

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 22, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry,; 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 Gabriel Vasquez absent on city business. Council Member Carroll Robinson absent on personal business.

At 2:04 p.m. Mayor Brown stated that Council would begin their presentations. Council Members Edwards, Ellis, Alvarado and Berry absent.

Council Member Quan stated that he was pleased to acknowledge the work of the Leukemia and Lymphoma Society of Houston and invited the president of the society Mr. Jon Strange to the podium and presented him a Proclamation for their dedication of finding cures for the diseases, support for those who had them and proclaimed July 22, 2003, as "Leukemia and Lymphoma Society Day" in Houston, Texas. Mr. Strange thanked the Mayor and Council for the Proclamation and stated that "Light the Night" was an event to be held Saturday at the race track, 6:00 p.m. and also four other locations and invited all to attend, presented Mayor Brown and the Council Members with lapel pins to wear to help bring awareness to the disease and invited Ms. Cherry Evans, the Society's Patient Services Manager, to the podium; and Ms. Evans thanked the Council Members for declaring today Leukemia and Lymphoma Society Day and stated the Leukemia and Lymphoma Society in the Houston Gulf Coast Area had raised more funds than any chapter in the United States by at least \$100,000 and on behalf of the programs and patients they served they thanked them. Council Members Edwards, Ellis, Alvarado and Berry absent.

Council Member Goldberg stated that over a month ago the Houston Aeros won the National Championship and it was an outstanding achievement; that they were honored but he wanted to present a Proclamation today to Mr. Chuck Watson, the owner of the Houston Aeros, who was an outstanding Houstonian who did so much for the city and was also chairman of the Super Bowl Host Committee, invited him to the podium and presented him a Proclamation for the Houston Aeros; and Mr. Watson thanked everyone for the Proclamation and support and stated that it was their second championship in four years and though they did not get to win in front of the home crowd they won in front of 17,500 screaming Canadians and he hoped they would bring more wins home in the future. Council Members Ellis, Alvarado and Berry absent.

Council Member Galloway stated that on a point of personal privilege she wanted to recognize a group of young people who were team leaders, students from all over the city and eligible to receive the highest award given by the President of the U. S. for their community service work; that they made a commitment in making Houston even better than it was now and she asked them to stand to be recognized. Council Members Ellis, Alvarado and Sekula-Gibbs absent.

At 2:17 p.m. Mayor Brown called the meeting to order and Council Member Sekula-Gibbs invited Rev. Emit Square from Living God Nondenominational Church to the podium who led all in the prayer and Council Member Sekula-Gibbs led all in the Pledge of Allegiance. Council Member Ellis absent.

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

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. James Smith and Ms. Lady Savoy after Mr. John Patterson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on city business.

Council Member Robinson absent on personal business. Council Member Ellis absent.  
MOTION 2003-0902 ADOPTED.

Mayor Brown stated that the City Secretary would begin to call the speakers. Council Member Ellis absent.

Mr. Vincent Marquez, 3401 Hardy, Houston, Texas 77009 (832-876-8700) had reserved time to speak but was not present when his name was called. Council Member Ellis absent.

Mr. Jose Moreno, 8650 Pitner Rd., Houston, Texas 77080 (713-807-1429) appeared with an interpreter and stated that he was present asking for support for the labor center, Agenda Item 61, there were more than 400 people waiting outside whether it was hot or cold waiting for work and 70% were heads of families whose children were born here; that it would allow them a better education and for that reason it would create a better future for citizens of Houston and the nation; that Council Member Berry previously gave his commitment to support the item and now they would like to count on the support of all Council Members. Council Members Galloway and Ellis absent.

Mr. Mario Brito, 1424 W. 21st, Houston, Texas 77008 (713-862-8732) appeared with an interpreter and stated that he was present representing the metropolitan organization the TMO and was a member of the Hispanic Ministry of the Galveston Houston Dioceses for All Saints Church and was supporting the labor center which would not only benefit labor workers but the entire community; that his concern was previously Council Member Berry had supported the item in a meeting of the TMO and now seemed to be delaying the vote; that the center would benefit all people of the area not just immigrants and was urging support of the Mayor and all Council Members. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that she would talk with Council Member Berry and hopefully he would be supportive. Council Members Galloway and Ellis absent.

Mr. Josh Bullard, 2600 Westridge #237, Houston, Texas 77054 (713-839-1505) appeared and stated that he wanted to make an official charge against State District Judge Linda Motherall of the 257th Judicial District Court of Harris County and requesting HPD to forward a complaint to the DA's Office to investigate whether or not she was engaging in extra judicial course of action; that there was no cause of action in the case per him and he had explained it to the Judge on two separate occasions that he needed to non-suit himself as it was a unique situation dealing with the displacement of a natural parents child and it was a rare situation and did want it investigated; and upon questions, Mayor Brown stated that he would not do that, the City had no jurisdiction over the courts and suggested he go to the District Attorney and file an official complaint if he had a problem with the courts. Council Member Alvarado absent.

Mr. John Graml, 5718 Westheimer #700, Houston, Texas 77057 (713-785-7985) appeared and stated that he was a lawyer practicing in Houston and frequented the downtown area and was present regarding an article in the newspaper on raising parking meter rates; that it did not affect him as much as others but Ms. Sudhoff with the City of Houston had said Dallas, Austin and San Antonio all charged more for street parking and he did some research and the highest rate in all those cities was \$1.00 per hour, the proposal before Council could increase rates to a maximum of \$0.75 per 10 minutes which would be \$4.50 per hour and a 300% increase over current rates as now the average was \$1.25 an hour and he was urging Council to reconsider. Council Member Alvarado absent.

Council Member Berry stated that his office did the same research and also compared downtown Manhattan in New York City and San Francisco and Houston was considerably higher than them, Manhattan averaged \$1.60 compared to \$4.50 so Ms. Sudhoff was wrong. Council Member Alvarado absent.

Upon questions by Council Member Tatro, Mr. Graml stated that it would cause a hardship to lower income people coming into the city wanting to park for a short time, they would have to park in a lot for \$5.00 just for 30 minutes and that was delivery men, messengers, etc. Council Member Alvarado absent.

Mayor Brown stated that he thought Mr. Graml's information was incorrect and asked if Council Member Alvarado would give the facts. Council Member Alvarado stated that \$0.75 per 10 minutes was incorrect; it was \$0.75 per hour; and Mr. Graml stated that the newspaper may have had an incorrect quote, but someone in his office had called the reporter to verify. Mayor Brown stated that it was false information. Council Member Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Graml stated that rates were over \$0.75 per hour now and he had no objection to the 2-hour meters that were \$2.50 and that seemed to be the average. Council Member Sekula-Gibbs yielded to Council Member Berry who stated that the Agenda Director just checked and for short-term parking it was \$0.75 per 10 minutes; it was long-term parking that was \$0.75 per hour. Council Member Sekula-Gibbs stated that if they were increasing the fee they should increase services and install meters which used credit cards. Mayor Brown stated that to make a correction he was told for short-term parking it was \$0.75 per 10 minutes and long-term was \$0.75 per hour.

Mr. John Patterson, 925 S. Mason, Houston, Texas 77450 (281-236-8543) appeared and stated that he was one of those that made a lot of short trips to downtown Houston everyday and experienced the strong and weak side of meters and many needed repair; that he took exception with different rates for different meters and thought this would push people into purchasing one space for the month and in turn hurt the city and believed the public would see this as an attempt to balance the budget and urged that they start with the top folks and work down instead of starting with those at the bottom and working up. Council Member Goldberg absent.

Council Member Alvarado stated that during the budget process one of her proposals was to have a parking management plan for downtown which they were working with the Administration on and believed they needed to come up with that plan before raising rates and moved that the rules be suspended for the purpose of hearing Ms. Barbara Sudhoff, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Robinson absent on personal business. Council Member Goldberg absent. MOTION 2003-0903 ADOPTED.

Ms. Sudhoff stated that the ordinance provided for both short-term and long-term and the request was to allow the Municipal Court Administration the discretion, the parameter of up to \$0.75 per average per hour and although the ordinance addressed short-term and long-term parking it was the department's implementation plan to raise the average hour for city-wide from \$0.50 to \$0.75; that they were adopting a range and the \$0.75 per 10 minutes was not part of the plan but all was contained in one ordinance. Council Member Goldberg absent.

Upon questions by Council Members, Ms. Sudhoff stated that it would not make sense to charge \$0.75 per 10 minutes and the implementation plan was to be reviewed and discussed with the Downtown Management District and believed that charge would be prohibited, it would not be good customer service and would not meet their objectives; that they could provide a smart card proposal which would go before Council for review and the proposal for all palm cards to accept a smart card was less than \$75,000 and they were doing the cost benefit analysis and believed it would improve customer service as they would not need change and believed it would also provide better accountability for city revenues; that the maximum time would range on meters but the flexibility of the smart card would allow you to pay for the exact time you wanted to use and if you over bought you received credit; that for fiscal year '04 she had an additional \$3,000,000 she needed to come up with and had three initiatives to provide it, one was passed last week and that was if HPD initiated a tow and the vehicle was towed to fast tow that person must pay all parking violations, parking meter rates was one initiative, they were

enhancing booting and another approved by Council was allowing Linebarger to sue on behalf of the city. Council Members Tatro and Ellis absent.

Upon questions by Council Member Berry, Mr. Bibler stated that he was not the one who set parking meter rates. Ms. Sudhoff stated they would have to evaluate taking out the \$0.75 per 10 minute parking. Council Member Berry stated that it was to be voted on tomorrow and would like her recommendation to remove the short-term parking proposal; and Ms. Sudhoff stated that she would have to discuss it with Legal. Council Members Tatro and Ellis absent.

Council Member Parker stated that she agreed with Council Member Berry and it seemed they could remove that piece of the ordinance; that last week in discussion of the meters there was a price given for upgrading which seemed much higher than what she just gave; and Ms. Sudhoff stated that was the credit card meters as they required hard wiring; that the smart card they could implement for \$75,000 and vendors were putting together a proposal for credit card meters but that would be much more. Council Members Tatro, Ellis and Keller absent.

Council Member Alvarado stated that she had been discussing with the Administration to delay the item and believed they were in agreement; and Mayor Brown stated they were prepared to support that. Council Members Ellis and Keller absent.

Upon questions by Council Member Edwards, Ms. Sudhoff stated that there was an inventory they maintained on meters, but it was an issue which needed to be addressed beyond Parking Management as they did not determine where they could be implemented and installed and it was an issue they needed to work with Traffic and Engineering on and she mentioned to Mr. Vanden Bosch it was an issue they needed to pursue to exactly address her issue as to the number of parking spaces downtown and they were going to have a meeting and could come back and provide her the date and points discussed. Council Members Ellis Keller and Parker absent.

Mr. James Smith, 1534 Donovan, Houston, Texas (713-688-0269) appeared, presented information and stated that he was vice president of Super Neighborhood in Acres Home and president of the Ella Park Terrace Civic Club and over the past seven years they had a landfill taken care of to eliminate flooding, etc., and they were still having the same problems; that they got a small grant and found out the land was contaminated, seepage was coming into the community and many had different types of cancer, they also had mosquitoes, etc., and could get no help; that today some from the neighborhood came and they were hoping to get answers. Council Members Ellis Keller, Parker and Sekula-Gibbs absent.

Upon questions by Mayor Brown, Mr. Smith stated that they did place it in their Super Neighborhood Action Plan, but they received no response as yet. Mayor Brown stated that Mr. Robert Fiederlein was present and would speak with him once Council Members finished their questions and see what could be done to take care of the problem. Council Members Ellis Keller and Parker absent.

Council Member Galloway stated that her office had been working with the Health Department and moved that the rules be suspended for the purpose of hearing Ms. Gloria Moreno, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Robinson absent on personal business. Council Members Ellis and Alvarado absent. MOTION 2003-0904 ADOPTED.

Ms. Gloria Moreno stated that the Health Department had gone out and done sampling of the water and soil in the area; that the latest was June 25th they went out and they were waiting for test results; that they were determining if there were any contaminants and if so what the levels were and it was their expectation the final results would be due in about two weeks and then they would be releasing results to Council and the neighborhood; that they were aware there was a grant and the University of Texas went out to do testing, but there may be issues on

what they found and what was acceptable and they were waiting to compare; that their results would take care of the problem; that they had also looked at their drinking water and that was fine, but their concern was soil and surface water. Council Members Ellis and Alvarado absent.

Council Member Galloway stated that she was waiting for results so she could bring all concerned into a meeting. Council Members Ellis and Alvarado absent.

Council Member Parker stated that she believed this was a private landfill on private property and it had been there for decades; and Ms. Moreno stated that was correct, it was her understanding in the 1950s, '60s and '70s it was used for an illegal dumpsite but in the 80s it was shut down and capped; that they were testing the surrounding properties in the neighborhood and if there was a problem found it would be the state through the Texas Commission on Environmental Quality that would go out; that they were doing thousands of dollars of testing it was not just a test. Council Members Ellis and Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Smith stated that 15 to 20 people had passed with cancer and he was also a cancer victim and most were on the north side. Upon further questions by Council Member Sekula-Gibbs, Ms. Moreno stated that they did not have data to show there was an increase in cancer in the neighborhood; that they were testing for organic and inorganic contaminants as well as heavy metals in ground and water. Council Member Sekula-Gibbs stated that polyvinyl chlorides were organic and were known to cause cancer and were they checking for that; and Ms. Moreno stated that she did not know exactly every test but would get back with her. Council Member Sekula-Gibbs stated that she wanted to know if there were any institutions who would have resources to survey the neighborhood; that other neighborhoods in the industrial part of the world had asked it be done and sometimes it turned out valid, but unless someone with some epidemiological background such as the Health Department went in and surveyed and looked at death certificates you did not know; and Ms. Moreno stated that they currently were not funded to do that nor did they have grant dollars. Mr. Smith stated that the grant they received was through the EPA and according to the Health Department the samples were high, but they said they were not sure the testing was done properly; that Council Member Galloway had the report. Council Member Galloway stated that she would be happy to share the report. Council Member Sekula-Gibbs stated that she would like to find out from Dr. Berger as well as Dr. Kendrick if there was anything they could do to shine a light on the neighborhood and see if there was a higher rate of cancer. Mr. Smith stated that the testing was done and the findings were high, but now more testing was being done and more money being spent trying to prove the test was not done properly. Council Members Edwards, Ellis, Alvarado, Parker and Quan absent.

Upon questions by Council Member Tatro, Ms. Moreno stated that the site was owned by a private family and was inactive since the '70s. Upon further questions by Council Member Tatro, Mr. Smith stated that the houses were on city water. Ms. Moreno stated that when drinking water testing was done they met quality control issues; that they were now boring holes to see if there was drain off and seepage into the community. Council Member Tatro stated that he was wondering if the city was checking the pumpage of water to see if it was coming from there or if it was surface water. Council Members Goldberg, Ellis, Alvarado, Parker and Quan absent.

Upon questions by Council Member Berry, Mr. Smith stated that the city capped it to close the landfill, but that started elevating it and it started flooding the community and then he felt there was a problem, but he did not think it was contamination to the point of which they had; that where he stayed there was a total of seven people and that was 10 houses. Council Members Goldberg, Ellis, Keller, Alvarado, Parker and Quan absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the petition he turned in said he had been working on the problem 30 years and his formal request for the last seven years; and upon questions, Mr. Smith said actually nothing had been done; that he spoke with Mr. Hall about two years ago and they sat down and discussed swapping out a street, Newman Street, which ran through the

landfill, but nothing had been done; that the grant was given by the EPA to the community to test soil and the EPA, Ms. Berger, Council Member Galloway, Council Member Berry and the Health Department had copies of that report and he was told they would go out and resample, but according to the EPA you can't sample something already sampled; that basically he was asking Council to make it known there was a problem in the community. Council Member Edwards stated that she would suggest part of the problem was they did not have a focus as to what they were trying to do and she was going to talk with their Council Member and see if it could be pulled into a focus and see where they needed to go. Council Members Goldberg, Ellis, Keller, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she had several ground fill areas in her district she was working on now to get cleaned up and once this was determined and if cleaning needed to be done she was sure the EPA would come in and she wanted those test results right away so all parties could get involved and eliminate the problem. Mr. Smith stated that he would appreciate a report from the Health Department in terms that could be understood and not just a bunch of numbers. Council Members Goldberg, Ellis, Keller, Alvarado, Parker, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that it was a small family that had a sandpit and later they let people put stuff in the hole they had created with the sandpit and he was not aware of there being a legal problem getting access to property if there was reason to test it for environmental issues, but he thought the biggest issue was they were not dealing with a deep pockets company, but a family that was basically impoverished and had no means to fix the problem, the Dad was even in jail for awhile for contempt of court; that he did not know what could be done; that in the process of capping it they unfortunately created a flooding problem that was not there before and one engineer suggested that perhaps the most economical approach was to buyout the houses on West Donovan Street, but it was a big mess and no deep pockets person to fix it; that in the scheme of things the city was really not the environmental agency, they had coexisted jurisdiction with the state to do inspections and the state worked with the EPA but the city had no responsibility he was aware of to clean up superfund sites or dig up old landfills and re-grade them, etc. Council Members Goldberg, Ellis, Keller, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Edwards, Ms. Moreno stated that if it came to having to be dealt with she would think the recommendation would be to work with Council Member Galloway to establish it as a superfund site to get the cleanup occurring right away. Council Members Goldberg, Ellis, Keller, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Ms. Moreno would continue to work on and involve Dr. Berger, to move ahead and see what needed to be done to address the issue. Council Members Goldberg, Ellis, Keller, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Lady Savoy, 1443 West Donovan, Houston, Texas 77091 (713-681-4747) appeared and stated that she was present to represent Ella Park Terrace with their environmental problem on Donovan; that the petition turned in was for those unable to come today and in talking to residents there were tumors, skin cancer and cancer related illnesses on the street that she herself had a tumor removed 10 years ago and diagnosed with traces of cancer a couple of weeks ago and her mother passed three months ago with preliminary fibrosis which was environmental and they were asking for Council's help, they did not want to be ignored; and asked those present with her to stand to be recognized. Council Members Tatro, Goldberg, Ellis, Keller, Alvarado and Quan absent. (NO QUORUM PRESENT)

Mayor Brown stated that the problem was being looked into and the City Health Department and also the environmental people would be working with them. Council Members Tatro, Goldberg, Keller, Alvarado and Quan absent.

Council Member Galloway thanked them for coming to share their stories and stated that they would be expediting the matter to get results and to prohibit anyone else from coming down with a disease of that nature. Council Members Tatro, Goldberg, Keller, Alvarado and Quan absent.

Mr. Robert Coghlan, 5810 Birdwood Rd., Houston, Texas 77074 (713-824-6096) had reserved time to speak but was not present when his name was called. Council Members Tatro, Goldberg, Keller, Alvarado and Quan absent.

Mr. Neal Jain, 6807 Menlow Dr., Houston, Texas 77083 (832-758-1269) appeared and stated that he was present with the Empowering Team Leaders Group and today they were present to appeal the proposal closing the Houston Public Libraries due to lack of funding and representing the 35 students of ETL; that the key use of libraries was on weekends for research and for some because of work, etc., Sunday was the only day available and for an alternative solution they would propose shortening hours of operation during weekdays and that would leave the weekends open; and urged Council Members to consider their suggestions. Council Members Goldberg, Keller and Alvarado absent.

Ms. Cherry Alex-Butler, 1066 South Lane, Houston, Texas 77088 (281-448-3946) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Keller, Alvarado and Berry absent.

Mr. Chris Collins, 1416 Grand Teton Dr., Desoto, Texas 75115 (469-576-3191) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Keller, Alvarado and Berry absent.

Mr. Alva Robinson, 7611 Vickiejohn, Houston, Texas 77071 (713-729-4400) appeared and stated that on behalf of the Raindrop Foundation, an institute of interfaith dialogue, they would be honored and would appreciate the Mayor and Council Members coming to their event to be held September 19, 2003, at the University of Houston at Cullen Theater; that it was inspired by a 13 century poet and was currently the most read poet in the U. S. concerning love and presented invitations to the Mayor and Council. Council Members Galloway, Goldberg, Keller, Alvarado and Berry absent.

Ms. Karen Kingery, 806 Clearwater, Roundrock, Texas 78664 (512-733-6596) appeared, presented information and stated through a translator that three or four years ago she spoke before Council about the deaf community and HPD and how important role playing was for officers and recruits for deaf awareness; that she researched the settlement agreement between the United States of America, Rashad Gordon, Michael Edwards and the City of Houston and General Order 500-13 and the city agreed to give notice of General Order 500-13 to every officer and employee of the Police Department within 30 days of the effective date and to incorporate instructions on General Order 500-13 into the standard curriculum of the police academy where its new recruits received pre-service training; that she would like to see included the teaching of deaf awareness courses, role playing like DWI, domestic violence, reading body language, etc., the difference of Miranda Rights in English and ASL, difference in communication method of deaf, hard of hearing and deaf foreigners and development of new technology like VRI (Video Remote interpretation); and she strongly believed the city should allow the deaf and hard of hearing to work with HPD on developing a new standard curriculum that needed to be taught at the Police Academy. Council Members Galloway, Goldberg, Keller, Sekula-Gibbs and Berry absent.

Mayor Brown stated that Assistant Chief McClelland was present and he would ask that he take the message back to the Police Chief and see what could be done to address her concerns. Council Members Galloway, Goldberg, Keller and Berry absent.

Upon questions by Council Member Parker, Ms. Kingery stated that she was curious if she could question the officers present and asked if they now or ever took deaf awareness classes; and the officers had not. Ms. Kingery stated that was an example there was not enough communication with the deaf community. Council Member Parker stated that there was no question practice made you stronger and she was looking forward to hearing from the Assistant Chief and if Ms. Kingery would E-mail her she looked forward to finding out what they were learning at the academy and in following up with her. Council Members Galloway, Goldberg, Keller, Sekula-Gibbs and Berry absent.

Ms. Darla Connor, 5909 Fondren, Houston, Texas 77036 (713-334-5373) appeared, presented information and stated through a translator that she was with deaf services at Houston Center for Independent Living and it was her understanding that the City of Houston and HPD were slapped with a lawsuit of two deaf plaintiffs for lack of communication, accommodation and civil rights violation; that the contents of the settlement agreement between the United States, Rashad Gordon, Michael Edwards and the City of Houston clearly defined that the city agreed to give notice of General Order 500-13 to every officer and employee of HPD and to incorporate instructions on General 500-13 into the standard curriculum of the police academy where its new recruits received pre-service training; that she had concerns because HPD wanted to save money and not sending officers to class at the college and were trying to see if they could teach the class in-house; that the settlement would cost more than sending officers to ASL classes and HCIL would like to offer services to work with the city and HPD to help solve the problem. Council Members Goldberg, Edwards, Keller, Sekula-Gibbs and Berry absent.

Mayor Brown stated that a representative from HPD would meet with them both at this time and follow-up on their request to offer service. Council Members Tatro, Goldberg, Edwards, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Vincent Marquez was now present and with Council's permission she would call him at this time. Council Members Tatro, Goldberg, Edwards, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Vincent Marquez, 3401 Hardy, Houston, Texas 77009 (832-876-8700) appeared and stated that he apologized for being late but wanted to see if Council Members had any questions about 1st Human Capital, Agenda Item 61, as it was tagged last week and up for vote tomorrow. Those Council Members present had no questions and Mr. Marquez thanked them for their time. Council Members Tatro, Goldberg, Edwards, Keller, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. J. W. Maseh, Mrs. Joyce Ross and Ms. Cheryl Willis out of order at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Vasquez absent on city business. Council Member Robinson absent on personal business. Council Members Tatro, Edwards, Keller, Sekula-Gibbs and Berry absent. MOTION 2003-0905 ADOPTED.

The City Secretary stated that Ms. Garcia was to speak with the previous speakers and she failed to call her name and would call her at this time. Council Members Tatro, Edwards, Keller, Sekula-Gibbs and Berry absent.

Ms. Maria Garcia, P. O. Box 2668441, Houston, Texas 77207-6841) had reserved time to speak but was not present when her name was called. Council Members Tatro, Edwards, Keller, Sekula-Gibbs and Berry absent.

Mr. J. W. Maseh, P. O. Box 742713, Houston, Texas 77274 (713-545-4744) appeared, presented information and stated that he was president of the Taxicab Drivers Association and he and those with him were seeking an immediate redress of flagrant violation of city ordinance by the town car and limousine drivers, the airport shuttle buses, the unilateral re-draw or re-



mapping of the short trip boundaries and application of discipline (Code 5); and they wished to register in the strongest terms their protest against the Ground Transportation officials at Bush Intercontinental Airport about injustice being perpetrated against the drivers;. Council Members Edwards, Keller, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Goldberg, Mr. Masseh stated that all those standing were cab drivers; that he understood there were no undercover or sting operations. Council Member Goldberg stated that the only way to find out who was soliciting and get evidence to prosecute them was to have someone doing undercover work and he wanted to know the punishment also; and upon further questions, Mr. Masseh stated that as far as they knew the Ground Transportation superintendent was the one who changed the short trip boundaries; that they now changed so that a short trip is considered a long trip and sometimes that is only \$18.00 after spending four hours waiting; that they wanted it to remain the way it was. Council Members Edwards, Keller, Parker, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that since Ms. Bradford left Aviation they had seen changes there which he did not understand why; that the Regulatory Affairs Committee would meet in August and they would address a number of issues pertaining to the cab companies and he would request them all to come; that for the schedule they could call 713-247-2002 and it was usually held the second Monday of each month; that a representative from F & A and Aviation should be present and he was requesting the help of those in the industry to help find solutions. Council Members Edwards, Keller, Parker, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Blanton Daniels with F & A was present and would meet with him at this time, get all details and explore the issue so he could come back with recommendations. Council Members Edwards, Keller, Parker, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that at the committee meeting she would like all in-house policies and ordinances to get the full picture; and Council Member Ellis stated that was why he wanted the right representatives from Aviation and F & A present so they could explain those policies and the changes if there had been any. Council Members Edwards, Keller, Parker, Sekula-Gibbs and Berry absent.

Mrs. Joyce Ross, 17750 Highway 59 N. #1204, Humble, Texas appeared and stated that in explaining about the boundaries it was not the price that mattered, if you get to a certain place and back in 45 minutes you get to get another trip without waiting another six hours, but with the boundaries being cut back you don't get to come back and get another trip; that she understood Mr. Brooks did it because drivers were speeding trying to get back in the 45 minute boundary; that she had been talking with Mr. Brooks and what should happen is not making the boundaries less but to make their starters, their GTR's, do what Mr. Brooks wanted them to do which was to confirm with the customer each and every time where they were going so the driver could not say they were going one place and go another; that he had two meetings with the GTR's and placed notices on the windows of each booth at the ground transportation area but they were not listening and selective enforcement was rampant, there was not one rule being enforced in total as it should. Mayor Brown, Council Members Galloway, Edwards, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council Member Ellis indicated his willingness to take this up in committee and Mr. Daniels was taking notes as well. Mayor Brown, Council Members Galloway, Edwards, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Cheryl Willis, 10555 Fondren #492, Houston, Texas 77096 (713-885-0694) appeared and stated that she was a member of the Taxicab Association and there was an ongoing

problem at Bush Intercontinental Airport, they addressed it numerous times with the FAA and Ground Transportation Department and they made an effort to solve the problem but was unsuccessful; that the shuttle bus drivers were doing the same thing as the limo drivers and the only way to solve it would be to eliminate them from being inside soliciting; that if cab drivers had to stay outside the terminal limo drivers should also. Mayor Brown, Council Members Galloway, Edwards, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUOROM PRESENT)

Mayor Pro Tem Quan stated that she raised good points and he liked Council Member Goldberg's suggestion to have someone making sure it was being enforced because it sounded as though there was ramped disregard for the regulations; that he did not know if the rules they had now were bad though they were not being enforced properly and he would like them to try and make sure the system worked before they had to reinvent the system again. Mayor Brown, Council Members Galloway, Edwards, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUOROM PRESENT)

Upon questions by Council Member Goldberg, Ms. Willis stated that limo drivers were going in with their signs but wandering beyond their boundaries and even though a GTF staff person was there and supposed to be monitoring them they were not successfully doing it and she felt for the system to work the customer should go outside; that in '99 limo drivers were outside with them and the customer would come out to the booth and say they were looking for a certain limo company or driver and they would be pointed to the limos. Council Member Goldberg stated that he did not agree limo drivers should not go in, but the rules should be enforced and if they did solicit the fines should be heavy and then after two or three times being fined they should be banned from that work all together; that he did understand their frustration and would like to get rid of those who were doing it. Mayor Brown, Council Members Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Dr. Clemmie Johnson, 320 Marathon, Houston, Texas 77018 (713-695-4098) appeared and stated that the problem she had was that she had a beautiful lot in the Acres Home Area and she received a request to sell it to a minister and she said okay and called her attorney to handle it, but three or four days later he called saying she had two liens on the lot, a pavement assessment lien and a lien for cutting the lot; that she and her husband did not know anything about them and the paving assessment lien was from 1982 and the other was from 1969, but she never received any notice they owed anything; that she felt it her duty to go to Council because if you knew something was wrong and made no attempt to correct it then you were just as guilty; that she did not know why the lot was cut because the same people had been cutting it since she bought it around 1950, but if it had needed to be cut she would have paid them and it disturbed her the City of Houston had let them run on for so long without notification and there would have been no problem paying; that both her sons were doctors and it would not have been a financial burden. Mayor Brown, Council Members Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he appreciated Dr. Johnson bringing the matter to Council's attention and it did disturb him the lot was cut in '69 and she was not notified in all these years; that Ms. Suzy Hartgrove was present and would speak with her; and upon questions, Dr. Johnson stated that she filed an appeal with Neighborhood Protection for cutting the grass, it was a little under \$600.00 and today she received a call from someone asking if she wanted to see the files but those files were not ready on March 28th of this year but now all of a sudden they had them and that disturbed her also. Mayor Pro Tem Quan stated that there may be others willing to pay but were not notified. Mayor Brown, Council Members Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Carolyn Webster, 6823 Reed Rd., Houston, Texas 77087 (713-644-9266) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Frank Gill, 8502 Easton Commons #102, Houston, Texas 77095 (281-550-4796) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Bartholomew Stephens, 3914 Heatherbrook, Houston, Texas 77045 (713-413-3144) appeared, presented information and stated that he had come to Council a few times; that there were problems regarding promotion and hiring going on in Environmental Health and because of him speaking up there was retaliation against him; that he had sent an E-mail to Council Members and now he was suspended without pay for five days. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that at this time he understood his concern was he was suspended for five days for sending an unauthorized E-mail; and upon questions, Mr. Stephens stated that was correct, but at the time he did not know city policy said he could not do that though since then he had received the policy; that he was appealing and it was going through channels; that he also felt he was being discriminated against because they would not allow him vacation or sick days when he applied and when he applied for promotions they would not even interview him now, they were not referring his applications. Mayor Pro Tem Quan stated that he took his concerns seriously and wanted to speak with the Human Resources Department; that he would follow-up and Mr. Stephens should continue to pursue his appeal if he felt it was improper. Mayor Brown, Council Members Tatro, Galloway, Ellis, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Cliff Harris, 2318 Hutton, Houston, Texas 77026 (281-227-6335) appeared and stated that he had been to Council several times and the last time he attempted to speak he was told to come at a certain hour and then once there was told it was not time to come back later so he came later and told the meeting was totally over; that he had disturbing concerns as he signed up with the Housing Authority for a lottery program and he was holding an eviction notice as his landlord would not correct anything, he called the city on March 11th notifying them of backed up sewer problems and he had busted windows, it was stinky and many mosquitoes were around; that Housing told him he had no lottery number and if he found his card to come back so he found his card and now was told they would place his name back on their list but since then he had tried MHMR Program to get assistance and could get none, he came to Council time after time to get assistance and could get none; that he was disabled and for the first time in his life he was doing everything possible to stay out of jail or prison. Mayor Brown, Council Members Tatro, Galloway, Ellis, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Harris stated that he was living in an independent house; that he had no assistance and Housing said he had no lottery number, but when he took it back to show them they said he would get placed back on the list. Mayor Pro Tem Quan stated that Mr. Kevin Davis from Housing was present and he would meet with him at this time to let him know where he was on the list and what could be done; that he appreciated him trying to do well and be a productive part of society and after Mr. Davis met with him Mr. Cantu may also be able to refer him to an agency which could be of assistance. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Leticia Garcia, 7108 Lapaseo, Houston, Texas 77087 (832-452-6855) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved

time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that American society was guilty and while he expressed his personal opinions he took his shirt off and was escorted out of the meeting by police officers. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:18 p.m. City Council recessed until 9:00 a.m., Wednesday, July 23, 2003. Council Member Vasquez absent on city business. Council Member Robinson absent on personal business. Mayor Brown, Council Members Tatro, Galloway, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 23, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 23, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Ms. Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Marty Stein, Agenda Director, present.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Berry and Robinson absent. NO QUORUM PRESENT

## **HEARINGS**

1. **PUBLIC HEARING** - Pursuant to 43 Texas Administrative Code § 25.603(d), the City Council will conduct a local public hearing to consider the adoption under § 545.0651 of the Texas Transportation Code of a proposed restriction on the operation of certain trucks/trailers on a portion of Interstate Highway 45 within the City of Houston between Interstate Highway 610 North on the south and Greens Road on the north. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **9:00 A.M.**

The City Secretary stated that the City Council would conduct a local public hearing to consider the adoption under the State Law of a proposed restriction on the operation of certain trucks/trailers on a portion of Interstate Highway 45 within the City of Houston between IH 610 North on the south and Greens Road on the north, that attached to the agenda was a copy of the proposed ordinance, that no one had reserved time to appear at the hearing. Council Members Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Berry and Robinson absent. NO QUORUM PRESENT

Mayor Brown recognized Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department, and Mr. Bibler stated that the City Secretary had already stated most of the things that he was going to say, that it was another proposal and was very similar to the one they had done a couple of years ago for Interstate 10 East and had done more recently for Highway 225, that the proposal was to restrict trucks from the inside or left lane in both directions of IH 45, in that area

north of IH 610, that as the City Secretary had indicated no one had signed up to speak and as far as he understood they had received no written comments and unless there was a question from a Council Member or a member of the audience who desired to be recognized at this time it would be appropriate to close the hearing and complete the record. Council Members Goldberg, Edwards, Wiseman, Ellis, Keller and Vasquez absent.

Council Member Quan moved to close the public hearing, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Edwards, Wiseman, Ellis, Keller and Vasquez absent. MOTION 2003-0906 ADOPTED.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 2 through 52

#### MISCELLANEOUS - NUMBERS 2 and 5a

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**, for terms to expire March 31, 2005:

Position One - **MR. L. S. "Pat" BROWN**  
Position Five - **MR. MARK KILKENNY**  
Position Six - **MS. KAY CROOKER**  
Position Ten - **MR. TALMADGE SHARP, SR.**  
Position Twelve - **MS. ALGENITA SCOTT DAVIS**  
Position Thirteen - **MS. KATHRYN D. GARCIA**

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards absent. MOTION 2003-0907 ADOPTED.

4. RECOMMENDATION from Director Human Resources Department to amend the City of Houston Alcohol and Controlled Substances Policy (adopted by Motion #92-1971, 7/15/92), to allow for alcohol testing and to bring the City into compliance with current local, state and federal laws and to allow flexibility to future compliance with changes to those laws - 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 Member Edwards absent.

5. ORDINANCE appropriating \$39,074.11 out of Street & Bridge Consolidated Construction Fund, as an additional appropriation for construction of Bingle Road Bridge over Cole Creek, under construction contract with **LONE STAR ROAD CONSTRUCTION, INC** (approved by Ordinance No. 02-0216) - **DISTRICT A - TATRO** - 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 Member Edwards absent.

- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$39,074.11 on contract with **LONE STAR ROAD CONSTRUCTION, INC** for Bingle Road Bridge over Cole Creek, GFS N-0445N-21-3 (N-0445N-21) - **DISTRICT A - TATRO** - 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 Member Edwards absent.

#### ACCEPT WORK - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$543,485.77 and acceptance of work on contract with **EXCALIBUR CONSTRUCTION, INC** for Allen's Landing Redevelopment - Task One

Bulkhead Stabilization, GFS N-0669-01-3 (N-0669-01) - 20.56% under the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2003-0908 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 46a

17. ORDINANCE consenting to the addition of 94.095 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0667 ADOPTED.
18. ORDINANCE consenting to the addition of 278.19 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0668 ADOPTED.
19. ORDINANCE consenting to the addition of 82.459 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0669 ADOPTED.
20. ORDINANCE consenting to the addition of 97.29 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0670 ADOPTED.
21. ORDINANCE consenting to the addition of 100.9781 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 290**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0671 ADOPTED.
22. ORDINANCE consenting to the addition of 2.0641 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0672 ADOPTED.
23. ORDINANCE consenting to the addition of 136.00 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0673 ADOPTED.
24. ORDINANCE consenting to the addition of 230.74 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 96**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2003-0674 ADOPTED.
25. ORDINANCE establishing the east and west sides of the 1100 block of Allston Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H – VASQUEZ** – had been pulled from the Agenda by the Administration, and was not considered.
26. ORDINANCE establishing the north side of the 300, 400 and 500 blocks of Byrne Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0675 ADOPTED.
27. ORDINANCE establishing the south side of the 400 and 500 blocks of Byrne Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0676 ADOPTED.

28. ORDINANCE establishing the east and west sides of the 600 and 700 blocks of Columbia Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0677 ADOPTED.
29. ORDINANCE establishing the east and west sides of the 900 block of Columbia Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0678 ADOPTED.
30. ORDINANCE establishing the north and south sides of the 700, 800 and 900 blocks of Fugate Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0679 ADOPTED.
31. ORDINANCE establishing the south side of the 600 block, the north side of the 800 block, and the north and south sides of the 700 and 900 blocks of Pizer Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0680 ADOPTED.
32. ORDINANCE establishing the north side of the 500 block of Teetshorn Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2003-0681 ADOPTED.
33. ORDINANCE appropriating \$63,000.00 out of George R. Brown Consolidated Construction Fund and approving and authorizing professional Fine Art Restoration Service Agreement between the City of Houston and **BEN WOITENA d/b/a METAL ARTS** for Restoration of the Artwork “Seven Wonders” located in Sesquicentennial Park - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
34. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** to manage the County’s Fire-Stopppers Program - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2003-0682 ADOPTED.
40. ORDINANCE approving and authorizing Advance Funding Agreement for Transportation Enhancement Project between the City and **TEXAS DEPARTMENT OF TRANSPORTATION**; approving and authorizing Sponsorship Grant Agreement with the Gulfgate/TIRZ Redevelopment Authority for grant award for the Gulfgate Freeway Enhancement Project under the Statewide Transportation Enhancement Program; declaring the city’s eligibility for such grant; authorizing the Director of the Department of Public Works and Engineering to accept the grant agreement and the grant funds, if awarded, and to apply for and accept all subsequent awards if any, pertaining to the grant; authorizing the Director of the Department of Public Works and Engineering to expend grant funds received under the Sponsorship Grant Agreement - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
41. ORDINANCE approving and authorizing Advance Funding Agreement for Transportation Enhancement Project between the City and **TEXAS DEPARTMENT OF TRANSPORTATION**; approving and authorizing Sponsorship Grant Agreement with the Old Spanish Trail (OST)/Almeda Corridors Redevelopment Authority for grant award for the OST & Griggs Landscape Project under the Statewide Transportation Enhancement

Program; declaring the city's eligibility for such grant; authorizing the Director of the Department of Public Works and Engineering to accept the grant agreement and the grant funds, if awarded, and to apply for and accept all subsequent awards if any, pertaining to the grant; authorizing the Director of the Department of Public Works and Engineering to expend grant funds received under the Sponsorship Grant Agreement - **DISTRICT D - EDWARDS** - had been pulled from the Agenda by the Administration, and was not considered.

42. ORDINANCE approving and authorizing first amendment to contract (Ordinance No. 2001-579, approved June 20, 2001) between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for Congestion Mitigation and Air Quality Program - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 46a. ORDINANCE appropriating \$300,000.00 out of Asset Forfeiture Fund; appropriating \$600,000.00 out of Police Special Services Fund; and approving and authorizing contracts between the City and **IDENTIGENE, INC, ORCHID BIOSCIENCES, INC D/B/A ORCHID CELLMARK DALLAS**, and **RELIAGENE TECHNOLOGIES, INC** for Forensic DNA Analysis for Testing of Biological Evidence and related services for the Houston Police Department - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2003 through September 30, 2004, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0909 ADOPTED.
- 4a. ORDINANCE approving and authorizing contract between the City and **PHARMCHEM, INC** for Employee Controlled Substance and Alcohol Testing; providing a maximum contract amount 5 Years - \$2,200,000.00 - Central Services Revolving Fund - was presented, and tagged by Council Members Tatro, Vasquez, Alvarado and Robinson.

**ACCEPT WORK**

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,764,328.66 and acceptance of work on contract with **WRS INFRASTRUCTURE & ENVIRONMENTAL, INC** for Harris County Landfill No. 2 Removal at Bush IAH, HAS Project No. 522C, CIP A-0444 - 20.33% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez and tagged by Council Member Ellis.
7. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$540,783.19 and acceptance of work on contract with **B&K SERVICES, INC** for Hobby Airport Underground Storage Tank Removal and other departments UST Repairs, GFS A-0147-41-3, L-0066-01-3 and F-0363-99-3 - 07.20% under the original contract amount **DISTRICTS A- TATRO; C - GOLDBERG and E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council



Member Vasquez, and tagged by Council Member Ellis.

8. ORDINANCE approving and authorizing amendment to contract No. 52130 (approved by Ordinance No. 2000-1000) between the City of Houston and **INFRASTRUCTURE SERVICES, INC** for Installation of 200 Speed Humps and the Removal of 15 Speed Humps – was presented, and tagged by Council Members Galloway and Ellis.
- 8a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$421,031.49 and acceptance of work on contract with **INFRASTRUCTURE SERVICES, INC** for Construction and Installation of Speed Humps, Contract No. 52130 - 12.10% over the original contract amount – was presented, moved by Council Member Quan, and tagged by Council Member Ellis.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$366,469.38 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-S9-3 (SB9048-2) - 04.92% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Galloway and Ellis.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,834,390.04 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Large Diameter Water Main Valves and Appurtenances, GFS S-0900-50-3 (WA10621) - 02.95% under the original contract amount **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-0910 ADOPTED.

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

12. DECLARE **TOTAL HANDLING SOLUTIONS** non-responsible for two years – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0911 ADOPTED.
13. **HARD ROCK CONSTRUCTION, INC** for Auto Track Repair at the Police Training Academy for Police Department - \$77,786.00 and contingencies for a total amount not to exceed \$81,675.30 Police Special Services Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Keller moved to postpone Item No. 13 until the end of the agenda and have someone from the Police Department speak to him for just a minute, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0912 ADOPTED.

14. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Pick-up Trucks through the Interlocal Agreement for Cooperative Purchasing for Police Department - \$93,090.00 - Grant Fund – was presented, moved by Council Member Wiseman, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. (Note: Council Member Goldberg removed his tag later in the meeting.)
15. **AMEND MOTION #2000-1434, 11/21/00, TO EXTEND** expiration date from December 15, 2003 to December 14, 2004, for Auto, Chrysler Dodge OEM Replacement Parts and Repair Contract for Various Departments, awarded to **GREENSPPOINT DODGE OF HOUSTON, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0913 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 52

16. RESOLUTION designating certain properties in the City of Houston as Historic Landmarks (Palace Hotel, Benjamin Apartments, House at 1111 Heights Boulevard, Hugo E. Meitzen House, All Saints Catholic Church Rectory and Lula J. Doughty House) - **DISTRICTS H - VASQUEZ and I - ALVARADO** – was presented, and tagged by Council Members Sekula-Gibbs and Ellis.

Council Member Ellis stated that he did not have a problem where the property owners came in and stated that they wanted to designate it as a historic landmark, that he just wanted to know what the property owners position was when HAHC designates it as a historical property, and Mayor Brown stated that they would get that information for him.

Council Member Parker stated that there was apparently some confusion about the item, there was a property that was formally owned by the Diocese and had been transferred to new ownership but still had the name originally associated with it and the Diocese, she guessed, was called and they said that no they did not designate any historic properties and they sent letters out without checking through the facts so the property owners were all aware of and in support of the designation, but they had the time to find that out.

Council Member Sekula-Gibbs stated that she would like to request some clarification on what the perimeters were for inclusion in it, and Mayor Brown stated that they would have someone brief her.

35. ORDINANCE approving and authorizing agreement between the City of Houston and **GLENWOOD FOREST INVESTMENT, INC** using Federal “HOME” Funds to provide a loan in the amount of \$510,000.00 and a grant in the amount of \$600,000.00 to finance a portion of the costs to acquire and renovate a 164-unit apartment building at 8600 Sterlingshire, Houston, Texas, to be rehabilitated to house low and very-low income residents - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Galloway and Keller.
36. ORDINANCE approving and authorizing Subordination and Modification Agreement with **BRIARWOOD-HOUSTON, LP** and **MITCHELL MORTGAGE COMPANY, L.L.C.** and consenting to an extended Land-Use Restriction Agreement in connection with the refinancing of loans made to Briarwood-Houston, LP and secured by the La Casita Apartments located in Houston, Texas, a project restricted for rental to low income persons - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Galloway and Parker. (Note: Council Members Galloway and Parker released their tags later in the meeting.)
37. ORDINANCE approving and authorizing application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for the Development of Reveille Park; declaring the city's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the city's representative in the application process; authorizing the Director of the Parks and Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$500,000.00 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0683 ADOPTED.
38. ORDINANCE approving and authorizing application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for the development of Sagemont Park; declaring the city's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the city's representative in the application process; authorizing the

Director of the Parks and Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$600,000.00 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2003-0684 ADOPTED.

39. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **VAN LEER FLEXIBLES, L.P. - DISTRICT A – TATRO** – was presented.

Council Member Tatro stated that just a follow up, not on this particular abatement, but he understood that the County had rescinded a Tax Abatement Agreement with a company that the City had an abatement agreement with called Action Box that was passed several years ago, that he would like the Planning Department to follow up on that to see if that was another entity they needed to terminate the agreement with because obviously upon the termination the City had to and must recoup its monies, advalorem taxes, that had been given up on the abatement plan, and Mayor Brown stated that they would ask that the Planning Department follow up.

A vote was called on Item No. 39. All voting aye. Nays none. ORDINANCE 2003-0685 ADOPTED.

43. ORDINANCE approving and authorizing first amendment to contract (Ordinance No. 98-0600, approved July 29, 2002) between the City and **HEWLETT-PACKARD COMPANY** for Equipment Maintenance and Leasing Services – was presented. All voting aye. Nays none. ORDINANCE 2003-0686 ADOPTED.
44. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **STERICYCLE, INC** for Bio-Hazardous Medical Waste Collection and Disposal Service for Various Departments; (as approved by Ordinance No. 98-574) – was presented. All voting aye. Nays none. ORDINANCE 2003-0687 ADOPTED.
45. ORDINANCE amending Ordinance No. 98-640 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **STAUBACH MANAGEMENT SERVICES** for Property and Facility Management at 611 Walker (approved and authorized by Ordinance No. 98-640) - \$1,700,355.20 - Enterprise Fund **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Ellis, Keller and Quan.

Council Member Keller stated that he would like to have Ollie visit with him about the breakdown of the item.

46. ORDINANCE relating to the Disaster Recovery Fund; appropriating \$600,000.00 from the Disaster Recovery Fund for Houston Police Department Crime Lab DNA Activities; authorizing transfer of such funds to the Police Special Services Fund – was presented, and tagged by Robinson and Parker. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he wanted to get some information from F&A or the appropriate department on why they were using the Disaster Recovery Fund. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked Council Member Robinson if it was not part of their discussion on the budget two years ago when there was some concern about the lab, that he believed that there was a motion at that time made by Council Member Robinson, and Council Member Robinson stated that was the reason he was tagging the item, that he was trying to get some clarification because in the past they had never carried those things over and in light of all their budget issues he did not know there was any money left in the fund, he thought they had

obligated it all and that was what he would like to get some clarification on.

Council Member Sekula-Gibbs stated that she would like to add her tag to the item.

Mayor Pro Tem Quan stated that all those Council Members that were tagging the item were Council Member Goldberg, Parker, Sekula-Gibbs, Robinson and Vasquez. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he would like a meeting. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that his curiosity was the financial impact of these continued contracts and did not know what the appropriate person was, that he guessed it would be the Chief or Dr. Scheps, to get some financial breakdown of what the added cost of the contracts were, obviously they would have normal operating costs if they were operating the Crime Lab and the DNA Lab in a standard operating procedure and they would incur the payroll, supplies and testing costs and that would be part of the City's budget, that his concern and question, to get an accounting of it, was that cost being known, that these additional contracts, would they exceed the standard cost they would use to operate the lab and do the tests and how much more money were they now spending because of that event, that he would like to try and get a financial on the cost impact of the situation and their having to retest or bring people in, and Ms. Culbreth stated that they would be glad to get a report for him on that and Mayor Pro Tem Quan stated if she would give that to all of the Council Members they would appreciate it. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that there was a huge variable and that was if there was a test and there was no change that was the end of it, but if there was a test and there was a change there was an incredible amount of testimony that had to be presented and he did not know what the hourly rates were but they could be anywhere from \$200 to \$1,000 per hour and he was just wondering if the money allocated in Item No. 46 took into consideration that some of the cases would require testimony in court or was it just no testimony at all, that he wanted to tag the item, that if they could find out when they find some money strictly for the test, and if there was a change did it include testimony and where was that money coming from, that he thought it was a huge variable, that he wanted to know that if they did allocate the money for it and they did not use it, where was the money going, and Ms. Culbreth stated that they would include that as part of the report. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Quan presiding.

47. ORDINANCE appropriating \$710,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund (549); finding and declaring public convenience and necessity for acquisition of 4.631 acres of land out of the John Skorupski Survey, A-720, Houston, Harris County, Texas in connection with the public project of the Runway Protection Zone for the North Runway at George Bush Intercontinental / Houston Airport; approving and authorizing acquisition of the land by purchase or condemnation at a consideration, purchase price including costs or award in condemnation, including court costs, and expert witness fees which does not exceed the sum hereby appropriated; approving necessary documents related thereto - **DISTRICT B- GALLOWAY** - was presented, and tagged by Council Member Vasquez. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Quan presiding.
48. ORDINANCE appropriating \$5,042,175.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0304, awarding construction contract to **W. W. WEBBER, INC** for Runway 8L-26R Reforestation, Sight Wall, Security Fencing and Access Roads at George Bush Intercontinental Airport/Houston (IAH), Project No. 522N; providing funding for engineering testing services, and for contingencies relating to

construction of facilities financed by such funds - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Vasquez. Mayor Brown and Council Members Galloway and Robinson absent. Mayor Pro Tem Quan presiding.

49. ORDINANCE appropriating \$2,000,000.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing amendment No. 3 to construction management services contract between the City of Houston and **PGAL/ACI** for Terminal Expansion Program at George Bush Intercontinental Airport/Houston, Project No. 532, CIP A-0352 - **DISTRICT B – GALLOWAY** – was presented.

Council Member Goldberg stated that he wanted to have someone meet with him from the Aviation Department, that it was an incredible change order, that it went from \$2 million to \$17 million and took an additional 2 years for the expansion, that he would like some questions answered on what happened, Mayor Pro Tem Quan stated that he knew Mr. Eric Potts, Aviation Department, was in the audience and had indicated he would be happy to meet with Council Member Goldberg, and Council Member Goldberg stated that he would tag the item. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that the item was tagged by Council Members Goldberg, Sekula-Gibbs, Keller and Vasquez. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that he needed to meet with Mr. Potts as well. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

50. ORDINANCE appropriating \$201,541.07 out of Street & Bridge Consolidated Construction Fund and appropriating \$77,626.13 out of Storm Sewer Consolidated Construction Fund and approving and authorizing amendment to construction contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Mesa Drive from Green River Drive to Tidwell Road (passed by Ordinance No. 2000-0726), CIP N-0680-01-3 (N-0680-01) - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Ellis. (Note: Council Member Ellis released his tag later in the meeting.) Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

51. ORDINANCE appropriating \$2,058,160.00 out of Public Health Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Bureau of Animal Regulation & Care (BARC), Animal Control Center, GFS H-0011-05-3; providing funding for the Civic Art Program, engineering testing and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B- GALLOWAY** – was presented, and tagged by Council Members Sekula-Gibbs and Parker. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

52. ORDINANCE appropriating \$748,852.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UTILITY & ENVIRONMENTAL SERVICES, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-C1-3 (WW4277-13); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. ORDINANCE 2003-0688 ADOPTED.

**MATTERS HELD** - NUMBERS 53 through 71

53. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Chief of Police for supplemental allocation of \$267,084.00 for the

Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund – **(This was Item 3 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Galloway stated that he had some questions about the cost, apparently they spent \$4 million on the system and it required, every year, maintenance of \$200,000 and was wondering how much those costs were going to soar every year, and Mayor Pro Tem Quan stated that he knew Mr. Richard Lewis, IT Department, was scheduled to appear before the TTI Committee on Monday to go over the master plan for outsourcing a lot of their computer programs and the consolidation of their core centers, and Council Member Goldberg stated that he remembered the item coming up on the agenda a year ago for \$250,000 and they said that they were slowing trying to do a migration to another system so he would like to see how that was coming along. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved to postpone Item No. 53 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. MOTION 2003-0914 ADOPTED.

54. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of supplemental allocation of funds in the amount of \$253,000.00 for Professional Engineering Services contract between the City and **TURNER COLLIE & BRADEN INC** for Governmental Accounting Standards Board (GASB) Statement No. 34 Drainage Assessment Program; GFS M-0126-51-2 (SM5029) – **(This was Item 4 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented.

Council Member Robinson moved to postpone Item No. 54 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. MOTION 2003-0915 ADOPTED.

55. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from City Attorney for settlement of lawsuit styled **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY as subrogee of JOHN KRUKIEL v. City of Houston and Padmakant Khambhati**; in the 125th Judicial District Court of Harris County, Texas; Cause No. 2001-54539 - \$38,500.00 - Property and Casualty Fund – **(This was Item 5 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0916 ADOPTED.

56. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,508,207.62 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Fulton Road from Lyerly to Tidwell, GFS N-0542-01-3 (N-0542-01) - 10.80% over the original contract amount - **DISTRICT H – VASQUEZ** – **(This was Item 7 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. Council Member Galloway absent.

Council Member Keller stated that Item No. 56 was a definite example for their need of a Utility Coordinator and was looking forward to that coming to fruition, that he would like to request Public Works pursue to recoup some of the lost funds, and in consulting with the Legal Department, to at least make it to where they could start defining the loss, that Southwestern Bell cost the City a couple of change orders, that they were not able to relocate their cable at the intersection of Berry Street and Fulton Street and when they could not relocate their cable it caused the City to do a change order to use a different type of pipe and that basically cost the

City \$121,000 and 210 days to their constituents, that this was one of those reasons that he liked to let the public know that it was not the Mayor's fault and not the City's fault, that a lot of time everybody thought it was the City when in fact it was the utility companies and a lot of times it was the utility companies not coordinating with the City, that he would like that they not lose \$120,000 pursuing it in court, etc., but would like to see if they could do some workout with them to where it did not happen again and certainly to where the delays could be gone without, that 180 days of the 210 days of delay was from Southwestern Bell's inability to relocating its facilities before the work could begin, that he was requesting the Public Works get with the Legal Department to get some kind of workout agreement and see if they could recoup some of those costs, and Mayor Brown stated that they would ask them to do that. Council Member Robinson absent.

A vote was called on Item No. 56. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-0917 ADOPTED.

57. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2001-1272, 11/28/01, TO INCREASE** award to purchase additional Electronic Parking Meters for Municipal Courts Administration, awarded to **POM, INC** for a total increase of \$169,940.27 - Equipment Acquisition Consolidated Fund – **(This was Item 12 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Members Keller and Robinson absent.

Council Member Alvarado stated that she had a written amendment that she had passed out and hoped that her colleagues had a chance to read, that she had a chance to visit with the director and understood that she was supportive of it, and offered the following amendment:

“To amend item 57 delaying any purchases of additional electronic parking meters from POM Inc., for the municipal courts administration until response from initial evaluation of parking management RFP is made by the administration.”

Mayor Brown stated that they had a written amendment. Council Members Keller and Robinson absent.

Council Member Ellis asked if they presently had an RFP for the evaluation and Council Member Alvarado stated that it would be going out on Monday and Mayor Brown stated that it would go out in a matter of days. Council Members Keller and Robinson absent.

A vote was called on Council Member Alvarado's written amendment to Item No. 57. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION TO AMEND ADOPTED.

A vote was called on Item No. 57 as amended. All voting aye. Nays none. Council Members Keller and Robinson absent. MOTION 2003-0918 AS AMENDED ADOPTED.

58. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-1017, 8/16/00, TO EXTEND** expiration date from August 16, 2003 to August 15, 2004, for Criss-Cross Directories for Various Departments, awarded to **COLE INFORMATION SERVICES** – **(This was Item 16 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. Council Members Keller and Robinson absent.

Council Member Quan stated that he had concerns about how they were actually using the criss-cross directories, it seemed like they had very low usage of them and they had allocated monies, that his understanding was that while the contract was in place and the vendor was tied

in at a certain rate, it was still up to the departments whether they wanted to avail themselves so money was actually being used at this time it was just budgeted if they did want to use it so his concern was to make sure that as money was available for other uses if they needed so since there was no real allocation he had no problem with the item. Council Members Keller and Robinson absent.

Council Member Sekula-Gibbs stated that if in the budget various departments were forbidden from buying journals and periodicals or printed material, with the exception of the Library and Legal Department, how did this item work since it would be printed. Council Members Keller and Robinson absent.

Mayor Brown stated that it was a work tool, and Council Member Quan stated that it was not a magazine or something like that, that the main users had been the Police Department in tracking down people. Council Member Robinson absent.

Upon further discussion, Ms. Culbreth stated that it was discussed during the budget talks that those type periodicals, if they were work related specifically, that the amendment that Council Member Berry had was more about the Houston Chronicle and other magazines.

A vote was called on Item No. 58. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0919 ADOPTED.

59. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **NORTHWEST PIPE COMPANY** - \$610,800.00 and **CHANNEL TRACK/MAXISTRUT** \$112,557.60 for Sign Posts and Associated Hardware for Various Departments - General Fund – (This was Item 17 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER TATRO) – was presented. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0920 ADOPTED.

60. ORDINANCE **AMENDING SECTION 45-172 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to Increase Parking Meter Rates – (This was Item 19 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER BERRY) – was presented. Council Member Robinson absent.

Council Member Alvarado moved to postpone Item No. 60 for four weeks, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0921 ADOPTED.

61. ORDINANCE approving and authorizing contract between the City of Houston and **1ST HUMAN CAPITAL** providing up to \$65,000.00 for the Administration of a Day Labor Program - CDBG Fund - **DISTRICT H - VASQUEZ** – (This was Item 28 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER BERRY) – was presented. Council Members Tatro and Berry voting no, balance voting aye. Council Member Robinson absent. ORDINANCE 2003-0689 ADOPTED.

62. ORDINANCE amending Ordinance Number 2002-666 to increase the maximum contract amount for the Temporary Service Contracts between the City and **A-1 PERSONNEL OF HOUSTON, INC, ALL TEMPS PERSONNEL SERVICE, INC, ALLTECH SYSTEMS, INC, ALSO TEMPS INC, BERGAILA & ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC CONSULTING, INC, ELITE PERSONNEL CONSULTANTS, INC D/B/A EVINS TEMPORARIES, EXECUTEAM CORPORATION, MANAGED STAFFING D/B/A BESTSTAFF SERVICES, INC and SILVER & ASSOCIATES, INC** for Temporary/Information Technology Staffing for the Human



Resources Department; providing a maximum contract amount - \$7,000,000.00 - Central Services Revolving Fund – **(This was Item 32 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO, BERRY, SEKULA-GIBBS and GALLOWAY)** – was presented, and tagged by Council Member Ellis. Council Member Robinson absent.

Council Member Galloway stated that she was concerned about the item, that they were laying off personnel and then they were going to spend \$7 million for staffing of temporary personnel and then some of the fees that they were paying, that she was still trying to get some information that she had requested for comparison of the amount of money they were going to be spending on temporary staffing when they did not have the funds to keep their permanent staff, and Mayor Brown stated that they would get answers to her questions. Council Member Robinson absent.

Council Member Wiseman stated she too had some questions on the item and appreciated the opportunity to review it even further.

63. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON-DOWNTOWN, DEPARTMENT OF CRIMINAL JUSTICE** for Reimbursement for Overtime Expenses related to the ADAM Study - (Arrestee Drug Abuse Monitoring) – **(This was Item 33 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg moved to refer Item No. 63 back to the administration. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0922 ADOPTED.

64. ORDINANCE appropriating \$457,632.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **INFRASTRUCTURE SERVICES, INC** for Installation of Speed Humps; providing funding for engineering testing, construction inspection and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, GFS N-0660-06-3 (SB9130) – **(This was Item 38 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0690 ADOPTED.

65. ORDINANCE appropriating \$2,600,000.00 out of Parks Consolidated Construction Fund No. 421 for payment into the Zoo Transition Fund established pursuant to the terms of the lease and services agreement between the City of Houston, Texas and the **HOUSTON ZOO DEVELOPMENT CORPORATION** – **(This was Item 40 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBERS TATRO and WISEMAN)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0691 ADOPTED.

66. ORDINANCE approving and authorizing contract between the City and **AON CONSULTING, INC** for Consulting Services for the Health Benefits Program; providing a maximum contract amount 3 Years with two one-year options - \$1,509,000.00 - Health Benefits Fund – **(This was Item 46 on Agenda of July 16, 2003, POSTPONED BY MOTION #2003-898)** – was presented. Council Member Tatro voting no, balance aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0692 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to speak in support of Item Numbers 66 and 67, that she had done a lot of backup research to make sure that the two companies would do a thorough job in representing the interest of the employees. Council Member Berry absent.

67. ORDINANCE approving and authorizing contract between the City and **THE SEGAL COMPANY (TEXAS), INC** for Consulting Services for the Health Benefits Program; providing a maximum contract amount - 3 Years with two one-year options - \$235,000.00 - Health Benefits Fund – **(This was Item 47 on Agenda of July 16, 2003, POSTPONED BY MOTION #2003-899)** – was presented. Council Member Tatro voting no, balance aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0693 ADOPTED.
68. ORDINANCE amending Ordinance No. 97-1017 (passed by City Council on August 20, 1997) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **AMERICAN MANAGEMENT SYSTEMS, INC** for Computer Software Maintenance Services for Information Technology Department - \$421,000.00 - General Fund – **(This was Item 48 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. Council Member Berry absent.

Council Member Quan stated that he had tagged the items last week to have an opportunity to meet with Mr. Lewis about what their plans were on outsourcing and knew that was something that Council Member Keller had also requested a couple of years ago, a plan had been developed and that was part of his budget recommendations, that he believed there was a presentation before the TTI Committee on Monday on that very topic, that Item No. 69 he would be referring back, but Item Numbers 68 and 70 appeared to meet their immediate needs. Council Member Berry absent.

A vote was called on Item No. 68. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0694 ADOPTED.

69. ORDINANCE amending Ordinance No. 01-0625 (passed by City Council on June 27, 2001) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **COMPUWARE CORPORATION** for Mainframe Computer Software Maintenance Services for Information Technology Department - \$194,000.00 - General Fund – **(This was Item 49 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER QUAN)** was presented. Council Member Berry absent.

Council Member Quan moved to refer Item No. 69 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-0923 ADOPTED.

70. ORDINANCE amending Ordinance No. 99-656 to increase the maximum contract amount for contract between the City of Houston and **COMPUTER ASSOCIATES INTERNATIONAL, INC** for Additional Software Maintenance and Support Services for Municipal Data Center SYSview Operating Software System - \$324,100.00 - General Fund – **(This was Item 50 on Agenda of July 16, 2003, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0695 ADOPTED.
71. ORDINANCE appropriating \$114,180.90 out of Water & Sewer System Consolidated Construction Fund and \$138,000.00 out of Affordable Housing Midtown Bond Fund; and approving and authorizing Developer Participation Contract between the City of Houston and **DOMINION COMMUNITY DEVELOPMENT CORPORATION, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Dominion Estates Subdivision, CIP R-0800-81-03 and S-0800-81-03 - **DISTRICT A – TATRO – (This was Item 53 on Agenda of July 16, 2003, POSTPONED BY MOTION #2003-901)** – was presented. Council Member Berry absent.

Council Member Ellis stated that he had been delaying the item for about 5 or 6 weeks and wanted to congratulate Dominion Community Development Corporation for setting up a payment plan with the law firm that collected delinquent taxes and wanted to put other groups on notice that they could make it a lot of easier if they took care of their taxes prior to coming to the City or replacing the items on the agenda so they would not have to go through that process again. Council Member Berry absent.

A vote was called on Item No. 68. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0696 ADOPTED.

Council Member Galloway stated that she wanted to remove her tag on Item No. 36, and Council Member Parker stated that she too wanted to remove her tag on Item No. 36.

36. ORDINANCE approving and authorizing Subordination and Modification Agreement with **BRIARWOOD-HOUSTON, LP** and **MITCHELL MORTGAGE COMPANY, L.L.C.** and consenting to an extended Land-Use Restriction Agreement in connection with the refinancing of loans made to Briarwood-Houston, LP and secured by the La Casita Apartments located in Houston, Texas, a project restricted for rental to low income persons - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2003-0697 ADOPTED.

#### **Items received during meeting.**

5. ORDINANCE appropriating \$39,074.11 out of Street & Bridge Consolidated Construction Fund, as an additional appropriation for construction of Bingle Road Bridge over Cole Creek, under construction contract with **LONE STAR ROAD CONSTRUCTION, INC** (approved by Ordinance No. 02-0216) - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2003-0698 ADOPTED.
- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$39,074.11 on contract with **LONE STAR ROAD CONSTRUCTION, INC** for Bingle Road Bridge over Cole Creek, GFS N-0445N-21-3 (N-0445N-21) - **DISTRICT A - TATRO** – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-0924 ADOPTED.
42. ORDINANCE approving and authorizing first amendment to contract (Ordinance No. 2001-579, approved June 20, 2001) between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for Congestion Mitigation and Air Quality Program – was presented. All voting aye. Nays none. ORDINANCE 2003-0699 ADOPTED.
13. **HARD ROCK CONSTRUCTION, INC** for Auto Track Repair at the Police Training Academy for Police Department - \$77,786.00 and contingencies for a total amount not to exceed \$81,675.30 Police Special Services Fund – was again before Council. All voting aye. Nays none. MOTION 2003-0925 ADOPTED.

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

Council Member Tatro stated that he had a couple of inquiries related to their health care cost, that the questions he would like to have answered, and they were concerned with the contract as it was over the last couple of years, were on the performance measures, that doctors had been dropping off left and right and did they have any performance measures imbedded in the contract that guaranteed them an equal level of service equal to the day that they solidified the contract with them and now that they had adopted the provider network he was curious about the financial under structure of the contract that they passed and the questions

were that HMO Blue, in dealing with the independent network providers, paid a capitation to the individual network provider for each employee that they had as a primary care physician within that network, so his question was what was HMO Blue's capitation with each of the individual network had been per employee per month since the contract went into place and then what their premium to HMO Blue had been, since the contract had gone into place, that his concern was that if HMO Blue had an agreement with their network that did not change and he believed that may be the case, that HMO Blue was paying that network provider that same amount and had been since the contract was in place, but the City's cost were going up, their premium's were going up, so the question was who was benefiting from that increase in premium if the contract that HMO Blue had with their sub-provider was staying constant, that was a concern with tacking the contract on a performance based measure, who was reaping the benefits from the premium they were paying, that was possibly a cost the City could save on the backside if it was not going for provider but simply going to HMO Blue as the parent company then there was some juice that would be ostensibly on the table for them to benefit from because it did not filter down to the direct provider, so those were the costs they wanted to track, the capitation to the providers since the contract was in place per month and then their premiums to HMO Blue from when the contract went in place to a current per employee per month, that they would put it in writing, and Mayor Brown asked Ms. Culbreath to provide an answer. Council Member Alvarado absent.

Council Member Vasquez stated that he knew the City and County had been having discussions about the prisoner processing center and he would like to have a briefing on it because it was something he would support, however as far as he knew they were having discussions about having that project in his district and he would like to have an update and briefing on it, and Mayor Brown stated that they would have someone brief him on it.

Council Member Keller stated that he would like to let everybody know that they had extended their Star of Hope Supply Drive until Monday, July 28, 2003, that they had an unbelievable, overwhelming amount of supplies donated and he would like to thank the following departments that had participated, Planning and Development, Housing, Solid Waste, Aviation, Parks and Recreation, Library, Public Works and the City Council, that he would like to make a special mention to the Real Estate Division of Public Works, that Mark Adams mother, Marjorie Adams, worked in Real Estate and she really went beyond the call of duty with another Real Estate employee, Marco Jones, and they had to bring it in on pallets and they had over the counter medical supplies, cosmetics, etc., that it was phenomenal, that there was still a list on the drop box of what were the most needed non perishable items that the Star of Hope needed. Council Member Tatro absent.

Council Member Quan stated that he would like to thank the Alief Super Neighborhood for hosting him and Council Member Sekula-Gibbs last night, that they had a very informative meeting, that one of the issues that was brought was the concern of increased robberies, especially convenience stores and apartment dwellers in that neighborhood and would like to see how they could work together with the Mayor's office on trying to increase police presence in that area and working on those issues, and Mayor Brown stated they had Chief Ottemeir in the audience and he would take it back and work on it. Council Member Tatro absent.

Council Member Quan stated that he was pleased that 1<sup>st</sup> Human Capital was approved by Council, that his office would be holding a workshop next Tuesday for other community leaders to find out how to apply for CDBT Funds, CACHE Funds, how to work with the Houston Foundation to obtain funds for other programs worthwhile in their community, that it would be on Tuesday night, July 29, 2003, from 6:00 p.m. to 9:00 p.m. at the Kim Son Restaurant on Jefferson, that people were welcome to call his office for information at 713-247-2013. Council Member Tatro absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate a community leader in Clear Lake, Mrs. Sherry Fradi, a finalist in the Mrs. International Contest.

Council Member Sekula-Gibbs stated that she had been a little bit dismayed at the bad press that NASA had been receiving in the Chronicle lately, that she knew it was in the interest of everyone's balanced information to get both sides of the story, but there had been a literate diatribe against NASA and thought that considering the fact that they were the base for NASA in Houston that they should have a real attempt to make that reporting completely fair and did not see that it had been fair, that she thought that NASA was doing an excellent job and had some very bad breaks lately, but on the other hand they were doing their very best to continue space experience and exploration and believed it behooved the City to support it and she supported all the efforts that the Bay Area Economic Development Foundation was pursuing.

Council Member Sekula-Gibbs stated that they had six hospitals in the area that had made the best hospital list, according to U. S. News and World Report, that they were Memorial Herman, Methodist, Texas Childrens, Texas Heart Institute, the Institute for Rehabilitation and Research Houston and the University of Texas M. D. Anderson Hospital.

Council Member Sekula-Gibbs stated that they were approaching back to school time and there would be many back to school supply drives around the City and one that was near and dear to her heart was being sponsored by La Rosa and they would have a drive at Baybrook Mall on August 1 thru 3, 2003, Friday, Saturday and Sunday, in front of Foley's Department Store, and people who would like to donate school supplies were very welcome and encouraged to come and if they wanted further information about donating school supplies for needy children to call Candy Perez Johnson, the Director of La Rosa, at 713-699-3974. Council Member Tatro absent.

Council Member Parker stated that she wanted to thank the Mayor's office for getting engaged in the issue of the Library Teen Program that had to do with tattoos, that she received a letter from a constituent showing her the flyer from the Library Department where they had an upcoming demonstration scheduled of a live tattooing of a person and a tattoo artist was going to be making a presentation to teenagers and thought that surely someone in the Library Department thought it would be really keen and get teenagers involved and she was absolutely appalled, that she was very glad to know that the demonstration had been cancelled but there still would be a discussion of the history of tattooing but there would be someone from the Mayor's Gang Office there to address the whole subject of gang tattoos and there would be someone from the Health Department there to address health issues around tattoos, that she would still prefer that the event be cancelled, but actually it was a much more reasonable event now and more balanced, that she would suggest that the department should have thought it through a little bit before they brought it forward. Council Member Tatro absent.

Council Member Parker stated there was an article in the Chronicle about the City of Houston swimming pools and the hours and how they determined those hours and pool rules, that apparently there were a lot of folks who had concerns about the City pools but had not really spoken out, that she starting hearing from folks after the article and looking back at the article there was a spokesperson for the department that said "if we had City Council asking us to look into other hours or citizens or the Mayor's office we would certainly look into it but everybody seems to be happy", that she was not happy and was scheduling a complete discussion of their pool rules for the Neighborhood Protection Committee on August 18, 2003, that clearly it would not impact this year's pool season but they should start it now so they would be up and running when the pools open up next year, that she would like the Parks Department to come in and be prepared to talk about pool rules in other cities, particularly rules like the fact that parents who were not in swimsuits could accompany children into the pools, they had really short hours and did not have the hours around the City and there were some other issues as well. Council Member Tatro absent.

Council Member Parker stated that while they were on the subject of upcoming Neighborhood Protection Committee meetings she had another issue with the Parks

Department and Council Member Keller was going to chair that meeting, they were going to roll out the Memorial Park Master Plan at the committee meeting on August 4, 2003 and would remind Council Members to put that on their schedule and she would notify all Council Members. Council Member Tatro absent.

Council Member Parker stated that she and Council Member Edwards had been engaged for a long time in tracking the integration of employee groups over at their emergency center, the HEC, where they moved the dispatchers from the Police and Fire Departments and 911 together and it had been a festering sore, that there was no other way to describe it, that since the issue started last fall she and Council Member Edwards convened some meetings of employees and they asked Mr. Lonnie Vara, HR Department, to get involved and it was her understanding that he tried to pull some things together but was asked to step back out of the process and at this point she did not know who was in charge of integrating those employee groups but it was not working, that someone else needed to step in, there were going to be problems when they were trying to integrate three different cultures and three different sets of work rules and no one was going to be happy with everything but she still got regular communications, the employee groups taking votes of no confidence, there were some decisions that had been made about which set of work rules were going to prevail out of the different cultures that she thought were some kind of counter productive, one being that shifts were determined by attendance, that obviously it was a critical area and they had to have people there on time and on duty when they were supposed to be, but they also did not want employees who show up when they were ill and could spread disease to other employees simply because if they did not show up they were afraid that the next time shifts were made out they would be on a night shift and they wanted to be on afternoons, that there had to be a better way to do it and she was not at all satisfied that they were making progress in it, that she did not believe that she was just hearing from a few disgruntled employees, that it was a continuing ongoing problem that should have been addressed six months ago. Council Member Tatro absent.

Council Member Alvarado stated that she needed to meet with someone from the administration as soon as possible, that she and Council Member Edwards were trying to address the issue on the street closure and the abandonment of some property in Freedmans Town and they had some very upset constituents, that she was told that they voted at the end of April to just set parameters if HISD closed the street, that they would have to do a traffic study and other types of guidelines would have to be carried out, that she was then told that they actually did vote on the abandonment and that HISD now had the right of entry, so there was some confusion as to what actually took place and where they were on the process, that she would like to meet with someone real soon, and Mayor Brown stated that they would have Director Vanden Bosch meet with her. Council Member Tatro absent.

Council Member Berry stated that when they were out in the public they were getting questions as to their readiness for the Super Bowl and would appreciate at some point in the near future if Mayor Brown could give them an update on where they were and what their timeline was for it, that it would at least help the Council Members answer some of those questions, and Mayor Brown stated that they would have someone from the Host Committee come to Council and give them a briefing. Council Member Tatro absent.

Council Member Berry stated that he wanted to talk about the tattoo issue that Council Member Parker brought up, that for those of them who saw the mailer and the fax that went out it said that there would be a live demonstration of a tattoo application in front of the kids and said that it would be for teens only and there would be a balanced discussion on the pros and cons of getting tattoos, that balanced discussion would be provided by Tiger John, the tattoo artist, who at best they could tell made his living applying tattoos all day, sort of like a drug dealer coming to talk about the pros and cons of using drugs, who then steps out on the corner and continues to sell drugs, that he was a little surprised and disappointed that City dollars were going toward it, that he would prefer that there be no tattoo discussion but that was his own personal issue, but even if there were it disturbed him that the Library Director believed that a fair and open

discussion was going to be held as they applied a tattoo as to whether or not it was going to happen and for those unsuspecting parents who dropped their kids off at the library that day, that he found it a little disturbing and caused him to question the Library's Director to see their vision of where they were going forward as a Library or perhaps they did not share the same vision of where they were going forward, that he thought they needed to keep library doors open and provide good libraries and get out of the tattooing peddling business. Council Member Tatro absent.

Council Member Sekula-Gibbs stated that she wanted to remind parents and teens that they were not allowed to have a tattoo put in place, unless they were over the age of 18, without a notarized permission from their parent, that when people got tattoos if they were in exposed areas of the skin it kept them from getting jobs, and one of the things that caused was that teens came back and asked to have them removed and there was a myth out there that they could remove a tattoo easily, they could not, the tattoo sometimes took 7 to 14 laser treatments to get rid of and even then people could sometime still see a shroud of the old tattoo, so it was not easy to remove a tattoo, that the Mayor's Office Gang Task Force had partnered to do a program called De Tag and the program was very successful and when she would do tattoo removals at Judson Robinson Community Center sometimes they had 40 young people under the age of 19 lined up and waiting in line to receive tattoo removal by laser, that was a painful experience and if they had gone to a private doctor would cost them several hundred dollars per treatment to remove them, so what might have cost \$20 to \$50 to put on could cost thousands of dollars to remove and they would pay for it with 6 hours per month in community service, that she was really glad that Council Members Parker and Berry stepped up to the plate and called attention to it. Council Members Tatro, Galloway, Keller and Robinson absent.

Council Member Ellis stated that he wanted to remove his tag on Item No. 50, but did want the contractor to visit with him, that he did not want to go into detail about the Kirkwood project again but it was the contractor that was involved with the Kirkwood project, which had been an ongoing problem in District F. Council Members Tatro, Galloway, Keller and Robinson absent.

50. ORDINANCE appropriating \$201,541.07 out of Street & Bridge Consolidated Construction Fund and appropriating \$77,626.13 out of Storm Sewer Consolidated Construction Fund and approving and authorizing amendment to construction contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Mesa Drive from Green River Drive to Tidwell Road (passed by Ordinance No. 2000-0726), CIP N-0680-01-3 (N-0680-01) - **DISTRICT B – GALLOWAY** – was again before Council.

Council Member Galloway stated she wanted to thank her colleague for removing his tag on that particular item because the project had been delayed for quite some time. Council Member Robinson absent.

A vote was called on Item No. 50. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2003-0700 ADOPTED.

**Item received during the meeting.**

- 46a. ORDINANCE appropriating \$300,000.00 out of Asset Forfeiture Fund; appropriating \$600,000.00 out of Police Special Services Fund; and approving and authorizing contracts between the City and **IDENTIGENE, INC, ORCHID BIOSCIENCES, INC D/B/A ORCHID CELLMARK DALLAS**, and **RELIAGENE TECHNOLOGIES, INC** for Forensic DNA Analysis for Testing of Biological Evidence and related services for the Houston Police Department – was presented, and tagged by Council Member Vasquez, Parker and Sekula-Gibbs. Council Member Robinson absent.

Council Member Ellis stated that he received an email from Urban Link and knew that the

Mayor's office had been working closely with them and on July 24 and 25, 2003 would have some 8,000 volunteers that would be doing community projects throughout the City and noticed that Council Member Quan had been working with them as well as Mr. Adrian Garcia, Mr. Leonel Castillo, Mr. Buck Buchanan and people from the Parks and Recreation Department, that they said they had worked with Mr. Bob Litke but had run into a little bit of a snag, that it was going to be on July 24<sup>th</sup> and 25<sup>th</sup> and were supposed to be provided some lawn equipment and Neighborhood Protection was not going to be able to provide them with and was about a \$5,000 expense, that they had 8,000 volunteers coming out to do the projects and would request that they find the resources to help the volunteers do those community projects, that he thought they were probably saving enormous amounts of money and the projects were worthwhile to each of the districts, that he just received the email and would request that the Mayor look into it. Council Members Galloway and Robinson absent.

Council Member Goldberg stated that he would remove his tag on Item No. 14.

14. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Pick-up Trucks through the Interlocal Agreement for Cooperative Purchasing for Police Department - \$93,090.00 - Grant Fund – was again before Council. All voting aye. Nays none. Council Members Galloway and Robinson absent. MOTION 2003-0926 ADOPTED.

Council Member Goldberg stated that in regards to the discussion of the pools he wondered if Council Member Parker would include in her committee meeting the discussion that there was scheduled for remodeling of a pool in District C and he was surprised to see that the price tag for just remodeling was \$1 million, that it was not new construction, just remodeling a pool and they were saying it was very common, that it was a heavy price tag and did not include labor, maintenance, life guards and so forth and on top of that they were talking about three or four months out of the year anyway, that he understood the need for swimming pools maybe 50 years ago, or 30 or 40 years ago, but now they had a lot of new YMCA's and community centers and a lot of people had their own pools so maybe part of the discussion should center around the fact if whether the City should be in the pool business at all, that he knew of the need for at least a few of them, but a lot of times the activity and the benefit they could get out of it could be had from building or constructing a water playground or spray park or spray ground, that they could use them year round, they did not need lifeguards and there was little chance of anyone drowning, a lot less injuries and could be used year round, that he saw them all the time and children loved them, and Council Member Parker stated she would be happy to post it so they could discuss it although they had not build a new pool in many years and the current trend was toward the water playgrounds rather than the pools, but she would be happy to post it so they could have a discussion of the pools they keep open and the overall philosophy of pools. Council Members Galloway and Vasquez absent.

Council Member Wiseman stated that she had the opportunity to visit with the residents in Huffman, which was an area in her district right off of Lake Houston, their drinking water supply source, that many people in the City that a good portion of Huffman was within the Houston City limits and what was more disturbing was many of those individuals were people who worked for the City of Houston, that she had been trying very hard to bring attention to the fact that the area was in great need of service, that they could not dial into 311 and did not have the Municipal Channel on their cable system out there and several areas still did not have City drinking water or sewer service, that it was a terribly underserved area and thought they needed to bring attention to the fact that it had to be addressed, that she would be taking a driving tour on Friday morning of the area and would be taking some representatives from Public Works and would appreciate the Mayor's assistance to make sure they got the right individuals out there to look at those areas, that they had issues of broken sewer lines that had not been repaired, that they had simply been marked and sewage was standing out in people's yards, that another issue that they had out there, and she had a sample of water, and someone asked if it was actually a sample of something other than water, and it was the drinking water that the people in Huffman had to deal with for a couple of years, that they could see that there was residue sitting at the bottom of the



sample and also displayed photos of what the water looked in a bathtub. Council Members Galloway and Vasquez absent.

There being no further business before Council, the City Council adjourned at 10:22 a.m. upon MOTION by Council Member Quan, seconded by Council Member Robinson. Council Members Galloway and Vasquez absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary