

City Council Chamber, City Hall, Tuesday, July 29, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 29, 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, Shelley Sekula-Gibbs M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:06 p.m. Mayor Brown stated that Council would begin their presentations starting with Council Member Alvarado. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that last week she presented awards to students who were scholarship recipients of the Houston Mayor's Committee for Employment of People with Disabilities and one was not able to attend, invited Ms. Kayla Cooper and her mother to the podium and presented Ms. Cooper with a Scholarship Award, congratulated her and wished her well. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

At 2:09 p.m. Mayor Brown called the meeting to order and Council Member Parker asked that everyone assume an attitude of prayer; and led all in the pledge of allegiance to the flag. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

At 2:10 p.m. the City Secretary called the roll. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Council Members Robinson and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway, Goldberg and Sekula-Gibbs absent. MOTION ADOPTED.

Council Member Edwards stated that she would like to request the delegation from 12 countries in Africa to stand, they were with the Aviation Council International; that everyone was excited and honored to have them in Houston. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mayor Brown welcomed them and stated that he hoped they enjoyed their stay and would come again. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Robert Reid as the first speaker, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2003-0927 ADOPTED.

Council Member Robinson moved that the rules be suspended for the purpose of hearing Mr. Otis Jordan after Mr. Larry Henson, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2003-0928 ADOPTED.

Council Member Wiseman stated that as a point of personal privilege she wanted to welcome the District E Boy Scouts of Pack 3608 from the Kingwood Area to the meeting and asked that they stand to be recognized. Council Member Goldberg absent.

Mayor Brown stated that the Council was happy they were visiting and encouraged them to stay in school and maybe one day they would run for Council or Mayor of this city. Council Member Goldberg absent.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Steve Williams after Mr. Henson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2003-0929 ADOPTED.

Mr. Robert Reid, 1994 Sugar Pine Circle, Houston, Texas 77071 (281-880-5351) appeared and stated that he was present as he read an article in July where they were talking about tearing up a part of history which was Andrews Street in Freedmen's Town and after reading that he drove down and saw that once again a road was blocked off and they were ready to tear up history; that he, Ms. House and the other citizens there were asking for another solution; that it was great Houston was getting ready for a Super Bowl and beautifying itself but other things needed to be done, once the Super Bowl was over the rest was still here and he was asking the Mayor and Council to remember the citizens who were there for the longest time and allow them to coincide with the new. Council Member Goldberg absent.

Mayor Brown stated that this was brought to Council's attention and a couple of things were happening, HISD agreed to not do any site work until further notice and they indicated they would remove, store and convey to the city the bricks from Andrews Street and in addition to that Council action must be taken before any transactions were underway and also HISD had condemnation powers just as the city did, but they were working with them. Mr. Reid thanked him and stated that he may be coming back for another district and as the Mayor mentioned to the Boy Scouts he may be running for his seat. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to recognize that Mr. Reid spent a lot of time for worthy causes and did want to preserve older neighborhoods; that what she was asking was before it came to Council for the final sale she would like something so that the bricks could be a part of the school so the students could know the history to the land they were on; and she wanted to recognize Council Member Edwards as she had been very helpful and would also say in the future she hoped District Council Members would be notified when streets were closed. Council Member Goldberg absent.

Upon questions by Council Member Berry, Ms. House stated that first they wanted Andrews Street to stay open and the fence down; that they had an ongoing Trolley Project and they would like the street restored with that on going project and that would include Wilson Street; that second, there was a great deal of displacement as a result of HISD declaring eminent domain on property and within six months the elderly began to die off with heart attacks, etc., and that was the norm when someone lived somewhere for many, many years and was then uprooted. Council Members Goldberg and Wiseman absent.

Council Member Edwards thanked Mr. Reid for coming for the community and stated that she wanted to echo two remarks, as a District Council Member she would like to have the respect of the office and when things were going on in the area she was responsible for or partially responsible for if the departments did not want to call meetings she would call the meeting so constituents would know what was going on; that another thing was there were many working groups in the Fourth Ward Area, but she would like a group established as to how the bricks could be used because they did have to come up off the ground and they needed to be respected since those who laid them were not around; that she was very frustrated this happened and they would move forward vigorously to make sure they were respected, honored and done in a proper way. Council Member Goldberg absent.

Upon questions by Council Member Quan, Ms. House stated that she was familiar with the Yates Museum but they had their hands tied trying to deal with the museum and the Freedmen's Trolley Project addressed restoration of the bricks along Andrews and Wilson Streets. Mr. Reid stated that often when you had different groups working on things they did not come together but if there was to be a common denominator he would like to be it and they would like a solution where all could be on the same page. Council Member Quan stated that August 12th there was to be a community forum meeting regarding redevelopment of that area, the Gregory Lincoln Building; and he wondered if they would be there, it seemed there was a lot of energy and he would like them together; and Mr. Reid stated that he would get a copy of that. Council Member Goldberg absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-438-4124) had reserved time to speak but was not present when his name was called. Council Members Goldberg and Keller absent.

Mr. Steve Williams, 10802 Sagewind, Houston, Texas 77089 (281-481-2581) appeared and stated that he was present because over the last few months there were misconceptions presented to the public regarding the passage of Texas Law Senate Bill 501 and recently a recommendation made to the Governor linking it to the tragic shooting in the New York Council Chambers and in his opinion there was no reason to link the incident to alleged problems in the law or in calling the Governor to rescind it; that its primary purpose was to clear up ambiguities in the original concealed handgun license law passed in 1995; and proposed that the Council body seek to join in the attempt to bridge the gap and not urge the Governor and state legislature spend valuable time rehashing the extensive deliberations which generated the excellent amendment to the law. Council Members Goldberg and Keller absent.

Council Member Edwards thanked Mr. Williams for coming and stated that she respected his right to his opinion but thought the law was stupid and saw no reason for anyone to bring a gun to City Hall and she hoped the Governor would rescind and veto the Bill. Council Member Keller absent.

Council Member Galloway stated that she concurred with her colleague and did not understand why anyone thought it was okay to take a gun into a public facility by saying they were law abiding that every citizen was a law abiding citizen until they broke the law; that the man in New York who shot the Council Member was a law abiding citizen, why did the Governor not put into law you could carry a concealed weapon in his mansion or in the State Capital; that they could go into libraries where young people were and you did not know what would trigger any law abiding citizen on an impulse.

Mr. Ferrell Hays, 131 St. Marks, Sugarland, Texas 77478 (713-796-8171) appeared with Mr. Peter Rollinger and stated that Mr. Rollinger was chair of the Fire Code Committee who put the code where it was today that he was present representing the Houston Building Owners and Managers Association (BOMA) and the Construction Industry Council (CIC); that the CIC and the Fire Code Committee worked hard over the last two years to review the 2002 International Fire Code and address concerns of the industry and public safety in Houston; that the Fire Code Committee, CIC and BOMA supported the adoption of the Fire Code and amendments by the City of Houston and they were both essential through coordination with the already adopted 2000 International Building Code and as both codes were intended to be applied together in an effort to address broad ranges of public safety and concern, the proposed amendments provided for a continuity of Fire Code enforcement efforts in coordination with the City of Houston Building Code and had full support of the Construction Industry Council and the Building Owners and Managers Association and their members. Council Members Edwards and Wiseman absent.

Upon questions by Council Member Quan, Mr. Hays stated that there were some concerns but they had a rule at the CIC that before something could be sent to Council they must have a super majority and they achieved that and the same Fire Code had been adopted in other major cities in the U. S. Council Members Edwards and Wiseman absent.

Council Member Sekula-Gibbs thanked Mr. Hays and Mr. Rollinger and those who worked with them for spending so much time in going over the Code and stated that they deserved Council's support and thanks. Council Members Edwards and Wiseman absent.

Upon questions by Council Member Tatro, Mr. Hays stated that the final signoff was last summer; that he understood the city was trying to get this code and the energy code together at the same time and unfortunately there were problems with the energy code and they were not

able to get them together; that now the city was under the Uniform Fire Code; that they did support this Fire Code and recommended a unanimous passage. Council Members Goldberg and Berry absent.

Mayor Brown thanked them for coming and stated that he appreciated their work. Council Members Goldberg and Berry absent.

The City Secretary stated that Mr. Otis Jordan was now present and she would call him right after the two minute speaker. Council Members Goldberg and Berry absent.

Ms. Elsie Finley, 3202 Ozark, Houston, Texas 77021 (713-747-7155) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Parker and Berry absent.

Mr. Larry Henson, 20339 Fenton Place, Houston, Texas 77073 (281-443-2337) appeared, presented information and stated that he was present because of having to resign from the Houston Fire Academy; that he became ill in April when returning back to the academy for his last portion of training and he was hospitalized for two days then after returning from that he was placed on light duty then informed that he should resign; that he would like to point out at this time he was physically fit and had been for some time and could continue his training; that he only had four months left. Council Members Goldberg, Parker and Berry absent.

Mayor Brown stated was he correct in that he resigned his position; and Mr. Henson stated that he was told to resign by the Chief of the Academy and then to reapply again, but now the Recruiting Office said he had to go through the same process as before which meant the whole application and screening process and background check and it was a lot of wasted time as he only had four months to graduate. Mayor Brown stated that after Council's questions Chief Simms would meet with him, conduct a review of his request and report back. Council Members Goldberg, Ellis, Parker and Berry absent.

Upon questions by Council Member Galloway, Mr. Henson stated that he was told it would be best to resign and then come back and get reinstated for the last portion of his training, but nothing was put into writing and when he came back he was informed he had to start from the very beginning with application, etc. Council Member Galloway stated that she was requesting Mayor Brown to have someone look into this as it seemed to be an ongoing thing, every week or so Council heard of moneys invested and then because of unseen circumstances of some individual they were let go and she saw it as them spinning their wheels and tax dollars being let go. Council Members Tatro, Goldberg, Ellis, Parker, Berry and Robinson absent.

Upon questions by Council Member Quan, Mr. Henson stated that he was approached by staff members at the academy to resign, then later when he was ready to reapply he went downtown and was told he had to repeat the process of screening, application, etc.; that Fast Class status was for personnel who were both EMT and State Fire Certified and at this point he was only EMT certified and he received that through HFD; that he completed 10 months and his last four months was directed to Fire School which he was not able to complete due to resignation. Council Members Tatro, Galloway, Goldberg, Ellis, Parker and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to express her sympathy to Mr. Henson and her support for reapplying and going forward and congratulated him for being a veteran and thanked him for serving this country in that capacity; and upon questions, Mr. Henson stated that he completed the EMT certification and field program; that he completed 10 months; that he was not sure of other situations such as his, but he had spoken with other firefighters and they were able to have a career in HFD even after being diagnosed with the disorder. Council Member Sekula-Gibbs stated that she was interested in knowing that he was being handled fairly; that all Council Members were interested and encouraged him to pursue it and stated that Chief Simms was going to investigate and look into his case. Council Members

Tatro, Galloway, Goldberg, Ellis, Parker, Berry and Robinson absent.

Upon questions by Council Member Edwards, Mr. Henson stated that he was hospitalized and missed two days. Council Member Edwards stated that with everyone on tight budgets she would like someone to tell her how much had been spent on Mr. Henson's training and how that weighed in throwing it out the window because of two days; that she could not understand it and wanted a cost analysis; and Mayor Brown stated that the Fire Department would present something back to him and the Council Members, he had asked Chief Simms to look into it. Council Members Tatro, Galloway, Goldberg, Ellis, Parker, Berry and Robinson absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City 77489 (281-438-4124) appeared, presented information and stated that he was president of the Houston Black Firefighters Association and was present as he had two questions for Chief Connealy; that two cadets, whose names were included on his presentation, were allowed to continue after being injured at the Fire Training Academy and he wanted to know why they were allowed to continue when Mr. Renfro was not, why was cadet Renfro terminated for having been tardy four times and let go one day before he would receive Civil Service protection; that he had gone to a Review Board Hearing where a cadet was being let go because of being tardy five times, they were very inconsistent and a rule needed to be made and followed; and Chief Simms was supposed to look into Renfro's case and he didn't want to point the finger, but he didn't think it had been done because he thought he had a hammer on his head that if he came up with another will hype verdict something would be done to him. Council Members Tatro, Goldberg, Ellis, Parker, Berry and Robinson absent.

Mayor Brown stated that the last time he was present he asked for a report on two cases and received it but now had asked more questions and did not have those answers back as yet, based on what was sent he had more questions. Council Members Tatro, Goldberg, Ellis, Parker, Berry and Robinson absent.

Council Member Galloway stated that in the last two years many had appeared with the same problems; that there was no consistency, no rules, no guidelines and it seemed it was a runaway loose fire department; that it seemed they were spinning their wheels having cadet classes over and over and eliminating people because of an "I feel like it mentality"; that she hoped Mr. Renfro would hurry up and get reinstated; and she hoped this would soon be corrected as they needed good people in the department and this made people not want to come to the department. Council Members Goldberg, Ellis, Parker, Berry and Robinson absent.

Mayor Brown stated that there were written policies and procedures and he wanted to make sure there was consistency in the implementation of those policies and procedures. Council Members Goldberg, Ellis, Parker, Berry and Robinson absent.

Mr. Kofi Taharka, 2428 Southmore, Houston, Texas 77004 (832-722-1682) appeared and stated that he was present to speak on behalf of the National Black United Front as well as the Local Action Committee for Reparations and history and culture was the foundation from which all people projected themselves onto the world stage and he was present to speak on the great history and culture of Freedmen's Town and the Andrews Street project; that they were expressing support for those in the neighborhood, however the issue was bigger than Freedmen's Town, African people throughout the city could lay claim to the history and culture there and they were asking elected officials to invest the same political capital in the proper preservation of the community as had been spent on building stadiums; that to them it was sacred ground and they were trying to preserve it. Council Members Goldberg, Ellis, Parker, Berry and Robinson absent.

Council Member Alvarado stated that what was happening was on April 30th Council appointed appraisers to deal with property HISD was looking to purchase and a right of entry was given to them by Public Works and Engineering and then HISD put up fences and closed

streets without even notifying the District Council Member; that before it came up for final sale they were trying to work out some things with HISD and Public Works in maintaining the bricks and as much of the history of the community as they could as that neighborhood already lost a lot. Council Members Galloway, Goldberg, Ellis, Parker and Robinson absent.

Council Member Edwards stated that one of the things that would be helpful to her office would be if the community would appreciate they were jumping into this and it was already so far ahead they were trying to stop a lot of things; that they needed a closer working group to work on it as it would take everyone; that there had to be a master plan somewhere and that was her hope to get a working group and a master plan; that it was not just African history, but Houston history and that was her goal and she appreciated his help. Council Members Galloway, Goldberg, Ellis, Keller, Parker and Robinson absent.

Mr. Bernard Goodrich, 19935 Mountain Dale, Cypress, Texas 77433 (281-550-4105) appeared and stated that he did not want to sound like an echo but personally it would be a crying shame if the City of Houston tolerated the destruction of any portion of Andrews Street; that he did not live in the City of Houston but did a lot of volunteer work in the city; that he was sure this Administration would like to be know for all the sports complexes Houston was expecting and development of the METRO light rail but it was equally important for them to be known as having played a part in the role of history, of Black history, of American history. Council Members Galloway, Goldberg, Ellis, Keller, Parker and Robinson absent.

Mayor Brown stated that Mr. Goodrich had a very compelling argument and as he pointed out earlier it was the Houston Independent School District doing this and they had the power to condemn the land and the city would do what they could to work with them but he would urge him to go to a School Board Meeting and make the same argument. Council Members Galloway, Goldberg, Ellis, Keller, Parker and Robinson absent.

Council Member Quan stated that he was impressed Mr. Goodrich had taken time to come to Council and speak especially considering he did not live in Houston, but as a young man; and upon questions, Mr. Goodrich stated that he learned of this a few days ago and felt it needed to be expressed; that there was probably not a lot of youth involvement and it occurred to him if he presented his case Council would be aware it was not only something concerning older people with a stronger grasp on Black history but it affected the younger people who wanted to know more of their history and who were also trying to help their community as a whole even if it was not the community they lived in. Council Member Quan thanked him for coming and stated that as Mayor Brown indicated they would work with HISD and see what could be done. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mr. Lenwood Johnson, P. O. Box 21371, Houston, Texas 77226 (713-731-0495) appeared and stated that he was very proud today as that young man, Mr. Goodrich, was going to allow him to sit in his rocking chair; that besides Andrews Street he wanted to bring another issue to Council's attention and that was the writing of tickets around small churches; that in white neighborhoods there were "No Parking" signs but at the bottom it said "except Saturday's and Sundays", parishioners were being ticketed and as an activist he received calls from all over; that it was going on in the third Ward, Fourth Ward and Fifth Ward; and for Andrews Street the fence was put up with no neighborhood input and the neighborhood was being choked off and he wished both issues could be addressed. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mayor Brown stated that Mr. Fiederlein with Public Works was present and could meet with him at this time, tell him the entire process and steer him in the right direction. Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Parker and Robinson absent.

Council Member Alvarado stated that she would like a list where churches were being ticketed; and Mr. Johnson stated that Rev. Fowler's church at the intersection of Gillette and

Ruthven was one, Rosesharen Church, Bibleway Baptist Church and Mount Horem. Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Berry, Mr. Johnson stated that HISD first proposed this years ago and people sent letters wanting to see plans but never did; that they had no input into the whole process of the school expansion; that HISD came in bought property, wiped out units and was very arrogant refusing to talk with those in the community; and they would address HISD. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Parker and Robinson absent. (NO QUORUM PRESENT)

Ms. Ava Brooks, 6767 Long Dr. #186, Houston, Texas 77087 (713-847-7373) appeared, presented information and stated that she was a sponsor and senior coordinator for the Houston City-Wide Drill Team; that they were asked recently to perform in a parade in Chicago which they had done for years, but they were in need of help for the trip; that they performed in parades all over and had fund raisers; that also every day where they performed police came out as people said it was too noisy and they would like somewhere else to practice; that they were the only team from Texas invited to the parade and they were in Ebony Magazine for 2002 representing the City of Houston. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he understood someone from the Houston Parks Department was working with her trying to find a place where they could practice; and Ms. Brooks stated that she had not spoken with anyone in Parks. Mayor Brown stated that he would make sure someone did get in touch with her and see what could be worked out as far as their practicing; and Ms. Brooks stated that they also needed help in funds and Mayor Brown stated that he and Council would look at what was being presented and see what could be done to help. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Mason, 4739 Arvilla Lane, Houston, Texas 77021 (713-748-0771) was present, but Ms. Brooks stated that he was recently burned badly and she would speak for him. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards moved that the rules be suspended for the purpose of allowing Ms. Ava Brooks to speak for Mr. Michael Mason, seconded by Council Member Tatro. No vote was recorded as a quorum was not present. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

Ms. Brooks stated that she needed to find out if they needed a permit to do street soliciting for donations; that she worked the West Belt/Fondren area for the past nine years and recently a Sergeant for the Fondren Sub Station came out and said he was going to arrest her, he took her to the station and held her for two hours and said her permit was no good and the city just sold her anything, but they had been using the permit forever and she wanted to know what the permit covered as she was told next time they were caught every adult would go to jail and each child would go to protective services. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Assistant Police Chief Stewart would meet with her and answer her questions and he was present at this time. Ms. Brooks asked if the drill team could perform for those present. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. (NO QUORUM PRESENT)

The Houston City-Wide Drill Team performed and Mayor Brown wished them good luck. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mr. Dean Becker, 11215 Oak Spring, Houston, Texas 77043 (281-752-9198) appeared, presented information and stated that he was wondering if all was being done to prevent terrorist, child molesters and rapists from roaming the streets; that an officer did a study and it showed officers in Texas alone spent more than 1,000,000 man hours per year looking under car seats and dash boards for marijuana and meanwhile the drunk drivers and murders went driving by; that zero people died yearly from using marijuana; that over the last century superstition, greed and ignorance destroyed the positive history marijuana enjoyed up until the time the first drug czar, Harry J. Anslinger, who along with yellow journalist, William Randolph Hurst, proclaimed marijuana to be the assassin of youth and leaving its users to criminality, insanity and death; that Mayor Brown as a former drug czar and Chief of Police knew the truth and he heard him speak of the need for change for drug laws at the Baker Institute and he and the Council Members were holding a bag of lies handed down as if it were the arc of the covenant, the drug war cost the nation dearly and each year Aspirin killed more people than did all illegal drugs; and asked the Mayor and Council to immediately remove medical marijuana from the lists of arrest able crimes and that all violations regarding marijuana be placed at the bottom of the list of arrest able crimes, to investigate the many positive approaches to overall drug reform utilized around the world and to take time to visit with him on his radio show on KPFT. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mayor Brown stated that he wanted to correct one thing, he never advocated a change in the drug laws, he had advocated change on how to deal with drug addiction by placing more emphasis on prevention, education and treatment. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Council Member Sekula-Gibbs stated that she would like to take issue with the fact that Aspirin killed more people than marijuana. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mr. Reginald Boone, 7100 Divanna Ct., Arlington, Texas 76002 (817-657-5287) appeared, presented information and stated that he and Mr. Collins were present on behalf of Continental Escort and Security as he was Chief Operations Officer for the company; that today he was present to discuss Article 45, Section 45-253; that since September 11th more and more white collar workers were getting laid off and due to necessity becoming entrepreneurs; that today they were not present to fight HPD or City Council, they wholeheartedly supported civil service and today their presence was about old fashioned free enterprise; that the Houston Police Department and the Sheriff's Department had a monopoly in the funeral escort market and today was the day to put an end to it with deregulation being the word of the day; that if Council allowed them to provide funeral escort services in Houston it would allow each funeral home to provide their escort provider; that Continental Escort was licensed and insured by the state and had been in business about three years working in the Dallas area and they were looking to expand in the City of Houston; that their fleet consisted of police like motorcycles and their employees had over 30 years experience in the escort and security business; that according to Article 45, Section 45-253 "Each funeral procession shall be accompanied by a police motorcycle escort which shall be a part of the funeral procession and the police officer's motorcycle shall constitute an emergency vehicle" and it appeared to them that the ordinance was not clear on who could conduct the funeral procession; that with the population in Houston being 1.9 million compared to the population of Dallas being approximately 2,000,000 they felt they were capable in handling the task of escort in the City of Houston and Continental could bring employment to the city and they hoped Council would allow them to do so. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mayor Brown asked if they had done the necessary research regarding state law and whether what they were asking was ethical under state law or if they had reviewed relevant Attorney General's opinions; and Mr. Boone stated that they were licensed in the State of Texas and did run escorts in Dallas under the Dallas Code and State Code Mayor Brown stated that

he was looking at an Attorney General's opinion which said "State law requires strict adherence to traffic control signals unless otherwise directed by a police officer...To maintain the cohesive integrity of a motorcade in an urban environment, its members must often proceed in opposition to traffic control devices. This is not possible without a police escort." Mr. Boone stated that they were licensed and his CEO, Mr. Collins, was with him, they were licensed by the state and the state allowed them to run escorts in Dallas. Mayor Brown stated that they would take a look at the materials presented. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker and Robinson absent.

Mr. Chris Collins, 1416 Grand Telton Dr., Desoto, Texas 75115 (469-576-3191) appeared and stated that they had gone to different funeral homes talking to them about the escort services provided and were told they were overbooked and officers said they had to go take care of a traffic problem or accident; that they did not always arrive on time and he understood officers in Houston owned their own motorcycles, but his question was who actually insured them if there was an accident in the procession and if the city was then the taxpayers were having a large amount of money spent; that they did have significant testing, were licensed and insured and they were asking to be allowed to come to Houston and do the same great job they were doing in the Dallas area. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that what had been brought to Council's attention would be taken under advisement. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Clayton Jones, 9345 Greensward, Houston, 77080 (713-722-8743) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (no phone) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Omowale Olanrewaju, 2428 Southmore, Houston, Texas 77004 (713-942-0365) appeared and stated that if in the future it was determined certain things were done to the African community were illegal or a violation of human rights the people in control were liable; that residents of Freedmen's Town and African Americans generally did contend the greatest legacy you could leave to a person of African descent was to standup, claim your heritage and do all you could to preserve the remaining bits of historical items and sites and to protect the human rights of descendents of formerly enslaved Africans; that the closing of Andrews Street was a classic example of cultural genocide, genocide was the intentional destruction of a people or culture in order to benefit; that Mayor Brown had the power to stop this or at least put up a fight in protecting the history of the Fourth Ward and the dignity of those who lived there. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown thanked Mr. Olanrewaju for coming. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jason Salinas, 10818 Desert Spring Circle, Houston, Texas 77095 (281-304-7040) appeared and stated that until recently he was a city employee, he began working for the city on July 15, 2002, as a senior planner in the Planning and Development Department and his primary duties involved working with various neighborhoods in the Super Neighborhood Program; that city policy stated he was supposed to receive a five month evaluation but he never received signed evaluation documents and he was again scheduled for evaluation in March 2003 but again did not receive his evaluation, but received it officially on July 3, 2003,

and during the evaluation he was informed he had been tardy on several occasions, but no mention had been made by his assistant director or supervisor that it was grounds for termination and in fact his overall score was well above acceptable; that a couple of days later he met with his assistant director on concerns he had regarding his recent evaluation and she never mentioned problems that required attention but she did mention he should have been given a proper work plan; that on Thursday, July 10, 2003, he was called into a meeting with the assistant director for Neighborhood Planning Services who presented him with a letter terminating his employment three days before the end of his probationary period, he was told he had not sufficiently performed his duties and that he was in violation of city policy with a less than adequate work performance and punctuality despite verbal counseling by supervisors and the assistant director insisted they had discussed the matter on several occasions; that he did have discussions on three occasions over the past year with two supervisors regarding being tardy but only told to do better and he was never warned his job was in danger and never given a written warning of any kind; that part of his job duties required his attendance at evening meetings and no mention of those meetings were in his performance review and though he may have been 15 minutes late there was no consideration for the late hours put in the night before; that he believed city policies and procedures were not followed in the processing of his termination as the only warning concerning his being tardy and possible termination came in his actual letter of termination; that he was not given the opportunity to correct his deficiencies and attendance and after speaking with others found that being tardy was not historically reason for termination in that division; that he had much to offer and felt he made great strides in improving the relationship between the city and constituents and asked that his coworkers and neighborhood contacts be consulted as proof of his dedication and professional work ethic. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Mr. Salinas stated that his immediate supervisor was Lynn Henson; that the assistant director was who gave him the termination notice and that was Gigi Chan. Council Member Alvarado stated that she would like to know if proper notification of discipline was given in this case; and Mayor Brown stated that he would ask the director of Human Resources to look into it and report back. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Frank Gill, 8502 Easton Commons #102, Houston, Texas 77095 (281-550-4796) appeared, presented information and stated that the director of the Office of National Drug Control Policies, Mr. John P. Walters, whose common title was the US Drug Czar would be visiting Houston on his tour of 25 cities and would be telling the dangers of marijuana, he would be telling of the nation's drug policies and how the City of Houston and the Federal Government could cooperate to accomplish significant improvements in key measures of drug use and discuss marijuana prevention and that initiative was aimed at youth, parents and other influential adults and it was a national effort to dispel common misconceptions about marijuana; that the message was getting out that marijuana was a serious drug with serious consequences; that he was not present to spread the myths Mr. Walters would spend debunking, but wanted to have time to tell the true history behind the nation's marijuana laws. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016-5103 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and expressed his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

PRESENT)

At 3:52 p.m. City Council recessed until 9:00 a.m., Wednesday, July 30, 2003. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 30, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 30, 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, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Marty Stein, Agenda Director, present.

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

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was the Monthly Financial Report and Quarterly Investment Report.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Council Member Parker moved to suspend the rules to consider Item Numbers 59, 59a, 4, 31, 27a, 27, 28, 37, 44 and 43 out of order after the financial reports, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2003-0930 ADOPTED.

Ms. Judy Gray Johnson, Controller, stated that she was pleased to present the Monthly Financial Report for the month ending June 30, 2003, and although that was the end of their fiscal year they would still be working on closing the books and having the auditors review that close at least through the end of August, that with that said and expecting that there may be some adjustments, which they hoped to be minor, they were now predicting that the revenues would total just slightly less than what they had previously predicted, that their current projection was General Fund revenues of \$1.361 billion, which was a \$4.4 million decline from their estimate of last month, that it was primarily due to property taxes, the hearing loses and the valuations of those values that were still under protest continued to cause, what they would say, slippage, right into the months of May and June, that they also seemed to have a somewhat lower collection rate on what they called the current delinquent taxes, in other words, those taxes that were due January 31, 2003, there was always a percentage of people who paid a few months late, but not drastically delinquent, that the collection rate for those had gone down a bit, so the combination of their revenue declines was primarily due to the slippage in property taxes, that they also had some declines in charges for services and licenses and permits, they did have a larger than expected check from Metro, that it was originally budgeted at \$10 million, there was some doubt near the end of the year that they would get the full \$10 million, but they did receive the full amount so they were back on track there, that expenditure estimates declined about \$7.5 million leaving a fund balance that was not significantly different than what they previously estimated, that was all she had to say on the Monthly Financial Report and if they would like she would go ahead and talk about the Quarterly Investment Report, that they had \$2.3 billion invested in 8 different investment pools at June 30, 2003, that the largest pool was \$1.4 billion and was down from the previous quarter, primarily because they did payoff the tax anticipation notes and they had some construction spending that was beginning to

accelerate primarily at the Airport, for the quarter ending June 30, 2003, the General Pool yield on interest rates was an average of 3.1%, it was not much below the previous quarter so the rate of decline was slowing down, that on June 25, 2003 federal fund rates were again lowered, however since June 30, 2003 they had seen some slight increases in interest rates, that she would like to think it was because of a sense that the economy was improving, there were other explanations that may indeed be the cause, that they continued to keep their portfolio relatively short and very conservative, and she would be happy to answer any questions. Council Member Goldberg absent.

Dr. Phillip Scheps, Director, Finance and Administration, stated that the year would have ended, according to their projections, actually looking pretty good, although they did use some one time sources to balance when the sales tax got reduced, that as Judy pointed out to the committee yesterday they were in period 14 so the results shown in the report for FY03 may not be complete, that was to say they had accruals that were still being booked, but the report did show that their ending balance would have grown by about \$5 million if things ended up like this, but he thought it was somewhat optimistic, that in his letter he tried to compare the year end revenue projections with what they originally projected at the beginning of the year and made the following conclusions, that one was that property tax was below, they first disclosed that last August when they got the certified tax roll and it was not delinquent taxes that was the problem it was the tax base that was the problem, of course when they were dealing with \$600 million in revenue a \$6 million shortfall in that was really a very small percentage relative to the prediction, but it was something that they knew was coming from August of last year, that they had another small surprise this month, that it was a base that was certified almost a year ago and it changed every month as they had supplemental rolls and it usually did not change this time of the year, but it did take another small decrease, a larger than normal decrease last month, that sales tax had been well documented and were about \$40 million below their projections, that everything else they were right on their projections, about \$3.5 million over in all of the franchises and about \$4 million under in everything else, but about \$3 million of that had to do with the Council's action in the budget relative to the fire fee so that obviously was unpredicted by them a year ago, so if they took that out, everything else, ambulance fees and all of those new revenues they did a year ago, delinquent courts and everything, they were on the money with their projections of a year ago, so the real problem was sales taxes, as they had said all along, of course they were under on direct interfund but that was balanced by decreases on the expenditure side exactly so it really did not count, and that had to do largely with changing the security out at the Airport, to where they no longer needed to pass through a bunch of HPD time out at the Airport, so that was not a true miss, the only other thing he would mention in terms of the report was just to refer them to page 60, which was their typical staffing, they actually lost 200 City staff members in June 2003, and were now down about 1,400 in the three fiscal years and was perhaps 15% or 16%, they were true paid positions in staff, not positions, but human beings on the payroll, so that was the biggest monthly decline relating of course to the layoff primarily and the fact that everybody hunkered down at year end to try to maintain the budget cuts, that actually the number of paid staff now was below what was budgeted for the year that was just now beginning, so he might expect that number to come back up, but he did want to call their attention to that, and that concluded his report. Council Member Alvarado absent.

Upon questions by Council Member Vasquez, Dr. Scheps stated that what he just talked about was people, not positions, the payroll was 200 fewer, people left, were laid off or may have moved to an enterprise fund, but it was General Fund people that were gone, that they had actually budgeted to have higher number of people on the payroll than they currently had today, so that was why he said he thought they would see that chart creep back up in some of the departments that were allowed to hire back, and Council Member Vasquez asked Dr. Scheps if he could go back and look and see what happened to those positions, whether those positions were eliminated or whether or not those positions were refunded again for the next fiscal year, and Dr. Scheps stated that he would be glad to do that, that the people may be with the City, that the Mayor made it a goal to try to place the people in an enterprise fund, so it was

not an attempt to say all those people were gone from the City, but he would do his best to get him the information, and Council Member Vasquez stated that on page 55 in terms of the performance measures for Public Works and Engineering and stated that they failed to reach the overlay contract and also the sidewalk programs and asked how would it be handled in the next fiscal year, were they going to make it up all in the one year, what was their plan, and Dr. Scheps stated that he doubted it and knew that Council Member Vasquez had talked to them and they were a better source of that information, that the next MOFAR would have their FY04 goals set out to take a look at, but he knew that some of the goals were reduced, that was a part of the very drastic budget process, that they would have that information in next months MOFAR, and Council Member Vasquez stated that he would like to know from Public Works what their intentions were and how they intended to make it up this fiscal year.

Upon questions by Council Member Quan, Dr. Scheps stated that the revenue decrease of the total they were now saying for the year they were about \$6.7 million low, and thought about a million of that came in the last surprise, in the last April to June surprise, which surprised them as well, incidentally, they were going to get back with them because they had projected as recently as May what the final tax base would be and it was a surprise to them as well, that they did not predict revenue they tell them what the basic tax base would end up and it changed every month, but again by now it should be changing very little month to month, and Council Member Quan asked that he get back with them about what happened, that as to the fire fee it was his understanding that their modification at Council was only on residential and that they were still collecting on commercial and Dr. Scheps stated that was correct, and the \$3 million they had anticipated from residential fire fees, that because it was the first year they had more built in the first year, the revenue loss in FY04 was not as great at that \$3 million and that was what they had talked about during the budget hearings, \$1.6 million.

Council Member Sekula-Gibbs stated that she wanted to ask for Dr. Scheps support in getting some information back from some of the departments that they relied on to bring in revenue but did not see them able to do it under the circumstances that were now existing, particularly the ambulance service on pages 66 and 67, they saw that the trends there were showing that they were not getting the collections that they did even in FY01 and even though they had a new contract and were supposedly bringing in new technology that it was not demonstrating the concurrent increased revenues and would like to be briefed and wanted to understand why that was not happening since they had a new contract with ACS; that the other area that she was very worried about was in the Municipal Courts, that she would like to ask, especially on page 64, where it said Delinquent Traffic Collections goal, they were way off and the trend did not look good, so she would like to ask that those two departments particularly bring them some information as to how they were going to address it and what did the administration anticipate.

Council Member Robinson stated that he would like to know how much money was in the Tax Increment Account, and how much debt could they debt against it, and the second thing he would like to know was what was the weeded lot and dangerous building liens outstanding to the City, that he was confident that it was more than \$30 million, that every time he asked about it he was told that it was non collectable debt or the significant portion of it was non collectable, which always raised the question for him of why were they not expeditiously foreclosing on those properties and they could use the County process to do it and the land bank was not going to be sufficient to do it, and then he would like for him to just run a hypothetical for him, if they were to put all the residential properties that were delinquent back on the tax roll at the average residential home sales, how much property tax revenue would that generate for the City if they had the same collection rate, etc., and see if that would help take care of some of their problems.

Council Member Vasquez stated that he would like Dr. Scheps and Mr. Haines to visit with him about the current status of the Metro transfers and the Metro dollars going back and forth and what the details of that agreement were as well, and Dr. Scheps stated they would.

Council Member Parker moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-0931 ADOPTED.

Mayor Brown stated that he wanted to recognize the presence of the District Attorney, Mr. Chuck Rosenthal, that they were very happy to have him present today.

59. 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 – **(This was Item 46 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON, PARKER, GOLDBERG, SEKULA-GIBBS and VASQUEZ)** – was presented.

Council Member Robinson offered the following written amendment to Item No. 59 which he distributed at the Council table:

“Amend Items 59 and 59(a) to include transferring an additional \$400,000 out of the Disaster Recovery Fund as follows:

- (1) \$200,000 to the Parks Department
- (2) \$100,000 to the Library Department
- (3) \$100,000 to the Health Department”

Mayor Brown stated that he was going to rule Council Member Robinson’s amendment to Item No. 59 out of order because it was not posted properly and Council Member Robinson asked if they could take a look at doing something to deal with the remainder of those funds and respond and Mayor Brown stated they would do that and bring it back to the Council.

A vote was called on Item No. 59. All voting aye. Nays none. ORDINANCE 2003-0701 ADOPTED.

- 59a. 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 – **(This was Item 46 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS VASQUEZ, PARKER and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0702 ADOPTED.

4. REQUEST by Houston International Protocol Alliance for establishment of a Sister City relationship with Luanda, Angola – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-0932 ADOPTED.

Council Member Robinson stated that he noticed it was a Sister City relationship and they had developed some expertise in the Brownfield area and hoped that would be one of the items at the top of their agenda to work with the Sister City on because he understood there was some environmental cleanup issues that were at the top of their concerns out there, and Mayor Brown stated that Ms. Sonia Garza indicated that she would be glad to do that.

31. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Valet Parking Services; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2003-0703 ADOPTED.

Council Member Alvarado stated that she would like to thank the Mayor's office, the administration and Mr. Haines office, specifically Ms. Annette Guajardo, F&A, Legal, HPD and Public Works, and of course Council Member Parker for working through it, that it had been a long work in progress and they had been meeting with various groups in the downtown area and was pleased to see they had full support from the Restaurant Association and the Valet companies and Central Houston and was glad to see it was finally here and passed and would take effect in 60 days.

Council Member Robinson stated that he would like to add his thanks to all the groups previously mentioned and thank the administration for including the Valet Parking Zone fee as they had raised the issue earlier.

Mayor Brown stated that he wanted to express his appreciation to Council Members Alvarado and Parker, who worked very hard on the issue, that it was a job well done and would serve the City well.

NOTE: Item 27A is presented as an alternative to Item 27

27a. **ORDINANCE AMENDING CHAPTER 44, CODE OF ORDINANCES, HOUSTON, TEXAS**, to require approval of two-thirds of the City Council before the City Council of the City of Houston, Texas, may levy Ad Valorem Taxes at a rate expected to increase Ad Valorem Property Tax Revenues by more than five percent more than the Ad Valorem Property Tax Revenues collected during the previous fiscal year; containing a severability clause; containing other provisions related to the subject – was presented.

Council Member Robinson wanted some clarification between the three items so they would understand the inter relationship between Item Numbers 27a, 27 and 28.

Council Member Ellis stated that Item No. 27 was the amendment as it was proposed during the budget process, he had worked with the Legal Department and taken out one of the clauses to state that they had to have an election if they were going to exceed the 5% cap to a super majority of Council vote, that was what the amendment was for Item 27a, that was the only difference, that Item No. 28 was a resolution calling for an election to create a Charter amendment that would always require a two thirds majority vote, something like what Council Member Parker did with the Rainy Day Fund, the reason there was no date on when the special election would be was that there was no date set at this time so the resolution would be brought forward and voted on again once they set the date for whenever they were going to have the special election and/or whether it would be at a regular election, that if they passed Item No. 27a he would move to withdraw Item No. 27 at that time.

Council Member Parker stated that when Item No. 27 came up during the budget process she voted against it because there were some problems with it and asked if Council Member Ellis was using Item No. 27a as a substitute to remove the offending part of Item No. 27 and Council Member Ellis stated that was right, and Council Member Parker asked if either one of them required any public vote and Council Member Ellis stated no they did not require a public vote and the resolution, Item No. 27a required a two thirds majority of the Council to override the 5% cap, 10 Council Members or more, that also they all knew that the next Mayor could bring forward an ordinance that would change it that would only require 8 votes, that was where Item No. 28 kicked in so they would have a resolution and a Charter Amendment that would basically require 10 or more votes to amend it.

Council Member Sekula-Gibbs stated that she wanted to tag the item just to give constituents a little time to respond to it, that it was a major change as to how the taxing structure was conducted in the City and thought that the citizens may not understand it and would like to give them a little more time to respond to the Council.

27. **ORDINANCE AMENDING CHAPTER 44, CODE OF ORDINANCES, HOUSTON, TEXAS**, to require approval by a majority of those voting at a special election before the City Council of the City of Houston, Texas, may levy Ad Valorem Taxes at a rate expected to increase Ad Valorem Property Tax Revenues by more than five percent more than the Ad Valorem Property Tax Revenues collected during the previous fiscal year; containing a severability clause; containing other provisions related to the subject – was presented, and tagged by Council Members Ellis, Quan, Vasquez, Tatro and Sekula-Gibbs.
28. RESOLUTION requesting the Mayor to place on a future City Council Agenda an ordinance ordering a Special Election to consider the adoption of a Charter Amendment requiring approval of two-thirds of the full City Council prior to the levy of Ad Valorem Taxes at a rate expected to increase Ad Valorem Property Tax Revenues by more than five percent more than the Ad Valorem Property Tax Revenues collected during the immediately preceding fiscal year – was presented, and tagged by Council Members Robinson, Ellis, Quan and Sekula-Gibbs.

Council Member Robinson stated that ultimately he was going to ask for a delay on Item No. 28 as they moved along because he knew that Council Member Quan had a committee meeting coming up where they had a couple of items that may be Charter related and if those passed he would like to just bundle everything so they would just move them through the process at one time, and Council Member Quan stated that he would be glad to include it if they wanted as well.

37. **ORDINANCE** authorizing third amendment to Concession Contract between the City of Houston and **REED GULF CORPORATION** (Ord No. 91-636) – was presented. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he was a little unclear on the item, that they were told at the agenda briefing that the item was not taggable and Mayor Brown stated that the reason was the contract would expire and if it was tagged they could not extend the contract, that it was a very short extension.

Council Member Tatro stated that a no would clearly send a message that they wanted to end the contract and have at the end term City personnel take the contract over, that he would be voting no and did not think it was not taggable, that the particular agreement could be reinstated in a week, that it would cause some confusion but it was still, in his opinion, very taggable, that the contract had been set to expire for a number of years and was the contract to manage the Gus Wortham Golf Course. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After a lengthy discussion by Council Members, Council Member Robinson stated that he wanted to make a friendly amendment to say “that as a matter of Council policy we want an answer on the extension on Gus and Glenbrook before the end of August.”, and Mayor Pro Tem Quan stated that they would get that to him and Council Member Parker had agreed to do an analysis in her committee and have a report done. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 37. Council Members Tatro and Berry voting no, balance voting aye. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding. **ORDINANCE 2003-0704 ADOPTED.**

44. **ORDINANCE** approving and authorizing second amendment to contract (Ordinance No. 2000-0882, approved October 10, 2000) between the City and **SOUTHWESTERN BELL TELEPHONE, L.P.** for Telecommunications Services – was presented. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that he was going to tag the item, that he was not having

a clear understanding of the termination agreement and how much it was going to cost the City if they terminated, that it was a five year contract and would like for someone to meet with him on it, and Mayor Pro Tem Quan stated that he thought there was a 12% charge for termination of lines before the five years were up and it was really a three year extension because they had two more years on their current contract, that the information was in the backup and asked if they could put the item to the back of the agenda. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved to postpone Item No. 44 to the end of the agenda. All voting aye. Nays none. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2003-0933 ADOPTED.

43. ORDINANCE awarding contract to **E-Z-GO DIVISION OF TEXTRON, INC** for Golf Cart Leasing Services for Various Departments; providing a maximum contract amount - 2 Years with two two-year options - \$2,402,495.90 - General and Parks Special Revenue Funds - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - ELLIS and G - KELLER** – was presented, and tagged by Council Members Wiseman, Robinson, Ellis and Berry. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

Council Member Robinson requested that someone from the Park Department and Dr. Scheps visit with him. Mayor Brown and Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the reappointment of **MR. SCOTT A. LEMOND** to Position Two of the **CIVIL SERVICE COMMISSION** for Municipal Employees of the City of Houston and the **FIREFIIGHTERS AND POLICE OFFICERS CIVIL SERVICE COMMISSIONS**, for a term expiring June 14, 2006 – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2003-0934 ADOPTED.
2. REQUEST from Harris County AFL-CIO for confirmation of the reappointment of **MR. GREG LUCERO** to Position Two of the **ETHICS COMMITTEE**, for a term to expire December 31, 2004 – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2003-0935 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of the following to the **FIRE CODE BOARD OF APPEALS**, for terms expiring December 31, 2004:
 - Position One - **MS. LAURA REICH**
 - Position Six - **MR. RODNEY LEWIS**
 - Position Seven - **MR. FRED K. WHITTY**
 - Position Nine - **MR. RALPH GREEN**– was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Galloway and Edwards absent. Mayor Pro Tem Quan presiding. MOTION 2003-0936 ADOPTED.
5. RECOMMENDATION from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR INTERSTATE 69 TEXAS** - \$30,000.00 - General Fund - had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown and Council Members

Galloway and Edwards absent. Mayor Pro Tem Quan presiding.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 21

16. **IRIS LTD., INC - CAPITAL REGION dba THE IRIS COMPANIES (Bid No. 4)** for Prisoner I. D. Wristbands Contract for Police Department - \$41,177.70, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$1,235.33 for a net award amount not to exceed \$39,942.37 - General Fund – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Edwards and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0937 ADOPTED.
18. **BASIC INDUSTRIES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning and Development Department - \$51,500.00 and contingencies for a total amount not to exceed \$54,075.00 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Edwards and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0938 ADOPTED.
21. **AMEND MOTION #2000-1008, 8/16/00, TO EXTEND** expiration date from August 16, 2003 to August 15, 2004, for Chemical, Hydrocarbon Dispersant for Fire Department, awarded to **DIRECT CHEMICALS** – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. Mayor Brown, Council Members Edwards and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0939 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 35 through 50

35. ORDINANCE establishing the east and west sides of the 1100 block of Allston Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0705 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City of Houston and **WAM FOUNDATION** providing up to \$639,986.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which sum includes a limitation of additional funding in the amount of \$319,993.00, for the administration of a Short-term Rent, Mortgage and Utility Assistance Program, along with supportive services – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0706 ADOPTED.
45. 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 Planning and Development 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 Planning and Development to expend grant funds received under the Sponsorship Grant Agreement - **DISTRICT I - ALVARADO** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0707 ADOPTED.
46. 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)/Alameda 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 Planning and Development 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 Planning and Development to expend grant funds received under the Sponsorship Grant Agreement - **DISTRICT D - EDWARDS** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0708 ADOPTED.

50. ORDINANCE appropriating \$818,686.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **POLYTECH, INC.** for Construction Management, Engineering Construction Phase Services, and Inspection Services for Lake Houston Dam and Erosion Control Structure Repair Package 2, CIP S-0890-BN-3 (10567-2) - **DISTRICT E – WISEMAN** – had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown absent. Mayor Pro Tem Quan presiding.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. 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 – was presented, and tagged by Council Member Alvarado. Mayor Brown absent. Mayor Pro Tem Quan presiding.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$386,292.77 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-G2-3 (SB9029-2) - 03.48% over the original contract amount - **DISTRICTS C - GOLDBERG; F - ELLIS and G - KELLER** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. Mayor Brown absent. Mayor Pro Tem Quan presiding.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$552,782.39 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-G7-3 (SB9007-3) - 04.83% over the original contract amount - **DISTRICT A - TATRO** – was presented, moved by Council Member Tatro, seconded by Council Member Parker, and tagged by Council Member Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$453,457.11 and acceptance of work on contract with **FERGUSON CONTRACTORS, LTD.** for Construction of Street Overlays for Neighborhoods to Standard (NTS) Tier VII - Meyerland Subdivision, GFS 1037-14-3 (OL2014) - 08.27% under the original contract amount - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Tatro, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Ellis. Mayor Brown absent. Mayor Pro Tem Quan

presiding.

Council Member Goldberg stated that he wanted his tag added to the item and if someone from Public Works could visit with him, and Mayor Pro Tem Quan stated that someone would visit with him on the item.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,404,767.46 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for West District Wastewater Treatment Plant Improvements, GFS R-0512-07-3 (4768-1) - 04.95% over the original contract amount - **DISTRICT G - KELLER** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Keller. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller requested that Mr. Robert Fiederlein visit with him on Item No. 10, and Mayor Pro Tem Quan asked Mr. Fiederlein to visit with Council Member Keller on the item.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,408,275.65 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Pressure Reducing Valve Station Improvements Package #1, GFS S-0900-76-3 (WA10658) - 03.61% over the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-0940 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$777,896.30 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Access Road and Drainage Improvements to Seven Water Plant Sites, GFS S-1000-21-3 (WA10607) - 00.01% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS and G - KELLER** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-0941 ADOPTED.

PROPERTY

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by Joint Referral Committee, on request from Kevin A. Meals of CenterPoint Energy Houston Electric, LLC, for sale to CenterPoint Energy Houston Electric, LLC of a ±1,256-square foot terminable easement, located within Lake Houston, David Harris Survey, A-26, and a right of entry for CenterPoint Energy Houston Electric, LLC, Parcel SY3-065 - **STAFF APPRAISERS DISTRICT E - WISEMAN** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. MOTION 2003-0942 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-325, located at 7326 Ley Road, owned by Carol Annett Barley, Wendell Howard, Bennie Marie Johnson, the Estate of Bonnie Stansberry, deceased and the Estate of Roland William Stansberry, deceased, for the **LEY ROAD PAVING PROJECT from Homestead Road to North Wayside Drive**, CIP N-0587A-00-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0943 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. **ROCHE DIAGNOSTICS CORP.** for One Light Cycler Instrument and Accessories from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$61,275.00 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0944 ADOPTED.
17. **CASWELL INTERNATIONAL CORPORATION** for Target Control System Upgrade for Houston Police Department - \$89,950.00 - Police Special Services Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Ellis absent. Mayor Pro Tem Quan presiding. MOTION 2003-0945 ADOPTED.
19. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Asphalt Road-Patching Trucks through the Interlocal Agreement for Cooperative Purchasing for Department of Public Works & Engineering - \$404,161.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
20. **AMEND MOTION #2000-0180, 2/9/00 and 2003-0077, 1/29/03, TO EXTEND** expiration date from August 8, 2003 to August 7, 2004, for Chemicals, Aqua Ammonia and Liquid Ammonium Sulfate for Department of Public Works & Engineering, awarded to **SOUTHERN IONICS, INCORPORATED (formerly SHRIEVE CHEMICAL COMPANY)** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
22. **G & Z CONTRACTING, INC** for Electrical Building Renovation for Department of Public Works & Engineering - \$188,888.00 and contingencies for a total amount not to exceed \$198,332.40 Enterprise Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. MOTION 2003-0946 ADOPTED.
23. **TEXAS HIGHWAY PRODUCTS, LTD** for Traffic Signal Controllers for Department of Public Works & Engineering - \$898,859.12 - General Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
24. **AMEND MOTION #99-1925, 11/3/99, and 2002-1011, 8/28/02, TO EXTEND** expiration date from November 3, 2003 to November 2, 2004, for Automotive, Universal Joints and Drive Shafts for Various Departments, awarded to **NORTHWEST DRIVE TRAIN SERVICE** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
25. **HILL'S PET NUTRITION, INC** - \$102,068.90 and **MACI FEED & SUPPLY** - \$96,766.96 for Feed, Dry Animal Contract for Various Departments - General Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor

Pro Tem Quan presiding.

26. **GREAT WESTERN SUPPLY CO., INC** for Pipe, PVC and Fittings for Various Departments \$355,000.00 - General and Enterprise Funds – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

RESOLUTIONS AND ORDINANCES

29. ORDINANCE making technical corrections to Ordinance No. 2003-409 which established the boundaries of single member districts from which district council members are elected under the provisions of Article V, Section 3 of the City Charter – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0709 ADOPTED.
30. ORDINANCE relating to Safety Codes adopted for the protection and preservation of lives and property from fire and other perils; **AMENDING THE CITY OF HOUSTON FIRE CODE** and containing other provisions relating to the foregoing subject; providing for severability; containing a repealer; containing a savings clause – was presented, and tagged by Council Members Edwards, Parker and Alvarado. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 9-foot-wide portion of a 38-foot-wide alley, located at 1619 Nicholson Street, adjacent to Lot 2, Block 129, Houston Heights Addition; vacating and abandoning said 9-foot wide portion of said 38-foot-wide alley to Tricon Homes, Inc., the abutting owner, in consideration of the owner's payment of \$3,150.00 and other consideration to the City; Parcel Number SY3-021 - **DISTRICT H - VASQUEZ** – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0710 ADOPTED.
33. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Herschell Street right of way and excess North Wayside Drive right of way, Parcel SY2-037, containing an aggregate of 10,827 square feet of land, more or less, being located within Carver Terrace Addition, W. M. Black Survey, A-114, Harris County, Texas; vacating and abandoning said tract of land to Crescencio Gonzalez, Jr. and Josephine Gonzalez, the abutting owners, in consideration of owners' dedication of a 25-foot-wide sanitary sewer easement contain 3,114 square feet of land, more or less, and payment of \$9,270.00 and other consideration to the City - **DISTRICT B - GALLOWAY** – was presented. Mayor Brown and Council Members Goldberg and Berry absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0711 ADOPTED.
34. ORDINANCE consenting to the addition of 163.096 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 105**, for inclusion in its district – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0712 ADOPTED.
36. ORDINANCE approving and authorizing professional Consulting Services contract between the City and **DIVERSIFIED UTILITY CONSULTANTS, INC** for Rate Review of the proposed CenterPoint Energy Entex Retail Gas Utility Rate Increase for the Finance and Administration Department; providing a maximum contract amount - \$45,700.00 - General Fund – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0713 ADOPTED.

38. ORDINANCE approving and authorizing contract between the City and **WORKERS ASSISTANCE PROGRAM, INC** for Prevention Counseling/Partner Elicitation and Risk Assessment Training Classes; providing a maximum contract amount - \$200,000.00 - Grant Fund – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0714 ADOPTED.
39. ORDINANCE approving and authorizing contracts between the City and **LONNIE CHARLES WATSON D/B/A WATSON CONSOLIDATED, AAR INCORPORATED, TREBOR INCORPORATED, ALFRED M. TORRES, JR. D/B/A R&A BUILDING SPECIALISTS, ORTHO CONSTRUCTION/RENOVATION COMPANY** and **DIAMONDHEAD INTERNATIONAL/SALES CO., INC** for the City's Lead-Based Paint Hazard Reduction Control Program; providing a maximum contract amount - \$3,360,000.00 - Grant and Homeless & Housing Bond Funds – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0715 ADOPTED.
41. ORDINANCE approving and authorizing an Occupancy Agreement between **COMMUNITY REFERRAL RESOURCE CENTER, INC**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0716 ADOPTED.
42. ORDINANCE approving and authorizing agreement between the City of Houston and **LANDCO FAIR OAKS DEVELOPMENT, LLC** using Federal “HOME” Funds to provide a loan in the amount of \$500,000.00 and a grant in the amount of \$410,495.00 to finance a portion of the costs to acquire and renovate a 122-Unit apartment building at 910 Fair Oaks Road, Houston, Texas, to be rehabilitated to house low and very-low income residents - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Alvarado. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
- Mayor Pro Tem Quan asked Council Member Alvarado if she needed someone to visit with her because it did come through committee and Council Member Alvarado stated yes, and Mayor Pro Tem Quan stated that they would have someone from Housing meet with her on the item. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.
47. ORDINANCE approving and authorizing contract between the City and **CENTRAL HOUSTON CIVIC IMPROVEMENT, INC** for Construction Materials as part of the Main Street Corridor Revitalization Project - \$100,000.00 - Grant Fund - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Ellis. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. (Note: Council Member Ellis removed his tag later in the meeting.)
48. ORDINANCE appropriating \$800,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Reconstruction of Runway 4-22, Storm Drainage Improvements and Storage Maintenance Facility at Ellington Field, Project No. 606, CIP A-0470 and A-0473 **DISTRICT E - WISEMAN** – was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0717 ADOPTED.
49. ORDINANCE appropriating \$1,400,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City and **RATNALA & BAHL, INC**, CIP R-1000-04-2 (WW4863); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS C - GOLDBERG; D - EDWARDS; E -**

WISEMAN and G - KELLER – was presented, and tagged by Council Member Berry. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

MATTERS HELD - NUMBERS 51 through 66

51. 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 - (**This was Item 4A on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS TATRO, VASQUEZ, ALVARADO and ROBINSON**) - was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado moved to postpone Item No. 51 for one week, seconded by Council Member Ellis. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan requested that Mr. Hall talk about the delay on the item, and Mr. Hall stated that the item was tagged last week and they brought it so it could be tagged, that it was a contract for their contractual obligation to test folks for TXDOT and other folks who had accidents and all that, that it did fund the expanded program but only on request, that it was essentially the contract for their regular contractual obligations for alcohol testing for accidents and all that kind of stuff, that they had to have the contract in place or would be out of compliance with TXDOT. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Council Member Ellis asked Council Member Alvarado if she was removing her tag and she stated yes. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Vasquez, Mr. Hall stated that it was for testing of their employees, it was their federal obligations for testing for accidents for people who operated hazardous materials, it was the testing on the TXDOT contract for the same thing, in addition to their regular and traditional drug testing processes it was used on order, in other words when they referred somebody, when someone was either picked for a drug test for employment or random testing or when somebody was in an accident, that the problem was that they had obligations to do that under their federal and State contracts when their operators were involved in accidents. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 51. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0718 ADOPTED.

52. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 - (This was Item 6 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 52 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. MOTION 2003-0947 ADOPTED.

53. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 - (This was Item 7 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBER ELLIS)**

Council Member Ellis moved to postpone Item No. 53 for one week, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. MOTION 2003-0948 ADOPTED.

54. 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 - **(This was Item 8 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY and ELLIS)** - was presented. All voting aye. Nays none. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0719 ADOPTED.

- 54a. 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 \$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 - **(This was Item 8a on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented.

Council Member Galloway moved to postpone Item No. 54a for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0949 ADOPTED.

55. 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 \$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 - (This was Item 9 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY and ELLIS)** - was presented. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to postpone Item No. 55 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-0950 ADOPTED.

56. 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 - (This was Item 16 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and ELLIS)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. RESOLUTION 2003-0019 ADOPTED.

57. 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 - (This was Item 35 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY and KELLER)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0720 ADOPTED.

58. 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 - (This was Item 45 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, KELLER and QUAN)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0721 ADOPTED.
60. 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 - (This was Item 47 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0722 ADOPTED.
61. 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 - (This was Item 48 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Keller absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0723 ADOPTED.
62. 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 - (This was Item 49 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS VASQUEZ, GOLDBERG, SEKULA-GIBBS and KELLER)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Keller absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0724 ADOPTED.
63. 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 - (This was Item 51 on Agenda of July 23, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and PARKER)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Keller absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0725 ADOPTED.

64. 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 53 on Agenda of July 24, 2003, POSTPONED BY MOTION #2003-914) - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Keller absent. Mayor Pro Tem Quan presiding. MOTION 2003-0951 ADOPTED.
65. 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 54 on Agenda of July 24, 2003, POSTPONED BY MOTION #2003-915) - was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg and Keller absent. Mayor Pro Tem Quan presiding. MOTION 2003-0952 ADOPTED.
66. 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 62 on Agenda of July 24, 2003, TAGGED BY COUNCIL MEMBER ELLIS) - was presented. Mayor Brown and Council Member Goldberg absent.

Council Member Wiseman stated that she had been attempting to find out some information on the temporary expense situation, that as they knew during the budget cycle she had submitted an amendment asking that they reduce the amount that they were spending on temporary services, that it was for several departments, that she asked for more information with respect to the Solid Waste Department and what she had found out was that every year for the last few fiscal years Solid Waste had gone way over budget on the line item, that the line item 3107 for Temporary Services for 2003 Fiscal Year they budgeted \$345,000 and spent \$720,000 and the year before that again it was way under budget by several hundred thousands dollars, that what had been occurring was that several hundred thousand dollars had been transferred from other accounts within that department to cover that cost and one of the things she wanted to know was why, if it had been shown year after year that more money was needed for temporary services, were they not budgeted appropriately for that, and why was it that they could find hundreds of thousands of dollars from the budget to transfer over, that there was a management issue with respect to the item, that it was just one department that she had an opportunity to review on the item, that she had some strong objections and had tagged it and they had delayed it and knew for the other departments they probably wanted the item to move forward, that she had not had the opportunity to further investigate what they were doing, but would say that given what she had seen with Solid Waste she would be voting no on the item. Mayor Brown, Council Members Goldberg and Parker absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she did tag the item as well, that she had some concerns but her questions were cleared up and it was not so much targeted to one department, she certainly could understand why the Solid Waste budget went over every year if anyone would recall they had severe storms and they could not forecast the weather, that Shepard Park Terrace was hit by a tornado last year and they had a crew out there working during the Christmas holidays and the entire end of the year, so for those unforeseen things it was hard for Solid Waste to budget so that was where the temporary service came in, and the year prior to that they had Tropical Storm Allison and they had to put millions of dollars in the cleanup for Allison, so that was the reason the Solid Waste budget went over year after year, that her concern was the \$65 per hour for some temporary employees whereas the temporary agency was getting approximately \$76 and that was where she had her concern, in the pay level that they were giving temps versus if it would be better and fiscally sound to have permanent employees in some of those positions, that she did meet with several departments about why they had to continue to have the temps and for the length of time that they did have them, so that was really her concern, that she was supporting the item as of now. Mayor Brown, Council Members Goldberg and Parker absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they were contracts they were putting in place but were not drawing down until there was a need for those services. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that he was also concerned when they talked about their economic policy, that Dr. Scheps told them during the MOFAR how many employees they did not have that they previously had when in fact it did not take a whole lot of creative accounting to figure out that what they were really doing was moving them off of being City employees into being temporary employees, which may be what they wanted to do, that was what the private sector was doing, but they could not in one breath brag that they were laying off employees, that they were people who were working for the City, they were contracts they were paying people, they were human beings who showed up at work every day so there was not a net decrease in the number of people showing up at the City. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked Mr. Haines to respond to Council Member Berry, that his understanding was that they were contracts they had with the agencies and that way they could provide services when they needed them, and asked if they did an analysis as to whether they kept anybody on for over six months or a year because they were concerned about that very thing. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mr. Haines stated that if they looked at the RCA they would read that it was a million dollars less than last year, that the reality of it was that they were not shifting those 1,400 employees off of the permanent payroll onto temp, that was not happening, they were actually down from \$11 million in 2000 to a \$7 million proposal on contract renewals today, that the math did not let them go to Council Member Berry's conclusion, that the other thing that was very important was that they were paying on a temporary contract a 16% override on that base pay, that compared to a 30% benefit calculation on top of the permanent compensation base pay they were making, if they did math it was a lot cheaper to hire a temp and thirdly, a very important point, it was a pure private sector approach, what they did was minimize having to keep people on the payroll on a permanent basis and pickup the work loads with temps, the other alternative they had, frankly, unless those things were approved, was that they were going to pay overtime and overtime was at least double the cost, that there were two departments he was very concerned about, the first department was the Health Department, they were down on staffing in that department and had federal fund reimbursements coming into that department and would not be able to get that without getting the temp contracts in place, that secondly, of the \$7 million, \$5 million of that was coming from the Enterprise Funds, it was less than \$2 million to the General Fund, and of the Enterprise Funds, the big department was the Aviation Department, security and other kinds of stop gap workload requirements, that these contracts

did not have the funding, if they did not go forward to fund up the contracts they were going to have to put those departments into an overtime basis in order to get the services delivered. Mayor Brown, Council Members Keller and Alvarado absent. Mayor Pro Tem Quan presiding.

After further discussion, Council Member Tatro moved to suspend the rules to hear from Mr. Lonnie Vara, Director, Human Resources Department, at this time. All voting aye. Nays none. Mayor Brown, Council Members Keller and Alvarado absent. Mayor Pro Tem Quan presiding. MOTION 2003-0953 ADOPTED.

Upon questions from Council Member Wiseman, Mr. Vara stated that the contracts were all coming up in August and did not all come due at the same time, that he did not know which ones may be in the first week of August, that they did start coming due in the first week of August, that they had 11 agencies and were not all signed at the same time so some of them were due later in August and some of them were due earlier, that a one week delay would have an affect, that he could not tell them what affect because he did not know which contracts were coming up. Council Member Alvarado absent.

After further discussion a vote was called on Item No. 66. Council Members Tatro, Wiseman and Berry voting no, balance voting aye. Council Member Alvarado absent. ORDINANCE 2003-0726 ADOPTED.

Council Member Ellis stated that he wanted to release his tag on Item No. 47. Council Member Galloway absent.

47. ORDINANCE approving and authorizing contract between the City and **CENTRAL HOUSTON CIVIC IMPROVEMENT, INC** for Construction Materials as part of the Main Street Corridor Revitalization Project - \$100,000.00 - Grant Fund - **DISTRICT I - ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2003-0727 ADOPTED.
44. ORDINANCE approving and authorizing second amendment to contract (Ordinance No. 2000-0882, approved October 10, 2000) between the City and **SOUTHWESTERN BELL TELEPHONE, L.P.** for Telecommunications Services – was again before Council. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-0728 ADOPTED.

Council Member Robinson stated that he wanted to thank the administration, Mr. Richard Lewis, the folks from SBC and also Council Members Sekula-Gibbs and Tatro for working with him on the item and all the Members of Council, that as it stood they would be saving about \$1.8 million on their baseline phone bill because of the passage of the ordinance, that SBC thought there were some additional things they could do and would be working with Mr. Lewis and the IT Department to see if they could add on to the savings. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she just wanted to give her compliments to the administration for acting quickly on the issue and to Council Member Robinson for taking a leadership role in it as well as Council Member Tatro and her own staff, that it had been a great success for the City to come up with a savings of \$1.8 million a year that they desperately needed. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that for those who were at attendance at the TTI Committee meeting this week it was brought to their attention that the Aviation Department had completed and were beginning their preparations to present their Master Plan for Hobby Airport, that it was at that meeting when it was made known to all of them at Council that they would be

having public meetings yesterday, there was no advance notice to the Council Members so that they would be able to make their constituents aware of that, that while Hobby Airport did not sit in her district, Council Member Alvarado's district contained Hobby Airport, property just south of the airport was in her district, that she was not notified and therefore was not able to notify her constituents, that her constituents would be affected by the plan and had every right to voice their opinions and she had every right to be fully informed of what would be going on so that she could look out for their best interest, that in looking into that further that day she had an appointment scheduled with a developer who had purchased that land, that she had a meeting scheduled with Aviation to so they could explain why it was they did not bring it to her attention and what their plans actually were, that she was meeting with the developer because they had just recently been told that the Fire Department had begun efforts to condemn the property, which the developer had purchased for development of affordable homes and she informed them that Aviation was also intending to take that property for its expansion, that the developer was unaware that it would be occurring and she brought it to the attention of the Aviation Department and they too were totally unaware of what was going on and what was even more interesting was that all of it occurred very publicly and opening at the Council table, that on January 15, 2003 the City Council approved a Developer Participation Agreement with Lennar Homes for that property, the Public Works Department worked with them to put the agreement together to provide affordable homes for the people of the City of Houston and Lennar Homes had been working for months on the agreement and had spent millions of dollars and purchased the land and after the City Council approved the participation agreement two months later the same department who brought it to the Council, Public Works, began efforts to condemn that very property, that it made absolutely no sense to her that the departments were not communicating, that Public Works, Mr. Jeff Taylor, who was responsible for putting it together, should have contacted the Aviation Department at which time they would have informed him that they had interest in that property, that the developers did not close on that property until the City Council gave its approval, that if they recalled at that time one of her concerns was the drainage issue they were dealing with and she made sure to get the commitment that the neighboring community would not be affected with increased flooding, that no one from Public Works shared it with Aviation and now they had three interested parties for a piece of property that was currently owned by a developer who did not purchase it until the City entered into an agreement to have it available for affordable homes, that it was lack of planning, lack of communication and lack of leadership, that she wanted to express her thanks to the representatives from the Aviation Department for expressing their apologies to her and her constituent and had agreed to do everything that they could to try to bring it forward to the community so that they could work with the department, that she requested from Council Member Robinson as Chair of the TTI Committee that they make arrangements to have a public meeting out in the community to give the people, the residents, the property owners, the opportunity to hear presentations and share with them their concerns so they could address it in the appropriate manner. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that last Friday she took a tour of the Huffman area, as she had indicated at the last popoff she would be doing, the reason was to see the conditions they were dealing with out there with the brown, filthy water that they had to deal with for two years, with sewer lines breaking and sewage backing up into people's yards, that the City had failed to respond to them for the last two years, that she made an effort to go out there and take Public Works people with her, that she announced it at the Council table and the Mayor agreed to cooperate with them and at that time members of the media asked if they could accompany them, that they made that request known to Public Works, that it was an embarrassment when they arrived there that a Public Works representative would go ballistic, lose total control in front of her constituents and the media and declared that she had set them up, that to make matters worse his supervisor, Mr. Jeff Taylor, contacted her chief of staff from Dallas, where he supposedly was conducting City business, and she would like more information on that since they had been trying to cut down on City travel and would like to know exactly what City business he had in Dallas, nonetheless he contacted her chief of staff to reprimand her and

accuse the Council Member of setting his people up and he said, she quoted, "if this is an attempt on your part to set us up you will have to deal with me on Monday", that kind of disrespectful treatment of an elected official cannot be tolerated, furthermore, when she met with the Director, Mr. John Vanden Bosch, to share it with him and inform him that they indeed made it known to his people that media would be there he would not take her word, it was not until after she asked him and Mr. Taylor to remove themselves from her office that he bothered to look into it and determined that yes indeed they had written notation that they were told that media would be there, that it was not the first time she had to deal with it, that she brought a situation where another subordinate of Mr. Vanden Bosch's was out of line and inappropriate and again she had to provide proof before he would accept it, that when she did what resulted was that the individual was promoted and received a substantial raise, that the people in that division could not believe it, morale was low there and understandably so, that she did not know what was going on, but if that was the kind of treatment that elected officials receive from that department, she could only imagine what they did with their constituent, the reports they received from their constituents must very well be true, they had some serious lack of leadership at the top of that department, that she had yet to receive an apology and she expected one, not only for herself, but for her constituents, and what she certainly expected was that the problems that were identified and that the media witnessed themselves would be addressed immediately because the taxpayers deserved it. Mayor Brown, Council Members Tatro, Galloway, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he certainly empathized with her as far as the treatment she received and expected that they would get a full report on the matter, that he would work with the administration to address the concerns that she raised. Council Members Tatro, Galloway, Vasquez and Berry absent.

Council Member Wiseman stated that given all that she had experienced she had met with her Citizens Advisory Committee and they had come up with a plan, that she was started what she called Citizen Quality Control in her district, that she invited people in the public to send to her copies of photos, video footage if they had it and any information where they witnessed City employees wasting tax dollars, be it sleeping in City vehicles, City vehicles being parked at shopping malls or out of the City in other areas such as that, situations where there were five to ten City employees standing around one pothole while one person fixed it, that it would be a Citizen Quality Control effort, that she would be announcing at every popoff information she received that week and would be setting up a webpage to put that information on there, that it was an effort to hold people accountable, that she did not want to target the individual employees, the focus was on the supervisory that was lacking and the need to improve that. Council Members Tatro, Galloway and Vasquez absent.

Council Member Robinson stated that he would be happy to work with her to schedule the TTI Committee meeting. Council Members Tatro, Galloway and Vasquez absent.

Council Member Robinson stated that they needed to move expeditiously on the issue of possible criminal activities in the Public Works area so they could have some answers brought forward for the public so they could take it off the table so that did not become a nightly special on the news. Council Members Tatro, Galloway and Vasquez absent.

Council Member Robinson stated that he wanted to know when the CIP would be coming forward, and Mr. Haines stated that Mr. Silva had been in touch with every Council Member's office and they did make a commitment that before the CIP was formally issued with the proposal that they would at least meet with the Council Members on a draft and that was underway, that he would encourage that if there were Council Members who wanted to meet on CIP to do so because their plan was to bring it up on the 13th. Council Members Tatro, Galloway, Ellis and Vasquez absent.

Council Member Robinson stated that he knew they were working on a Special Events

Ordinance and would like to get some idea where it was, and Council Member Parker stated that an ordinance was in draft form within the Legal Department and they had a working group who was going to report back in early August and they would try to bring it to committee in September. Council Members Tatro, Galloway and Ellis absent.

Council Member Robinson stated that last week in an apartment complex there was an automobile fire and he happened across the tail end of it but the first thing that happened when he walked on the scene a number of the people who were present, from the Medical Center fire house, responded in a very quick and timely manner, that he wanted to commend them and thank them for their good service to the public. Council Members Tatro, Galloway and Ellis absent.

Council Member Vasquez stated that during the budget process they passed an amendment regarding the 401A Plan and said at the time that something would come back to Council within 30 days and would like to know the status, and Mr. Haines stated that they were planning to bring it to Fiscal Affairs yesterday, there was a question relating to another ordinance that would have to be put into place as it related to sick and vacation accumulation and that was being worked through and it would be his hope that within a week they would be ready to go and would rather bring it in through the Fiscal Affairs Committee, and Council Member Parker stated that she would be happy to call a special meeting to address it and would put it on the calendar as rapidly as possible, that they had a meeting already scheduled to deal with the vehicle purchase and would add it to that, and Mr. Haines stated that he believed it was August 13 or 15, 2003. Council Members Tatro, Galloway, Edwards, Ellis and Robinson absent.

Council Member Vasquez stated that during the budget process they passed some budget amendments regarding reform of Police, Fire and Public Works Departments and asked how those amendments were going to be implemented and what was the time frame for that, and Mr. Haines stated that those and many other amendments were offered up and passed by Council relative to what they called continuous management improvement, that they were now all tabulated and were under review by all the departments, that the dilemma was that they had no budget to go outside and it would all have to be done in house, and there was a pretty long list of things, that they were going to set those priorities, which included the three primary departments that he had mentioned as being high priorities, that they were going to make a distribution at Council about the middle of next week, that they wanted the Council to know if they were looking at a deadline of December 31, 2003 on some of those things it was going to be impossible, but he did want them to look at how they prioritized. Council Members Tatro, Galloway, Wiseman, Ellis and Robinson absent.

Council Member Vasquez asked what was the status of the HFD Meet and Confer Contract and Mayor Brown stated that it was in the same place as last year, and Council Member Vasquez requested that Mr. Vara meet with him on that. Council Members Tatro, Galloway, Wiseman, Ellis and Robinson absent.

Council Member Keller stated that over the past few weeks they had been doing a drive for the Star of Hope and wanted to specifically thank Ms. Jeanette Rodriguez and Mr. Allen Turner of the Chronicle, without their doing a little segment some weeks ago it would not have been brought to their attention and it had really resulted in an overwhelming fashion, that they had raised 70 or 80 boxes to donate that were picked up by the Star of Hope on behalf of all the departments of the City of Houston, that Aviation had 30 boxes and the Parks Department had to have a special boxes for theirs because they had so many, that the Council building had about 20 boxes, that the Star of Hope was very appreciative and very impressed by their response, that he also wanted to mention Mr. Marco Jones and Ms. Marjorie Adams with the Housing Development who did a job beyond the call of duty in motivating their department to respond. Council Members Tatro, Galloway, Wiseman, Ellis and Robinson absent.

Council Member Keller stated that a resident of District G was killed Sunday night walking across the street on Woodway, that Mr. John Fontenroy more commonly known as Fonny was one of the most loved members of his district and a large part of District G was mourning over the sad loss and their prayers go out to his family. Council Members Tatro, Galloway and Ellis absent.

Council Member Keller stated that his chief of staff, Mr. Mike Howard, who had been very loyal to him and the district and a very good employee of the City of Houston was resigning to run for City Council, that he wished him well, that they were going to have a cake and punch meeting for him on Thursday so if any of them could attend and say goodbye to Mike they would sure appreciate it. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Quan stated that Council Member Wiseman made mention that there was seemingly not much notice regarding the Hobby Airport Master Plan and he knew that those who came out last night found out that all there really was were posters for people to look at and not much discussion, that he really felt that they needed to notify the public more in advance when they were looking to introduce plans. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Quan stated that he met with Mr. David Peters, the new Assistant Director for Storm Water and they were having public hearings regarding the drainage program and they were being held at the E. B. Cape Center, one was on the morning of July 31, 2003, at 9:00 a.m. and then the following Thursday, August 7 and 14, 2003, also at the E. B. Cape Center, that they were all looking to see what Camp Dresser McKee came out with and wanted to make sure that as many people come out and provide their input on the plans as possible. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Quan stated that he met with Mr. Larry Baker, Acting Director of Building Services, regarding the safety of the City Hall Annex and the City buildings and an analysis was being done regarding safety measures to be implemented to insure that they maintained safe facilities to prevent any accidents or incidents like that which occurred in New York. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Sekula-Gibbs stated that she had the opportunity to attend the public hearing last night at Hobby Airport regarding the expansion of the airport and it was very well attended and very much interest was expressed and there was a diversity of opinions on how to make things work, that it was her understanding, according to Colonel Potts, that there would be another public hearing on the matter so they could look to the Aviation Department to give them information on the upcoming public hearing. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate Ms. Stephanie Guerrero, who was now Ms. Texas, that Ms. Guerrero attended college at the University of Houston Clear Lake. Council Members Tatro, Galloway, Ellis and Robinson absent.

Council Member Sekula-Gibbs stated that there was a situation that had developed at the George Bush Intercontinental Airport, that arriving international passengers were having to wait in long lines that they could not leave and it was causing international travelers to miss their flights and it was becoming quite serious, that they were being delayed so long that they were missing connections, that it used to be a situation that was handled under Immigration and Naturalization but now it had been transitioned into the Bureau of Customs and Border Protection and unfortunately the airport was one of the most understaffed airports in the Nation in terms of immigration personnel, that she would like to ask for the Mayor's help in remedying the situation, and would like his consideration in helping to work up a resolution to be presented to Council and then sent to Asa Hutchinson, who was the Assistant Secretary of the Bureau of Customs and Border Protection, and Mayor Brown stated that he would be glad to work with her

on it. Council Members Tatro, Galloway, Goldberg and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor Brown for organizing a commemoration tonight of the work done by the great comedian Mr. Bob Hope, at City Hall and Mayor Brown stated that he would encourage everybody to come out and be part of the celebration of the life of a great man. Council Members Galloway, Goldberg and Robinson absent.

Council Member Parker stated that there was an article in the newspaper about the Controller's audit of the Public Works Northeast Street and Storm Maintenance Center and Council Members had also received a copy of the audit report and she had an opportunity to read through it and was struck by a couple of things, that it was a follow up audit from one done in 2001 and apparently, because they had been non responsive to the previous audit, and still had ongoing inventory control problems, certain employees decided to alter or falsify documents, so they went from an audit compliance problem to criminal activity and she knew the auditor referred the issue to the OIG, they had recent problems in Municipal Courts with theft and she knew that all employees understood that criminal acts could mean their jobs and it was something that they had no tolerance for in the City, but she thought it might be a good time to do an effort through the City and City employees, they just got through a really difficult budget session and spent a lot of time discussing cutting expenditures and actually authorized layoffs and while they had a system in place for employees to report fraud, there was a 24 hour fraud line in the Controller's office, the Mayor created the Office of Inspector General to deal with those kind of issues specifically, that it may be a good time to have a push throughout the City for City employees to say legally they had zero tolerance but as City employees they were going to stand together and go after that stuff and also at the same time to do some sort of work smart program because the employees who apparently falsify the documents were apparently trying to cover up an inventory control problem and the inventory control problem was that they were not tracking items that they did not know if there was inventory theft because no one was keeping track of the items in and out, there were no controls on who had access to the inventory, but also that every dollar that those people saved could mean someone's job and the inventory that was being investigated, some of it they had a ten year supply of the item, that there were a couple of other items it was like an infinite supply because they were not items that were needed in the year, which was the criteria, that it was not a particularly well developed plan on her part but would like the opportunity to sit down and talk with the Mayor on it because she thought they needed to do an overall effort in the City that they were going to stamp out fraud and that there were ways to report it, that City employees were all part of the solution, but also as they pinched pennies more and more the City employees had a responsibility to help save money and they ought to have the carrot and the stick, that they had the problem hotline, the fraud hotline, they could call the OIG, but there had to be opportunities for employees to say why were they buying a 10 year supply of something instead of a 1 year supply, who would they report to, what could they do, how could they help the City out, and Mayor Brown stated that he would be glad to work with her on it. Council Members Galloway, Goldberg and Robinson absent.

Council Member Berry stated that he wanted to note the passing of Mr. Jerry Raymond Davis, who was the father of Mr. Marcus Davis, the very successful owner of a new business in the Midtown area called the Breakfast Klub, that Mr. Davis, a lifelong educator in Houston was murdered last week and funeral would be Friday, August 1, 2003 at Mount Herod Missionary Baptist Church at 118 W. Gray at 10:00 a.m. Council Members Galloway, Goldberg and Robinson absent.

Council Member Berry stated that last week Council Member Parker discussed the tattoo issue at the Library and they had some concerns about it and he did go to the demonstration and did some digging and found that there was actually a wonderful teens and children program at the library that was going on all summer long and there was a very nice lady named Rose who just came from San Antonio and was helping to coordinate it. Council Members Galloway,

Goldberg and Robinson absent.

Council Member Berry stated that he thought it would not be a bad idea to follow up on Council Member Parker's idea to let City employees know that there was a program that stated in the early 1980's that rewarded City employees for finding waste and thought that the private sector had used that to much benefit. Council Members Galloway, Goldberg and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:59 a.m. upon MOTION by Council Member Quan, seconded by Council Member Robinson. Council Members Galloway, Goldberg and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary