

## City Council Chamber, City Hall, Tuesday, June 3, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 3, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Bert Keller absent on personal business.

At 1:59 p.m. Mayor Pro Tem Quan stated that Council would begin their presentations. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Ellis, Alvarado, Parker and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that immigration had been a great concern, especially with the tragedy in Victoria and the Mayor's Office tried to have a town hall meeting to study immigration issues and invited a group to the podium who had worked with the Mayor's Office of Immigration and Refugee Affairs and presented them a proclamation establishing that May 2001 was to heighten community awareness and sensitivity to diversity of residents of the City of Houston as immigrants and refugees continued to contribute to the building of a better Houston and proclaimed June 2 through June 6, 2003, as "Immigrant and Refugee Affairs Week" in Houston, Texas. The spokesperson thanked the Mayor and Council for the recognition and presented a limited edition calendar of events. Council Members Tatro, Goldberg, Ellis, Alvarado, Parker and Berry absent.

Council Member Vasquez invited Mr. Paul Marshall and Ms. Susan Perrin to the podium and presented Mr. Marshall a Proclamation proclaiming June 3, 2003, as "Employer Support for the Guard and Reserve Day", in Houston, Texas in recognition of May 17th Armed Forces Day and May 26th Memorial Day of this year; that Employer Support of the Guard and Reserve was an agency within the Assistant Secretary of Defense for Reserve Affairs and it was to promote public and private understanding of the National Guard and Reserve which provided mission ready forces. Mr. Marshall stated that it was his pleasure to accept and ESGR was a volunteer organization in all 50 states, the three territories and District of Columbia with approximately 7,000 volunteers who participated in Iraqi Freedom, shuttle recovery activities, Guantanamo Bay and guarding of the al-Qaida prisoners, thanked the City of Houston for their support and presented the Seven Seals Award, which represented the different guard and reserve units which served this nation, to Officer Patrick Swayze of HPD for his meritorious leadership and initiative of his support of the men and women who served America and presented a coin to Mayor Brown; and Suzan Perrin presented lapel pins. Mayor Brown thanked Mr. Marshall and Ms. Perrin for coming and for what they did. Council Members Tatro, Goldberg, Ellis, Alvarado, Berry and Robinson absent.

Council Member Galloway invited Mr. Jon Vanden Bosch and those with him to the podium and stated that Public Works services was an intricate part of daily life and the health comfort and safety of all greatly depended on those services and presented a Proclamation proclaiming the week of May 18 through May 24, 2003, as "Public Works Week", in Houston, Texas. Mr. Vanden Bosch stated that on behalf of over 3,500 employees he did accept the proclamation and expressed appreciation to the staff of the American Public Works Association who were present. Mayor Brown thanked them for coming and stated that all appreciated the work they did. Council Member Berry absent.

Council Member Wiseman invited Mr. Jim Ryanhartsen, president of the Bay Area Houston Economic Council Partnership Group to the podium, previously the Clear Lake Area Economic Development Foundation, and stated that recently the Clear Lake Area Economic Development Foundation moved forward with a strategic plan for better resources in marketing the region and part of it was the name change and presented a Proclamation to Mr. Ryanhartsen, for their unified image campaign and proclaiming Tuesday, June 3, 2003, as "Bay Area Houston

Economic Council Partnership Group Day”, in Houston, Texas. Mr. Ryanhartsen thanked all for their support and Mayor Brown for his leadership and presented Mayor Brown with a signed and framed copy of the artwork to commemorate the name change. Council Members Sekula-Gibbs and Goldberg stated that Mr. Ryanhartsen was a wonderful leader and thanked him for his work. Council Member Vasquez absent.

Mayor Brown stated that there was no more important milestone or occasion in ones life than a birthday and presented Mr. Sherwood Tom Bradshaw a proclamation extending congratulations and best wishes for a happy birthday and Proclaimed May 13, 2003, as “Mr. Sherwood Tom Bradshaw Day”, in Houston, Texas. Council Member Vasquez absent.

At 2:20 p.m. Mayor Brown called the meeting to order and stated that Council Member Robinson would lead everyone in prayer and the pledge of allegiance. Council Member Vasquez absent.

Council Member Robinson stated that he would yield to Council Member Galloway for introduction of a mutual friend. Council Member Galloway invited Pastor Ford William Young of the Gospel Hill Baptist Church to lead everyone in prayer. Council Member Robinson led in the pledge of allegiance. Council Member Vasquez absent.

At 2:23 p.m. the City Secretary called the roll. Council Member Keller absent on personal business. Council Member Vasquez absent.

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

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

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Dr. Stuart Yudofsky and Mr. Santos Flores out of order at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Vasquez absent. MOTION 2003-0549 ADOPTED.

Dr. Stuart Yudofsky, One Baylor Plaza, Houston, Texas 77030 (713-798-4945) appeared and stated that he was present regarding the recruitment to Houston of the Menniger Clinic and Hospital; that for the last 78 years it was one of the premier psychiatric hospitals in the world ranked as the top three or four; that Menniger received proposals from all over the world and accepted their proposal from Houston and it was a very happy day for this city. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he read Menniger had come to Houston and it added to the vibrant medical center in Houston; and thanked Dr. Yudofsky and those who worked to get them here for their hard work. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that up to 30% of Americans suffered from some sort of psychiatric or psychological illness at some point in their life and this would fill a huge void in the Texas Medical Center and Houston was delighted to get them; and upon questions, Dr. Yudofsky stated that this was a full partnership with Methodist Hospital and the Baylor College of Medicine and they were starting with 250 new jobs for the City of Houston. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mr. Santos Flores, 4731 Rusk, Houston Texas 77023 (713-926-2537) appeared and stated that he was present with a sewage problem; that in 1996 a project was done in his neighborhood but it was not fixed right and in 1998 the city came back, but it was still the same and now he was having problems; that he called and the city came out again but said they would not fix it

again; that the field supervisor Mr. Dwight Wesley said there was so much time he had to fix it himself or he would condemn the house and he just wanted it fixed right; that instead of going straight they had gone all around his home. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she was sorry Mr. Flores had to come before Council; that they had spoken with Mr. Fiederlein and she hoped the issue would be resolved as she thought the city was at fault, originally the sewer line was moved in 1996 and now they were saying it was his problem, but others around him were having a similar problem; that because of the sewage backup he was not even able to stay in his home and she hoped it would be resolved as quickly as possible. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Flores stated that it worked about one year and then started clogging again and they would send a crew to clean it and it worked until it got clogged again; that a supervisor came out and it was dug up again but they had gone all around his house and basically he had the problem the last five years and he had complained but they would only clean it, not fix it. Mayor Pro Tem Quan stated that Mr. Fiederlein was present and would speak with him and see what could be done. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Dr. Cristobel Rodrigues-Siquerra out of order at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0550 ADOPTED.

Dr. Cristobel Rodrigues-Siquerra, 3735 Aberdeen, Houston, Texas 77025 (713-661-2898) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Josh Bullard, 2600 Westridge #37, Houston, Texas 77054 (713-839-1505) appeared and stated that it was interesting that Council Member Edwards said previously she lived in an apartment and said that the drainage fee was not popular but necessary and he believed she should know better than to vote for a drainage fee and he had lost confidence in Council Members Galloway, Robinson and Edwards; that they had voted for a \$400,000 survey or fund that they knew their constituents did not want and Mayor Brown was voting for it because he was leaving and if the sky fell he would not be there. Mayor Brown, Council Members Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she never knew of anything to pass on Council by three people and she had not voted for or against as a drainage fee had not been voted on and that she voted according to how her constituents wanted her to vote. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she had said a drainage solution was needed but did not know what the solution was and those in her community were still talking about it; that no drainage fee had been passed and she suggested to Council that the SNAP Alliance be a part of the study so there was input and concern for the community; that if he would talk with her as opposed to calling her out in public she had no problem with it and looked forward to working with him on the issue. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that a public hearing was being held in the morning at 9:00 a.m. and he was welcomed to attend. Mayor Brown, Council Members Tatro, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Ted Roggen, 101 Westcott, Houston, Texas 77007 (713-426-2314) appeared and stated that he was owner of Ted Roggen Advertising Public Relations, a 52 year old Houston based firm, and was present because a world famous heart surgeon who had brought tremendous fame to Houston had been overlooked and urged that Houston's new state of the art library be named for Dr. Denton Cooley, if not the library another worthy project. Mayor Brown, Council Members Galloway, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Dr. Cooley was certainly a worthy individual and that would be considered. Mayor Brown, Council Members Galloway, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Ruby Bennett, 744 Boeneman Dr., Houston, Texas 77091 (713-697-1709) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Al Russell, 2022 Shadow Bend, Houston, Texas 77043 (713-817-7474) appeared, presented information and stated that the city web page said neighborhoods should best know their concerns and should take the issues to the city and work together to have them resolved; that the four civic associations which made up the Conrad Sauer Watershed in Spring Branch along with others in the Spring Branch Super Neighborhoods were present today because they had made a commitment to work together with the City of Houston to reinstate NSR 435, a neighborhood street reconstruction project into the Capital Improvement Project budget and to reinforce their efforts to see that NSR 430 stayed in the CIP budget until both were fully implemented; that the two neighborhood reconstruction projects were the only sections of the Conrad Sauer Watershed Drainage Projects Council initiated in the early 1990s that was not completed; that in October they tread in ankle to knee deep water cleaning in and around cul-de-sacs to get water to flow and they were reminding Council promises were made and should be kept. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro complimented him and others who worked to make their handout so concise and stated that the update on the CIP budget was that in about two weeks the Mayor would submit his proposal; that what was being referred to was a culmination of a series of drainage projects which needed to be completed and had been removed from the CIP; that he was very much hoping this year's CIP would reinstate that very important drainage project for the whole neighborhood; that a quick update on Mapleton which was omitted from one of those projects was that with the help of Mayor Brown and Jon Vanden Bosch they were able to get it put back in and a contract was to be issued within the next couple of weeks to quickly move it forward and complete. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Bob Krave, 1918 Mapleton, Houston, Texas 77043 (713-465-2428) appeared and stated that he had been a homeowner in the Timber Oaks Subdivision for over 40 years and in 1993 they received word the city's paving assessment program would be installing curbs and gutters and they had to sign up 75% of those in the subdivision and they got 82%; that in 1996 he received a letter from Mr. Lum that the Timber Oaks Subdivision was in the CIP Program for engineering design and construction in 1997, but since 1997 they had been moved up three times and in August 2002 Council Member Tatro advised them NSR 435a was completely out of the capital budget and then in October and November they had gully washing floods with water standing in the streets and where mosquitoes were able to breed; that their area was one of the first to find the West Nile Virus with birds laying all over the place; that they met with Mr. Silva

and Mr. Oradat and they said they would do all they could to help and they were hoping Council would keep their promises made in 1997 or else reinstate the NSR 435 budget. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Tim Joseph, 10214 Oakpoint Dr., Houston, Texas 77043 (281-802-3412) appeared and stated that he served on the board of the Shadow Oaks Civic Association as treasurer for Super Neighborhoods West and maintained the position as street coordinator on the four NSR projects affecting their area and was present urging support of acceleration and completion of NSR 430a; that it had been delayed on multiple occasions but not cancelled and they were thankful, they were also endorsing their neighbors in Timber Oaks in their efforts to reinstate 435a as homes south of the Spring Branch fault line experienced flooding during any significant rain event; that Westview dissected Shadow Oaks and with Westview's completion to the Sam Houston Toll Road the southern portion of Shadow Oaks was due for severe cut-through traffic, several years ago he proposed a plan for traffic-calming devices for Brooktree and Oakpoint and it was passed through the Engineering Department and Council Member Tatro's office and he got a 94% acceptance rate on signed petitions; that timing was critical and the devices would be funded by NSR 430a. Mayor Brown, Council Members Goldberg, Edwards, Wiseman, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro complimented Mr. Joseph on his presentation and stated that many times NSR projects were looked on as just having better streets but this 430 and 435(a) were drainage issues that needed to be done and the proposed CIP was due out in about two weeks and their timing was great. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker thanked Mr. Joseph and those who came with him and stated they did it exactly the right way, designating spoke persons and showing their support behind them rather than having 50 people show up to speak as it was a much more effective way to get their point across; that she was aware of the situation and most Council Members were notified; that they would be discussing the CIP Monday morning at a continuation of their Fiscal Affairs Workshops and while they would not discuss specific projects they would discuss the rationale behind which projects would be delayed and she would make a commitment that anything with drainage components she would try and make sure were not delayed. Mr. Joseph thanked Council Member Parker for her commitment. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he attended the CIP Meeting for District A and knew that there was a great concern and he would see what they could get done; that Mr. Fiederlein was present and could speak to the group, but this was an opportune time that they came. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Ruby Bennett was now present and would recall her at this time. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Ruby Bennett, 744 Boeneman Dr., Houston, Texas 77091 (713-697-1709) appeared and stated that she was present a couple of weeks ago speaking on problems in Acres Homes, specifically heavy trash and tires and she was present now to thank Council and everyone who had helped and worked so hard to get it done; and asked that Council please consider having a regular tire pickup in the Acres Homes area; that they were a dumping ground and it was really needed. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Bennett for coming and stated that citizen's comments were taken very seriously and when she had problems she should not hesitate coming. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she knew they were able to get many of the tires up but there were many more and they would be having more cleanups to get the entire area cleaned. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Hector Garcia, 2416 Elysian, Houston, Texas 77009, no phone, appeared and stated that he had a complaint regarding runoff water which ran into West Hardy, from 1709 Morris it was blocked and he could not remember how long that was, but since Council Member Fraga was in office; that it was going to rain and they would have many mosquitoes; that there was also an empty lot at 2420 Elysian and it should be condemned or made into a park. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Mr. Cantu would be glad to be of assistance to him. Mr. Garcia stated that he wanted to buy right of way property; that the 1800 block of Morris had not been maintained and it was owned by Houston Lighting and Power; that he had been maintaining it and maybe it should be his; and Mayor Pro Tem Quan stated that there was a theory in law called Adverse Possession where if you take property and maintain it and hold it as yours a certain amount of time, but they would see what could be done. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Russell Naron, 122 East 4th Street, Houston, Texas 77007 (713-213-1409) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Patrick McIlvain, 221 Knox, Houston, Texas 77007, no phone, appeared and stated that it had taken him 56 years to come before Council; that he was HIV positive and mentally challenged with depression, social phobia and paranoia and also had diarrhea; that he went to the VA every four months for lab work on the bus and he was developing a diarrhea episode and a young lady directed him to the Baylor College of Medicine Cullen Building and gave him directions, he saw nothing saying it was a restricted area, no metal detectors or signage and proceeded down the hall; that a gentleman asked where his badge was and he said he had diarrhea, medical condition, emergency but the man had said not in here; that he had started to soil his pants and he ignored him and went to the restroom then he came out and was arrested for trespassing, assault and cursing and because of his mental illness and being afraid of people he had never assaulted anyone and because of his upbringing he was aware that was not something done in public and the only time there was possibly an assault on his part was when he ran to the restroom he left the stall door open so he could see and when he came out the man placed his arm on his shoulder and that was when he raised his arm as to shake him off; that the officer then came and handcuffed him and when he explained he was mentally challenged the officer asked if he was dumb and did it affect his hearing; that he spent four days in jail and was having a trial by jury tomorrow morning and was present just to explain what happened; that the people at the top may be well educated and know what was going on but the lower people in charge did not know and if they were more educated with the mentally

challenged they could understand. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she had known Mr. McIlvain probably 20 years and knew he was a gentle, law-abiding person; that he had problems but always gave his best and was an active volunteer; that she was sorry he spent four days in jail over something a competent security service should have dealt with at the door; and upon questions, Mr. McIlvain stated that he was labeled a criminal and agencies could not handle it because it was criminal. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. McIlvain stated that he was to go to the Municipal Courts. Upon questions by Council Member Parker, Mr. Bibler stated that if he were arrested for trespassing he would not have a trial in Municipal Courts. Council Member Parker requested that someone sit with him and help him get access to what was going to happen so he could get counsel; that he had already spent four days in jail and it seemed he had been more than punished. Mayor Pro Tem Quan stated that he agreed, but there were other questions. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that with cutbacks from the state, etc., there was going to be more incidents such as this and his point was that people working in those facilities needed to be more educated or whatever and she also thought it was needed; that there should be some plan of action; and Mayor Pro Tem Quan stated that he agreed mental health and mental retardation took a big cut in the last state budget. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that perhaps something did need to be in place, especially for those who worked in the public sector such as police so they could be aware; that he would not be the first or the last and whatever she could do she would be happy to help. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Vasquez, Mr. Bibler stated that based on what Mr. McIlvain said he must have been charged with numerous offences, if he was truly charged with trespassing that trial would not take place in Municipal Courts but at the county, later he would suppose; that if he was charged with assault it was possible the trial could be at Municipal Courts depending upon the nature of the assault, with respect to counsel for indigence the Municipal Courts had a very limited policy on that and he believed it was generally limited to cases involving moral turpitude; that he could ask the court in the morning to appoint counsel, but the circumstances in which they would do it were very limited and for normal traffic and assault cases it was not provided; that his recourse would be to represent himself and tell his story to the judge or to find resources to obtain counsel. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he had an arraignment before a judge and then plead not guilty and asked for a trial; and Mr. McIlvain stated that you were no longer asked if you wanted a trial by judge or jury, but he plead not guilty and the next day the complainant came and when he presented his side he then asked for trial by jury and that was when things got sticky, the judge said he was lying ...; that the Municipal Courts had changed and it was a Kangaroo Court in there with people being ramrod and Council needed to go see how people were affected. Mayor Brown, Council Members Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she knew Mr. McIlvain to be a respectful and law-abiding person; and upon questions, Mr. McIlvain stated that he was stopped by who he

thought to be security, as he and another man were dressed exactly alike, but they had no badges. Council Member Alvarado stated that she thought they needed to be educated but also needed sensitivity training and she hoped all worked out for him. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Ellis, Mr. Bibler stated a pure Class C had punishment up to \$500.00 and if he spent several days in jail he would be given credit for time served and if he was truly indigent he would so advise the court and under a U. S. Supreme Court Case they did not hold people in jail who were truly indigent and unable to pay the fine, they couldn't. Council Member Ellis stated that he would strongly urge Mr. McIlvain to request an attorney in court. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Vasquez, Mayor Pro Tem Quan stated that he would like Mr. McIlvain to visit with the Citizen's Assistance Office to be sure all that could be done would be; that he had several friends on Council who knew him to be a law-abiding individual and were open to be further assistance if the hearing was postponed. Council Member Vasquez thanked Mr. McIlvain for coming and stated that he knew it was difficult for him to come share his story in a public manner and it was appreciated; that he should speak with Mr. Cantu and they would do what they could. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated no tax cut; all agencies in government were guilty; and continued to express his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Diana Rathjen, 5616 McKnight, Houston, Texas 77035 (713-837-9307) appeared and stated that she tried to get copies of her presentation to all Council Members and asked if anyone wanted one as she had extras; Mr. Bibler stated that if she had documents for the Council body they should be presented to the City Secretary and Dr. Rathjen stated that she gave them out yesterday, she did not present one to the City Secretary. Dr. Rathjen stated that she was in charge of promotional and entry positions for all police and fire classified positions; that she thanked them for the attention given her last week on her allegations of bid rigging and other legal violations in Police and Fire Departments; that in response to their requests she had prepared documentation backing up her allegations which was previously delivered to all Council Members and the Mayor and wanted to draw their attention to two points, one being why the OIG was not in a position to do the investigation, some years ago they cited Mr. Lonnie Vara for falsifying a document and for failure to follow the OIG procedures and issued a citation against him as a director, however, in every investigation involving police and fire he was not cited and was allowed to violate all OIG guidelines to intimidate witnesses and that was a double standard; that there was a time table of events and documents which indicated the cover-up in 1999 with Justex and Associates and she wanted to draw their attention to the February 15th report from



OIG where they already addressed the Justex issue and tried to whitewash and dismiss it; that she included her rebuttal where she addressed each of their 18 points and had shown where they failed to investigate, what they overlooked to basically create a cover-up; that her second point was that Lonnie Vara had engaged in systematic retaliation against her for the reports, it started in 1999 all the way to her Council appearance last week where two days later she was given a layoff letter and it was clearly a way to try and intimidate her and silence her and he refused to give her or Council the document but under open records she obtained the document, the exception letter he was using for the layoff which was filled with falsifications including low performance reviews which were totally falsified as she had over 10 years of above standard reviews and he would not be able to do it without the backing of the Mayor and Anthony Hall because he did the layoff plans for the entire city and could not violate the rules in such a blatant manner unless they were backing and supporting him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Dr. Rathjem stated that a copy of the letter was not in the material presented because she did not receive it until today. Mayor Pro Tem Quan stated that he believed Council would appreciate a copy of that letter; that Mr. Vara was before them yesterday and that issue was raised. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had not read the information and would not speak to that, but she had a high level of discomfort; and upon questions, Dr. Rathjem stated that she filed with the OIG and DA against Mr. Vara and Mr Cano. Council Member Edwards stated that she would like her to limit her name calling to those she actually filed a complaint against; that if the Mayor had done what she said she needed to file with the DA and if the Chief had called names then she needed to follow that up; that she did not want this looked on as just name calling and if she believed they had done what she said she needed to file on them. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Bibler stated that to follow-up on what Council Member Edwards said he was standing behind Mr. Hall last week when Dr. Rathjem appeared and he did not know her from Adam and for her to be accusing him in a conspiracy was outrageous and if she had documents to file with the Council body he did suggest that she give them to the person in the City Secretary's Office across the Council table. Dr. Rathjem stated that Mr. Hall addressed her yesterday and they were very familiar with each other, he had testified against her in federal law court and also praised her behind the Council table; and thanked Council Member Edwards for her suggestions; and upon questions, Council Member Edwards stated that if she was claiming the Mayor was in some conspiracy and corruption then she needed to file with the DA. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Vasquez, Mayor Pro Tem Quan stated that he was not aware of where the OIG investigation was at this time, but would be glad to follow-up and get information to him, but as she spoke last week the Mayor also said he had never spoken to her and was not aware of what happened; that he just received the information that morning and was not able to go through it as yet. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Vasquez stated that he was concerned about the allegations and knowing the status of the OIG would be beneficial to Council Members as a point of information and it was unclear as to who she filed against and where and Dr. Ruthgen again stated that she had filed complaints to the OIG about the Justex possible bid rigging and the possible problems with the

police assessment center; that she filed several reports with the others being police and fire violations; that on the Justex bid rigging police assessment center 1999, all those things had an inquiry done and she included the report. Council Member Vasquez stated that he looked at the information and it was very detailed in terms of point/counter point and while it was a great job of detail and accurate records it was easy to get lost; and upon further questions, Dr. Rathjen stated that she had also filed with the OIG criminal perjury charges against Mr. Vara and Mr. Cano because of false testimony in the hearing and filed with the DA regarding problems with Justex, possible bid rigging and possible corruption in the police testing process. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Vasquez, Mr. Bibler stated that there was a state Whistle Blower law; that he saw court house written all over this and it was probably something that needed to be dealt with over there; that if Legal needed to visit with him privately they could but he did not think it appropriate to discuss her status or nonstatus as a whistle blower in public in front of this body. Council Member Vasquez stated that he would ask for that meeting and upon further questions, Mr. Bibler stated Ms. Acosta who was in charge of the Labor Division worked with the Human Resources Office and was probably the appropriate person to visit with and he would ask her to do so; that he did not know if she was Civil Service and many other facts, but if she was Civil Service her rights were set forth in the ordinance and if she was not Civil Service then she served at the pleasure of the Mayor the same as he did. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon further questions by Council Member Vasquez, Dr. Rathjen stated that she was Civil Service and had not filed with them yet because she had not had the information with which to appeal. Council Member Vasquez stated that he would encourage her to consider that as well; that his concerns were there were policies and procedures which needed to be followed no matter who the individual or accusation was and wanted to see a higher level of confidence in documentation that those were being properly followed; that this situation did not look good and he was asking for some accountability which he asked Mr. Vara for on Monday and he did not get it to him by the end of the day as he had stated he would; that he did not know if the accusations were accurate but would advocate that she should exercise all her rights and responsibilities as a city employee. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they would follow-up on the OIG investigation and provide Council a report and he would ask Mr. Vara to follow-up on the commitment he made yesterday also. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Dr. Rathjem, Mayor Pro Tem Quan stated that he would see an employment lawyer as to what rights she had and the best way to follow-through. Dr. Rathjem stated that her purpose in coming to Council was to try and get an independent review and she was not intending to file a lawsuit, money was not her motivation, her motivation was to deal with her job with integrity and bring the issues so someone would look into them. Mayor Pro Tem Quan stated that he appreciated her coming with those intentions and Council intended to follow-up with the OIG and if the allegations were true they would take corrective action. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon comments by Council Member Edwards, Dr. Rathjen stated that the reason she mentioned the Mayor was because if Mr. Vara reviewed layoff plans for all departments if he himself was not following the rules who was he accountable to. Council Member Edwards stated that she would advise her to go back to the Union and ask for their support and help and

if that did not come forth she should invest and speak with an attorney. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NOTE: Dr. Rathjen did not present a copy of her information with the City Secretary. (NO QUORUM PRESENT)

The City Secretary stated that Dr. Cristobel Rodrigues-Siquerra was now present and would recall her at this time. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Cristobel Rodrigues-Siquerra, 3735 Aberdeen, Houston, Texas 77025 (713-661-2898) appeared and stated that she had bad Closter phobia and Council heard what Mr. McIlvain had said and she had it with Secret Service; that she had been doing human rights work internationally and was present asking for help with the homeless; that she was at the end of her resources but now saw major injustice with Mr. McIlvain and Dr. Rathjen and if they wanted someone to volunteer she would be happy to be a trouble shooter; that peace came with truth and prompt justice. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

The City Secretary stated that Mr. Gregory Foster was now present and would recall him at this time. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-643-7210) appeared and stated that he found out about a piece of property being donated to the Challenge Center for the purpose of an assisted living facility, the lien was \$23,512.03 and he needed the city's assistance in waiving the charges so the deed could be transferred to the Challenge Center. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he did not think that was possible, and upon questions, Mr. Bibler stated that liens were not waived, if the property was worth that amount it would be sold at auction; that they did not forgive liens, but the person to talk to was Mr. Dan Dougherty to call 713-247-2000 and he would be connected to his office; that generally the only time property was sold for less than the amount of taxes was if the court established it was worth less, but even then they did not give property away. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 3:51 p.m. City Council recessed until 9:00 a.m., Wednesday, June 4, 2003. Council Member Keller absent on personal business. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, June 4, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Martha Stein, Agenda Director present. Council Member Bert Keller absent on personal business.

At 8:36 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:23 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Wiseman, Alvarado, Quan and Robinson absent.

Council Member Parker moved to suspend the rules to hear the Monthly Financial and Operations Report out of order before the public hearing, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Wiseman, Alvarado, Quan and Robinson absent. MOTION 2003-0551 ADOPTED.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION**

REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Judy Gray Johnson, City Controller, stated that the Monthly Financial Report was for the period ending April 30, 2003, that the General Fund total revenues had changed very little, although there was certainly good news and bad news that balanced each other out, that they had increased their estimate for property taxes by \$2 million based on continued higher collections of delinquent taxes, that on the downside the sales taxes continued to be an area of concern, they currently projected that sales taxes would come in nearly \$40 million below budget, that the receipts were almost \$15 million behind last year's year to date and their revenue estimates for sales taxes had in fact broken through the floor of what they thought was their worst case scenario only a few months ago, however they had some good news again, the Municipal Courts Revenues were definitely on the rise and they had increased more than 23% above last year's levels, that they had increased the projection by almost \$2 million for Municipal Courts Revenues, so all of these were an offset to each other and they had almost no change to the bottom line for the General Fund; that Expenditures had changed very little, less than \$1 million, that they, of course, would be watching the sales tax check very closely, their next notice would be next Wednesday, June 12, 2003, and they would keep their fingers crossed wishing they had any level of control over it, which they did not; that their Water and Sewer Operating Revenue estimates had increased by \$1 million due to the dry weather, but it was offset by lowering interest earnings and interest earnings was one factor that they would continue to be concerned about because there was no indication of any increase in rates coming soon, and that concluded her report. Council Members Galloway, Goldberg, Wiseman and Quan absent.

Dr. Phillip Scheps, Director, Finance & Administration, stated that their report made some changes downward in sales tax from last month, however it was no change from the proposed budget which had been handed out since last month/s report, that they did give out Mr. Bart Smith's most recent projection, he prepared it for Metro, but included the City's numbers yesterday at Fiscal Affairs, that he was a lot more optimistic than they were, he was showing a recovery next year, which would increase their sales tax more than what they had in the proposed budget, but they did hand that out for everybody to take a look at, that they also focused, as did Judy, on Municipal Courts Revenue and had a chart in his letter that basically said that they were finally back to revenue per ticket, which was very stable for many years until right after they adopted the budget last year when it collapsed a little bit, that it was now back

up, so all of the indicators on Municipal Courts were very positive, that they were going to end up not quite at their revenue estimate, but substantially more than what they were worried about a year ago at this time, that the year end was approaching and they expected to have a barely positive cash balance and were watching that very carefully, and of course the City Council had approved borrowing authority, if they needed to, over that weekend between the last payroll and the time that they closed on the Trans deal, which would be early in July, and that concluded his report. Council Members Goldberg, Wiseman and Quan absent.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Parker. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Goldberg, Wiseman and Quan absent. MOTION 2003-0552 ADOPTED.

### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** regarding a proposed ordinance to create a Stormwater Drainage Utility for the City of Houston – was presented.

Mr. Haines stated that what they had to consider and what the public hearing was all about was to provide for a public hearing to consider the creation of a Storm Water Drainage Utility, that it was mandated under the Code of Ordinances, that a public hearing was required and notice of such public hearing must be posted at least 30 days prior to the hearing, which was done, that under Chapter 402 of the Texas Local Government Code the City may establish a Storm Water Drainage Utility and establish rules for the use, operation and financing of the system in order to promote the health, safety and general welfare of the City, that the utility fund known as, under the proposed ordinance, The Storm Water Drainage Utility Fund, was proposed to be established for the purpose of identifying and controlling revenues and expenses attributable to Storm Water Drainage Utility needs, that all existing drainage facilities would be transferred to the utility, that charges collected and monies available and designated available for drainage purposes would be deposited in the Storm Water Drainage Utility Fund to be used solely for expenses resulted from the creation, operation, planning, engineering, inspection, repair, construction, maintenance and so forth associated with the operation of the Storm Water Drainage Utility, that it would incorporate properties for the purpose to insure opportunities for improvement in storm water runoff but it did not guarantee that there would not be flooding, that prior to the consideration or the levying of any drainage charge the Council would have to hold another public hearing, that was not the purpose for the hearing this morning, that on the drainage charges that would be held pursuant to State law, that as they knew a month ago an agreement was entered into with Camp, Dress and McKee to pursue a range of options under a fee proposal arrangement, that was not the intent to consider those items at the hearing today, strictly focused on the creation of the Storm Water Drainage Utility itself, that there were potential for exemptions that could be considered, however they did not need to be defined through the public hearing today, that there were mandates for exemptions under State law and believed that there was a prior communication to Council on those mandated properties that would be exempted, they had been advised that there was Legislation passed, HB2425, that had not yet been signed by the Governor that would further exempt public institutions of higher education and State agencies from such a charge, that to summarize the hearing was strictly for the purpose of allowing public input relative to the creation of a Storm Water Drainage Utility and Utility Fund as defined by a proposed ordinance, further activities, including subsequent public hearings would have to be held to consider fees and charges, and that concluded his introduction to the public hearing. Council Members Goldberg and Quan absent.

Upon questions by Council Members, Mr. Haines stated that right now they were looking at completing the fee study sometime in late summer and early fall, they were talking perhaps as early as September or October as potential for the second public hearing, that the public hearing was posted according to the publications required under the law, and Ms. Anne Day, Legal

Department, stated that as required under the law there were three notices published in the Houston Chronicle, May 1st, May 9th and May 16th in the Legal Notices section, and Mr. Haines stated that the legal requirements were satisfied and if there were other efforts made he would answer by saying he had plenty of phone calls and had some meetings with people; that he did not know if the meeting with the SNAP Alliance in working with Camp, Dresser & McKee had happened yet, but did know that it was scheduled to be held, that they had discussions with Camp, Dresser & McKee on that request, that he did not know if it had been held, it would not be in conjunction with the ordinance, but rather in the application of the fees and so forth, that he and Mr. Vanden Bosch had taken the lead in making it happen and working with the consultants, that it was on the list, there were several groups, including the Super Neighborhood Council's that they planned on having the consultant making presentations to, that would be done prior to the second required public hearing, and that would be how the utility would be paid for; that they would put notice on the Municipal Channel and the City website, that this hearing was strictly a public hearing and the Council must then take an affirmative action to create the fund itself, that he did not think they would get to it before the first part of July, that if they created the fund all assets including whatever revenues were in Fund 227 would go into the Storm Water Drainage Utility, that he would let them know how much was in Fund 227 that would be transferred over; that when the utility was debated earlier the interest of Council was that they spend a substantial amount of time meeting with, what they all agreed to as, various stakeholders and citizen groups, that was done in the context of the Camp, Dresser & McKee agreement, which essentially looked at the question of how to pay for the program or the system, that he had been advised that those meetings were starting June 26, 2003, there would be meetings with super neighborhood council's, other stake holder groups and most of them, he would assume, would be in the evening, that this hearing was to meet a legal requirement as contrasted to what they did last winter and what they were doing over the course of the summer, that they would coordinate with the District Council Members; Ms. Day stated that a complete copy of the ordinance was included in all three public notices of the hearing; Mr. Haines stated that under the creation of the Storm Water Drainage Utility, under the State law, and believed Ms. Day could expand on it, was that funds collected into that fund must and could only be used for purposes that were what they called, storm drainage system purposes, they were restricted; and Ms. Day stated that actually the State law would appear to allow the possible use of the funds, once they were gone, and if there were excess funds, to be used for other purposes, since the money could go into the General Fund, however under the ordinance the intent, as she understood it, was to have that not be possible, that there was a very detailed list of what the monies raised by the fees may be used for; and Mr. Haines stated that they were talking about a iterative process, there was information to be given and thought that at least the broad perimeters would be further defined as part of that process beginning in late June and then they would come back around, that he did not think it was going to be a one time meeting with one group of stakeholders, that there was going to be a series of activities, including Council Members; that he would make sure that all Council Members offices would have the opportunity to part of the outreach to the stakeholders and would have the opportunity to participate. Council Members Goldberg and Robinson.

Mr. Otto Glaser, 9 Shady Road Lane, Houston, Texas 77024 (713-464-2027) appeared and stated that they had an alternative proposal to suggest that the City Council consider in regard to the flood control circumstance, that it was a modification of the City storm water drainage proposal and the idea would be to build a retention pond in each person' s yard, so that the storm water was retained on the property that it rained on and would substantially reduce the flow of storm water downstream, that one of the ways to do it was a black plastic product, which he displayed for the City Council, that it was a plastic dam that would be put around the property and could be done with dirt, concrete, metal or plastic, so there were multiple ways it could be done, that a homeowner could do it themselves so it would not have to be contracted out, that the product would hold up to 5 inches of water and depended on the configuration of the land and how high they would want to make it and the location of trees and various things, that the water would be retained and would penetrate into the ground, that they would do it with a product called Eco Dirt, a sample of which was passed out to each Council Member, and Mr. E. F. Goodman,

who was present with Mr. Glaser, continued to discuss the Eco Dirt until Mr. Glaser's time expired. Council Members Goldberg and Robinson absent.

Mr. Glaser and Mr. Goodman were questioned at length by Council Members and Council Member Edwards asked if the product had been costed out and Mr. Goodman stated that it was completely costed out and Council Member Edwards asked that he share that information with her, and Mayor Brown stated that he would have someone from the Public Works contact them and explore the product that they had presented to the Council today. Council Members Goldberg and Robinson absent.

Ms. Christina M. Lindsay, 2150 W. 18<sup>th</sup>, Ste. 205, Houston, Texas 77008 (713-426-0800) appeared and stated that she was Executive Director for Houston Council of Engineering Companies representing over 90 engineering firms in the Houston area, that she was present to speak in favor of their establishing the Storm Water Drainage Utility and looking at assessing ultimately a fee to help reduce the flooding in the City of Houston, that all of them recognized that it was a problem and what had occurred over many years or decades was that the City had not had a comprehensive way of dealing with ongoing flooding issues, that this was an opportunity for the City to be able to establish a fee and a fund that would be dedicated to just dealing with that problem, which was reoccurring and it happened all the time, it knew no boundaries, they never knew when a storm was going to occur, how long the flooding was going to happen, but it was an opportunity to begin to address the problem in a very systematic way and to give them the opportunity to take care of the citizens within the City, that again she would like to say that they were supportive of the opportunity to begin to address the problem in a very systematic and comprehensive manner and it gave the City that opportunity by having a dedicated source of funding for that purpose to allow them to plan for those improvements. Council Members Tatro, Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Lindsay was questioned at length by Members of Council. Council Members Tatro, Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Jim Box, 16017 Kevindale, Houston, Texas 77040 (713-937-0735) appeared and stated that he was representing the Houston Real Estate Council and was also President of the Greater Houston Builders Association and they had not taken a position but their board would meet on Thursday and thought it was fair to say he may be able to influence their decision, that they should not think they were going to get off a conversion from ground water to surface water, that was speaking for the subsidence district, that two of their board members were present and were engineers, that he had a prepared statement, but would not read it to them, that they did have the subsidence pretty well under control except for two problem areas, that the flood plains were being remapped for state of the art surveying and detention add more stringent requirements for drainage to take care of all new development, still they had localized flooding and aging of the system, that they needed to fix it, that the flooding problems they had effected economic development, if they wanted to encourage development and redevelopment and home building in the City they needed to fix the problem, they could not go on without fixing the problem, that there were so many people whose homes and systems were built a long time before they had detention requirements, a long time before they had larger pipes, etc., it was something that needed to be done, that he thought all of the groups that he knew anything about were adamant that it must be a dedicated fund, that there were a lot of good causes that the City, but it needed to be dedicated for storm sewer construction and for maintenance and of course the engineering to repair both of those, that he would also urge them to be very leery of exemptions, that exemptions were like taking dope, they would not be able to quit, there were church's, schools, civic organizations, there were a jillion well intended and deserving facilities that would need a waiver and if they got into that all they were going to do was force it all into one segment and he thought all of the groups that he knew anything about would be adamant about exemptions or getting into the dedicated fund, that frankly runoff was runoff and rain water was rain water, that he did not care what it fell on and they needed to take a serious look at that and please to be aware of the term, impervious cover, in the type of soils they had around Houston,

after an inch or two of rain, it all ran off, it did not soak into the ground, it all ran off, so to be sure that their consultants took that adequately into consideration, that it was imperative that they devise a fair and equitable method of assessing it, that they needed to work on the details very cautiously and encourage their consultant to make sure they got plenty of input from not only the residents, but the business and professional community. Council Members Galloway, Goldberg, Parker and Berry absent.

Mr. Box was questioned at length by Members of Council. Council Members Galloway, Goldberg, Parker and Berry absent.

Mr. Kelly Frels, 711 Louisiana, Ste. 2900, Houston, Texas (713-221-1203) appeared and stated that he was present on behalf of the Greater Houston Partnership, in particular as the Chair of the Flood Control Task Force, that they had two task forces that had been setup by the partnership to respond to unique issues that were not a part of the committee process, that one was on flood and the other on health care, that he had drawn the responsibility for an issue that touched the quality of life, economic development and virtually the vitality of the community and that was flood control, that the task force had three purposes, one was to facilitate consensus among the various groups, that they had talked about that, that Harris County Flood Control District, the City of Houston, other cities, the Corp of Engineers, TXDOT and others, that their first responsibility was to help bring those groups together to develop a regional plan that they could get behind, that a second reason was to help with funding for the projects, and the third reason was to prepare and the consensus for going forward and how it would be coordinating, that one of the things that they began the hearing with was information to the public, that they found that in their meetings that those of them on the task force who did not know much about the structure of who was responsible for what in storm water, that they spend a lot of time on who was responsible, where did the City's responsibility began and end, where did the Harris County Flood Control District's responsibility begin and end, what was the role of the Corp of Engineers, what was the role of TXDOT, where did it go, the public did not know, the City Council knew and he knew now a little bit, but did not know enough and the public knew very little about whose responsibility it was because when he got started in it he thought that it was Flood Control District of Harris County that had the responsibility for it, so education was one of the first things that they had to have in the process, that they subsequently recommended to the Board of Directors of the Greater Houston Partnership to pass a resolution supporting the creation of a Storm Water Utility Enterprise Fund and they did that, that they supported the fund for two main reasons, one was that it would be a dedicated or sole use fund, that they did not want it touched by anyone else, that they were not present to speak about the fee structure, they would like to see what the City had and would like for them to look at other communities, what they were doing, and they had in their resolution some perimeters for the City examining that fee structure when it came about and looked forward to working further with them on it. Council Members Tatro, Galloway, Parker and Robinson absent.

Mr. Frels was question by Members of Council. Council Members Tatro, Galloway, Parker and Robinson absent.

Mr. Roger Hord, 820 Gessner, No. 190, Houston, Texas 77024 (713-461-9378) appeared and stated that he represented the West Houston Association, a group formed in 1979, they were concerned with infrastructure issues that affected the western part of the City and their region, that their board of directors had taken a position on the proposed fee and would like to give them some of the highlights on it, that Mr. Box passed around a piece a paper that reflected, he understood, a large amount, the kind of things that their board, likewise, was concerned with, that first of all they knew there was a serious problem and they needed an aggressive Capital program to address the problem, that while they recognized the need there were some goals that they believed were of paramount importance that related to funding and accountability, the revenue, they believed, should be from a dedicated/sole use fee, if that was the determination that they were talking about, that sole use was their intent, that was assessed on a non discriminatory reasonable and equitable basis, those phrases were from the ordinance, that



funds derived from that fee should be dedicated specially and exclusively to the construction, operation and maintenance of the storm water system and not be appropriated by the City for any other expense, even for temporary inter fund loans or transfers, that thirdly the City of Houston must be accountable to the public and report progress toward specific goals based upon professional evaluation, planning and dedicated to the reduction of the exposure of property to flooding, that there were some matters that they believed were on the table that probably jeopardized one or more of the items and that was equability of the fee, they believed a utility fee should correlate to the use and benefit derived from the system and in this case the property that uses the storm water system does so in direct proportion to the size and impervious cover, that under the current proposed fee structure they believed there appeared to be an effort to achieve the equitability but it fell a little short in their review and they did believe the fee should be based on the amount of impervious cover, that it was his understanding that the issue would be addressed in the current study that was underway and looked forward to the results of that, that the second item was that no exemptions, without exceptions all property that utilized the City system must be levied a Storm Water Utility fee. Council Members Galloway, Parker and Robinson absent.

Mr. Hord was questioned by Members of Council. Council Members Galloway, Parker and Robinson absent.

Mr. Bill Carey, 5615 Kirby, Ste. 550, Houston, Texas 77005 (713-965-2920) appeared and stated that he was present representing Houston Building Owners and Managers Association, that Houston BOMA recognized that there was a need to address the aging storm water drainage infrastructure and to correct the existing flooding problems and they supported the City's efforts to address and correct the problems, however they were opposed to levying any additional fees, i.e., taxes to accomplish the goal, that previously they had spoken and what Council Member Robinson had eluded to was more of a funded and then how to spend it approach, that they would like to be prudent on how they went about spending the money and prioritizing the cost benefit of the different projects before establishing fees and knowing where it was going, that in commercial office buildings the fees would be passed on to the tenants through their operating cost, which they paid a per rata share, which would just add to their existing rent and would have some type of an economic impact, that owners in the past year had been impacted by other fees that had been initiated or increased through the budget, that they had a concern about exemptions, as they grew would the others pick up the balance or would the fund just become that much more smaller, in closing he thought that the Council needed to study the need for fees and explore other methods or avenues of revenue sources to go ahead and fund that type of initiative. Council Members Galloway, Parker and Robinson absent.

Mr. Carey was questioned by Members of Council. Council Members Galloway, Parker and Robinson absent.

Mr. Tom Ramsey, 1160 Dairy Ashford, Houston, Texas 77079 (281-589-7257) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Parker and Robinson absent.

Mr. Jeff Ross, 1821 Sunset Blvd., Houston, Texas 77005 (713-462-3178) appeared and stated that they did have drainage problems and he wanted them to really understand, were they in agreement, did they have a drainage problem in Houston, Texas, and was the historic, benign neglect that they had over the last thirty years a reason to not act now, if that was the basis why were they fixing any roads because they were just going to get crowded again, in fact why was their clothes they were going to get dirty, they had a problem, they ought to recognize they had a problem, on his way to Council when they had one hour's worth of rain, no Tropical Storm Allison, there was severe street flooding on Sunset Boulevard, Bissonnet and Montrose Boulevard that affected access and storm water, it was a quality of life issue, that they needed to lock in a revenue stream and make the program accountable, that was the reason they were talking about a drainage fee and not a tax, because a tax was put into the General Fund and

was subject to the annual debate about where to put the money, that infrastructure was a long term issue and they got focused on today's short term problems and infrastructure got deferred time and time again, that in 1984 the CIP for infrastructure that was voted in had \$345 million for infrastructure, taking out libraries and other things, that the General Fund at the time was \$629 million, that in 2001 they had a CIP of \$474 million for similar infrastructure related items, a 40% increase, that the budget was \$1.3 billion a 120% increase, they were losing the ground on infrastructure and they needed to pay attention to it and bite the bullet, that they thought that the disconnect was money that went into the General Fund people did not see the impact, that they set up a drainage fee and create accountability and they then would have a response to the public that they could see the projects they were funding and that was what it was all about, that people were not complaining about the airport funds because the airport had real projects that people could see and that was the purpose of it, that as Council Member Robinson had brought up the annual need and capacity, about \$30 million was what he recalled being included for O&M and the NPDES Program, which was a federal program that they were mandated to follow, that this current year they were doing \$25 million, that was an increase, that in the last few years it had been \$14 million to \$19 million, not \$25 million, so not to think that \$25 million was the general rule, it was not, if they had a \$1.2 billion capital need, which was documented in a very hefty report in 1999 that said it was the amount of money needed to eliminate structural flooding, could they guarantee it, no they could not guarantee the way a rainfall would fall, but if they had that and they wanted to do it over 24 years they had to have \$50 million per year and he was not taking into account bond sale cost, that if they wanted to do it in 12 years it was \$100 million, so if they added that up to the \$30 million that was what they were talking about, it was not complex stuff and there was a lot of formulas they could come up with, but it was something that had to be sensitive to the rates they charged, that they as a group of people were fiscal conservatives, but they had to focus on the long term needs and make drainage funding not part of the annual budget debate where it lost out to today's needs, that they needed to push forward and solve the problem they had and believed Blue Print Houston had made a priority and the community was behind them they were just not willing to present it in the way it was needed to be presented. Council Members Galloway, Alvarado, Parker and Robinson absent.

Mr. Ross was questioned by Members of Council. Council Members Galloway, Alvarado, Parker and Robinson absent.

Council Member Wiseman moved to suspend the rules to add Mr. Joshua Bullard to the speakers list, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Parker and Robinson absent. MOTION 2003-0553

Mr. Joshua Bullard, 2600 Westridge, No. 37, Houston, Texas 77054 (713-839-1505) appeared and stated that he thought one of the problems that scared him the most with the issue was that his Mayor would be gone and would not be present to supervise the project, that he believed that a new administration would come in and gut the City of Houston, that Mayor Brown was not an issue at this point because he was going to leave, that Mayor Brown should withdraw the fee from the agenda and refer it to the new Mayor who was coming in about five or six months, and continued to voice his opinions on the term limited Council Members until his time expired. Council Members Tatro, Galloway, Parker and Robinson absent.

Council Member Quan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Tatro, Galloway, Parker and Robinson absent. MOTION 2003-0554 ADOPTED.

Council Member Quan moved to suspend the rules to consider Item Numbers 38, 39, 50, 50a, 50b, 21 and 19 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Galloway, Parker and Robinson absent. MOTION 2003-0555 ADOPTED.

38. 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 Ellis stated that he was not sure it was appropriate at this time and would like to ask for a legal opinion from Mr. Hall, that it was his intention and Council Member Parker's intention to re-nominate Mr. Kase Lawal for Position Three of the Port of Houston Authority, but there had been some confusion as to when his term was due to expire, and thought that Mr. Hall passed an ordinance when he was a City Council Member that said they could not nominate further than 60 days out and would like to have a legal opinion on that, and Mr. Hall stated that was a motion not an ordinance that Council adopted back in the 1980's, they had tried to examine the issue, and there was a good deal of confusion about establishing the time of appointment, they believed the time of appointment occurred 5 days after Council voted, but quite frankly they had to coordinate a little closer with the Port Authority because the person was not sworn in then and that had produced some confusion, that their suggestion, as he had indicated to Council Member Ellis, was to change the effective date by the amendment they gave him of the appointment, that Council could appoint for a term that was specific and that was why they had suggested he do that to try to resolve it, they were committed to get with the Port, they had the problem on a couple of the other boards, and establish a more definitive process for the actual dates of the terms themselves, and Council Member Ellis asked if it would be appropriate to nominate Mr. Lawal, close the nominations, and delay it for thirty days, and Mr. Hall stated they did not think he had to do that, that they thought if he nominated Mr. Lawal for a specific term that it spoke for itself.

Council Member Ellis stated that he would re-nominate Mr. Kase Lawal for Position Three of the Port of Houston Authority and would submit that his term would start July 31, 2003, that he and Council Member Parker had distributed Mr. Lawal's resume.

Council Member Vasquez moved to close the nominations for Position Three of the Port of Houston Authority to begin on July 31, 2003, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0556 ADOPTED.

39. 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 Edwards moved to postpone nominations for Position 2 of the Small Business Development Corporation Board of Directors for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0557 ADOPTED.

Council Member Galloway stated that she wanted to nominate Mr. Howard Jefferson for Position 4 of the Small Business Development Corporation Board of Directors and had distributed his resume.

Council Member Vasquez moved to close nominations for Position 4 of the Small Business Development Corporation Board of Directors, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0558 ADOPTED.

Council Member Vasquez moved to postpone nominations for Position 6 of the Small Business Development Corporation Board of Directors for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business.

Council Members Parker and Robinson absent. MOTION 2003-0559 ADOPTED.

Council Member Ellis stated that he wanted to nominate Mr. James E. Bashaw for Position 8 of the Small Business Development Corporation Board of Directors and had distributed his resume.

Council Member Ellis moved to close nominations for Position 8 of the Small Business Development Corporation Board of Directors, seconded by Council Member Quan. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0560 ADOPTED.

Council Member Quan stated that he wanted to nominate Mr. Rahman Moton for Position 10 of the Small Business Development Corporation Board of Directors, and had distributed his resume.

Council Member Vasquez moved to close nominations for Position 10 of the Small Business Development Corporation Board of Directors, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0561 ADOPTED.

Council Member Quan stated that on behalf of Council Member Parker he wanted to nominate Mr. Edward M. Gonzales for Position 12 of the Small Business Development Corporation Board of Directors for reappointment and had distributed his resume.

Council Member Vasquez moved to close nominations for Position 12 of the Small Business Development Corporation Board of Directors, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0562 ADOPTED.

50. 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 41 on Agenda of May 28, 2003, **POSTPONED BY MOTION #2003-514**) – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0563 ADOPTED.

50a. 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 - (This was Item 41A on Agenda of May 28, 2003, **POSTPONED BY MOTION #2003-515**)

Council Member Alvarado stated that she wanted to withdraw Item No. 50a and moved to table Item No. 50a. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. MOTION 2003-0564 ADOPTED.

50b. 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 41B on Agenda of May 28, 2003, **POSTPONED BY MOTION #2003-516**) – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Parker and Robinson absent. ORDINANCE 2003-0510 ADOPTED.

21. ORDINANCE approving and authorizing an application for grant assistance from the U. S. Department of Homeland Security, Office for Domestic Preparedness, for Fighting Terrorism; 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 Apply for and accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$8,634,000.00 - Grant Fund – was presented, and tagged by Council Member Vasquez. Council Members Parker and Robinson.

Council Member Vasquez stated that he had some questions but if they would visit with him he would try to have those questions answered and maybe release it before the end of the meeting, and Mayor Brown stated they would have someone visit with him. Council Members Parker and Robinson absent.

19. ORDINANCE amending Ordinance Number 2000-0706 to increase the maximum contract amount to a contract with **DISABILITY MANAGEMENT ALTERNATIVES, LLC** for Third Party Administrative Services for the Long Term Disability Plan - \$55,500.00 - Long Term Disability Fund – was presented. Council Members Parker and Robinson absent.

Council Member Sekula-Gibbs stated that in reviewing the backup on Item No. 19 it appeared that the consulting company had under estimated the amount of work they had in store for them and was now asking for an extension so she would like to tag the item and visit with them unless there was a time limit that she was not aware of, and Mayor Brown asked Mr. Haines if there was a time problem on the item, and Mr. Haines stated no.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 37**

#### **ACCEPT WORK** – NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,927,458.41 and acceptance of work on contract with **DURWOOD GREEN CONSTRUCTION CO.** for Construction of Asphalt Overlay Projects (Alameda Corridor) and (Carverdale) - Neighborhoods to Standard - Tier VIII, GFS N-1037-25-3 (OL2025) - 04.82% over the original contract amount - **DISTRICTS A - TATRO and D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0565 ADOPTED.

#### **PROPERTY** - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel DY3-018, located at 10910 FM 1960 East, owned by Renee Barr, for the **EAST LAKE HOUSTON SANITARY SEWER EASEMENTS PROJECT**, CIP R-0801-04-2 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0566 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 13

8. **BROOKSIDE EQUIPMENT SALES, INC** - \$128,054.00, **PROFESSIONAL TURF PRODUCTS, L. P.** - \$46,546.00 and **POSTON EQUIPMENT SALES, INC** - \$31,975.00 for Grounds Keeping Equipment for Parks & Recreation Department - Equipment Acquisition Consolidated and Park Special Revenue Funds – was presented, moved by

Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0567 ADOPTED.

9. **AMEND MOTION #1999-1126, 6/23/99 and #2002-0207, 2/20/02, TO EXTEND** term from June 23, 2003 to June 22, 2004, for Prentice Loader Replacement Parts for Solid Waste Management Department, awarded to **GULF STATE CRANE & EQUIPMENT CO., INC** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0568 ADOPTED.
12. **RBI ADVERTISING, INC. d/b/a RBI COMPANY** - \$55,307.65, **DIRECT ACTION UNIFORMS** \$513,062.00, **PREMIER EMBLEM** - \$522,791.00, **GT DISTRIBUTORS, INC** - \$153,778.50, **BRATWEAR** - \$488,041.25, **CODE BLUE POLICE SUPPLY** - \$58,547.10 and **TROOPER SUPPLY, INC** - \$463,878.35 for Uniforms, Accessories and Supplies for Various Departments \$2,255,405.85 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0569 ADOPTED.
13. Omitted

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 26

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two sewage station maintenance easements, two 6-foot-wide sanitary sewer easements, two 5-foot-wide sanitary sewer easements, and two 6-foot-wide utility easements containing an aggregate of 21,024 square feet of land, more or less, Parcels S99-034A through S99-034H; all eight easements being located in the John Austin Survey, A-1, Harris County, Texas, vacating and abandoning Parcels S99-034A, S99-034B, S99-034C, S99-034D, S99-034E, S99-034F, S99-034G and S99-034H to **FEDERAL RESERVE BANK OF DALLAS**, abutting owner, in consideration of the owner's dedication of a street right of way easement and a sanitary sewer easement containing an aggregate of 1,626 square feet of land, more or less, and payment of \$350,939.00 and other consideration to the City; containing various finding and other provisions related to the subject - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0511 ADOPTED.
16. ORDINANCE making certain findings and approving the use of a portion of Pinewood Village Park for the proposed realignment of a portion of the sanitary sewer lines through Pinewood Village Park located in the 2800 block of Briarwick, City of Houston, Texas; said findings made after a public hearing held at 9:00 a.m. on Wednesday, May 28, 2003, in the City Council Chambers, second floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0512 ADOPTED.
18. ORDINANCE consenting to the addition of 13.83 acres of land to **FALLBROOK UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0513 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **GETRONICSWANG CO., L.L.C.** for Maintenance Safety of the Bull Hardware and

Software Systems for the Houston Fire Department - \$150,724.90 - General Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Vasquez, Parker and Robinson absent.

26. ORDINANCE appropriating \$49,000.00 out of Public Library Consolidated Construction Fund and approving and authorizing an amendment to Professional Architectural Services Contract (approved by Ordinance No. 02-0617) between the City of Houston and **PEARSON ENGLISH ARCHITECTURAL DESIGN, INC** for Renovation of the Flores Branch Library, The Lakewood Branch Library, and Pleasantville Branch Library CIP E0010-01-2, E-0057-01-2 and E-0061-01-2 **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0514 ADOPTED.
  
32. ORDINANCE appropriating \$481,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **BOVAY ENGINEERING, INC** for the Design of Water Line Replacement in the Westheimer-North Area; CIP S-0035-A5-2 (WA10765); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – had been pulled from the Agenda by the Administration, and was not considered. Council Members Vasquez, Parker and Robinson absent.

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

### **ACCEPT WORK**

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,738,475.48 and acceptance of work on contract with **DEI CONSTRUCTION SERVICES, INC** for Construction of Water Replacement in Mykawa Industrial Section and Overbrook Subdivision, GFS S-0035-44-3 (10544) - 16.77% under the original contract amount - **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Members Alvarado and Ellis. Council Members Vasquez, Parker and Robinson absent.
  
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,576,979.92 and acceptance of work on contract with **DURWOOD GREEN CONSTRUCTION COMPANY** for Construction of Asphalt Overlay Project in Heights Neighborhoods to Standard - Tier VIII, GFS N-1037-27-3 (OL2027) - 02.65% over the original contract amount - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Goldberg. Council Members Vasquez, Parker and Robinson absent.
  
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,338,749.63 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Goodyear & Scott No. 1 Lift Stations Rehabilitation, GFS R-0267-66-3 (4276-26) - 04.99% over the original contract amount - **DISTRICTS E- WISEMAN and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Alvarado. Council Members Vasquez, Parker and Robinson absent.

### **PROPERTY**

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kendal Miller on behalf of WMJK, Ltd., a Texas limited partnership (Kendall Miller, general partner), for abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for the conveyance to the City of 1,346 square feet of right of way to widen Sage Road, both located within Lot 4 Block 32, Tanglewood Subdivision, Section Seven, Parcels SY3-045 and AY3-627 - **STAFF APPRAISERS - DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0570 ADOPTED.

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

10. **AMEND MOTION #2000-0909, 7/12/00, #2001-0256, 3/7/01 and #2001-0691, 6/20/01, TO EXTEND** term from July 14, 2003 to July 13, 2004, for Equipment Rental, Parts, I, II & III for Various Departments, awarded to **UNITED RENTALS, MUSTANG RENTAL SERVICE, INGERSOLL RAND EQUIPMENT SALES, GE ENERGY RENTALS and HERTZ EQUIPMENT RENTAL CORPORATION** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis. Council Members Vasquez, Parker and Robinson absent.
11. **DIRECT ACTION UNIFORMS** - \$96,894.05, **LAWMAN'S UNIFORM & EQUIP. CO.** - \$35,710.00, **PERFECTION UNIFORM CO.** - \$3,734,756.90 and **V. H. BLACKINTON & CO., INC** \$35,040.00 for Apparel, Uniforms, Caps and Patches for Various Departments - \$3,902,400.95 General Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. MOTION 2003-0571 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES**

14. RESOLUTION approving and adopting the Investment Policy for the City of Houston and making various provisions related to the subject – was presented, and tagged by Council Member Goldberg. Council Members Vasquez, Parker and Robinson absent.
17. ORDINANCE releasing certain territory in Montgomery County in the Vicinity of the City of Shenandoah, Texas, from the Extraterritorial Jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0515 ADOPTED.
20. ORDINANCE appropriating \$200,000.00 out of Homeless & 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 low-income victim of Tropical Storm Allison to rebuild their home on the existing lot – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Council Members Vasquez, Parker and Robinson absent. ORDINANCE 2003-0516 ADOPTED.

Council Member Galloway stated that she was excited that her colleagues and everyone was supporting the item because so many of the seniors and disabled in her district did have problems in rebuilding their homes from the flood and with the additional monies it was certainly



going to help and she wanted to make sure that the public knew about it and where they could apply and how they were going to have the funds allocated, and Mayor Pro Tem Quan stated that they would be working to get that information out to the public. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

22. ORDINANCE approving and authorizing the submission of an application for grant assistance to the U. S. Department Justice, Office of the Community Oriented Policy Services (“COPS”) for the Homeland Security Grant Program; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0517 ADOPTED.
23. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **THE TEXAS DEPARTMENT OF PUBLIC SAFETY** for Participation in the Texas Automobile Theft Prevention Program for the Major Accessory Shop Enforcement/12 – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0518 ADOPTED.
25. ORDINANCE approving contract forms for Wholesale and Retail Groundwater Reduction Plan Agreements for Area Three of the Harris-Galveston Coastal Subsidence District; authorizing the Mayor to execute Wholesale and Retail Groundwater Reduction Plan agreements in the form approved herein; making various findings and provisions relating to the subject – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0519 ADOPTED.
27. ORDINANCE appropriating \$1,100,000.00 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) CIP N-0668-06-2 (SB9061); containing provisions relating to the subject – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.
28. ORDINANCE appropriating \$130,000.00 out of Street & Bridge Consolidated Construction Fund, and approving and authorizing professional engineering services contract between the City of Houston and **BROWN AND GAY ENGINEERS, INC** for City-wide On-Call Transportation Engineering Services, CIP N-0650-10-2 – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0520 ADOPTED.
29. ORDINANCE appropriating \$475,508.00 out of Street & Bridge Consolidated Construction Fund and approving professional engineering services contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for the Design of San Felipe Paving from Yorktown to Chimney Rock Drive CIP N-0750-01-2 (SB9134-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she was not going to tag the item but had a

question, and perhaps someone could answer it for her, the time of the completion of the project, not the one listed, but the project as it pertained to the area of San Felipe, between Voss and Fountainview, did they have an estimated time of completion, and Mayor Pro Tem Quan stated that they would have someone meet with her. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0521 ADOPTED.

30. ORDINANCE appropriating \$630,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CH2M HILL, INC** for Automation and Scada Improvements at the 69th Street, Sims Bayou North and Beltway Wastewater Treatment Plants CIP R-0512-11-2 (WW4768); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund; making various findings and provisions related thereto - **DISTRICTS F - ELLIS and I - ALVARADO** All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0522 ADOPTED.
31. ORDINANCE appropriating \$568,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PBS&J, INC** for the Design of Service Area Wastewater Facilities Evaluation and Improvements for Kingwood Area; CIP R-1000-03-2 (WA4864); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0523 ADOPTED.
33. ORDINANCE appropriating \$391,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional Services contract between the City of Houston and **KUO & ASSOCIATES** for the Design of Water Line Replacement in the Elgin Area; CIP S-0035-A6-2 (WA10766); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0524 ADOPTED.
34. ORDINANCE appropriating \$490,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ISANI CONSULTANTS, INC** for the Design of Water Line Replacement in the University Area; CIP S-0035-B1-2 (WA10770); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C - GOLDBERG** All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0525 ADOPTED.
35. ORDINANCE appropriating \$449,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **DE ANDA ENGINEERING, INC** for the Design of Water Line Replacement in the Westheimer-North Area; CIP S-0035-B2-2 (WA10771); providing

funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0526 ADOPTED.

36. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **C3S, INC** for Testing Laboratory Services on Street Maintenance Projects for the Department of Public Works and Engineering - \$50,000.00 - General Fund All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0527 ADOPTED.
37. ORDINANCE appropriating \$2,007,224.80 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **KEN MOR ELECTRIC COMPANY, LP** for Traffic Signal Construction GFS N-0650-09-3 (SB9125-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. Mayor Brown and Council Members Parker and Robinson absent.

Council Member Sekula-Gibbs stated that Building Services was not involved in Item No. 37 but they had been working hard to reduce their project management fee that went into the contracts and would like to invite Public Works to also look at the cost of the project management of their projects, that the project management or salary recovery was \$125,000 and she was not going to tag the item, but was inviting Public Works to look closely at that amount because that \$125,000 was credited to long term debt and thought it was in the best interest of the City to not increase the long term debt anymore than possible, and Mayor Pro Tem Quan stated that they would have someone visit with her on the item. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she wanted to tag Item No. 37. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

**MATTERS HELD** - NUMBERS 40 through 52

40. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 I45 South **DISTRICT E– WISEMAN** – **(This was Item No. 5 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0572 ADOPTED.
41. 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 – **(This was Item No. 16 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER BERRY)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0528 ADOPTED.

42. 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 - \$3,439,095.00 - General Fund – **(This was Item No. 25 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBERS VASQUEZ and KELLER)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0529 ADOPTED.

43. 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 – **(This was Item No. 28 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. Mayor Brown and Council Members Vasquez, Parker and Robinson absent.

Council Member Goldberg stated that he wanted to thank Keep Houston Beautiful and Mr. Buck Buchanan for changing the backup on the item originally, that it only had four districts selected and now it would cover all districts and Council Members would be able to take advantage of the program, and Mayor Pro Tem Quan stated that he wanted to thank him for his work on Item No. 43. Mayor Brown and Council Members Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 43. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0530 ADOPTED.

44. 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** – **(This was Item No. 29 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0531 ADOPTED.

45. 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** – **(This was Item No. 30 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member

Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0532 ADOPTED.

46. 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** – **(This was Item No. 31 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0533 ADOPTED.
47. 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** – **(This was Item No. 34 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0534 ADOPTED.
48. 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** – **(This was Item No. 36 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0535 ADOPTED.
49. 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 - – **(This was Item No. 37 on Agenda of May 28, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Mayor Brown and Council Members Parker and Robinson absent.

Council Member Edwards stated that she wanted to apologize to Council Member Galloway and her constituents in District B, that she guessed in her flurry of tagging last week she tagged the ordinance in error and wanted to apologize to Council Member Galloway and her constituents, and Council Member Galloway stated that she wanted to thank Council Member Edwards, that they had been waiting for the project for a long time. Mayor Brown and Council Members Parker and Robinson absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0536 ADOPTED.

51. 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 46 on Agenda of May 28, 2003, POSTPONED BY MOTION #2003-544** – was presented. Mayor Brown and Council Members Parker and Robinson absent.

Council Member Wiseman stated that she wanted to extend her thanks to Council Member Parker, that she took up the issue prior to her arrival, that they had many areas in the City that had greenbelts, that Kingwood, as they knew, was one area that was chock-full of greenbelts and there was an effort to try and maintain the natural state of the greenbelts and the ordinance would help to insure that, and Mayor Pro Tem Quan stated that he was glad that they got clarification on it, that he knew there were other neighborhoods who were concerned how natural landscaping sometimes made it attractive. Mayor Brown and Council Members Parker and Robinson absent.

A vote was called on Item No. 51. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0537 ADOPTED.

Council Member Tatro moved to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0573 ADOPTED.

52. 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 56 on Agenda of May 28, 2003, POSTPONED BY MOTION #2003-548)** – was presented. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 52 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Keller absent on personal business. Mayor Brown and Council Members Parker and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0574 ADOPTED.

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

Council Member Alvarado stated that in the last two weeks they had two fires in the downtown area and just hoped that the administration was looking into it, that there may be some similarity for the cause of the fires, that it was kind of unusual to have that many fires in such a short period of time and in a concentrated area. Mayor Brown and Council Members Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she knew the budget amendments were due Thursday, but her office was still waiting for information from some of the departments and some of her budget amendments were dependent upon that information, and Mayor Pro Tem Quan stated that Mr. Haines had indicated that they were due in that afternoon. Mayor Brown and Council Members Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado asked if they had information on the pay grade of City employees that were laid off or in the process of being laid off, and Mr. Hall stated that information was available through Mr. Vara's office. Mayor Brown and Council Members Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that the Legislature passed an ethics bill that she believed was going to require a little more disclosure on Council Members, a financial disclosure, and would ask that the Ethics Committee give a briefing on it, and Mayor Pro Tem Quan stated that they would get

that information and as chair of the Ethics Committee he would schedule that after the budget hearing, that they had a report due June 15, 2003, but it would probably not affect that reporting period and asked Mr. Hall if he knew, and Mr. Hall stated that he had not gotten a chance to review it, that if they read the newspaper as he did, apparently it was a product of some last minute negotiation between the House and Senate, so he was not certain what was in it, but as he understood it was to apply to some folks who had not otherwise been covered as it related to Council Members, but they would review it and prepare a memo relating to what new requirements, if there were new ones, that it would impose on Council Members, and Council Member Alvarado stated that she did not plan to convene the Legislative Affairs until the 20 day deadline for vetoing bills was completed so they had another couple of weeks to go, that it would be more appropriate to do their full Legislative briefing after that period, and Mr. Hall stated that they would examine that and get that information to the Council Members, and Mayor Pro Tem Quan stated that if it had an impact on their next report they wanted to know about it as soon as possible. Mayor Brown and Council Members Galloway, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that while the Mayor had left his shadows had remained, that the two young men behind him were shadowing the Mayor, that they were from Lee High School and both had very impressive resumes, that Mr. Justin Anthony Pineset, was a senior at Lee High School, currently Vice-President of the Senior Class, Vice-President of the Young Men's Club and plans to attend Moore House University majoring in Law and Architectural Design and desired to own his own company and become a successful businessman, but most of all he wanted to become the President of United States, that Mr. Ed'rique Thompson, who was also a senior at Lee High School and was the past Treasurer of the Junior Class and desired to run as an incumbent next year, that he was the current captain of the basketball team, co-captain of the Lee Crime Patrol and desired to go to Oklahoma State University majoring in Law and Criminal Justice and stated that they wished them both the very best in their careers. Mayor Brown and Council Members Galloway, Ellis, Vasquez, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she wanted to visit with someone from the Legal Department to address the actual ordinance that was provided for the public hearing, the ordinance establishing the dedicated fund, because the language in the ordinance did state that they would pass a drainage fee, they would access a charge, that she would like to discuss very specifically the language, because if they approved it as written they would be stating that City Council would access a charge, and Mr. Hall stated that what it intended that a fund would be created and there would be a charge, but it did not establish the charge, they had to do it separately, and Council Member Wiseman stated that they would do it and if there was a opportunity to change the language of the ordinance to remove the "will" and replace it with "may" or "can", and Mr. Hall stated that they would meet on it. Mayor Brown and Council Members Galloway, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Wiseman stated that she wanted to point out that June was the ASPCA Adopt a Shelter Cat Month, that she saw it in the Parade on the weekend, that it normally would not have caught her attention were it not for a letter she received from a constituent who was a sixth grader at Space Center Intermediate, she provided her with a wonderful letter informing her of research that she took upon herself to conduct the number of stray cats that they had a over population problem with and made some recommendations and suggestions on how the City of Houston could address that issue, that she would like to meet with someone from the department to address the suggestions provided to her by Meredith, and Mayor Pro Tem Quan stated they would have that arranged. Mayor Brown and Council Members Galloway, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Edwards stated that regarding the drainage fee she would reiterate that she strongly suggest that the administration include, within the process, the community involvement and not just to make a presentation as to what they had decided to do, but to include them in the process of developing what needed to be done, that every civic group she had talked to was aware of the need for drainage work to be done in the City. Mayor Brown and Council Members Galloway, Goldberg,

Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Edwards stated that the issue regarding the drastic cuts that were being made at the State level regarding social services, regardless of whether or not they say they were responsible at the end of the day their constituents were going to be looking to the Council Members for relief and she would strongly suggest that whatever committee it went under to review what they could do on a proactive level and if they could not do anything on a proactive level, how they could assist their citizens in getting management for the services that were being cut. Mayor Brown and Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that the Health Department would be giving their budget presentation that afternoon and planned to go out for a Master Plan of their needs but he certainly believed that they needed to impress upon a collaboration, that Mental Health and Mental Retardation took a drastic cut in their finances from the State this time so he believed that was something they certainly had to follow up on. Mayor Brown and Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that this Saturday was the annual Sports Day and the City Council had a volleyball and softball team and their softball opponent on Saturday would be the Mayor's office. Mayor Brown and Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan state that they had read in the newspaper of the increased deaths of immigrants who tried to enter the Country, that tomorrow the Mayor's office for Immigration and Refugee Affairs along with Catholic Charities would be sponsoring an all day seminar on services available within their community to help immigrants, that people were welcome to attend that. Mayor Brown and Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Wiseman stated that she was getting information from different departments responding to a question she had about FTE's and how they broke down for the different divisions, what she was starting to receive from them was just copies of job descriptions, but that was not what she needed, that she needed to find out how they broke down for each division. Mayor Brown and Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT



There being no further business before Council, the City Council adjourned at 12:16 a.m. upon MOTION by Council Member Tatro, seconded by Council Member Sekula-Gibbs. Council Member Keller absent on personal business. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary