and on behalf of **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** - **(This was Item 26 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0508 ADOPTED.
52. ORDINANCE approving and authorizing lease agreement between **BNC SOUTH LOOP ASSOCIATES, L.P., as Landlord**, and the City of Houston, Texas, as tenant, for space at 2636 South Loop West for use by Neighborhood Protection Division, Planning Department; containing findings and other provisions related to the subject - \$4,314,098.48 - General Fund **DISTRICT C - GOLDBERG** - **(This was Item 27 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** - was presented.

Council Member Keller moved to postpone Item No. 52 for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city

on city business. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0545 ADOPTED.

53. ORDINANCE approving and authorizing acceptance of a proposal from **FIDELITY & DEPOSIT COMPANY OF MARYLAND** for a three year Crime Policy for Public Employee Dishonesty Insurance - \$85,917.00 - (**This was Item 29 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0509 ADOPTED.
54. ORDINANCE appropriating \$370,735.00 out of General Improvement Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **M. ARTHUR GENSLER, JR. & ASSOCIATES, INC d/b/a GENSLER** for Design of the Municipal Courts Master Plan, GFS D-0105-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - (**This was Item 33 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER KELLER**) - was presented.

Council Member Keller moved to postpone Item No. 54 for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0546 ADOPTED.

55. ORDINANCE appropriating \$1,700,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Program Management Services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Street & Bridge Program Management (as approved by Ordinance No. 01-0863) GFS N-0668-06-2 (SB9061); containing provisions relating to the subject - (**This was Item 35 on Agenda of May 21, 2003, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented.

Council Member Wiseman moved to refer Item No. 55 back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0547 ADOPTED.

56. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **TRAILER WHEEL & FRAME** for Trailers for Department of Public Works & Engineering - \$33,370.00 - Enterprise Fund - (**This was Item 45 on Agenda of May 21, 2003, POSTPONED BY MOTION #2003-506**) - was presented.

Council Member Sekula-Gibbs moved to postpone Item No. 56 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway out of the city on city business. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0548 ADOPTED.

Council Member Keller stated that he would release his tag on Item No. 36, that he appreciated the hard work that had taken place by Building Services during the meeting, that he was aware of the critical condition of the fountain and wanted to point out that he had been assured that there would be a fulltime project manager and inspector from the engineering contractor, that it was a first class asset and a first class project and they were getting paid a first class wager, that he would be working with Council Member Edwards office as well. Council Members Tatro and Ellis absent.

36. ORDINANCE appropriating \$1,040,000.00 out of General Improvement Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** for Renovation of Mecom Fountain, GFS D-0113-03-3; providing funding for construction management and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was again before Council, and tagged by Council Member Edwards. Council Members Tatro and Ellis absent.

Council Member Edwards stated that she had not had the conversation that Council Member Keller had. Council Members Tatro and Ellis absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that May was Older Americans Month and wanted to thank all the Council Members who participated in the Senior Fun Fest, Council Members Ellis, Wiseman, Berry, Tatro, Alvarado and Galloway, that they had over 400 seniors attend the event at Hermann Park and it was a great success, that on Thursday they would be having the Senior Expo at the George R. Brown and they expected close to 1,000 seniors for that and would like to thank all of the sponsors who participated in having that event. Council Members Tatro, Ellis, Alvarado, Parker and Robinson absent.

Council Member Quan stated that this Thursday night they would be having the Consolidated Plan Meeting of the CDBG Budget for the coming year and knew a lot of organizations were looking to that community development fund to help finance a number of projects that helped their community, that it would be Thursday evening at 7:30 p.m. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent.

Council Member Quan stated that he hoped everyone could attend the Citizens Congress this coming Saturday. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent.

Council Member Sekula-Gibbs stated that the Consolidated Plan Meeting would be recorded, that it was her understanding it would not be televised live for those individuals at home who might have limitations and not be able to attend the meeting, that it would be played on the Municipal Channel at a later time so she would encourage them to call and find out about the time of that, that she would encourage anyone who had an interest in the Consolidate Plan to attend the meeting on Thursday night at 7:30 p.m. at the Annex Chambers. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent.

Council Member Edwards stated that regarding Item No., 57 she thought she was smart enough as a Council Member to delineate between an assessment and a total contract and intended to hold Mr. Hall and everyone else that this was what they were doing to that point, that she had a problem with the way they had represented it to the public and thought it confused the public, that she appreciated Mr. Lewis's work and thought the assessment was necessary and it seemed to her that with all the other bids on the assessment that it was the cheaper assessment but it did not lead to an automatic yes to Getronicswang. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent.

Council Member Edwards stated that as to Riverside Clinic, that she knew there were some budget concerns regarding why they were moving that way, but the issue was still brought to her after the meeting on Thursday, and the issue was regarding that the City's mandate was for prevention and the concerns that health workers were bringing to her was when they put prevention within the total spectrum of a treatment clinic the prevention was usually last on the list, that her question to the City was, and she put the question to Dr. Kendrick, if they close the clinic how would they address prevention, would it be done primarily in Third Ward Multi Service Center, where it was being done now, how did they move to the point of making sure that they did not abdicate their mandate of prevention for the City and the constituents of Third Ward and the immediate area, and Mayor Brown

stated that it would be his expectation that they would do what they were mandated to do and anything that came out of there would be above and beyond what they were mandated to do. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 12:58 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. Council Member Galloway out of the city on city business. Council Members Tatro, Ellis, Alvarado, Parker, Berry and Robinson absent. INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary