

City Council Chamber, City Hall, Tuesday, August 5, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 5, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Annise Parker out of the city on personal business.

At 2:05 p.m. Mayor Brown called the meeting to order and Council Member Alvarado invited Pastor David Hunch with the Greater Mount Zion Missionary Baptist Church to the podium who led all in the prayer and Council Member Alvarado led all in the Pledge of Allegiance. Council Members Tatro, Goldberg, Ellis, Keller and Robinson absent.

At 2:20 p.m. the City Secretary called the roll. Council Member Parker out of the city on personal business. Council Members Goldberg, Ellis, Keller, Sekula-Gibbs and Robinson absent.

Council Members Quan and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Goldberg, Ellis, Keller, Sekula-Gibbs and Robinson absent. MOTION ADOPTED.

Council Member Wiseman stated that as a point of personal privilege she wanted to introduce the children participating in the Summer Junior Page Program and asked them to stand to be recognized. Council Members Ellis, Keller, Sekula-Gibbs and Robinson.

Council Member Alvarado stated that Rev. Hunch wanted to introduce a couple of his guest and invited him back to the podium. Rev. Hunch stated that today Rev. Charles Wilson, a youth minister, and Rev. Michael Thibodeaux were with him representing the church and invited them to stand to be recognized. Mayor Brown welcomed them to the Council Meeting. Council Members Goldberg, Ellis, Keller, Sekula-Gibbs and Robinson.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Fred Simon, Mr. Harlan Smith and Mr. John R. Lester after Mr. Al Hartman and Ms. Vivian Harris and Mr. Eugene Mars after Mr. Carroll Lee Pruitt, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Ellis, Keller, Sekula-Gibbs and Robinson absent. MOTION 2003-0954 ADOPTED.

Mayor Brown stated that the City Secretary would begin to call the speakers. Council Members Ellis, Keller, Sekula-Gibbs and Robinson absent.

Ms. Evalyn Krudy, P. O. Box 541346, Houston, Texas 77254 (713-807-1787) appeared and stated that she was present on behalf of the South Hampton Civic Club and the Old Braeswood Civic Club regarding Agenda Item 5, decal parking permits, and she was urging support of the item. Council Members Ellis, Keller, Alvarado, Sekula-Gibbs and Robinson absent.

Council Members thanked Ms. Krudy for her work and upon questions by Council Member Quan, Ms. Krudy stated that where decal parking was being used everyone seemed very pleased, it was solving the problem of impassable streets and still allowing residents to park; that in the areas being represented tomorrow there were block meetings and everyone had the chance to sign the petition yes or no and to her knowledge those who signed were for it. Council Members Alvarado and Robinson absent.

Mr. Robert Thompson, 2306 Underwood, Houston, Texas 77030 (713-660-0471) appeared and stated that because of the Texas Orthopedic Hospital changing its free surface parking to a garage which charged an enormous amount of cars have been thrown onto the east end of Underwood Street and it had created a problem for residents and for those driving on the street and urged Council's passage of Agenda Item 5. Council Members Alvarado and Robinson absent.

Upon questions by Council Member Quan, Mr. Thompson stated that residents were having trouble getting in and out and he had not heard of anyone on Underwood against the item. Council Members Ellis and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Thompson stated that they had found those parking were patients and visitors and not those associated with the hospital. Council Member Ellis absent.

Mr. Ed Cope, 1036 Walling, Houston, Texas 77009 (713-722-3431) appeared and stated that he was a registered professional engineer in the State of Texas and treasurer of the Houston Society of Fire Protection Engineers and was present regarding the support and adoption of Agenda Item 35, the 2000 International Fire Code, the current adopted Fire Code in the city was the 1997 Uniform Building Code and the 1997 Uniform Fire Code was never written or intended to be used in conjunction with the current City of Houston Building Code which was the 2000 International Building Code and by adopting the 2000 International Fire Code Council would remedy both issues and it would improve fire safety; and urged its adoption. Council Member Ellis absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Cope stated that he was not directly a member of CIC; that he believed there may be some against the item; that he did not know the cost of the code transition as he did not work for the city, but there was a significant amount of time involved. Council Member Ellis absent.

Mayor Brown stated that there was a memorandum sent out that answered that question. Council Member Ellis absent.

Upon questions by Council Member Quan, Mr. Cope stated that the International Fire Code was developed by ICBO, an organization which combined three codes being used in the United States, the Uniform Fire Code, the Standard Fire Prevention Code and the Southern Code so the International Code was a direct descendent of the Uniform Fire Code but it was three years of additional technology and new standards rolled into it so there were not significant differences in how the two codes were written and applied, but certainly there were differences between the Uniform Fire Code and International Building Code which made it difficult to use the two in conjunction with one another. Council Members Edwards and Ellis absent.

Upon questions by Council Member Keller, Mr. Cope stated that he was familiar with BOMA but did not know where they stood on this; that he suspected someone with them would speak later. Council Member Keller stated that he would be in strong support of what BOMA wished. Council Members Edwards and Ellis absent.

Mayor Brown stated that he would ask Mr. Bibler to walk everyone through the process that led them to where they now were; and Mr. Bibler stated the Fire Department had a standing committee of people appointed by the Mayor and approved by the Council, the Fire Code Review Board, who developed the codes and they worked in cooperation with CIC and finally the document was sent to the Legal Department where it was reviewed and placed in final form for presentation to the Council; that the city had at least the last 15 years used the Uniform Series of Building Code which had its own Fire Code, but as of two years ago the Uniform Codes ceased to exist with respect to the Building Code therefore the city switched to the

International Building Code which as stated earlier was the successor to the Uniform Building Code and today they were talking about adopting the Uniform Fire Code Which was the book that went with the International Building Code Council already adopted and furthermore the state had adopted the International Energy Code and the International Residential Code which the city also used and by adopting the International Fire Code there would be a consistency of books with the references in one sending you to the right places in the others and you could not design or operate a building without complying with both the Building and Fire Codes and as stated by this speaker it gave a cohesive set of documents and there was no alternative code he knew of except for one and that was not written to conform to the International Building Code which Council already adopted. Council Member Ellis absent.

Mr. Rick Lord, P. O. Box 8746, Houston, Texas 77249 (713-869-3592) appeared and stated that he brought to Council before problems with the CIC; that the plumbers union in Houston applied a number of times to be a part of the process and they were opposed to the process; that the NFTA offered to do all the work for free, the books, training and update and what they were talking about was completely shelving what the city was currently doing and adopting a whole new format; that the Fire Code had done well for the city and could easily be updated, but now his understanding was they would adopt this code and in 2003 adopt another Fire Code instead of doing the proper process; that the CIC had not been fair and not given everyone an opportunity to sit at the table and at this time it was their stand to not proceed with something that would be costly to the city when they had the opportunity to get something on a free basis. Council Member Ellis absent.

Upon questions by Council Member Alvarado, Mr. Lord stated that it was more how the codes were developed that they were against, contractors and unions, the people who installed it and worked it and lived by it should have fair access to it and there was no representation on the CIC. Council Member Ellis absent.

Upon questions by Council Member Quan, Mr. Lord stated that if this code was adopted they would have to update the 2003 Code and he was proposing that there be a more open process with a committee reviewing it and do what was best for the city not what those with a monetary interest said to do.

Upon questions by Council Member Vasquez, Mr. Lord stated he was correct, his concern was not having a voice at the table and thought at this point it would be proper to have an open committee decide what was best for the city and consumers; that he was not in favor of the international Codes, it hurt the contractors.

Upon questions by Council Member Galloway, Mr. Lord stated that the union had not met with anyone at the city and he knew Mr. de Leon knew how interested he was in the issue. Council Member Galloway stated that she would get with the Mayor as she wanted everyone included in the decision as it was a major issue.

Council Member Sekula-Gibbs stated that just now she was handed a letter from Mr. John de Leon indicating the cost of implementing the International Fire Code and the city's estimate was by adopting the IFC they would spend \$46,358.80 in employee man-hours reviewing it and \$18,625 for books and amendments and if they stayed with the NFPA it would cost \$139,076.40 because it was an expansion of time from reviewing the new changes in a familiar code versus studying word for word an entirely new code and an additional list of standards; and upon questions, Mr. Lord stated that he did not agree with those numbers, when someone offered to do it free, with free material and training, they should have reviewed them both unless they had their own agenda of adopting a new one; that the Fire Code worked in conjunction with the Plumbing Code and Electrical and Mechanical Codes. Council Members Wiseman and Alvarado absent.

Upon questions by Council Member Robinson, Mr. Bibler stated that the Fire Code Review

Board was a standing committee who did the primary work on the documents. Council Member Robinson stated he wanted to know if it was a unanimous vote before it went to the CIC and Mayor Brown stated that they would find out and let him know. Council Member Robinson stated that he wanted to know where the folks were that should have been raising the flags all along and who the union representatives were that Mr. de Leon met with; and Mayor Brown stated they would have a meeting with him and provide the answers. Council Members Wiseman and Alvarado absent.

Council Member Quan stated that as a point of personal privilege he would like to say Council was being joined today by 28 public officials from the Province of Zhejiang in China who was participating in a institute at the University of Houston's Center for Public Policy and asked them to stand to be recognized. Mayor Brown welcomed everyone to Houston and stated that if the opportunity presented itself he would like them to come again. Council Members Wiseman and Alvarado absent.

Ms. Tammy Betancourt, 12018 Wood Hollow Lane, Houston, Texas 77043 (713-203-0726) appeared and stated that she was the executive vice president of Houston Builders and Managers Association and present to talk about the International Fire Code; that she wanted to reiterate the consensus of the Construction Industry Council and the Houston Fire Department in recommending the code was not in question; that the CIC was made up of a group of professional and trade associations with plumbers, electricians and mechanical people all being represented, but the group had traditionally not been open to unions; that anyone could attend the open meetings on any code and this was a process which took eight months and was approved since last August and sitting in Legal and Fire Departments for the last year waiting on Council's decisions; that no other code was reviewed because the CIC was only asked to review the International Fire Code and the NFPA did not come from the Administration to be reviewed and no organizations or associations speaking today in favor of the code had anything to gain financially because of its passage; that the International Fire Code was the companion of the International Building Code and she urged all Council Members to support the item. Council Members Wiseman and Alvarado absent.

Upon questions by Council Member Keller, Ms. Betancourt stated that the Fire Code along with the Energy Code had caused the backup and slowdown in the permitting process and passage of this code could only help; that it would not absolutely take care of it, but the permit fees Council increased and hiring of new code enforcement personnel should help remedy the situation. Council Members Wiseman and Quan absent.

Upon questions by Council Member Tatro, Ms. Betancourt stated that traditionally every three years the code was updated. Council Member Tatro stated that Houston needed to be a place where you could get something done and the platform of molding the two codes together was a big significant economic issue; and Ms. Betancourt agreed and stated that if the entire family of International Codes were adopted contractors here who were doing business in other cities would not have a whole new set of codes to learn and that was the reasoning behind the family of codes to begin with. Council Members Wiseman and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Betancourt stated that she did not have the expertise to backup the numbers presented by Mr. de Leon, however, she did know anytime you changed a code you would experience training dollars; that right now there was no Uniform Fire Code and the alternative being pushed at this time was the NFPA Code and that was an entirely different code it was not just a revision; that the CIC was developed by the City of Houston years ago and bylaws were set forth and she did not know if there was ever a union member as it was always professional trade associations. Council Members Ellis, Berry and Robinson absent.

Upon questions by Mayor Brown, Ms. Betancourt stated that there was no opposition to union membership she was aware of. Mayor Brown stated that Mr. Bibler should look at that

regulation and see why it could not be changed; and Mr. Bibler stated that as far as he knew the CIC was not a city organization; that he heard the complaint before and the city did cooperate with them in this area and if it was an uncomfortable situation for Council probably the best thing to do would be to create their own review organization and just stop dealing with the CIC. Mayor Brown stated that they should still look at it; that he did not know of anyone who said to him they were opposed to union participation, but as he understood it the CIC selected the members. Council Members Ellis, Berry and Robinson absent.

Upon further questions by Council Member Sekula-Gibbs, Ms. Betancourt stated that she was correct they were planning to approve a 2000 Code and were now in 2003 but it was usually a three year process and it was not unusual. Council Members Ellis, Berry and Robinson absent.

Mr. Peter Rollinger, 2000 South Dairy Ashford, Suite 405, Houston, Texas 77077 (281-558-5000) appeared and stated that he was chair of the Construction Industry Council Committee and was present regarding Agenda Item 35, to dispel confusion about the codes they must understand how they were developed, currently there were two major code making organizations that being the International Code Council and the National Fire Protection Association; that the International Code Council was formed through the consolidation of three code making organizations BOCA, ICBO and SBCCI and responding to the call to have one set of codes for the United States ICC consolidated the three original codes into a set of International Codes combining Building, Fire, Mechanical, Plumbing, Residential and other codes in order to allow uniformity and application and currently 97% of cities, counties and states were using documents supported by ICC; that NFPA1 was an untested Fire Code with serious integration problems with the International Building Code already adopted by the City of Houston; that Oregon and California set up commissions to study both International Codes and NFPA Building and Fire Codes and in both cases the conclusion was that problems and cost involved to switch to NFPA Codes which were still under development brought the International Codes as a code of choice and Fire Code Committee Members urge Council to adopt the 2000 International Fire Code. Mayor Brown, Council Member Ellis, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Mr. Rollinger for coming and explaining the history of how it evolved and the use of the code throughout the country. Mayor Brown, Council Member Ellis, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Jim Dolan, 1100 Dandon, New Jersey 08753 (732-270-0277) appeared and stated that he was present to represent the National Fire Protection Association who had been a code and standard making organization for 105 years and today he was asking Council to recommend postponing the adoption of the new Fire Code for the City of Houston; that it was his understanding the Construction Industry Council did not review NFPA1 Fire Code which was a consensus based Fire Code that would incorporate hazardous materials provisions currently used with the City of Houston; that NFPA1 was the most widely adopted Fire Code in the United States, currently adopted in 15 states in conjunction with all model building codes including the International Building Code; that NFPA1 and the Uniform Fire Code were now merged for the 2003 addition and with the Uniform Fire Code becoming NFPA1 Uniform Fire Code at least 30 states would soon be on board with NFPA1 Uniform Fire Code or NFPA1/UFC; that the City of Houston had used the Uniform Fire Code for the past 16 years and continued to use and enforce three other members of their C3 Code set, the National Electric Code, Uniform Plumbing Code and Uniform Mechanical Code and the benefits of selecting the NFPA1 Uniform Fire Code was the NFPA worked closely with code enforcers and users to provide ongoing support through code interpretation, training and certification programs and they channeled their resources into independent research initiatives continuing education services and safety programs and provided free training to those who adopted their codes; and urged critical evaluation and comparative analysis of both NFPA and ICC Fire Codes. Mayor Brown, Council Members Ellis, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Robinson, Mr. Dolan stated that NFPA1 was adopted in 15 states; that in 1995 one state used NFPA1 and in 2003 there was over 15 states using NFPA1 and another 14 states using the Uniform Fire Code; that he would be glad to answer in writing that yes they would offer free training, certifications for new code or certifications by other agencies would transfer in. Mayor Brown, Council Members Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Sekula-Gibbs, Mr. Dolan stated that he had not seen Mr. de Leon's numbers and just heard them today and he could not challenge the amount of staff hours that went into it, but as far as the compatibility issue of the Fire and Building Codes an independent Fire Code would work with any Building Code; that the International Building Code Council adopted and the International Fire Code said when doing a design of a new building you used the Building Code and the Building Code referred 88 times to go back to the Fire Code and NFPA1 Fire Code would have the 88 sections the Building Code said use the Fire Code for. Mayor Brown, Council Members Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that what he was saying then was the NFPA1 represented where most cities and states were going; and Mr. Dolan stated it was the other speaker who said that, but the International Building Code was being adopted and states were making their own amendments and having their own versions. Mayor Brown, Council Members Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Dennis McKinney, 70792 W. 43rd, Houston, Texas 77092 (713-937-3332) appeared and stated that he was president of the Houston Construction Industry Council and wanted to say after approximately two years of work by their organization to get where they were today, the original request was about January 2001 and at that time there was basically one Building Code and series of Codes actually available for review at that point and it was the International series and that was one reason their organization only reviewed the one because at that point it was all there was to review; that since then there was further development and two were now out there; that in 1996 there were three building codes and Houston chose the Uniform body of Codes and that was what was reviewed; that at some point someone had to make a decision as to which way they would go and for that reason he highly encouraged Council to adopt and approve the International Fire Code with the many Houston amendments presented because it did mesh in with the International Building Code with Houston amendments; that their organization was made up of associations and not individuals, individual trade unions or individual companies and would like to point out that even though unions were not directly members they had never excluded any participation on the committee work from any individual who had knowledge to bring forward. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. McKinney stated when they began there was one set of International Building Codes; that NFPA1 had been around many years, but was actually a fire prevention code and just recently, he believed, they were integrating it with the Uniform Fire Code and in the future there would be many struggles on the same issue of which code to review. Mayor Brown, Council Members Galloway, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Jim Tidwell, 5203 Leesbury Pike, Suite 600, Falls Church, Virginia 22041-3405 (703-931-4533) appeared and stated that he was present representing the International Code Council which was a not for profit organization and dedicated to public safety and to lessen the burden on government and that was really their mission and they did it by developing a series of regulatory documents for adoption at a local level; that the International Code Council's process in developing the documents was the most open with direct access to anyone with an interest in code development and regulations and anyone could participate and make motions or submit

code changes, it was open discussion and the outcome spoke for itself and he would take issue with the statement that the NFPA Fire Code was the most adopted Fire Code in the Country and the ICC had never faced a legal challenge so there was credibility built into the documents being considered; that compatibility was a critical issue between the Fire and Building Codes and both were highly dependent and if there was not compatibility it created all kinds of confusion in the design industry and enforcement industries. Mayor Brown, Council Members Galloway, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Tatro, Mr. Tidwell stated that the suite of International Codes was first published as a complete set of documents in 2000 and they were based upon, in excess of 100 years of legacy code history, the three regional codes were no longer in existence and the International Codes were the successor codes to the Uniform Codes, BOCA Codes and Standard Codes which were in existence since the early 1900s; that the consolidation ended the existence of those three organizations and it was at the request of both federal agencies and private groups including the American Insurance Associations. Mayor Brown, Council Members Galloway, Edwards, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Carroll Lee Pruitt, 3705 Hwy 290 West, Austin, Texas 78735-8407 (512-394-0601) appeared and stated that he was manager of the Texas Resource Center for the International Code Council located in Austin, Texas; that Mr. Tidwell presented the majority of issues he was bringing and he was in favor of adoption of the International Fire Code by the City of Houston; that the ICC did have over 175 years of collective experience in the development of codes and standards and the City of Houston in reality was an owner of the International Code Council, it was a member of the council and had voting representatives, however, as Mr. Tidwell pointed out it was a fully open governmental consensus process open to anyone wanting to participate, submit changes or testify. Mayor Brown, Council Members Galloway, Edwards, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Pruitt stated that a number of cities in the Dallas Ft. Worth area adopted the International Fire Code and many others across the state were looking at it; that Austin was reviewing both the International Building and Fire Codes at this time and Dallas went through the process and the adoption of the Building, Plumbing and Mechanical Codes were at the City Attorney's Office and it was his understanding it would be presented to Council for adoption. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Hattie Connor and Ms. Robin Allen to follow Mr. Eugene Mars, seconded by Council Member Alvarado. No vote was recorded as a quorum was not present. Council Member Parker out of the city on personal business. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Vivian Harris, 13906 Regg Dr., Houston, Texas 77045 (713-433-4597) appeared, presented information and stated that her first request today was to have Mr. Jonathan Michaels removed from the Legal Department as he had cause quite a bit of grief; that the City of Houston had no zoning and there were no legal protections offered to prevent factories or commercial enterprises from being located in the middle of a residential community, however, there were deed restrictions and it was the city's responsibility to enforce those restrictions; that the Southmont Annex community was a moderate income, predominately minority of 154 lots and had deed restrictions in place since the 1940s and while there had been violations the community had aggressively worked to stop potential violations by reporting each and with 154 lots there were only 18 existing violations; that last year a lot owner attempted to construct a business and lied in his application for a permit, his building was red-tagged by the city with

litigation lasting less than a year and ended when the owner voluntarily dismissed his action; that community residents were told by the City's Legal Department that after investigating the complaint regarding the continued building of originally red-tagged businesses that it elected not to prosecute as they considered the deed restrictions invalid because there were too many violations; that if the City of Houston was serious about protecting its communities it must insure its departments vigorously investigate and enforce. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Harris stated that the building was initially red-tagged, then the owner said it was a garage for personal use; that they had gone all through the litigation and then the same gentleman went to the city and asked for a permit for a residential storage shed, the building was bigger than her house and she had submitted pictures, now he was continually building it and Mr. Michaels refused to do anything and was calling their deed restrictions as lapsed. Mayor Pro Tem Quan stated that the state had given the city more authority with deed restrictions during the last legislature and Ms. Hartgrove with Planning was present today, but he wanted to follow-up with Mr. Michaels. Mayor Brown, Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to hear what Mr. Michaels had to say as far as how the citizens were saying he was speaking with them and all needed to remember they were paid by the taxpayers of the city and she would like to be in on the conversation the Mayor Pro Tem was going to have with him; that she had two sets of deed restrictions one presented by the residents and one by Legal and she would also like the Legal Department to tell her how she could tell which ones were binding; and upon questions, Mr. Bibler stated that there was one situation in the neighborhood where they were being asked to enforce deed restrictions and they found subsequent to the filing of the deed restrictions there was an amendment that allowed the lot to be used commercially and the indictment of Mr. Michaels was completely disproportionate to the situation, the decision had been carried all the way to the City Attorney who supported the actions taken and if she had an issue she needed to speak with Mr. Hall; that they would be glad to sit with her and visit and by their account over 50% of the lots were being used commercially or in violation of deed restrictions and they believed they were hopelessly waived out there and it was a lost cause; that at some point attorneys had an obligation not to go into court with actions they knew were unfounded and they would not feel comfortable on any basis bringing a deed restriction complaint in that neighborhood. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they needed to schedule a meeting with the Legal Department, Council Member Edwards and himself; that he understood what Mr. Bibler was saying, but by the same token he knew how hard Ms. Harris had worked to maintain the residential character of the neighborhood and quality of homes and he would like to express concerns in support of her position. Ms. Harris stated that they did not have the authority to permit or not permit anything it was done through the Permitting Department, so who allowed their deed restrictions to be violated, the city dropped the ball and she presented a certified copy of their deed restrictions adopted in 1940 to Mr. Cantu. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Eugene Mars, 13907 Wrigley, Houston, Texas 77045 appeared, presented and reviewed information which stated that there were facts and fictions being stated about the Southmont area deed restrictions and it was fiction that citizens were responsible for preventing deed restrictions and the fact that the city was statutorily required to investigate and prosecute claims of deed restrictions; fiction that the Southmont Annex No. 4 deed restrictions were invalid and the fact that the Southmont Annex No. 4 deed restrictions had never been judicially

declared invalid and the fact that their civic association and a number of community residents attempted to work with the city to ensure deed restrictions were upheld and their community protected and despite assertions by the Legal Department they never allowed businesses to locate within the community. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Mars for his presentation and stated that as he indicated to Ms. Harris he did intend to meet with the Legal Department along with Council Member Edwards to see what could be done in rectifying the situation. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Hattie Connor, 5219 Heatherbloom, Houston, Texas 77045 (713-433-7638) appeared and stated that she was president of Heathercrest Post Oak Village Civic Association and today was present to also speak on the City Legal Department not pursuing matters in the neighborhood; that in her neighborhood there were two houses on one lot and their deed restrictions were to prohibit such things; that the applicant lied on the application saying there were no deed restrictions and in the last year she was told by the City Attorney handling the procedure they were going to court then the first of the year she was mailed an affidavit which she signed and mailed back and they were supposed to go to court, but several months later she was contacted by Mr. Jonathan Michaels who expressed he was not going through with it even though Mr. Carpenter found reasons to pursue the matter; that she felt Mr. Michaels worked for her but he was saying they would not pursue the enforcement of the deed restrictions and she did not feel they should be deprived of a quality of life they were entitled to simply because he did not think the neighborhood was affluent enough to take someone to court and she too was asking Mr. Michaels be removed and someone else be assigned to their area. Mayor Brown, Council Members Galloway, Goldberg, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro stated some history at Council was that almost the same similar issue came before them when Council Member Castillo was in where an established neighborhood had a thoroughfare all business and had been for 25 years and the civic club did not mind but the City Attorney's Office was going after a particular business on that thoroughfare and now two years later it was an about face by the Legal Department; that they had said there was no statute of limitations for enforcing the restrictions and he whole heartedly supported the Legal Department assisting the civic club, if there was no statute of limitations and the civic club was for the enforcement that was what they paid tax dollars for and he hoped in the last few years they had not done 180 degrees. Mayor Brown, Council Members Galloway, Goldberg, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he understood the argument of so many abuses it made it almost unenforceable, but in some instances in his district they won because it showed the applicant lied; and upon questions, Mr. Bibler stated that he did not know if the people even obtained building permits for what they built and the facts related to him was it was not 18% but over 50% were out of compliance; that he would guess they would have to go in and take the neighborhood apart house by house and see if there were building permits and if the ordinance was in effect at the time, but he was told it was massive noncompliance; and if it was the case someone lied on an application they would red-tag the permit and carry the affidavit to the District Attorney and say they thought the people lied and he should take appropriate action and as far as he knew he had never accepted a single one of the lawsuits but had the option to do so. Ms. Connor stated that on their neighborhood signs they said deed restrictions enforced and in their news letter the same thing so everyone knew they had them. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Robin Allen, 13918 Cantina, Houston, Texas 77045 (713-433-0958) appeared and stated that she was Ms. Connors vice president and they worked closely together on the deed restrictions; that she would reiterate what Ms. Connor and Ms. Harris had said, but they also had a problem with vendors on the corner of South Post Oak and West Orem, it caused traffic jams and accidents and it just looked bad; and she was making a plea to Council to help them in their efforts. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Lemer, 13603 Appletree Rd., Houston, Texas 77079 (713-465-2004) appeared, presented information and stated that he was chairman for Citizens for Public Accountability (CPA) which was a group of retired partners of some of Houston's accounting firms; that he was speaking in opposition to a property tax cap and there were a couple of basic reasons why with one being the cap proposal was flawed in a number of respects and the bigger issue was it diverted attention from what they called RevCap; that the cap was well intended but only a bandaid, if the proposal had been in effect in 1983 and they took the maximum 5% permitted it would have cost Houstonians about a billion dollars whereas RevCap, their amendment to the City Charter, would have saved Houstonians over eight billion dollars; and he was talking about Items 27 and 27a to be taken up in tomorrow's meeting; and Mr. Lemer's time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he appreciated all the work he did and asked if he could sum up his statement. Mr. Lemer stated that the 5% cap did not even cover the entire general fund or you could get around the cap by just moving expenditures to another revenue fund and in RevCap you would have to go to the voters to override the cap on all revenues of the city; that there were a number of things RevCap did that Council's proposal did not do and pure and simple this was a diversionary thing. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that he understood Mr. Lemer wanted to make everything more restrictive but there was a flaw in his analysis, he was taking the assumption that every year there would be an increase of 5% in ad valorem tax revenues; that what was being presented was a compromise they had worked on with other Council Members and basically what it did was when they had explosive appraisal values it would cap the revenues and create an automatic tax rollback which he thought to be a good thing. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that they did not think this would cure the problem, but it was a step in the right direction; that he did not know if there was a cure to the tax dilemma, but this was a significant step in the right direction. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he learned bold progress was done in gradual steps and encouraged Mr. Lemer to vote for both if it came to the ballot; that he was not for or against RevCap but he knew there was no way he was not taking a bird in the hand tomorrow and voting for this. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she was optimistic and had hoped the state would help with a statewide cap and was very disappointed when it did not occur; and upon

questions, Mr. Lemer stated that he had been opposed to it as inflation in the City of Houston had exceeded 5% one time in 20 years but had exceeded 4% twice so it would not have capped it and they needed better arms around the whole thing; that this was just a shell game of moving money back and forth. Council Member Sekula-Gibbs stated that all Council Members wanted to give tax relief to the taxpayers and Council Member Ellis had taken lead on it. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would like Mr. Lemer to clarify one thing; and upon questions, Mr. Lemer stated that in the early years the 5% exceeded because of increases in property tax rate. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Johnny Mata after Mr. Hartman, seconded by Council Member Tatro. No vote was recorded as a quorum was not present. Council Member Parker out of the city on personal business. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Al Hartman, 1450 Sam Houston Toll Road, Houston, Texas 77043 (713-467-2222) appeared and stated that he was chairman of Let The People Vote On Taxes and they gathered 30,000 signatures about one and a half years ago for a ballot initiative to be voted on in 2004 and it was what Mr. Lemer had talked about, capping city revenues at equal to inflation plus growth which was about three and a half to four percent a year; that in comparison to what was being presented if their revenue cap was put into place 20 years ago it would have saved eight billion dollars over the past 20 years and if the proposed tax cap was put in place it would have saved no money and when going on the ballot it would greatly confuse the voters because anything with the words "tax cap" appealed to voters and they would vote for it but there was no benefit in it as it would have saved nothing; that also with what his organization presented bond ratings would go up and if what they were presenting was put in place 20 years ago it would have saved over eight billion dollars and they would need no property taxes at this time and their proposal also created 50,000 jobs in Houston. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would like data to support what he just said because he had listened to Dr. Smith at the U of H on job growth and out of the top 25 cities in the country Houston was seventh and he would like his data showing Houston in comparison to Colorado. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Johnny Mata, 1210 Eaton, Houston, Texas 77030 (713-797-1883) appeared, presented information and stated that he was appearing as a resident of Grace Apartments; that this year a representative from MD Anderson Cancer Center came to the residents and informed them they had purchased the building and residents had 45 days to relocate; that the residents were very upset and wanted to fight the deadline, then the deadline was extended to August 31st; that they had a news conference and raised the issues and letters were written to elected officials but their calls went on deaf ears; that they were proud of the Medical Center and had no problems with their expansion; and they were asking for Council's help in encouraging the Medical Center's Board of Directors to do right when they displace people. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated it was in Council Member Edwards District and she would follow her lead; and upon questions, Mr. Mata stated that they were asking for more time;

that they received letters from Council Member Edwards and from Congressman Bell to give them until the end of December and January 15th to move out and they had written back and gave a choice of dates to move and what was upsetting was when they came to talk they brought three police cars, they had an arrogant attitude but when they needed funds you could rest assured their attitudes changes and he thought that attitude needed to be changed. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Mr. Mata raised a point, organizations and groups, etc., had no problem lobbying for assistance; that her letter simply asked for a simple show of compassion for those who lived there, to give them ample time to move; and upon questions, Mr. Mata stated that maybe if they called the Board of Trustees they could get somewhere; that they were told they were behind deadline and he felt their minds were set, but they were tired of citizens being abused by institutions. Council Member Edwards stated that she would like Mr. Mata to contact her office as she would like Council Member Alvarado and herself to meet with tenants and then join in on whatever strategy he was working towards and then speak with the persons he thought may listen. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Mata stated that there were about eight to ten people still there, but there was no reason they could not give them more time; that lots had been turned to rubble and roped off since 1990 and nothing had been done. Mayor Pro Tem Quan stated that they would follow-up with the Council Members. Mayor Brown, Council Members Galloway, Goldberg, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Fred Simon, 712 Country Place Dr., Houston, Texas 77079 (281-759-7965) appeared and stated that he was representing Lennar Homes, a piece of property immediately south of Hobby Airport, they attempted starting to acquire the property shortly after the Mayor had his kickoff of Project 5000 for additional housing units inside the city and they represented the affordable end of the range; that prior to closing one requirement Lennar made was for the city to execute reimbursement contracts before they would close on the property because they wanted to make sure it was something the city wanted and in essence they have come all the way through with the reimbursement contracts signed and they close, but then they get right to the final review of plans and asking Council to issue construction contracts on Phase I when he saw an article in the paper saying the airport intended to take the property and their project was stopped; that today they were asking the Council to hold the Airport Board to it rather than just presenting a plan and stopping projects the city had already approved and allow them to go forward with the development. Mayor Brown, Council Members Galloway, Goldberg, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he appreciated his efforts in the area of affordable housing; and upon questions, Mr. Simon stated that the issue was raised where there was a possibility of expanding the airport, however, at that point it was represented to them it was far down the road and likely would never affect their property. Mayor Brown, Council Members Galloway, Goldberg, Goldberg, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Mayor Pro Tem Quan stated that the proposed expansion was a proposed Master Plan. Upon further questions by Council Member Ellis, Mr. Simon stated that they were given authority to go forward by the Planning Department and he first heard of this when picking up the paper so he called Public Works and was told their project was on hold because the city was reviewing the Master Plan; that they paid a little over \$1,000,000 for the land and spent about that much more on engineering, studies, soil testing,

etc. Mayor Pro Tem Quan stated that a presentation was given to the TTI Committee last week and he believed there were public hearings on two days and he would get a copy for the Council Member. Council Member Ellis stated that he wanted to work with him on this to see what kind of compromise could be worked with Aviation and his company as well. Mayor Brown, Council Members Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that to address some of the questions, the presentations made by Aviation with respect to their 20 year Master Plan would be in phases and with Phase I would be land acquisition and it was her understanding next year they would begin acquiring the land; that this developer participation agreement Council approved was from her estimate a legally binding contract, it was brought to them by Public Works and if they had known of Aviation's plans with respect to taking the land they could have voted it down and the developer would not have purchased it; that they did not close on the land until Council gave approval and now they gave approval where the taxpayers would kick in \$1.1 million for the infrastructure all to tear it up to extend the runway and expand Hobby Airport and she could not believe the city had been put in that position and the Fire Department was also trying to acquire the land for their CIP Project to expand the training facility so three parties were interested in one piece of property owned by the developer and they needed resolution. Mayor Brown, Council Members Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Harlan Smith, 9009 Texas Avenue #1519, Houston, Texas 77002 (713-223-2071) appeared, presented information and stated that he along with Mr. John Lester was a consultant and land development contract manager for Lennar Homes; that he and Mr. Lester agreed in October 2001 to represent Lennar Homes and their possible land acquisition and construction of homes on 55 acres of land south of Hobby Airport and in November 2001, they requested and received a height hazard review letter from Mr. Kent McLemore of the Houston Department of aviation and called Planning to see if plans could be approved and were told yes as long as the plats approved complied with City of Houston guidelines and ordinances and they met again with Mr. McLemore on August 29, 2002, with his airport consultant group and were told he would oppose the plats but he did not and the plats were approved December 19, 2002, that on September 11, 2002, he and Mr. Lester met with Mr. Vacar, Director of the Houston Airport Systems, and Mr. McLemore was with him and the results of the meeting were that the Aviation Department saw no reason for stopping the development, then on January 15, 2003, the Council gave approval of three ordinances concerning the developer reimbursement agreements for Crisfield Meadows (Sections 1, 2 & 3) and they totaled \$1,161,701.00 and Lennar proceeded to close its million dollar land transaction at the end of January, then on or about April 1, 2003, after the land had been closed by Lennar. Mr. Smith's time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council had the chronology he eluded to among the documents he presented and though Aviation never said don't develop he was aware of a potential problem; and Mr. Smith stated that they were aware they would oppose the development plans, they being Mr. McLemore and his consultant group, but were never told that by Mr. Vacar and then they never opposed and the plats were approved and then went forward and gained Council's approval of the development reimbursement contract. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that if they met requirements for their development the Planning Commission had to approve their plats and there was nothing that could be done, however, what upset her the most was it was not just that they were allowing developers to spend their money to develop property the city had other interest in using, but what upset and offended her was the city was in on the deal to for \$1.1 million of taxpayer money, it was being

thrown away in this process and could have been prevented. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that she understood department heads met with Mr. Haines this morning and she wondered what resulted; and Mayor Pro Tem Quan stated that he would ask Mr. Haines. Mr. Haines stated that it was the first step in a process, but he did meet with key departments, Planning, Aviation and Public Works, and they were trying to make a determination what the requirements were under the respective ordinances and they were trying to reconstruct what did happen and they intended to have it all compiled as a part of their report and would also look at whether or not there were process improvements that could be made between the departments and finally and probably the most important issue was whether or not in reality there may have to be some ordinance changes to be considered by Council before any of this could be resolved; that they did know once the plats were submitted they would be approved so there may be major ordinance or policy issues coming to Council and he expected to have the report finished by Friday or the beginning of next week. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Smith stated that there were not that many spaces within the city that could be developed in that manner, it was \$40,000,000 worth of tax value and 376 affordable homes and they followed every procedure and guideline and went to every governmental entity they were supposed to and gained Council's approval. Mayor Pro Tem Quan stated that he agreed with him it appeared the city had binding obligations at this point and as Mr. Haines indicated they needed to reevaluate the ordinances so situations such as this did not occur. Mr. Smith stated that Mr. Paul Nelson told them the city would not be able to continue processing their plans for development so they were waiting until someone with the city gave an answer. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that was her next question, they were told by Public Works the project was on hold and she wondered if the city was planning on anytime before the report to change the status and if so when; and Mr. Haines stated that there was not a cease and assist as there could not be, they had to move the process forward and he thought rightfully the case of developer reimbursement the Public Works Director said because the issue had now gone to Council they had to wait a day or two before moving forward, but the ordinance was clear in that it said they had and would continue to move the recommendations forward, there was an impact now; and by Friday or Monday morning the report should be ready and distributed to Council Members. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Lester, 710 N. Post Oak Rd. #120, Houston, Texas 77024 (713-686-9778) appeared and stated that Lennar had plans and wanted to build 376 houses having a value of \$40,000,000 on 55 acres south of Hobby Airport, east of Telephone Rd. and north of Almeda Genoa Rd.; that they thought it was great for Houston to plan for growth ahead 15 to 30 years, but Lennar had to plan ahead to; that Lennar had retained Council's approval in the developer reimbursement program and Council heard of time and money spent on the project, but what they had not heard was any word from the Aviation Department prior to July 28, 2003, where they intended to expand Hobby and the news releases on July 29th and 30th a consultant with Aviation stated they did not plan to build anything until there was a demand for it; that it gave the airport system a plan in place to build for the future, it was not set in stone but would be implemented when necessary and Mr. Keith McLemore, Assistant Director with Aviation, said land acquisition could take place in the next year, but what he did not say was that there was not now money available, but there was a demand for affordable housing right now and Lennar was ready to commence construction as soon as Public Works signed off. Mayor Brown,

Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he saw where they had a meeting with Mr. McLemore in April 2001 where plans were presented; and upon questions, Mr. Lester stated that the first notification they requested from Aviation was in November 2001 and they wrote back and said there were objections to noise and height so they hired an airport consultant to advise and every objection the Airport had was overcome. Mayor Pro Tem Quan stated that he looked forward to Mr. Haines report. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. David Sheives, 2222 Bellefontiane, Houston, Texas 77030 (713-665-0169) appeared and stated that he lived in the old Braeswood Subdivision and the proximity of their street to the Texas Medical Center and Rice University created numerous parking problems and today he was urging support in passing the parking restrictions. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he believed there was strong support for that item and he hoped it would be passed tomorrow. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Tammera Halphen, 11723 Bexley, Houston, Texas 77099 (713-326-2748) appeared and stated that she was an activist on drug policy reform and voiced her personal opinions regarding marijuana laws and asked Council to direct HPD to make enforcement of marijuana possession its lowest priority. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. E. L. Holloway, 4201 Pennsylvania, Houston, Texas 77029 (713-675-4842) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Louise Perry, 6684 Westwick Dr., Houston, Texas 77072 (281-530-5739) appeared and stated that she was concerned and would like a city ordinance changed regarding loose dogs; that they needed much stronger laws and she had faxed a letter to each Council Member and the Mayor; that she had a five pound Yorkee attacked by a half-breed, a Pit Bull, and the dog took her dog's head in its mouth, crushed its skull and broke his neck in one motion and threw it on the ground and left; that her dog was on a leash and her husband was walking it at the time; that they were thankful he was not attacked also, but had he been attacked something could have been done, there was no ordinance concerning animal on animal and she would like that changed. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they had received her letter and he had given a copy of his to Mr. Bibler; and upon questions, Mr. Bibler stated that he had looked at the letter and believed something similar to it was under review by the Health Department based on another incident; that he did not think the other incident was as compelling as this one in the sense he thought both dogs were running at large; that they could check with the Health Department and see where they were. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he had a friend whose dog was attacked by a Rottweiler recently and fortunately he was able to recover, but he knew the emotional drain on him and he was sure with her and her Terrier and he felt it was certainly something they should follow-up on. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Ellis thanked Ms. Perry for coming; and Ms. Perry stated that she wanted everyone to see her five pound, nine year old that was no longer and presented a picture for Council to view. Mayor Pro Tem Quan stated that he did mourn her loss. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the other folks who came in recently with a similar tragedy had their pet destroyed on their front porch while they were trapped inside their house and they had two children who witnessed it also; that she partially investigated it with Health and it became difficult when it was a domestic animal attacking a domestic animal, there was a question of legally of which one provoked it and what to do from there and she believed it went no where; that she did not have a lot of hope they would be able to implement any sort of criminal penalties or fines, but she was told they could file some sort of civil action against the owner; and upon questions, Mr. Bibler stated that he did not give civil legal advise between people, but he would say he did not believe the city was powerless in this situation and if it was the sense of Council that some ordinances should be adopted they would be glad to look at it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Elsie Finley, 3202 Ozark, Houston, Texas 77021 (713-747-7155) appeared and stated that she was present as she was trying to get \$20.00 she put in a parking meter; that she walked to the Court House to get a document and it took 15 minutes and when she returned she had a ticket on the car; that she went to the Parking Meter Division and took a tape of what was said but refused to give money back; that she asked them to check the meter to be sure the money was there and they refused so she was asking for consideration. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Keller stated that Mr. Paul Dugas with Municipal Courts Administration was present and would meet with her. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Felix Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that he was a Harris County Bail Bondsman and his brother was a lawyer and he was present to discuss what was going on in the Municipal Courts; that they were selling warrant information within 24 hours or less after a court date was missed; that the city had a policy in which they did not arrest people 15 days after they missed court and that was because sometimes the mail was delayed and people sometimes paid their fines; that this was a concern to him because he saw it a lot and he thought it would be an advantage to the city to hold the information; that Harris County held warrant information 48 hours and perhaps since the city had a policy of not arresting someone for 15 days then they may want to also hold the information from bondsmen and attorneys for 15 days; and asked that Council approach the Legal Department on that and thanked them for the 311 number as it was very helpful. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Mr. Kubosh stated that the city sold the

information electronically, you could have it E-mailed to your office and it was sending confusion because some had sent checks and the mail was delayed and once the city received the envelope they took the warrant off, but if they did not want someone arrested for 15 days why not just wait that period of time before releasing the information. Council Member Ellis stated that he would look into that. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Don Johnson, 3 North Point Dr., Houston, Texas 77060 (284-931-8887) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 2001 Bryan Street, Dallas, Texas 75201 (214-965-9454) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and voiced his personal opinions until his time expired. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (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. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

At 5:20 p.m. City Council recessed until 9:00 a.m., Wednesday, August 6, 2003. Council Member Parker out of the city on personal business. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Goldberg, Vasquez, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 6, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 6, 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, 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, Mr. Paul Bibler, Senior Counsel, City Attorney's Office and Ms. Marty Stein, Agenda Director, present. Council Member Annise Parker out of the city on personal business.

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

At 9:10 Mayor Brown reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent.

Council Member Ellis moved to consider Item Numbers 33, 33a and 34 out of order and after discussion withdrew his motion. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 20

MISCELLANEOUS - NUMBERS 3

3. RECOMMENDATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$38,500.00 - Enterprise Fund **DISTRICTS B - GALLOWAY and I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent. MOTION 2003-0955 ADOPTED.

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$468,646.24 and acceptance of work on contract with **A & R DEMOLITION, INC** for Building Demolitions at George Bush Intercontinental Airport/Houston, Project No. 522K, CIP A-0304, 05.00% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent. MOTION 2003-0956 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$354,021.18 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-S7-3 (SB9048-1) - 02.99% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent. MOTION 2003-0957 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 10

8. ORDINANCE appropriating \$412,011.60 out of Fire Consolidated Construction Fund for Continuous Power Source Phase II for Building Services Department, CIP C-0162 – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0729 ADOPTED.
- 8a. **ALIEF ELECTRO-MECHANICAL, INC** for Continuous Power Source Phase II for Building Services Department - \$392,392.00 and contingencies for a total amount not to exceed \$412,011.60 – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0958 ADOPTED.
9. **CARRIER CORPORATION** for Air Handler Replacement for Health and Human Services Department - \$363,819.00 and contingencies for a total amount not to exceed \$382,009.95 – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez

absent. MOTION 2003-0959 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 14

11. RESOLUTION supporting and authorizing the request to place a segment of Gellhorn Drive from I. H. 610 to U. S. 90 on the Harris County Road Log - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. RESOLUTION 2003-0020 ADOPTED.
12. RESOLUTION supporting and authorizing the request to place Industrial Road from Federal Road to Sheffield Boulevard on the Harris County Road Log - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. RESOLUTION 2003-0021 ADOPTED.
13. ORDINANCE disclaiming, releasing and relinquishing the City's right, Title, interest, claim and demand in and to (i-v) the five utility easements, referenced as restrictive covenants for Lots 35 through 39, West Oaks Addition, as recorded in Volume 1122, Page 600, Harris County Deed Records, and under County Clerk's File Nos. J706585, K875254, L994815, M980380 and N458110, Harris County Real Property Records (Parcels SY2-049A through SY2-049E); and further finding and determining that public convenience and necessity no longer require the continued use of (vi) a 10-foot-wide utility easement (Parcel SY2-049F), (vii) a 5-foot-wide aerial easement (Parcel SY2-049G), (viii) a 2-foot wide sanitary sewer easement (Parcel SY2-049H) and (ix) a 10-foot wide electric and telephone easement (Parcel SY2-049I); vacating and abandoning said easements to Hudson Partnership, Ltd., the abutting owner, in consideration of owner's dedication of a 10-foot-wide utility easement (Parcel VY2-023) and a 30-foot-wide drainage easement (Parcel LY2-038), all located within the proposed West Oaks Place Subdivision, and owner's payment of \$1,200.00 and other consideration to the City - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0730 ADOPTED.
14. ORDINANCE appropriating \$2,425,000.00 out of Airport System 2000B NON-AMT Construction Bond Fund and approving the purchase of approximately 20.861 acres of land out of the Charles Huffman Survey, Abstract 319, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024-109, and approving purchase and sale agreement with Allen H. Crosswell, Trustee to acquire the land for a purchase price, including closing costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0731 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK) BOARD OF DIRECTORS:**
 - Position 1 - **MR. JOHN BRODIE**, for a term to expire December 7, 2004
 - Position 3 - **MR. ROBERT RYAN**, for a term to expire December 7, 2004 and as Chair, for a term to expire December 31, 2003
 - Position 5 - **MS. ROBBIE J. JONES**, for a term to expire December 7, 2004

– was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0960 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of **MR. ROBERT RYAN**, as Chair to the **CITY PARK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2003 – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0961 ADOPTED.
4. RECOMMENDATION from Director Planning & Development Department to accept the July 2003 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0962 ADOPTED.
- 4a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$8,323,701.60 to Revenue Bond Debt Service as recommended in the July 2003 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0963 ADOPTED.
5. RECOMMENDATION from Director Department of Planning & Development for the designation of seven residential parking permit areas and related parking regulations in the University Place and Neartown-Montrose Super Neighborhoods - **DISTRICTS C - GOLDBERG and D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0964 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **AMEND MOTION #2000-251, 2/16/00 and #2003-56, 1/22/03, TO EXTEND** expiration date from August 16, 2003 through August 15, 2004, for Safety Footwear for Various Departments, awarded to **SAFETY SHOE DISTRIBUTORS, INC** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0965 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the City's Air Pollution Control Program \$3,026,774.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0732 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City and **LANGUAGE USA, INC** for Translation and Interpretation Services; providing a maximum contract amount - 3 Years with two one-year options - \$60,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0733 ADOPTED.
17. ORDINANCE appropriating \$156,728.00 out of Aviation Improvement Fund No. 561, and approving and authorizing compromise and settlement agreement, between **LEIGH FISHER & ASSOCIATES** and the City of Houston to settle a claim - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Keller. Council Members Galloway, Goldberg, Wiseman and Vasquez absent.
18. ORDINANCE amending Ordinance No. 01-972 to increase the maximum contract amount to contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning & Janitorial Services for Building Services Department; (as approved by Ordinance No. 01-972) - \$635,981.25 - General Fund – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0734 ADOPTED.
19. ORDINANCE awarding contract to **PROFESSIONAL FLEET, INC** for Basic On-Site Lubrication Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$803,550.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0735 ADOPTED.
20. ORDINANCE appropriating \$1,295,386.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-B1-3 (WW4235-24); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. ORDINANCE 2003-0736 ADOPTED.

NON CONSENT AGENDA - NUMBER 21

PROPERTY

21. RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2003-358, 4/8/03**, which authorized the sealed bid sale of Parcels S95-055 and SY1-059, **TO APPOINT** one replacement independent real estate appraiser for each parcel **APPRAISERS - DISTRICTS D - EDWARDS and H – VASQUEZ** – was presented. Council Members Galloway, Goldberg, Wiseman and Vasquez absent.

Council Member Edwards named Mr. Charles Rencher to replace Mr. William July as appraiser for Parcel S95055, and the City Secretary stated that Council Member Vasquez had turned in a written item to appoint Mr. Thomas Bazan as appraiser for Parcel SY1059, and Council Member Edwards moved adoption of the recommendations, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0966 ADOPTED.

MATTERS HELD - NUMBERS 22 through 43

22. 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 – (**This was Item 6 on Agenda of July 30, TAGGED BY COUNCIL MEMBER ALVARADO**) – was presented. Council Members Galloway, Goldberg, Wiseman and Vasquez absent.

Council Member Robinson moved to postpone Item No. 22 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0967 ADOPTED.

23. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt 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** – (**This was Item 7 on Agenda of July 30, TAGGED BY COUNCIL MEMBER GOLDBERG**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0968 ADOPTED.

24. MOTION by Council Member Tatro/Seconded by Council Member Parker to adopt 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** - (**This was Item 8 on Agenda of July 30, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0969 ADOPTED.

25. MOTION by Council Member Tatro/Seconded by Council Member Sekula-Gibbs to adopt 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** - (**This was Item 9 on Agenda of July 30, TAGGED BY COUNCIL MEMBER ELLIS AND GOLDBERG**) – was presented.

Council Member Ellis moved to postpone Item No. 25 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg, Wiseman and Vasquez absent. MOTION 2003-0970 ADOPTED.

26. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt 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** - (**This was Item 10 on Agenda of July 30, TAGGED BY COUNCIL MEMBER KELLER**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway,

Goldberg, Wiseman and Vasquez absent. MOTION 2003-0971 ADOPTED.

27. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 - (**This was Item 19 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0972 ADOPTED.
28. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **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)** - (**This was Item 20 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0973 ADOPTED.
29. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **TEXAS HIGHWAY PRODUCTS, LTD** for Traffic Signal Controllers for Department of Public Works & Engineering \$898,859.12 - General Fund - (**This was Item 23 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0974 ADOPTED.
30. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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** - (**This was Item 24 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0975 ADOPTED.
31. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 - (**This was Item 25 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0976 ADOPTED.
32. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **GREAT WESTERN SUPPLY CO., INC** for Pipe, PVC and Fittings for Various Departments \$355,000.00 - General and Enterprise Funds - (**This was Item 26 on Agenda of July 30, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0977 ADOPTED.

NOTE: Item 33 is presented as an alternative to Item 33A

33. 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 - **(This was Item 27a on Agenda of July 30, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. Mayor Brown voting no, balance voting aye. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. ORDINANCE 2003-0737 ADOPTED.
- 33a. 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 - **(This was Item 27 on Agenda of July 30, TAGGED BY COUNCIL MEMBERS ELLIS, QUAN, VASQUEZ, TATRO and SEKULA-GIBBS)** – was presented.

Council Member Ellis moved to refer Item No. 33a back to the author, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0978 ADOPTED.

34. 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 - **(This was Item 28 on Agenda of July 30, TAGGED BY COUNCIL MEMBERS ROBINSON, ELLIS, QUAN and SEKULA-GIBBS)** – was presented.

Council Member Robinson moved to refer Item No. 34 to Council Member Quan's committee so they could bring all the Charter related issues back to the Council, and Council Member Ellis asked when the committee meeting was going to be held and Council Member Quan stated August 19, 2003, and Council Member Ellis stated that he would be more comfortable with the 3 week delay and Council Member Robinson stated that he did not have a problem with that. Council Members Galloway, Goldberg and Wiseman absent.

Council Member Robinson moved to postpone Item No. 34 for 3 weeks, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0979 ADOPTED.

35. 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 - **(This was Item 30 on Agenda of July 30, TAGGED BY COUNCIL MEMBERS EDWARDS, PARKER and ALVARADO)** – was presented.

Council Member Vasquez moved to refer Item No. 35 to the TTI Committee for

discussion, seconded by Council Member Alvarado. Council Members Galloway, Goldberg and Wiseman absent.

Council Member Tatro asked when the next TTI Committee meeting was to be held and Council Member Robinson stated August 24, 2003, and Council Member Tatro asked if they had a 3 week delay on the item then it would be set for the agenda in 3 weeks as opposed to removing it from the table for discussion and asked Council Member Vasquez if he would be open to a 3 week delay and Council Member Vasquez asked for a 4 week delay on Item No. 35 and would accept 4 weeks as a friendly amendment to his motion. Council Members Galloway and Goldberg absent.

Council Member Quan asked if there was any necessity to move forward on it at this time, that he knew a lot of discussion had gone on and a number of presentations had been made. Council Members Galloway and Goldberg absent.

Mayor Brown stated that there were some concerns that he thought they all should have, that number one they had been working on it for two and a half years, and number two, they did not have a fire code, and number three, the delay would not accomplish anything because it was a highly technical code that those who had been working on it were the ones who knew about it and asked Mr. Paul Bibler, Legal Department, to elaborate on his concerns. Council Members Galloway and Goldberg absent.

Mr. Bibler stated that he would echo everything that the Mayor stated, that they had been given a choice, if they were fixing a Chevrolet were they going to use Chevrolet parts or Ford parts and these were the Chevrolet parts and the only thing that they had that really fit, that people had spent a year or two making it work and fine tuning it to Houston's needs and there really was not any other viable option no matter how much time they spent worrying about it. Council Members Galloway and Goldberg absent.

Council Member Ellis stated that he could not agree with the Mayor more, but did not think it had been a year, that it had been two or three years in the making and Mayor Brown stated that it had been two and a half years, and Council Member Ellis stated that he thought there had been enough debate with regard to the item and urged everybody to have the vote today and move forward on it. Council Members Galloway and Goldberg absent.

Council Member Keller stated that he would honor anybody's reasons to keep trying to improve the process to have all voices heard, but the results were that it was a huge disruption to the businesses in the City of Houston, to companies trying to move to the City, that there was a huge log jam and disruption going on in the commercial business sector of the City of Houston that was not just office space, it was basically anybody who was involved in commercial operations, whether it was at the docks, the service centers, the manufacturing facilities or the office buildings, that he needed to let everybody know that the real estate industry was really crying for some kind of solution to the problem.

Council Member Robinson stated that his concerns were that one of the questions that nobody had answered to his satisfaction, because he had not heard the answer yet, why was only one code referred to the CIC, that it was the second time they had been through the code issue and the last time they went through it they asked that everything be referred so every thing could be evaluated so nobody could come back and say they did not have a fair hearing, that lo and behold they came back and were in the same place again, it was not an issue about which was the better code, the problem for him was that they did not submit both codes and nobody told them that was going to be the decision, they also heard yesterday that in a short period of time they were going to be faced with the decision of revisions, a new update to the code that they were going to implement, so the question became, did the vote mean they automatically just go forward on the revisions that would come forward or were they going to go back through the "tedious and laborious process" that took two plus years and was only going to

be that amendment or was it going to be both, that at the end of the day his problem was the due process part, that he did not mind voting on the recommendation, that he had a problem when the people come and when they listen to the presentation made to them they started on one track and it was the only track and other folks did not get at least in the game, and that bothered him, that their Fire Board only sent one recommendation or why the administration only sent one to the Fire Board and then they only sent one forward, so he thought at least that was important enough for him to find out and was willing to take a short period of delay, that in their own document they said the CIC suspended the Fire Code Evaluation Committee so that they could go and work on other code committees and that was not a knock against them but it certainly did not ring true to that it was such a dire need, so if he had to vote today he was going to vote no, but if he had an opportunity to get some answers to his questions he may be more tolerant.

Mayor Brown stated that Council Member Robinson had raised two issues and there answers to both of them, that the delay was because they were mandated by the State to address the Energy Code so they went off the Fire Code and took care of the Energy Code, that Mr. Bibler had mentioned a couple of times, and would ask him to do it again, the reason only one code was considered.

Mr. Bibler stated that unfortunately the lines between what they called a Fire Code and a Building Code had become blurred over the years and it used to be, and thought still should be but was not, that a Fire Code tells them how to live and operate in a building after it got built, that unfortunately modern Fire Codes contained a whole lot of requirements about how they construct a building and theirs was no different, so here they were with a Building Code that tells them how to construct a building and if the Fire Code was not written in the same terms in caused a great deal of confusion and there were very specific references back and forth on technical provisions from one document to the other, and if the documents were not consistent with each other and the references were not consistent with each other it was going to cause interpretation issues and all sorts of problems that could be avoided by adopted a family of codes, that they could get the blackboard and he could spend a half an hour showing them what had happened to the codes over the years, they used to use all components of a set of books called the Uniform Building Code System, there was no longer a Uniform Building Code and so that code became one of the codes that went into the International Building Code, meanwhile the State told them that they had to adopt the International Residential Code and the International Energy Code and no matter what they said or no matter how they did it, as long as Fire Codes were going to contain construction related requirements their Fire Code needed to match their Building Code and they had a product, the only product that was reviewed, was one that did that, that it sent them back and forth, when it said to go to Section 207.3.6.7 those provisions would be consistent with what it says in the Building Code.

Council Member Alvarado moved to call the question on Item No. 35, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2003-0980 ADOPTED.

A roll call vote was called on Council Member Vasquez motion to postpone Item No. 35 for 4 weeks and Mayor Brown urged everyone to vote no on the motion.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker out of the city on personal business.
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no

Council Member Ellis voting no
Council Member Keller voting no

Council Member Robinson voting aye
MOTION 2003-0981 FAILED

A vote was called on Item No. 35. Council Member Edwards voting no, balance voting aye. Council Member Parker out of the city on personal business. ORDINANCE 2003-0738 ADOPTED.

Council Member Quan stated that what came out of yesterday's discussion disturbed him as far as the role of the union in the process and he knew that they did not necessarily control the CIC but it seemed if they could have had the union participation early on that it would have helped clarify everybody's position and he would just ask the administration to see what they could do to encourage more participation by the union in these code processes, and Mayor Brown stated that he would agree and thought there should be union participation also and would ask the Legal Department to look at what they could do to precipitate that. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she wanted to reiterate what Council Member Quan and the Mayor had already stated, that she thought it just caused a lot of concern for everyone at the Council when there was lack of participation by people who had a vested interest in the outcome of the day and thought if the CIC would please take another look at how they determined who participates in the process they could avoid some of the future problems with lack of information and a more compromise and consensus rather than a division at the end. Council Member Goldberg and Ellis absent.

Council Member Edwards stated that she would like to have her no vote recorded on Item No. 35 and Mayor Brown stated that if there was a consensus of the Council they would let that happen and no one objected and Mayor Brown asked that they record a no vote for Council Member Edwards and there being no objections by Members of Council the record was changed. Council Members Goldberg and Ellis absent.

Council Member Tatro stated that just to reiterate something that was mentioned yesterday, the adoption of a code meant that they did not accept another code, so they were really dealing with an all or nothing proposition, and obviously both were going to have groups and logic and engineering and principles behind their code, but at the end of the day it was going to be one or the other, that obviously each time one of the codes came up there were going to be detractors and people who opposed it, and he respected that, but it was the decision that the Council had to make, that one of his reasons for opposing the delay was that the due process had been gone through when each of the codes were developed, it was simply up to them to ratify the code that they wanted to move forward with. Council Members Goldberg and Ellis absent.

36. 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 - (This was Item 42 on Agenda of July 30, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Goldberg and Ellis absent. ORDINANCE 2003-0739 ADOPTED.
37. 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 - (This was Item 43 on Agenda of July 30, TAGGED BY COUNCIL MEMBERS**

WISEMAN, ROBINSON, BERRY and ELLIS) – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Goldberg and Ellis absent. ORDINANCE 2003-0740 ADOPTED.

Council Member Robinson stated that he would still like somebody to come and visit with him about a couple of issues as they went forward, and Mayor Brown stated that he would make sure that happened. Council Members Goldberg and Ellis absent.

38. 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 - (This was Item 49 on Agenda of July 30, TAGGED BY COUNCIL MEMBER BERRY)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Members Goldberg and Ellis absent. ORDINANCE 2003-0741 ADOPTED.
39. 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 52 on Agenda of July 30, POSTPONED BY MOTION #2003-947)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Member Goldberg absent. MOTION 2003-0982 ADOPTED.
40. 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 53 on Agenda of July 30, POSTPONED BY MOTION #2003-948)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Member Goldberg absent. MOTION 2003-0983 ADOPTED.
41. 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 54a on Agenda of July 30, POSTPONED BY MOTION #2003-949)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. Council Member Goldberg absent. MOTION 2003-0984 ADOPTED.
42. 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 55 on Agenda of July 30, POSTPONED BY MOTION #2003-950)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. MOTION 2003-0985 ADOPTED.

43. 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 65 on Agenda of July 30, POSTPONED BY MOTION #2003-952)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on personal business. MOTION 2003-0986 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Robinson stated that on Friday he would be hosting a golf tournament at Gus Wortham for the Northeast Y.M.C.A., that registration would start at 7:30 a.m., that everybody who was coming should be on time so that they could get in and out of the heat, that they would have plenty of water and Gatorade and some caps to keep their head and body cool also, that it was a worthy cause for a worthy organization. Council Members Ellis and Alvarado absent.

Council Member Quan stated that for Building Services there was a contract they did for janitorial services where they outsourced today and saw the rates and would like to do a study as to whether it was better to have it in house or outsource it, that it seemed like he had been getting different stories on different buildings from the department, and Mayor Brown stated that he would ask them to do that study. Council Members Ellis and Alvarado absent.

Council Member Sekula-Gibbs stated that she would like to invite everybody to attend the La Rosa Family Service back to school, school supply give away and it would be at La Rosa Family Center which was located at 5203 Fulton, that they did have to register in advance to get their children's backpack and school supplies, that they were expecting about 1,500 students and the Astros were kind enough to provide the backpacks, that they welcomed people who needed that sort of help before school and they could call Candi Perez for more information at La Rosa and they could call her office if they needed that number. Council Members Ellis and Alvarado absent.

Council Member Sekula-Gibbs stated that she was sure everyone had been reading about the decline in the immunization rates in Houston, as well as Texas as a whole, and there was recently some more furor about a law that was passed allowing parents to opt out of being required to get immunizations as conscientious objectors, that as a physician she had a problem with that, she thought it was bad for the overall community safety, that she respected the parents rights to make decisions for their children, but it was not something that was in the best interest of the overall safety for all children, that she was asking the Mayor to consider putting together a committee that would directly address the issue of their declining immunization rates, that they knew that if it dropped below 70% they would really start to see an increase in possible epidemics, that it was not just whooping cough, which was already beginning to occur, but also measles, which both of those could be dangerous, life threatening and kill children, that she would like for the Mayor to consider putting together a committee of community leaders, medical center leaders and public health leaders, as well as herself, that she would like to be on the committee if it would be reasonable, that she thought that Houston needed some help in that direction, that now that school was starting she wanted to make a plea to all of the parents to please go to the City or County Health Clinics and vaccinate their child, that it was vital that those children receive their vaccinations, that not to wait for those children to be 6 years of age and ready to go to school, to do them regularly, 2, 4, 6m 12 and 15 months, those were milestones along their child's life and they needed to get those vaccinations, to please take advantage of the free vaccinations, that there was another program that the State had called Vaccines for Children and it provided free vaccinations to local

physicians, pediatricians and family physicians and they could get the vaccinations free or at very low cost. Council Member Ellis absent.

Mayor Brown stated that he would check and see what they did have, that he knew there was a lot of interest in the issue, that he had worked with a lot of people in the Medical Center as well as their Health Department Director on the issue and one of the major needs for their area was a immunization registry and they were working on it and thought they were close to getting it done, if that happened they would be able to trace the youngsters as they went through the growing up period, that right now if someone got a vaccination in Houston they did not track that, that he thought that was a big part of the reason they had a low record, that they were working on it and would take her suggestion into consideration. Council Member Ellis absent.

Council Member Goldberg voiced his personal opinions in opposition to City of Houston employees having to go through the new metal detector procedures at City Hall. Council Members Tatro and Robinson absent.

Council Member Edwards asked that in September, when the State Law goes into effect, persons who were certified to carry weapons, would they be allowed to carry them into the Chambers and if so how would they know who those persons were, and Mayor Brown stated that they would not be allowed to bring them into the Council Chambers, but they could come into City Hall and the City Annex, that they had developed a system so probably they would be identified as carrying a weapon when they come in. Council Members Tatro and Robinson absent.

Mayor Brown stated that he wanted to recognize a group of visitors they had today from Southeast Community Church Summer Camp and asked them to stand up and be recognized, that they were very happy to have them present today and he wanted to encourage all of them to stay in school and get good grades and consider public service as a career choice. Council Members Tatro and Robinson absent.

Council Member Wiseman stated that they had a very successful National Night Out in her district and wanted to thank all of the constituents who invited her and her staff to visit with them, that she appreciated very much the opportunity to visit with them and share all of the good that was going on and of course discuss all of what could be improved and how they could go about doing it together. Council Members Tatro and Robinson absent.

Council Member Wiseman stated that she wanted to take the opportunity a member of the Public Works Department, that Mr. Robert Fiederlein, that she had the utmost respect for the work that he did and in his professionalism and courage to stand up and share instances where he could make improvements with what he did, that she hoped he would stay working with Public Works because he was a model employee who so many could learn from. Council Members Tatro and Robinson absent.

Council Member Wiseman stated that she wanted to share with the public the new report, that she would be giving every week the Citizens Quality Control Report, where they would share at the table instances that constituents had witnessed throughout the City, where they had identified opportunities for improvement from City employees and to please feel free to send the information, and it went to City employees to, where they saw instances where they could improve, to send the information to District E at City of Houston.Net, that they would share the photos, that she had started to get a little bit of information, that she heard from one citizens about some barricades that were around a pothole that no one was manning or been working on but it had created a tremendous backlog in traffic, that she had heard from people who just this week witnessed employees sleeping in a vehicle but did not have a camera with them to take a snap shop photo with them, that they would have Employee of the Week reports, and they would take efforts to conceal the identity of the employees because the focus was to

improve the system and not to single out people. Council Members Tatro, Alvarado and Robinson absent.

Council Member Galloway stated that she would be co-sponsoring a back to school supply event on Saturday at Hobart Taylor Park and if anyone would like to contribute some school supplies they could come to the Hobart Taylor Park on Saturday afternoon where they would be distributing those school supplies. Council Members Tatro, Alvarado and Robinson absent.

Council Member Galloway stated that she wanted to thank all of her constituents who came out to National Night Out, that it was a most successful event everywhere she went and thought she covered approximately 7 events and it was a very large gathering at all of them, so their communities were being conscious of crime and working together to keep a safe community, that she would also like to thank Ms. Essie Johnson who supplied spray through the Harris County Mosquito Control, that she was able to distribute at every site that she went to, so everyone was able to get a can of OFF spray so they could enjoy the evening and they were most thankful for that. Council Members Tatro, Alvarado and Robinson absent.

There being no further business before Council, the City Council adjourned at 9:54 a.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. Council Members Tatro and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary