

City Council Chamber, City Hall, Tuesday, August 19, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 19, 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, Annise Parker, 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.

At 2:05 p.m. Mayor Brown stated that Council would begin their presentations. Council Members Tatro, Galloway, Edwards, Wiseman, Keller, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he would make the first presentation; that last year the City of Houston and Houston Police Department teamed up with area companies and organizations to promote an endeavor brought to them through the National Conference of Black Mayor's, the Seat Belt Challenge, which was to educate both children and adults on its importance and the efforts were very successful because of those who joined him at the podium today, he thanked all who made it a success and encouraged them to stay together and keep up the good work. Council Members Tatro, Galloway, Edwards, Wiseman, Keller, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that District C had many Champions and one was Rice University; that this year they accomplished something never before in its history and won a National Championship under the guidance of Coach Wayne Graham and invited him to the podium. Council Member Goldberg presented him with a Certificate of Recognition from his office and a Proclamation from the City of Houston recognizing all his efforts and congratulating them on their win. Coach Graham stated that he was a native Houstonian and was glad he was able to do something for Houston pride. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that this was an election year and invited Ms. Judy Hollinger, president of The League of Women Voters to the podium. Ms. Hollinger stated that she and Ms. Joan Golding, community relations vice president, were present today to inform everyone of the new items for the fall election which were brochures in English, Spanish and Vietnamese, voters guide for the Constitutional Amendments and a new permanent yard sign encouraging all to vote and T-shirts and Council Members are being presented all literature to distribute and should call for more once it had run out. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Berry and Robinson absent.

Council Member Quan stated that Raksha Bandhan was a festival held last weekend and invited Ms. Meera Kapur to the podium. Ms. Kapur and those with her appeared at the podium and she stated that Raksha Bandhan meant love, affection and protection and was a celebration of the bond of love and bond of family and presented Mayor Brown and Council Member Quan with a bracelet which symbolized love and affection and in return they were to protect society and uphold justice. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Berry and Robinson absent.

At 2:17 p.m. Mayor Brown called the meeting to order; and Council Member Ellis led everyone in prayer and the pledge of allegiance. Council Member Robinson absent.

At 2:18 p.m. the City Secretary called the roll. Council Member Robinson absent.

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

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Quanell X as the first speaker to be followed by Mr. George Dawson, Mr. Brad Greer and to group the speakers on the Gregory School, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0998 ADOPTED.

Mr. Quanell X, 2428 Southmore, Houston, Texas 77020 (281-472-5589) appeared and stated that he was present regarding Texans Super Shuttle and the City of Houston; that they fought long and hard for a permit to do business at three major hotels and he found it suspicious that after having the permit only a couple of months they were being targeted for a hearing on their permit which was designed for the company to go out of business; that he listened to Council Member Vasquez at the Regulatory Affairs Meeting and his comments were that it was a backdoor business and the same violations against Texans was against Coach USA. Council Member Robinson absent.

Council Member Vasquez stated that Coach Super Shuttle was there because they had a contract with the city and the reason Texans was being investigated was because they seemed to be in violation of the contract they signed and other cab companies and people complained about them and the Administration did an investigation and found evidence that may or may not lead to their guilt or innocence which would only be determined with a hearing; that in terms of the Regulatory Affairs Meeting what he said was that this was a backdoor loophole by which businesses could enter the business and not have a taxi permit and yet operate as a taxi company, he made no reference to the company whatsoever, but to the process by which they were doing business. Council Member Robinson absent.

Upon questions by Council Member Keller, Mr. Quanell X stated that Texans license was not suspended; the hearing was set for Thursday. Council Member Keller stated that he would ask Council Member Vasquez questions; and upon questions, Council Member Vasquez stated that he could ask questions to F & A and Aviation depending on which permit he referred to; that they had a couple of permits and it depended on which topic you were looking at that they were in violation of; that they had a signed contract with the city which was very specific regarding which hotels they could and could not do business with in relation to the airport and complaints were that they were doing business beyond that, which would be operating as a taxicab and they would be in violation of the law from that perspective. Mr. Quanell X stated that at one point they were able to operate at only certain hotels but could not service three major hotels then once they received their permit they began to provide that service, but based on complaints in the shuttle business you would think both companies would be brought up and given a hearing though only the lone African American Company was being brought to the hearing and this was the first time in the Aviation history they had this kind of hearing to revoke a shuttle company's permit to operate and it was not right. Council Member Vasquez stated that he agreed they should have the most transparent process as possible and as Mr. Quanell X characterized it it would be wrong, but if it occurred the way he characterized it and he, himself, did not believe it had, but he did not stand in judgment of that the Aviation Department and F & A Department did so they really needed to go through the process and if Mr. Quanell X was concerned about Coach then he should complain about them and let them have a hearing. Council Member Robinson absent.

Mr. Raymond Mbla, 2001 Bryan Tower, Suite 1938, Dallas, Texas 75201 (214-965-9454) appeared and stated that he was present to speak on behalf of Texans Super Shuttle; that he appeared to Council many times before on the issue and Council Member Vasquez was traveling on a sinking ship, his comments were baseless and mischaracterizations of the truth and he was presenting to Council Members results of the city sponsored investigation into both companies and there was no question both were operating in the same manner and one company was targeted for suspension and revocation of their license and he was asking Council to look at the information objectively and seriously and apply the findings across the board. Council Members Galloway and Robinson absent. Council Member Robinson absent.

Council Member Vasquez stated that he was free like anyone to come and express his viewpoints and he was happy to listen, but he disagreed with that viewpoint and strongly encouraged him to go to the hearing with his information, as they were the ones to decide and not the Council; and it was the entire taxicab industry complaining about them and not just one company. Council Members Berry and Robinson absent.

Council Member Tatro stated that he was disturbed with some comments from the debate on this; that it appeared there were a process and findings made and a hearing to come; and upon questions, Mr. Mbla stated that he believed all alleged violations presented against them were baseless and he would be vindicated, but it seemed they were tiptoeing around the real issue which was equal and fair treatment. Council Member Tatro stated that the fact anyone could have a hearing he thought was the point but it was as if he was asking Council to be judge and jury when he had a hearing set and it was a part of the process and he was concerned that he was before Council making a plea saying the system and process would not be in his favor; and Mr. Mbla stated that would be for a judge to decide, however, he knew this was not the proper forum, but the thing was they had to look at the spirit and intent to oust Texans from the market. Council Members Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Edwards, Mr. Mbla stated that he believed Texans was being asked to go to the hearing for the sole purpose of revoking or suspending their license; that all they had were ghost complaints, nothing was in writing. Council Member Edwards stated that she thought the hearing was an opportunity for him to bring their position to the table and have it cleared; and upon questions, Mr. Bibler stated that he would not want someone brought to a hearing unless there was credible evidence which suggested a violation occurred and there should be a preliminary examination, but it did not necessarily mean they were guilty and the person who conducted the investigation should not be the hearing examiner, but they would not call a hearing just because someone said they saw something. Council Members Tatro, Ellis, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Edwards, Council Member Vasquez stated that there was a process and the results of the process, at least one of them, was in the packet Mr. Mbla provided and the other she could ask F & A for and they should be happy to provide it as well; and the main thing was they were in violation of the ordinance or they were not and the hearing was the best way, and according to process, the hearing was the way to make the determination; that it was his recourse and he hoped he would exhaust every possible of means in that recourse. Council Members Tatro, Ellis and Sekula-Gibbs absent.

Mr. George Dawson, 8610 Woodlyn, Houston, Texas 77028 (713-631-5112) appeared and stated that he was present asking for help; that their company, the East Houston Estate Apartments, were facing foreclosure in about eight days because the city stated they would provide a portion of the funding for the apartments completion and for whatever reason they did not do so; that he trusted the city in his endeavor and now he stood to lose everything worked for over many years; that he was trying to do good for his city, community and family and if the city did not help he would be devastated in many ways. Council Members Tatro, Ellis and Sekula-Gibbs absent.

Mr. Brad Greer, 2907 Austin, Houston, Texas 77004 (832-498-0239) appeared and stated that he was present to speak on the simple concept of traffic light synchronization and management; that with it traffic flowed and everyone got to their destination sooner than they otherwise would, but there did not seem to be much managing of the store at Public Works Traffic Management, he called and called and no one seemed to care; that he lived in Midtown and it took almost as long to get from his house and go 20 blocks as it did to get from Spur 527 and Alabama to his office on Riverway and that did not make much sense; he spoke on traffic flow and traffic light synchronization in other cities and states and asked that those in Public Works Traffic Management begin to care and fix the problem and for coordination from METRO in the area. Council Members Edwards, Ellis and Parker absent.

Council Member Alvarado stated that she had brought the issue up before, it was very frustrating and she could get from City Hall to the east end quicker than from downtown to Midtown; that she had been working with Mr. Fiederlein and some issues were addressed but she could not understand how you could have a light turn green and then the very next light turn red and she hoped Public Works would continue to address the problem. Council Members Edwards, Ellis and Parker absent.

Council Member Sekula-Gibbs stated that was a good point and she drove along Pease and would get one red light after another and people would just run them; that with today's technology she thought you could synchronize lights and she was glad he came before Council today with the problem. Council Members Edwards, Ellis and Parker absent.

Council Member Robinson thanked Mr. Greer for coming and stated that one of the greatest deficiencies in his opinion with the city was they were not as focused on the transportation issue as they should be and thought there should be someone with authority to oversee it and make sure Houston's transportation issues were addressed and he hoped someone would see the light and do that. Council Members Galloway and Edwards absent.

Mayor Brown stated that they would get the message to the Public Works Department; that they were working on it but much more needed to be done. Council Members Galloway and Edwards absent.

Mrs. Catherine Roberts, P. O. Box 79245, Houston, Texas 77279 ((713-294-3338) appeared, presented information to Council Members and stated that she was present on behalf of the Rutherford B. Yates Museum; that Freedmen's Town was designated a national historic district in 1984 and was the only remaining Civil War Freed Slave National District of its kind in the US, at the time of designation there were 530 historic homes and now they had less than 20 with only a small portion of the brick streets left and the very important historic Gregory School; that Houston was extremely under represented as far as African American historic tourism sites such as museums; that they had raised over \$500,000 in the private sector and several thousands more with in kind donations; that she was asking Council to review the Rutherford Yates Plan for the redevelopment and restoration of the Gregory School and it would come with private funding. Council Member Galloway absent.

Council Member Quan stated that there was a meeting last week regarding the Gregory School and Building Services had proposed a plan and it would require funding from the city and he wondered if she had seen the plans; and Ms. Roberts stated that they had representatives attend all the meetings and had contributed some information; that they had not turned over their architectural work because it was provided to them by their architects and not meant to be blended into a plan; that benefits of their plan was economic sustainability and their programming was very well developed and the other plan had not begun; that last year they met with Mayor Brown's staff and indicated the funding sources would be there once they could engage into a contractual agreement with the city and develop the project. Council Member Galloway absent.

Council Member Tatro stated that it was almost an eleventh hour issue to many Council Members; that there was and is a very energetic private sector group looking at the project to develop a private public partnership with and he did not mean they were coming late, but that Council was not apprised of it; that they had a single vision for the facility and it was wonderful to see a nonprofit group wanting to enter a partnership; that tomorrow his recommendation would be when the city was looking at doing its single vision versus a non profit, basically, public private partnership and burdening the taxpayer less he would like to look at the opportunity and possibly an RFP process; that they talked about competitive bidding and did it for the Aquarium facility and other facilities with the goal of keeping certain landmark issues alive and then let the city compete; that it was not only what the asset would be but the cost of

the operating budget and whether the city could afford to bring on line another amenity with the current budget proposal, but he would be placing it on the table as he would like to see it go out and have opportunity for the private sector or nonprofit in this case to participate and see what the facility could be. Council Member Galloway absent.

Upon questions by Mayor Brown, Ms. Roberts stated that yes she was aware of the involvement of the city with the old Gregory School; that they had several offers over the years on the table, some totally inappropriate for the structure; that when Mr. Rod Page was at HISD they sent a letter to him asking to be considered as a preservation organization to start the development for the old Gregory School and at that time he was negotiating with the city to transfer it to them and said he would have to wait and see what the city wanted to do. Mayor Brown stated that it was transferred to the city and they received federal funds to help work on the issue and it's historical significance was designated by the federal government and at the same level as the Alamo; that the city had worked on the issue an extensive amount of time; and upon other questions, Ms. Roberts stated that they had about \$100,000 left and they owned five properties there but not all together; that they wanted to create the Yates Homestead Park but were missing some land to do so. Mayor Brown stated that they also wanted to do the brick street restoration project and the city was already doing that and saving the bricks for that purpose; that she also wanted to do the Gregory School and the city was also doing that and he was somewhat confused because when they asked her once before what her plans were she said she would not reveal them and then listed on her documents people who were supposed to be affiliated with her organization and when called they said they were not affiliated so she confused him as to what she wanted to do, how she was to do it and who was with her; that she had no money and he wondered what she wanted to do; and Ms. Roberts stated that in some ways she believed he had not be advised properly about what they were doing and Mayor Brown stated that he fully understood. Ms. Roberts stated that when they began this she brought him a list of supporters and they did support them; and upon further questions by Mayor Brown, Ms. Roberts stated that this was a revenue-generating project; that the school would be sustainable, their estimated cost to operate the facility was \$293,000 a year and that was for utilities and basic maintenance. Council Members Galloway, Vasquez and Sekula-Gibbs absent.

Council Member Alvarado stated that she agreed with some of what Mayor Brown just mentioned, the Mayor and Administration was very well informed and there was never a time set for input and the meetings had been quite lengthily; that she and Council Member Edwards had been very insistent upon having community participation and she felt they had made progress; and upon questions, Ms. Roberts stated that she lived in London but commuted to Houston as it was a very important project and there was a considerable amount of personal time and finances to keep the nonprofit going and to get where they were now; that through their work with the community to find what was wanted and not wanted they found the genealogy societies and others were objecting to removing archives from the library and so they did not want to get into that, they wanted to be sure archives stayed in the library so research could be done there and instead proposed their new program as they had enough artifacts and information to create their own archives and that was one program different than theirs; that their other objection was there were no identified programming that would generate some income to support it and they had proposed a performing arts venue in theirs, it would generate income and provide an opportunity for collaboration with HSPBA's programming and curriculum. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs and Robinson absent.

Ms. Sarah Trotty, 6926 Black Maple Lane, Houston, Texas 77088 (832-687-7303) appeared and stated that she was present to speak on behalf of the Rutherford B. Yates Museum proposal for the Gregory School and preservation of the brick streets; that she was an educator in the community and felt the program was extremely important to the City of Houston; that they had been working with the Gregory School Program for as long as she had been a part of the Rutherford B. Yates Museum which was now over six years; that their program was to increase the education and the knowledge of the history of the contribution of Freedmen's

Town, not only through structures in the community but through oral history and restored important buildings which had an impact and it was because of that they were interested in the Gregory School; that they felt they had something very important in this city and very viable to the country that others did not have. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that he would make the same offer he made to Ms. Roberts when she was in his office and that was to work with Mr. Larry Baker in Building Services and see how they could be a part of what the city was doing; that he was available to meet with her anytime she would want. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards thanked Ms. Trotty for all her work over the years. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Quan, Ms. Trotty stated that they made efforts to work with and were still interested in a collaborative effort with the city; that she was at many meetings and was not sure why they were not able to come together, it may be a difference of opinion, but they did want to extend their hand to work together and would like to have their proposal heard. Council Member Quan stated that the meeting last week he thought was successful and a committee was moving forward and they invited her participation; and Ms. Trotty stated that she looked forward to all working together. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Council Member Parker stated that she looked at the city's proposal in depth and had a packet from her group also and had been tracking it; and upon questions, Ms. Trotty stated that they had concerns about the preservation procedures in terms of restoring the building and concerned with the sustainability of the project, it was important to have plans for its sustainability. Council Member Parker stated that if the city funded it and placed it in the Library Department for example she would have great concerns about its sustainability because they were having a hard time keeping the existing facilities open and she was interested in the process and did hope they would stay engaged. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Mr. Luther Brown, 3726 Tartan Lane, Houston, Texas 77025 (713-661-7734) appeared and stated that he was very concerned about the Gregory School restoration project; that he was a retired administrator of HISD and his father was an Administrator in the Fourth Ward about two blocks from where the Yates Museum was being located, his concern was that he had seen different organizations come in during many different Mayors and get into trouble and when he joined Ms. Roberts he wondered if she knew what she was getting into and that was in 1996, but his concern was once the city started spending money on the project it would then be too late to see what he would like to see happen there; that he thought the Mayor's plan was wonderful and was so happy that he decided to open the door to it, but then again it seemed his architects and many others were only considering Gregory School while they were considering the entire project, the Rutherford B. Yates Museum and educational cultural park. Council Members Galloway, Goldberg, Parker, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that the city did want him to work with them as they moved forward; and Mr. Brown stated that they certainly would work with them, he had learned a lot about archaeology, history, etc., and it took someone very special, who knew what they were doing, when they went into a historical project, it had to be authentic. Council Members Galloway, Goldberg, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent.

Ms. Emera Ladino, 5407 Chenevert, Houston, Texas 77004 (713-524-5767) appeared and stated that today he was present on behalf of the chairman and members of the board of the George Thomas Mickey Leland Library and Museum of African History, Culture and Social

Change; that they wanted to go on record as supporting the Rutherford B. Yates Museum; that the Mickey Leland Library Museum had been trying to communicate with Mayor Brown since October 2000, they wanted to meet with him and they were the only organization he had not met with and he did not know what the problem was; that they were disappointed in his letter and wanted to be included, not excluded; that they qualified for funding and wanted to be included; that they and the Black Buffalo Soldiers were already operating and they were trying to expand and would like to know when they could meet. Council Members Galloway, Goldberg, Keller, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he was not aware he had attempted to meet with him and he should call him at 713-247-2200. Council Members Galloway, Goldberg, Keller, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she thought everyone wanted the same thing, preservation, the history, the culture and thought they could get there, but the question was who would operate it; that it was not about profits but celebrating the history and culture of the Fourth Ward Community and Freedmen's Town and that needed to be the focus; that she wanted to publicly thank Council Member Edwards and Building Services for working with her, it had been a difficult task and hoped they would keep their eyes on the prize so they could achieve their goals. Council Members Galloway, Goldberg, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent.

Council Member Edwards stated that she would ditto what Council Member Alvarado said, but she was still not clear and would ask that those present regarding the Yates Museum meet with her once more in her office; that everyone seemed to be trying to get to the same place, but they kept missing a gap and she would like to meet again and find where the departure was. Council Members Galloway, Goldberg, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent.

Ms. Rachel Clingman, 2139 McClendon, Houston, Texas 77030 (713-651-5513) appeared and stated that she was present today to speak on a proposal submitted to close streets into the Southgate Neighborhood coming from the Medical Center, it was a small residential neighborhood and the proposal was to dead-end some streets coming in from Main and Fannin; that there had been an increase in cut through traffic from the Medical Center and she felt it was a neighborhood worthy of protection; that a plan and traffic study was done and it would not prevent egress into the Medical Center as there were alternate routes and she was asking that Council vote in favor of the closing of those streets. Council Members Galloway, Edwards, Alvarado, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that the item was not on the Agenda and had not come up, but one problem described to him by Traffic and Maintenance was that there was a 1,500 space parking garage opening in December right next to the neighborhood and they had a choice of exiting onto Main or through the neighborhood; that the traffic was not considered cut through because Mr. Shotts told him it was a part of the neighborhood and if they measured the number of cars cutting through it would not be a part of the survey, therefore under the NTP Program they would not qualify, but it was a huge problem and that was just the tip of the iceberg because there was going to be a couple of more parking garages that would add another 6,500 spaces just along Travis and Main so the situation needed to be taken care of now; that pressure needed to be placed on Public Works who for some reason hated to close off streets; that they needed to first establish a pilot program and see how that worked and what adjustments needed to be made; that they did need to look at police and fire and make sure emergency vehicles could access the neighborhood; that Mr. Jon Vanden Bosch or Mr. Gary Oradat would be at the top of the list for any questions. Mayor Brown, Council Members Galloway, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Mr. Fiederlein was present and she could speak with him to see who to address any comments to. Mayor Brown, Council Members Galloway, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she and her staff had been monitoring the situation and met with folks from her neighborhood; that they were under the impression Public Works had agreed to go with a pilot program and was disturbed to hear they were backing off of it; that she would visit with Council Member Goldberg and contact the Public Works Department because she believed they were to institute the pilot program to work the bugs out before finalizing the permanent solution of closing several of those streets and would follow-up. Ms. Clingman thanked Council Member Parker and stated that was her impression as well; that they were proceeding with the pilot program. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Scott Clingman, 2139 McClendon, Houston, Texas 77030 (713-651-5513) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Stan Druck, 2018 Southgate Boulevard, Houston, Texas 77030 (713-666-3033) appeared and stated that he lived in the Southgate Subdivision and was present regarding the proposal submitted with its application and petitions included to temporarily close down the detailed streets; that each morning he walked the area and saw many cutting through to get to the Medical Center; that Roberts Elementary was a wonderful school and many were dropped off, some rode bicycles and there was tremendous traffic; that the Southgate Civic Club conducted a survey and of those who responded 75% asked that the streets be closed because it was a clear safety hazard; that it was a gem of a neighborhood and by closing the streets they would be able to preserve it. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he block walked the area and it was a wonderful neighborhood; that he believed Council Members Goldberg and Parker were discussing it as they now spoke and he felt Council was getting a clear message they needed a proactive position on this before the garage was finalized; and they did plan on keeping in touch with Ms. Clingman and others who came today. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Richard Merrill, 2003 Swift, Houston, Texas 77030 (713-961-0408) appeared, presented information and stated that he was president of the Southgate Civic Club as well as resident since 1984; that about one year ago St. Luke's came to them saying they would be building a facility with about 1,450 car garage with the main entrance on Southgate Blvd.; that in the information presented he also had a letter of support from the principal of Roberts Elementary; that because of the garage St. Luke's needed a traffic light at Main Street and they were working with Public Works to get that signal; that another 4,000 or so car facility would be placed near there on another tract so they were looking at 5,500 cars over the next couple of years and that did not take into account the St. Luke's tract they were holding for future development; and they were asking the city to implement a street closure program. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Merrill stated that the petition asked if they favored closing Southgate, Swift, Dryden and Mc Clendon at the point where they intersect Travis so there would no longer be vehicular access from those streets onto Travis and yes was the predominant answer. Mayor Pro Tem Quan stated that as he mentioned to the other

speakers, it was certainly a problem needing to be addressed; that his colleagues were working to address it and he would certainly monitor it as well to see that they did take action; that their understanding was Public Works had agreed to a pilot program to work out a long-term solution; that Mr. Fiederlein was present if he would like to speak with him; and thanked Mr. Merrill for coming. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Todd Dittmann, 2102 Mc Clendon, Houston, Texas 77030 (713-308-4568) appeared and stated that Council had heard from his neighbors on the issue extensively, but would like to ask all who came to support the issue of closing the streets to stand up and be recognized. Mr. Dittmann stated that he was of the impression that although the NTP did not apply another program identified by Public Works did apply and in fact they were on the right track; and Council Member Goldberg stated that was correct, another program did offer a lot more discretion and they were hoping to use that as far as justification for closing off the streets and that was being worked on now. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked everyone who took time to come before Council today and stated that he felt they got the message strong and clear. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Larry Caplia, 5331 Pine Arbor, Houston, Texas 77066 (281-580-0165) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Tony Kawaja, 2500 Old Farm Rd., Suite 417, Houston, Texas 77063 (713-783-1959) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Don R. Johnson, 3 North Point Dr., Suite 210, Houston, Texas 77060 (281-931-8887) appeared and stated that he was present on the subject of psychiatric care for the City of Houston; that he founded a psychiatric company which won the Pentacle Award two times back to back and the Black Enterprise Innovator of the Year Award and employed over 400 clinicians and staff and brought much psychiatric care to the City of Houston; that HMO had problems with psychiatric companies and decided the services were not needed, however, they had vindicated with the understanding they brought quality care and were top in the nation and were asking Council for support to bring more psychiatric care to a city and state where there were cuts in human resources and services, they needed to be prepared to address it for those who were unable to address it for themselves. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Johnson stated that his company was Texas Serenity; that they were a private psychiatric company and provided care for underserved and indigent and today many were on the streets who were homeless now because the service was not available and they would like to bring more federal dollars to the city and address the needs; that the work was discontinued because of a problem with HMO; that the City of Houston had been very supportive. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mr. Johnson stated that he would like Council's help in bringing federal dollars by recognizing the needs and support in terms of letter of request to the legislature for those dollars. Mayor Brown, Council Members Galloway, Ellis,

Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would like to recognize State Representative Richard Raymond who represented a district in the city of Laredo, Texas. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan welcomed Mr. Raymond and stated that he knew he had been to Houston many times and they again welcomed him and looked forward to continuing their relationship with him. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Nancy Henderson, 7170 Parker #1103, Houston, Texas 77016 (713-635-6994) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Michon Benson, 3740 Parkwood, Houston, Texas 77021 (832-643-5685) appeared and stated that she was director of Athletes for Art and was present to discuss a pressing matter which existed between herself, her organization and the Cultural Arts Council of Harris County; that Athletes for Art was a nine year old idea and during that time the Community Artists Collective had been in support of the project but there was little money in the budget to accommodate the endeavor; that 2002 was the Texans Inaugural Season and she thought it might be time to resurrect the project and seek funding and in August 2002 the executive director of the Community Artists Collective suggested she speak with CACH that they may fund the project or be instrumental in directing her to other funding sources; that she and a partner scheduled a meeting with the director of CACH and presented to her and one of her senior staff members ideas she had for fusing sports and arts figures to raise money for children's arts education programming in the city and eventually marketing designs of footballs and sporting good stores across the country so it would continue to generate funding on a long-term basis; that at the meeting they seemed interested and encouraged her to apply for the Mayor's initiative funds, but when she did she did not list the art ball project as she did in her initial meeting with CACH because of space; that in January Athletes for Art was afforded money to begin its campaign; that she implemented the art ball idea in March; that she recently learned last month a staff member who had been present in her initial meeting was planning an art activity for the Super Bowl to raise money for CACH and was not willing to work with her on the endeavor and to her surprise no one had a recollection of the meeting. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Benson stated that she did not want to say there was impropriety but it seemed the ideas were very similar and she thought CACH would give her credit and or remuneration for use of her idea. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Ms. Benson for coming and stated that she was familiar with her work and this was just too coincidental; that she found it hard to believe there was not some use of her ideas discussed and felt they should step up to the plate and honor what they talked about and not just usurp her dreams. Upon questions by Mayor Pro Tem Quan, Council Member Edwards stated that it just seemed odd that they had this discussion for so long on the issue and then no one remembered the meeting, it could be true, but she would like for her or someone from the Mayor's Office to talk to CACH. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs,

Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Benson for bring the matter to Council's attention and stated that they would have someone check on it and see if they could get the matter settled. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Shae Jackson, 10010 Greenpark, Houston, Texas 77036 (713-306-9649) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Karen Lekwa, 10010 Greenpark, Houston, Texas 77036 (713-306-9649) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Glory Udoh, 9502 Woodfair, Houston, Texas 77036 (713-776-3925) appeared and stated that she was founder of Asset Building Network, Inc., a 501C3 nonprofit organization, it was an apartment complex and they provided social services there with the biggest part of what she did was providing counseling; that she had been there over a year and the problem in the area was drugs and prostitution, it was unfortunate the ladies that were supposed to come with her and speak could not come, but most girls between 15 and 22 were not really Houston residents they were coming from other places and she wanted to testify; that the landlord gave them the space to help with the problem and she wanted to know if Council was aware of the problem of prostitution at 9502 Woodfair and cars would pull up and exchange money for drugs, but there were children in the complex and they owed it to them to protect them. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that basically she was saying there was drugs and prostitution and she was trying to see if the city could counteract that; and Ms. Udoh stated yes, she was trying to protect the women. Mayor Pro Tem Quan stated that Assistant Chief Thaler with HPD was present and he would be glad to meet with her and see what action could be taken. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rodney Merwin, 539 Heights Blvd., Houston, Texas 77007 (713-869-5590) appeared and stated that he was a limited partner at 1900 Commerce which owned a parking lot three blocks from Minute Maid Park and the recent conversion of Commerce to a one way street essentially eliminated access to their parking lot; that they used to get most traffic from Commerce and Chenevert and they only had to go one block to their parking but now they would have to go to Franklin then all the way to the freeway and then come back to Chartres and around and that would be impractical; that they had talked with Public Works and were asking that Commerce be made two ways between Chenevert and Chartres just during the Astro baseball games and asking that it be made the same width all the way through; that they received a memo from Tom Davis, director of construction, saying Commerce would be two lanes all the way from Chartres to La Branch; that making Commerce a two way during games would save their parking lot and benefit the city also; that they paid about \$11,000 in taxes a year to HISD and the county and basically that was all the revenue cleared during Astro games; and urged Council get Public Works to do that just for the rest of the year and that would be 22 days. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

(NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the season was winding down; that Commerce was being improved by the Downtown Management District as he already knew since he did speak of Mr. Davis; that Franklin was being worked on by METRO and Public Works had not said it was not feasible; and upon questions, Mr. Merwin stated that he spoke with Mr. Fiederlein earlier that day. Mayor Pro Tem Quan stated that it did not sound unreasonable as long as it did not interfere with construction. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Cheryl Dawson, 8610 Woodlyn, Houston, Texas 77028 (713-633-5255) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Rita Foretich, 12751 Zavalla, Houston, Texas 77085 (713-729-9826) appeared and stated that she was president of the Fondren Civic Club and present also representing the South Houston concerned citizens regarding the Peninsula Apartments; that she had sent Council information and they were going before the State Board on Thursday to protest them; that they were to be operated by the Housing Authority of the City of Houston and there would be no tax revenue generated; that the drainage fee was coming up and HISD taxes and city taxes and the city would have a loss of \$35,717.00 each year when all they would be getting out of it was 280 units; that there was sufficient room in other parts of the City of Houston to house 280 units; that when they went to look at the Housing Authority's complex on Fulton they had five rows boarded up and they could tear those down and rebuild; that this would be an expensive project for the city and the community did not want it; that they also had a letter from Mr. Irving, the superintendent of HISD and in his letter he stated that he did not think the apartment would add to the community; that it was going to be a burden on the schools and teachers; that it would not be good for the community or the City of Houston and she was asking for letters showing Council's support. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Foretich for coming and stated that he knew it was a difficult balancing act with an extensive waiting list for public housing, but he understood she was saying they could renovate what was in place. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she applauded Ms. Foretich and others in the area that really did their homework; that they did need to come up with a better way; that affordable housing was needed but they could not just keep layering it on the backs of communities already carrying the burden; that they could not get the crime under control there and better streets were needed; that this was not a "not in my back yard" issue because it was all already in their backyard; that she was suggesting they send a letter of support for the community and it would be helpful with the support; and she was going to stand with them. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Ms. Foretich raised a number of good concerns and Mr. Calloway was present if she would like to speak with him. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to reiterate they did not just need

constituents voting at the polls they should have just as strong of a voice in other processes and it was time to start being partners in the process. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she was chairman of the Katy Corridor Coalition and was present supporting Council Member Robinson's suggestion that METRO should be benefiting financially from single occupancy vehicles in their HOV lanes; that they were encouraging Council to encourage METRO to get out in front of the issue and reclaim the hot lanes in I-10 and claim control in other corridors while they still could; that revenue METRO would collect from the hot lanes could be used to build a more extensive rail plan in a shorter amount of time and if hot lanes were managed by the Toll Road Authority revenue would be used instead to build bigger and more toll roads and with the Toll Road Authority managing the hot lanes there would be a conflict of interest that would ultimately undermine transit; that most significantly in the Katy Corridor Coalition's view if METRO was in control of hot lanes less right of way would be required for the I-10 expansion; that they would like to see the city become more proactive in transportation policy and I-10 was an obvious example where it was critical and there were other examples around town. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Ledvina for coming and expressing her views; that he knew Council Member Robinson had taken a very vocal position on it and he would find out from their two representatives why they had not been that active. Mayor Brown, Council Members Galloway, Edwards, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Ronald Sinnette, 4426 Gallagher, Houston, Texas 77045 (713-434-1109) appeared and stated that he was with Super Neighborhood 40 and was present regarding the same thing as Ms. Foretich; that it was amazing this was the first year they had no representation at state level, but he had sent letters to representatives and his questions today were that he would like to see if they could get the original plans sent in for the City of Houston and he did not think it was right what they did in Austin; that he wanted to see if the plans had a retention center and his other question was if the Houston Housing Authority could be lobbyist for the investment company because that was what they did and he said that because when they came to Austin he was told they had money from the Houston Housing Authority and from the state and the City of Houston was already approving their plan. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Calloway was present if someone would like to make a motion or they could meet with him individually; that they would try and get the information he requested for him. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to know who would be getting the information to Mr. Sinnette. Mayor Pro Tem Quan stated that Marty Stein would get it from the Planning Department to the group. Mayor Pro Tem Quan stated that Mr. Bibler had some clarification; and Mr. Bibler stated that if it was a set of plans drawn by an architect they could probably get a copy for him to look at but they could not distribute them to the public because there was a copyright and they belonged to the architect; that they were welcome to go to Planning and look at them. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Sinnette stated that he wanted to know if the Houston Housing Authority was the lobbyist for the investment group. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Mr. Calloway, seconded by Council Member Edwards. No vote was recorded as a quorum was not present. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that if Mr. Calloway understood Mr. Sinnette's question could he answer; and Mayor Pro Tem Quan stated that his understanding of the question was what was the role of the Housing Authority in regards to the developer and was he a lobbyist for the developer to seek funding for a project. Mr. Calloway stated that the Housing Authority was a partner with a private individual who would be developing the Peninsula Apartments; that the Housing Authority did not and would not operate the apartments until that developer went away and that was when the tax credits expired; that the population for the apartments were people who were at 50% of medium income and to that extent the project certainly qualified as addressing the need for affordable housing and that was consistent with the consolidated plan and the Mayor's goal of delivering a certain number of units each year; that when the Housing Authority was in Austin last Thursday it was to take part in a hearing and they did not go as lobbyist, the developer was there to speak for himself; that some of his staff along with himself were there and spoke on behalf of the interest of the Housing Authority in making the units available and to make it clear they had attempted to communicate with the community and had several meetings where they provided input, stated their objections and that answers were provided and they made the board aware of their attempts to communicate and of their responses; that the sites the community visited which the city owned were built in the '40s and the units boarded up were scheduled for renovation with HUD dollars if those dollars were adequate, but they had not been adequate enough to move fast enough so they had to slow their phasing of the renovation down; that they hoped some of the money needed would come from this project in the future and projects like it so they could make renovations; that this type of project was one they had to turn to in an attempt to be creative and to make the few HUD dollars they did receive go further and it was consistent with the recommendation made by the House Committee on Urban Affairs of the Texas Legislature which encouraged the Texas Department of Community Affairs to work with local public housing authorities around the state in addressing needs for affordable housing. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Calloway stated that the Housing Authority's goal was to increase their inventory by a certain number of units each year and included in their strategy was new construction when possible and renovations; that the site plan he had seen did address the retention very well; that the developer controlled 31 acres and did intend to develop 15 1/2 acres and included in that were two and possibly three detention areas on site and those would release their water into a nearby regional detention facility that Harris County Flood Control maintained on adjacent land and eventually it would go into Sims Bayou; that they were told engineers reviewed the plans and the developers plan did exceed city and county criteria. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that when the apartments came up they were nice and pretty and then the developer got out of the picture and they became traps and she wondered how they got past that type of juncture; that the issue was were they making sure the same people were not carrying the burden time after time; that half the problem was people living off

past experiences and not willing to give opportunity for growth so she would like to work with Mr. Calloway and like HUD to work closely with the community as they needed to find a better way; and Mr. Calloway stated that they had attempted to enter into dialogue and did take their criticism and done research and gone to the search; that they went to HISD and indicated the size and demographics and the demographers indicated that at best they may send 50 children to Madison High School in the next couple of years and the impact on the elementary schools would have capacity for them; that he did believe there was an opportunity to lessen the confrontation involved in the reactions, however, he respected greatly the neighborhood and their ability to speak for themselves, but would ask that everyone look at the realities of what it took to deliver affordable housing. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Marlin Maxwell, 3210 Shenandoah, Houston, Texas 77021 (713-747-1434) appeared and stated that he was present trying to get a new policy enforced at HPD which was if someone was issued a ticket and the individual had no identification the officer should fingerprint, take a photo or video of the individual; that the issue came to him after false charges were made against him, someone was stopped in downtown Houston and issued a ticket with three violations, the person gave his information and he was left to go to court and defend himself; that he was found guilty on one ticket even though the officer had no evidence it was him; that he was five foot seven and the individual was six foot two, but when he asked the officer if it described him he said that was what he told him and he did not make him get out of the car; that eventually he hired an attorney, filed an appeal and won his case, but he felt it would have never come about if they were following his suggestions. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Citizens Office was present and he would like someone to follow-up with him; that he was not aware they just took a person's word. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that he was glad his appeal was successful, but he was glad he came forward as they did not know such things went on. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Hall, 2710 Pecan Court, Missouri City, Texas 77459 (281-416-9836) appeared and stated that he was present as a citizen and veteran police officer and was a critic of tainted investigations by internal affairs and of ineffective citizens review boards and racial investigations and now felt he was being retaliated against because he spoke out; that he had a piece of property at 3212 Jackson in Midtown and his adjacent developer had put up 15 condos and now putting up 20-30 townhomes but his little fourplex was still not funded and he believed it was due to those associated with the police department sabotaging his efforts; that a person also tried to frame him in a mortgage fraud case by using his moniker called Hall Property and he referred it to the FBI office and after 10 months the special agent was unable to locate the individual. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Hall stated that he was currently a police lieutenant with HPD. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he would like to look into that for him, it would be easy

for him to tell if someone was calling unfair game on him; that he would give him his card and he would like him to come and bring his file and Council Member Edwards could also be present. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council Member Keller, Council Member Edwards and Mr. DeYoung with the Mayor's Office would all work with him. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that there was so much development going on in District D she did not know if the committee needed to hold a hearing on process, but she thought much was because of misunderstanding; and Mayor Pro Tem Quan stated that Saturday they were having a public townhall meeting on strategies for development and he would invite anyone interested. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan 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, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Michael Mason, 4739 Arvilla Lane, Houston, Texas 77021 (713-748-0771) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan 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, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Vivian Harris, 13906 Regg, Houston, Texas 77045 (713-433-4597) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Hattie Connor, 5219 Heatherbloom, Houston, Texas 77045 (713-433-7638) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

At 4:59 p.m. City Council recessed until 9:00 a.m., Wednesday, August 20, 2003. Mayor Brown, Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 20, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office and Ms. Marty Stein, Agenda Director, present.

At 8:29 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 Member Tatro absent. Council Members Goldberg, Edwards, Wiseman, Keller, Alvarado and Sekula-Gibbs absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 39

MISCELLANEOUS - NUMBERS 5 through 12

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF PUBLIC TRUSTS (HOUSTON FOUNDATION) BOARD OF DIRECTORS**, for terms to expire 3/22/2005:
 - Position 2 - **MS. PAT GEORGE**, appointment
 - Position 4 - **MS. LYNNE H. NGUYEN**, reappointment
 - Position 6 - **MR. ROBERT E. GALLOWAY**, reappointment

- was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-0999 ADOPTED.
6. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS, also know as MIDTOWN ZONE**:
 - Position 3 - **MR. ROBERT D. SELLINGSLOH**, reappointment, for a term to expire 12/31/2004 and to serve as Chair, for a term to expire 12/31/2003
 - Position 4 - **MS. NICOLE CAO**, reappointment, for a term to expire 12/31/2004
 - Position 5 - **MR. DERRICK M. MITCHELL**, reappointment, for a term to expire 12/31/2004

- was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1000 ADOPTED.
7. REQUEST from Mayor for confirmation of the reappointment of the following to the **MIDTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
 - Position 1 - **MR. WILLIAM J. TAYLOR, III**, representing Texas State Senate District 13, reappointment, for a term to expire 12/31/2004
 - Position 2 - **MR. GARNET F. COLEMAN**, representing Texas House of Representatives District 147, reappointment, for a term to expire 12/31/2004
 - Position 3 - **MR. ROBERT D. SELLINGSLOH**, reappointment, for a term to expire 12/31/2004 and to serve as Chair, for a term to expire 12/31/2003
 - Position 4 - **MS. NICOLE CAO**, reappointment, for a term to expire 12/31/2004
 - Position 5 - **MR. DERRICK M. MITCHELL**, reappointment, for a term to expire 12/31/2004
 - Position 9 - **MS. MICHELLE CLAYTON COLLIER**, reappointment, for a term to

expire 12/31/2004

- was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1001 ADOPTED.

8. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS (OLD SPANISH TRAIL/ALMEDA CORRIDORS)**:

Position One - **MS. ALGENITA SCOTT DAVIS**, reappointment, for a term to expire 5/6/2005

Position Three - **MS. ZINETTA A. BURNEY**, reappointment, for a term to expire 5/6/2005, and to serve as Chair, for a term to expire 12/31/2003

Position Five - **MS. LORETTA HERPIN**, reappointment, for a term to expire 5/6/2005

- was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1002 ADOPTED.

9. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF THE OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY**:

Position One - **MS. ALGENITA SCOTT DAVIS**, reappointment, for a term to expire 5/6/2005

Position Three - **MS. ZINETTA A. BURNEY**, reappointment, for a term to expire 5/6/2005, and to serve as Chair, for a term to expire 12/31/2003

Position Five - **MS. LORETTA HERPIN**, reappointment, for a term to expire 5/6/2005

Position Seven - **MR. WALTER DAVIS, III**, representing Harris County, reappointment, for a term to expire 5/6/2005

- was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1003 ADOPTED.

11. RECOMMENDATION from Acting Director Building Services Department for approval of Computer Image for Dedication Plaque for Lincoln Park Community Center Renovation, GFS F-0363-47-3 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1004 ADOPTED.

12. RECOMMENDATION from Director Human Resources to approve a ninth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency - was presented, moved by Council Member Parker, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman, Keller and Alvarado absent. MOTION 2003-1005 ADOPTED.

ACCEPT WORK - NUMBER 14

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,219,677.77 and acceptance of work on contract with **BLASTCO, INCORPORATED** for Rehabilitation of Two and Replacement of One Ground Storage Tank at Three Pumping Stations, GFS S-0600-25-3 (WA10596-25) - 03.48% under the original contract amount - **DISTRICTS C - GOLDBERG; E - WISEMAN and G - KELLER** - was presented, moved by Council Member Quan, seconded by

Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Edwards, Wiseman and Keller absent. MOTION 2003-1006 ADOPTED.

PROPERTY - NUMBERS 15 through 17

15. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel HY2-002, located at 7026 Stella Link, owned by Catherine T. Coats aka Catherine L. Coats, for the **FIRE STATION 37 EXPANSION PROJECT**, CIP C-0147-01-3 - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Edwards and Wiseman absent. MOTION 2003-1007 ADOPTED.
17. RECOMMENDATION for Director Department of Public Works & Engineering for purchase of Parcel A97-349, located in the 7500 block of Ley Road, owned by Edward K. Wong a/k/a Dr. Edward K. Wong, for the **LEY ROAD PAVING PROJECT (from Homestead Road to North Wayside Drive)**, CIP N-0587B-00-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Edwards and Wiseman absent. MOTION 2003-1008 ADOPTED.

ORDINANCES - NUMBERS 23 through 37

23. ORDINANCE finding no special benefit to the abutting owner of property described as Tract 69, the east 217.255 feet of Tract 73 and Tract 74B (being the north 12.93 feet of Lot 74), Neuen Manor, and authorizing a refund for certain assessment liens and apparent liens created by Ordinance No. 94-518 passed June 1, 1994 for the initiation of a paving project for the permanent improvement of a portion of Blalock Drive in the City of Houston, Texas; authorizing a refund to the abutting owner \$18, 606.94 - General Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0753 ADOPTED.
24. ORDINANCE consenting to the addition of 12.064 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358**, for inclusion in it's district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0754 ADOPTED.
25. ORDINANCE consenting to the addition of 23.999 acres of land to **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in it's district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0755 ADOPTED.
27. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the **UNITED STATES FEDERAL AVIATION ADMINISTRATION** for Project Nos. 485, 491B, 560, 584, 612A, 612B and 613 at the City's Airports; declaring the City's eligibility for such grants \$97,000,00.00 - FAA Airport Improvement Program Grants - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0756 ADOPTED.
29. ORDINANCE approving and authorizing lease agreement between **BRAESWOOD DEVELOPMENT, LLC**, as Landlord, and the City of Houston, Texas, as tenant, for space at 8632 S. Braeswood for use by the Health & Human Services Department for the Women, Infants and Children Nutrition Program - **DISTRICT C – GOLDBERG** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Wiseman absent.
31. ORDINANCE amending Ordinance No. 2001-0555, passed June 13, 2001, and

Ordinance No. 2002-0512, passed June 12, 2002, which approved and authorized the submission of the 2001 and 2002 Consolidated Plans and Grant Applications for the Housing Opportunities for Persons with AIDS (“HOPWA”) Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”)** under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0757 ADOPTED.

33. ORDINANCE approving and authorizing contract between the City and **DISABILITY MANAGEMENT ALTERNATIVES, LLC** as Third Party Administrator for the City’s Long Term Disability Plan; providing a maximum contract amount - 3 Years with two one-year options \$995,755.00 - Long Term Disability Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0758 ADOPTED.
36. Omitted
37. ORDINANCE awarding contract to **WESTERN HORTICULTURAL SERVICES, INC** for Landscaping Services for Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$790,044.16 - Enterprise Fund **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2003-0759 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of **MR. J. KENT FRIEDMAN** to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, to complete an unexpired term ending 8/31/2004 – was presented, moved by Council Member Galloway, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2003-1009 ADOPTED.

Mayor Brown stated that Mr. J. Kent Friedman was present and invited him to the podium. Council Members Wiseman and Robinson absent.

Mr. Friedman stated that he wanted to thank the Mayor and Council Members and stated that he appreciated the confidence that they had all shown in him and looked forward to working with them and on the Sports Authority and encouraged them all to please let him know if they had any ideas or suggestions. Council Members Wiseman and Robinson absent.

Council Member Goldberg stated that he wanted to congratulate Mr. Friedman, that it was a great opportunity for him, that they had talked on the phone and he thought the best thing that expressed Mr. Friedman’s opinion was that he was open minded to everything, and thought that one of the most important topics that was going to be facing the Sports Authority was actually whether to be a Sports Authority and exist at all and he was open minded and said that he did not have an opinion about keeping it or dismantling it, that he had known him always to be a fair person and always trying to get both sides, that he thought Mr. Friedman would do an outstanding job and was really glad to see him in that position. Council Members Wiseman and Robinson absent.

Mayor Brown stated that he wanted to thank him for agreeing to serve and looked forward to working with him. Council Members Wiseman and Robinson absent.

2. REQUEST from Mayor for confirmation of the appointment of **MS. T. ARTHURLENE JACKSON** to Position 1 of the **HEALTH FACILITIES DEVELOPMENT CORPORATION**

BOARD OF DIRECTORS, to complete an unexpired term ending 1/2/2006 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Wiseman and Robinson absent. MOTION 2003-1010 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **MS. T. ARTHURLENE JACKSON** to Position 1 of the **CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION BOARD OF DIRECTORS**, to complete an unexpired term ending 1/2/2006 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Wiseman and Robinson absent. MOTION 2003-1011 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON INDUSTRIAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS**:
 - Position 1 - **MS. ARTHURLENE JACKSON**, appointment, for a term to expire 1/1/2005
 - Position 2 - **MS. SHARON K. BERRYMAN**, reappointment, for a term to expire 1/1/2006
 - Position 3 - **MR. LARRY BLACKMON**, appointment, for a term to expire 1/1/2005
 - Position 4 - **MR. HARRY D. HOLMES**, reappointment, for a term to expire 1/1/2006
 - Position 5 - **MR. ARTHUR M. GAINES, JR.**, reappointment, for a term to expire 1/1/2005
 - Position 6 - **MR. JAMES J. DONATTO**, reappointment, for a term to expire 1/1/2006
 - Position 7 - **MR. JAMES HERNANDEZ**, appointment, for a term to expire 1/1/2005
 - Position 8 - **MR. MICHAEL E. ROME**, reappointment, for a term to expire 1/1/2006
 - Position 9 - **MS. MELANIE MILES**, appointment, for a term to expire 1/1/2005

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Wiseman and Robinson absent. MOTION 2003-1012 ADOPTED.

10. RECOMMENDATION from Fire Chief for Certification and Re-certification Testing of Emergency Medical Technicians and Paramedics for the Fire Department - \$83,750.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Wiseman and Robinson absent. MOTION 2003-1013 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 32 out of order. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2003-1014 ADOPTED.

32. ORDINANCE approving and authorizing contract between City of Houston and **NHH-CANAL STREET APARTMENTS, INC** to provide a \$1,500,000.00 Grant from **HOME INVESTMENTS PARTNERSHIPS FUNDS** to be used for construction of a Transitional Housing Facility for low and very low income persons located at 2800 Canal Street - **DISTRICT H – VASQUEZ** – was presented, and tagged by Council Member Ellis. Council Member Wiseman absent. (Note: Council Member Ellis released his tag later in the meeting.)

ACCEPT WORK

13. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,067,848.70 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Ingrando Park, GFS F-0363-17-3 - 05.00% over the original contract amount - **DISTRICT I - ALVARADO**

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2003-1015 ADOPTED.

PROPERTY

16. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A97-349, located in the 7500 block of Ley Road, owned by Clear Channel Outdoor, Inc., Michelle Costa, President, as to the leasehold interest, for the **LEY ROAD PAVING PROJECT (from Homestead Road to North Wayside Drive)**, CIP N-0587B-00-1 **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Parker, and tagged by Council Members Sekula-Gibbs and Tatro. Council Member Wiseman absent.

PURCHASING AND TABULATION OF BIDS

18. **TUTTNAUER USA CO. LTD.** to Furnish, Deliver and Install One Steam Sterilizer for the Health & Human Services Department - \$72,244.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2003-1016 ADOPTED.
19. **CPR SERVICES & SUPPLIES, INC, dba MDN ENTERPRISES** - \$231,087.70 and **SOUTHWEST STAINLESS, LP, dba HUGHES SUPPLY** - \$156,690.00 for Sewer Casting Parts for Director Department of Public Works & Engineering - General, Enterprise and Stormwater Utility Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2003-1017 ADOPTED.
20. **ALTIVIA CORPORATION** for Chemical, Sodium Hypochlorite for Department of Public Works & Engineering - \$12,512,757.83, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$375,382.74 for a net award amount of \$12,137,375.09 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Parker.

Council Member Tatro stated that the method of procurement was a reverse auction that was instituted and pushed through by Council Member Ellis, that it was a great opportunity by the City to save money, that it was online auctioning much like Ebay except they bid down because people were bidding for City services and City products so they wanted to drive the price down, that when the contract came to Council there were two proposals that they had researched, one proposal was from a national company that was going to charge them 1% of the purchase price, the company was called RFP Depot and strangely they went with a company that was charging them 3%, that they awarded the contract to the company at 3%, that the effect of that award to that contract on the one purchase of \$12.5 million was that rather than pay the auctioneering company, the online company \$125,000, which would be 1%, they were going to pay them \$375,000, meaning they were going to overpay on one purchase \$250,000, why, because they elected to award the contract to a company they had history with at 3% rather than award the contract to a national firm who did it countrywide at 1%, that was the effect of the contract they passed on one purchase, that taxpayers were not served well by the continuance of the contract, that the contract for 3% had been scheduled for three years with two one year options and extensions, meaning the taxpayer would be paying 3% on every item that was bid using the reverse auction company for the next three years, that he would ask the administration to move forward on behalf of the taxpayer, that he would request the administration end the contract and go out with another RFP for that very simple service, take advantage of the cost reductions on the internet, take advantage of national firms that bid down towards 1% and end the 3% contract that was absolutely strangling the City, that he would not be voting to approve the item, that the item was a purchase of material, but the overriding issue

was the way they were procuring it and overspending on every single purchase that they needed to, that he would request in the further that they bring the procurement for reverse auction back to Council and end the contract for the sake of the taxpayers. Council Members Wiseman and Ellis absent.

Council Member Quan stated that he strongly believed in reverse auction and was not about to talk about what Council Member Tatro talked about the right company, but it was shown that they had recognized substantial savings using that method, unfortunately on this particular bid there appeared to be a breakdown in the system and he understood that one of the bidders was frozen out, the computer shut down and there was a question as to whether they had sufficient time to respond so he felt like a delay was in order to make sure they did a thorough investigation as to how the system responded. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Council Member Quan moved to postpone Item No. 20 for three weeks, seconded by Council Member Alvarado. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Council Member Quan stated that he understood they had a short term purchase order that he thought expired today and understood the company was willing to continue at a lower rate on an interim basis until they talk it out. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Mayor Brown asked the Purchasing Agent to respond on the issue and would a three week delay cause any damage. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Mr. Calvin Wells, Purchasing Agent, stated that a three week delay would cause the City a problem because it was a health and safety item, that they were operating today on an emergency purchase order and .44 cents per gallon, that the item was .38 per gallon and he certainly thought they got the best price, that they looked at 22 cities and the average price over the 22 cities in the USA was .48 cents. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Upon questions by Council Member Quan, Mr. Wells stated that an emergency purchase order was one that they brought before Council predicated upon an immediate need and imminent dangers to the citizens, that it was one that they had brought to the City according to the State Law and at that point it was an emergency but after they had a certain period of time to work on a project it was no longer an emergency according to the State, and Council Member Quan stated that at this time he would tag Item No. 20. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Council Member Keller asked what was the difference between one or three weeks, and Mayor Brown stated that they were paying a lot more money right now than they would pay if it was passed, and Council Member Keller asked if they were going to be operating the reverse auction this week, and Mr. Wells stated no, and Council Member Keller stated that he would also tag the item, that everybody was for the process but they could not just say that it almost worked and they got a good price because there were valid concerns with the bugs and kinks that had appeared through the exercise to where they could not let it keep happening, they had to have guidelines and ground rules to where if it happened again if the computer got frozen how would they document the verbal, that everything needed to be documented. Council Members Goldberg and Edwards absent.

Mr. Wells stated that the particular solicitation started at 3:00 p.m. and he personally hooked into his computer in his office on the reverse auction because it had always been a contentious procurement, that he watched every transaction up to 1:05 a.m. and his computer worked, TPC's computer was working and Altivia's was working and he had no reason to doubt

whether the system was working, that his point was that kind of like when vendors get bids to Anna Russell's office, if the red light holds them up or whatever it was, Anna Russell could not take that particular bid after the time had expired, that he thought the system was doing well, that there was no one who was going to lose happy, that it did not make any difference if it was a paper bid or a reverse auction bid, that he thought they did very well with the solicitation and he was happy and pleased that Council passed the opportunity for them to use it, that they had saved money, that they went according to the rules and regulations of the procurement process and had done due diligence, that he and the Director of Public Works had personally gotten involved and made sure that all items relative to the solicitation was above board and they were satisfied that they did the right thing. Council Members Goldberg and Edwards absent.

Mayor Brown asked if they got the best price, and Mr. Wells stated that they got the best price, and Mayor Brown asked Council Member Keller what were the questions they were raising if they got the best price, and Council Member Keller stated that the problem was that they had a flaw with the process if they could not document when somebody says that they made a verbal offer, and Mr. Wells stated that the system was if they had a problem with their computer they issue a written proxy on the letterhead of the company, no verbal order or offer would ever be accepted, that it was a written proxy and all the suppliers knew it, that companies that go through the reverse auction process had their system backed up, plus they had proxies already waiting to be released in case something happened to their system. Council Member Goldberg absent.

Council Member Vasquez stated that he also had some concerns because he thought they received the best price of those who bid, but thought there was a question as to whether they did receive the best price and as to whether or not the process worked and thought there were some questions regarding the future aspect of the process and making sure that it worked in the future. Council Member Goldberg absent.

Council Member Berry asked if the project was schedule to be re-bid for August 19, 2003, and Mr. Wells stated that he put the item back in reverse auction until they made sure that the Director of Public Works was satisfied that he got the best price and the process was followed perfectly, so he did not want any breakdowns to have the City in the situation where they would not have clean drinking water, that he scheduled it so if he did not satisfy the Public Works Director then they would have something out there to pull in case they really needed it, that they typically schedule a re-bid if he wanted to look at it or study it, that if the director questions where did they get the best he had to make sure they were satisfied with what they were doing. Council Member Goldberg absent.

Mayor Brown asked Mr. Haines to clarify, and Mr. Haines stated that as to the question, it was clear that it was very expensive, it was a market volatile commodity, the reverse auction was a decent process, however, he guessed what he would say in response to the question as to whether or not a tag or a three week delay, they certainly could get answers to the question that Council Members raised relative to the fairness issue within a week, that they did not need a three week delay and given a \$12 million potential impact he would suggest that a tag was sufficient to get their answers. Council Member Goldberg absent.

After a lengthy discussion by Council Members, Council Member Ellis stated that he would also tag the item and Council Member Alvarado stated that she would also tag the item and would like someone to visit with her, and Council Member Goldberg moved that the City Council proceed with the agenda, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-1018 ADOPTED.

21. **SCHEIDT & BACHMANN USA, INC** for Automated Parking System for Municipal Courts Administration Department - \$149,815.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Parker and tagged by Council Member Tatro. (Note: Council Member Tatro released his

tag later in the meeting.)

Council Member Ellis stated that he wanted to release his tag on Item No. 32, and Mayor Brown stated that they would consider Item No. 32 at the end of the agenda.

ORDINANCES

22. **ORDINANCE AMENDING SECTION 16-9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking Fees for the Municipal Courts Parking Lot - was presented. All voting aye. Nays none. **ORDINANCE 2003-0760 ADOPTED.**
26. **ORDINANCE** establishing the east and west sides of the 100, 200, 300 and 400 blocks of Northwood Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. **ORDINANCE 2003-0761 ADOPTED.**
28. **ORDINANCE** approving and authorizing contract between the City of Houston and **DUKE ENERGY BUSINESS SERVICES, L.L.C.**, for Certain premises at William P. Hobby Airport 3 Years with two 2 year options - Revenue - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. **ORDINANCE 2003-0762 ADOPTED.**
30. **ORDINANCE** amending Ordinance No. 2001-0555, passed June 13, 2001 which approved and authorized the submission of the 2001 Consolidated Plans and Grant Application for the 27th Community Development Block Grant ("CDBG") Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD")** under the authority of Title I of the Housing and Community Development Act of 1974, as amended - was presented. All voting aye. Nays none. **ORDINANCE 2003-0763 ADOPTED.**
- 30a. **ORDINANCE** approving and authorizing twenty-first contract amendment between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide \$60,000.00 and continue the program for the Development of Neighborhood Parks on Public School Grounds under the Spark Program - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; H - VASQUEZ and I - ALVARADO** - was presented. All voting aye. Nays none. **ORDINANCE 2003-0764 ADOPTED.**

Council Member Sekula-Gibbs stated that she wanted to take the opportunity to thank the Mayor and Mr. Haines and Ms. Daisy Stiner and others in the administration for working with her in securing CDBG funding for federally qualified health centers that were just approved in Item Numbers 30 and 30a, that the two centers that would be supported were El Centro de Corazon, in the East end in Council Member Vasquez's district and also Northeast Community Center, which was also in Council Member Vasquez's district, and both of those facilities had applied to the Bureau of Primary Health Care for federally qualified health center status and the items would be very helpful to their application, it strengthened it tremendously, that as everyone knew access to health care in their City was in a critical state and she really appreciated the Mayor's support because it showed that he had a strong sense of compassion for the medically underserved people in their community, that she also wanted to recognize and thank her fellow Council Members for their support of the applications, Council Members Quan, Keller and Vasquez, that they all supplied letters of support for the applications, that they looked forward to working with the City in the future on providing access to health care in the medically underserved areas of their City. Council Member Berry absent.

Mayor Brown stated that he wanted to express his appreciation to Council Member Sekula-Gibbs, that she took on the issue, introduced it to most of them and championed the cause so they owed her a debt of gratitude. Council Member Berry absent.

34. ORDINANCE appropriating \$474,441.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, and approving and authorizing amendment No. 1 to construction contract No. 54244 between City of Houston and **W. W. WEBBER, INC (formerly CHAMPAGNE-WEBBER, INC, TEXAS)** for Runway 8L-26R Connector Taxiway and Taxiway Bridges at George Bush Intercontinental Airport/Houston; Project No. 522G; CIP A-0304 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2003-0765 ADOPTED.
35. ORDINANCE appropriating \$557,194.83 out of General Improvement Consolidated Construction Fund No. 441, and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **MISSION/BUFETE INDUSTRIAL, INC**, a Joint Venture to settle a claim arising out of activities financed by the Fund - was presented. All voting aye. Nays none. ORDINANCE 2003-0766 ADOPTED.
38. ORDINANCE awarding contract to **SMITH-MOBLEY, INC** for Securing Dangerous Buildings Services for Planning and Development Department; providing a maximum contract amount 2 Years with a one-year option - \$674,812.50 - General Fund – was presented.

Council Member Galloway stated that she would like to get some information from the administration as to what buildings were being secured because she noticed such a large difference in the first bidder and the second bidder, so she wanted to get some information as to the RFP that was issued as to what was entailed in the item, and Mayor Brown stated that if her question was what areas or location it was an open bid and Council Member Galloway stated that it was the specs, and Mayor Brown stated that the staff did meet with the bidders and they were convinced they could do the work, even though there was a discrepancy between the high bid and the next one, they felt they could do the work at the price that they won the contract. Council Member Berry absent.

Council Members Keller and Alvarado stated that they would tag Item No. 38.

39. ORDINANCE appropriating \$5,233,342.00 out of Street & Bridge Consolidated Construction Fund and \$3,144,647.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction Project No. 440A, GFS N-0373-02-3 (N-0373-02); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Wiseman.

Council Member Parker stated that she knew the item had been tagged but wanted to note that it was the first project that had come to them with a bonus for early completion and many Council Members had talked about it and it was one of her budget priorities that they had penalties if they did the work too slowly, but they finally had gotten an incentive program in to encourage contractors to get into the streets and get them done and out of there again and thought the citizens would be well benefited by that.

Council Member Goldberg stated that he also wanted to comment on the incentive program, that he thought it was the first neighborhood street reconstruction to have the bonus incentive program and that was what had delayed it and it had been a long time in coming, that they had already met with the contractors three months ago and had a town hall meeting with them and knew there was some legality, that it would be nice if the incentive program was actually part of the bid specification so that all the bidders knew that there was the opportunity to get it and could put it into their bid, that he did have one question that could be answered hopefully before next week regarding project management, that there seemed to be an

inordinate amount of money in the project for project management and if someone could come by from Public Works and explain to him what those costs were for, and Mayor Brown stated that they would have someone visit with him on that. Council Member Vasquez absent.

Council Member Tatro stated that he would like to remove his tag on Item No. 21, and Mayor Brown stated that they would consider Item No. 21 at the end of the agenda.

NON CONSENT AGENDA - NUMBER 40

PROPERTY

40. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, on behalf of Houston Independent School District (HISD), for abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within Lamar Terrace Subdivision, Parcels SY3-046A, SY3-046B, SY3-046C, VY4-001A, VY4-001B and VY4-001C - **APPRAISERS - DISTRICT C - GOLDBERG** – was prested.

Council Member Goldberg named Mr. Thomas Bazan and Ms. Lynette Fornerette as appraisers and moved approval of the recommendation, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-1019 ADOPTED.

MATTERS HELD - NUMBERS 41 through 51

41. ORDINANCE **AMENDING SECTION 45-172 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to increase Parking Meter Rates – **(This was Item No. 60 on Agenda of July 23, 2003, POSTPONED BY MOTION #2003-921)** – was presented.

Council Member Alvarado moved to refer Item No. 41 back to the administration, seconded by Council Member Berry. All voting aye. Nays none. MOTION 2003-1020 ADOPTED.

42. RECOMMENDATION from Director Department of Finance & Administration to approve proposed Fiscal Year 2004-2008 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the approved CIP documents – **(This was Item No. 2 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Keller and Robinson.

Council Members Robinson and Keller stated they would lift their tags on Item No. 42 in order for Council Members to introduce their amendments.

Council Member Galloway stated that she wanted to submit the following written amendment to Item No. 42, which had been passed out to all Council Members:

“The intention of this amendment is to move all costs associated with and related to the renovation of the Tidwell Park (CIP Number F-0504A5) from Fiscal Year 2007 to Fiscal Year 2005”, tagged by Council Members Keller, Robinson and Wiseman.

Council Member Tatro stated that he had distributed three independent amendments on the Council table and laid them out for Council Members, that it had been his concern, for some time, over projects that had not been previously funded in the CIP and appearing to be funded in one year from General Funds, from taxpayer advalorem tax funds, that oftentimes a project could move forward if it was CDBG money, which were Federal Grant funds, or State money,

and offered the following amendment:

Amendment #1: FY2004-2008 CIP

“Deletion of D-0118 Houston Museum of African American Culture, unless alternative funding sources can be identified that create no impact on the general fund”.

Council Member Tatro stated that the reason for the amendment was that number one, it was right out of the General Fund, and number two, they were not in the museum business, so they had a project coming from nowhere to being funded \$2 million out of the General Fund in one year, in a business they were not really in. tagged by Council Members Robinson, Quan, Keller and Wiseman.

Council Member Tatro stated that the concern of the way the CIP was structured in the letter from Mr. Haines on August 11, 2003, specifically stated that the proposed budget was based on anticipation that Council would approve the restructuring of the Water Sewer Enterprise Fund to include a Water, Sewer and Storm Drainage Enterprise Fund and the refunding of the City’s outstanding Water Sewer Revenue bonds and the proposed fee, that the way the entire plan was laid out, the way the entire CIP was laid out was that they were anticipating, number one, they were going to refinance all the Water Sewer debt and create the combined utility, which had not come yet and probably would be a month or so away, and number two, that they were going to impose the utility drainage fee, so his concern was specifically the entire section of the CIP, which was the combined utility fund, it was in the CIP, but obviously it was pending revenue sources that they had not adopted and quite frankly it was very difficult to say whether that would be adopted, and offered the following written amendment:

Amendment #2: FY2004-2008 CIP

“Removal of the Combined Utility Fund section of proposed CIP for FY2004-2008”, tagged by Council Member Robinson. Council Member Keller absent.

Council Member Tatro stated that they had a lot of discussion yesterday about the Gregory School and planning or lack there of and his concern was with the downtown fire station, with the Compaq Center, that they had a City facility and did not know what they were going to do with it and they went out for an RFP, that in this case no such animal had taken place, they had not gone for an RFP to the private sector and asked them what they might do with the facility, they had taken it upon themselves, in the next two years, planning to spend grant funds and City money totaling almost \$6 million and did not have a plan, and that ought to be of concern to everybody around the table, and offered the following written amendment:

Amendment #3: FY2004-2008 CIP

“Remove the \$2.5 million in library bond funding from the Gregory School Project. Issue an RFP for lease/renovation and operation of the Gregory School using private and grant funding”, tagged by Council Member Robinson.

Council Member Alvarado stated that she wanted to introduce her amendment to Item No. 42, which had been distributed, that she had been working with Council Member Edwards and it affected both of their districts and offered the following written amendment to Item No. 42:

Motion to amend item 42 of the Agenda, the proposed FY04-08 Capitol Improvement Plan, eliminating all funding for C.I.P. Number N-0528 (Wheeler Street Project) and placing \$1,000,000 into C.I.P. Project 610A (Sidewalks) and \$4,900,000 into C.I.P. Project N-1037 (Overlays) to be divided equally between council districts D and I”, tagged by Council Members Robinson, Tatro and Wiseman.

43. 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 \$972,977.89 and acceptance of work on contract with **FROST CONSTRUCTORS, INC** for Heights Branch Library Renovation, GFS E-0023-01-3 - 11.58% over the original contract amount - **DISTRICT H - VASQUEZ – (This was Item 6 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. MOTION 2003-1021 ADOPTED.

44. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,813,973.20 and acceptance of work on contract with **TEJAS CONSTRUCTION COMPANY** for Construction of an Eight (8) Million Gallon Water Storage Tank at the Southwest Pumping Station, GFS S-0610-23-3 (WA10597-23) - 03.39% under the original contract amount - **DISTRICT C – GOLDBERG – (This was Item 8 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. MOTION 2003-1022 ADOPTED.
45. ORDINANCE issuing permit to **BUCKEYE GULF COAST PIPE LINES, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS; G - KELLER and I - ALVARADO – (This was Item 19 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0767 ADOPTED.
46. ORDINANCE issuing permit to **DEAN PIPELINE COMPANY, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN – (This was Item 20 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0768 ADOPTED.
47. ORDINANCE issuing permit to **SEAWAY CRUDE PIPELINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN – (This was Item 21 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0769 ADOPTED.
48. ORDINANCE issuing permit to **SHELL PIPELINE COMPANY, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN and I – ALVARADO – (This was Item 22 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0770 ADOPTED.
49. ORDINANCE issuing permit to **TEPPCO CRUDE PIPELINE, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER and H - VASQUEZ – (This was Item 23 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0771 ADOPTED.
50. ORDINANCE approving and authorizing amendment No. 1 to Airport Shoeshine Concession Agreement between the City of Houston and **ELSIE HEBERT AIRPORT SHOESHINE PARLORS** at George Bush Intercontinental Airport/Houston - **DISTRICT B**

- GALLOWAY - (This was Item 24 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. ORDINANCE 2003-0772 ADOPTED.

51. ORDINANCE appropriating \$20,177,336.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2004 Equipment – **(This was Item 31 on Agenda of August 13, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2003-0773 ADOPTED.
21. **SCHEIDT & BACHMANN USA, INC** for Automated Parking System for Municipal Courts Administration Department - \$149,815.00 - Equipment Acquisition Consolidated Fund – was again before Council. All voting aye. Nays none. MOTION 2003-1023 ADOPTED.
32. ORDINANCE approving and authorizing contract between City of Houston and **NHH-CANAL STREET APARTMENTS, INC** to provide a \$1,500,000.00 Grant from **HOME INVESTMENTS PARTNERSHIPS FUNDS** to be used for construction of a Transitional Housing Facility for low and very low income persons located at 2800 Canal Street - **DISTRICT H – VASQUEZ** – was again before Council. All voting aye. Nays none. ORDINANCE 2003-0774 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that he wanted to thank Council for their show of warmth and congratulations last week, that he got the chance to watch the meeting later that afternoon and really appreciated it. Council Member Vasquez absent.

Council Member Keller stated that he wanted to bring a brief situation from a constituent of Council Member Ellis's, that it was right on the border of Districts F and G in southwest Houston, that about one week ago a constituent on a cul-de-sac called Rippling Creek Drive was in front playing with his four year old kid and had a dog, a husky, a big dog, that a Schawn's delivery truck came hauling around the corner and ran over the dog and then ran over it again then went around the cul-de-sac and left and stopped at the stop sign and took a right turn, that the constituent was pretty distraught, the kid was freaked out and the wife was upset, that the wife took the kid and got in the car and went and tried to follow the Schawn's truck, that they found the Schawn's truck at another street and the Schawn's driver was in a house and was afraid to come out at that point and the owner of the house, once she had heard that the guy was running over dogs and not stopping, said to get out of her house and he did not want to leave the house, that since then the constituent exercised some constraint and decided to just get the information and call the company, that the company, Schawn's, still had not returned any of his phone calls in nine days, he was still trying to call and all they did was give him customer service and customer service would not even call him back, that he just wanted to let his colleagues know that they had a company driving around the streets of Houston, hauling and running animals over and not stopping and not even calling back to try to take care of maybe getting a new dog or at least take the information, that he was appalled at the behavior of that company, that no one would step forward from that company and confront the situation, as uncomfortable as it may be. Council Member Vasquez absent.

Council Member Quan stated that as they knew he had been working with the American Institute of Architects for the past year and a half regarding a urban design assistance program to look at strategies for housing, that he would like to invite all of his colleagues to a town hall meeting that they were going to be having at the University of Houston on Saturday, discussing housing strategies, it would be at the University of Houston Hilton Ballroom from 9:00 a.m. to 12:00 p.m., that they would have members of AIA, as far as developers, builders and bankers taking about how they could look at housing options for the City as they went forward. Council Member Vasquez absent.

Council Member Quan stated that the Vietnamese Community would be holding a fund raiser on Friday night to help their senior citizen community, that it would be at the Ocean Palace Restaurant on Belaire and if they wanted any information to please feel free to contact him on that, and on Saturday night the Philippine Community would be hosting their Pearl of the Orient Gala honoring Dr. Michael DeBakay at the J.W. Marriott Hotel in the Galeria. Council Member Vasquez absent.

Council Member Sekula-Gibbs stated that she again wanted to thank Mayor Brown and all the Members of Council for supporting the development of federally qualified health centers in Houston and encourage anyone who was interested in learning more about creating a federally qualified health center in a low income area or underserved population in the City to attend their Gateway to Care meetings, that the Mayor appointed her to that task force many months ago and they would have a meeting that afternoon at 3:00 p.m. at the County Public Health and Environmental Safety Building, which was at 2223 West Loop South and they were open to anyone who would like to learn the process of creating a federally qualified center. Council Member Vasquez absent.

Council Member Sekula-Gibbs stated that a gentleman named Dr. Sam Nixon passed away on August 17, 2003, that Dr. Nixon was an icon in the area of family medicine for not only Houston and Texas but also in the entire Nation, that he was 76 years old, that she had the pleasure of knowing Dr. Nixon when she was a young girl, he was their family doctor in Floresville, that he was born in Galveston and attended Texas A&M University and subsequently went to the University of Texas Medical Branch in Galveston and received the Ashabel Smith Distinguished Alumni Award in 1992 and also served in the military for four years both in Korea and Japan and was subsequently awarded a distinguished award for being in the military and providing advanced direction for military medicine, that he came from Floresville, after being there for 23 years to Houston, where he joined the faculty of the University of Texas Health Science Center and helped to create the Department of Family Practice, that she had to give tribute to this man because not only did he help them with their cuts and breaks and all sorts of issues when they were growing up, but he also helped her to get into medical school and helped her with a scholarship through the Texas State Rural Medical Education Fund, which he was chair for over twenty years, that he brought a lot of people into medicine with him, that he was a light in the community. Council Member Vasquez absent.

Council Member Alvarado stated that this weekend they had some problems at Hidalgo Park with the new water park that was installed, that they had kids that were waiting out there and there were a lot of families out there, that there was a problem with the system and she was asking that anytime that happened that some type of notification be posted at the park, it was an invitation to kids in the neighborhood and understood there was staff out there from the Mayor's office as well, that she hoped that Hidalgo Water Park was resolved promptly.

Council Member Alvarado stated that her office had been trying to get a meeting with some staff from Legal that was working on deed restrictions and the Planning Department and they had some problems in pulling that together and her office was told by the Planning Department that they needed at least a month in advance, that there just seemed to be a continuous problem between the two departments, especially as it related to deed restrictions and she had asked Council Member Parker to host a committee meeting to address the issue, that she thought both departments wanted to resolve the problem but they both needed to be brought to the table at the same time so they could try to iron out all the problems they were having and a lot of problems that the civic associations were having dealing with deed restrictions, and Mayor Brown stated that he had asked both departments to meet with her so a meeting would be set up, and Council Member Alvarado stated that the meeting that was supposed to be held last night at one of her constituent's homes, they were told at the last minute that staff could not be there and she would very much appreciate further notice because she had constituents there waiting for staff and if it could be avoided in the future she would appreciate it. Council Member Vasquez absent.

Council Member Berry stated that a month ago he had asked for a briefing for City Council of their Super Bowl preparedness and would just like, at their earliest convenience, where they were on that and if someone could come before Council and apprise them of an update so they would know the status of it, and Mayor Brown stated that they would schedule someone to come by in the near future. Council Member Vasquez absent.

Council Member Berry stated that he had gotten two different compliments that week, that Theresa and Chris Mays that worked out of the Mayor Pro Tem's office at the front of Council, that when people came to their office they were always professionally served, always with a smile and they went out of their way to help people and worked great with the offices and thought those were two of the finest City employees they had and was thankful because they made them all look great, and Alice as well. Council Member Vasquez absent.

Council Member Ellis stated that today there was a lot of discussion about the reverse auction process and he wanted to encourage all of his colleagues to take time out and call TPC, that they could go in and watch one of the reverse auctions take place, that they could see the process and start to understand it, that a lot of times once they learned the process and see the process it gave them a better understanding and less questions and he thought that it would be helpful for those who were skeptical of the reverse auction process. Council Member Vasquez absent.

Council Member Goldberg stated that he had heard that CITGO Corporation was thinking about relocating its headquarters to the City of Houston, their number one candidate, and wanted to make sure that there was someone from the City of Houston that was working with them, maybe the Greater Houston Partnership, anything that they could do to accommodate them he would like to encourage that as well as relocating any large corporation, that he thought it was in their best interest. Council Member Vasquez absent.

Council Member Goldberg stated that yesterday some people came during public session to talk about the street closures for a subdivision called Southgate and the impetus of it was the fact that there was a 1,500 car garage opening up right next door to the neighborhood and most likely the cars would go through the neighborhood and he thought it just brought up the need for something in a larger scope, that he thought it was time the City of Houston enacted an ordinance requiring a traffic study for any type of facility where cars would be entering or exiting at a rate of more than 100 cars per hour, that they had to get a permit for capacity for storm drainage or utilities, but traffic had become such a problem because they allowed buildings and facilities to be built without any regard to the amount of traffic that was created, that it was hard for him to believe in the fourth largest city and a city that had so many cars that there was not a requirement for a builder to let them know how many cars would be coming in and out of that facility, that the parking garage was just a drop in the bucket, it was near the Medical Center and they were expected to build garages right along the same street to house another 6,500 cars and that really had an impact, not just on the neighborhood, but on the Medical Center as a whole and on Main Street and Fannin, where the light rail was going to be and yet there was no requirement that those people let them know how many cars were going to be added to the street, that he thought it was about time they formulated an ordinance requiring some sort of traffic study and then approval for a plan for having the cars entering and exiting those facilities. Council Member Vasquez absent.

Council Member Goldberg stated that he wanted to talk about the upcoming Combined Municipal Campaign, as he mentioned before this year they were doing a silent auction and at the top of the list, he thought that since the Super Bowl was in the City of Houston, they could get a couple of Super Bowl tickets to auction off, it would be a great item, that it was more difficult than he thought and he had enlisted the help of the Mayor and they had been successful the NFL had given them two Super Bowl tickets for their silent auction and that would really be a draw, that was just one item, and to all Council Members he thought it was the

time to use their imagination and come up with at least a couple of auction items, that for example, Ms. Lisa Foranda, who was working with the campaign, offered to do an auction item and he said instead of a tour of the studios or a luncheon with her, something really unusual, so one of the auction items that they could bid on was that they could get to go bowling with Ms. Lisa Foranda, that he had run it by the Legal Department and he was going to bid his parking space for a whole month to any City employee who normally parked in there could park in his parking space for a whole month, that the deadline was August 29, 2003 and there was going to be a website for that and people all over the Country could look at the items and see what they had to offer and see what the City was doing, they needed the money more than ever since so many of the corporations and private donors had really cut back on their donations and a lot of the charities that the CMC supported were hurting.

Council Member Goldberg stated that he thought it was really quite ironic when the people out there complained about the slow downs because of traffic and congestion and now the City employees were experiencing it, two thirds of the elevators in the City Hall building were out, an escalator in the Annex was out and on top of that if they thought they were moving through the building too fast, they had the metal detectors to slow them down, that Mr. John Bales had told him that he was the one who came up with the plan and idea and he must be the most hated City employee because he had heard people cursing whoever came up with the plan all the time, and asked Mayor Brown for an update on what the future of the ridiculous plan was and when it could be mothballed.

Council Member Alvarado stated that in Congress, Members of Congress, every time they entered a congressional building did not have to go through the detectors, at the State Capitol the State Legislators did not have to go through the detectors, but in Houston, Texas they did, that she hoped that every comment that had been given on the subject was taken into serious consideration, that she thought that the plan was hastily put together without serious thought and was poor planning, that the Council Members went back and forth between the two building quite often, and Mayor Brown stated that they would take a look at it.

Council Member Wiseman stated that she wanted to invite everyone to come out to Clear Lake during the weekend for the Annual Ballooner Lift Off Festival, that it would be held at Johnson Space Center Friday evening from 6:00 p.m. to 10:30 p.m., there would be a live concert, on Saturday from 6:30 a.m. to 10:00 p.m. and on Sunday from 6:30 a.m. to 7:00 p.m. and if anyone had any questions on it they could call the Clear Lake Area Chamber of Commerce at 281-488-7676, there would be over 100 balloons flying around, that it was a fun event and encouraged everyone to come out. Council Member Quan absent.

Council Member Wiseman stated that she wanted to invite everyone to their Kingwood public coffee for the mobility study that they were conducting, that she wanted to thank the folks with Public Works who had worked hard to assist her in putting that together, it would be held Tuesday, August 26, 2003 at the Kingwood High School Ninth Grade Campus from 7:00 p.m. to 9:00 p.m. and they were inviting everyone to provide their input and share their traffic concerns, it was very important that they take input from the people who used the roads day in and day out so they could share with the engineering firm where they saw the problems. Council Members Keller and Quan absent.

Council Member Wiseman stated that she wanted to thank Mr. Art Kidder from Public Works, for working with the Kingwood Community on a ditch dredging situation where they had a joint venture now in progress to alleviate some localized flooding there, that she wanted to thank him for all of his hard work on that. Council Member Keller absent.

Council Member Wiseman stated that she would like an update from Public Works on the status of a street reconstruction project in Freeway Manor, that she was interested in knowing when Phase II would proceed and would like to visit with someone on that. Council Members Tatro and Keller absent.

Council Member Wiseman stated that she had a concern with respect to HPD that she would like to address, that this week she happened to come up behind an accident and actually witnessed the accident as it occurred so she pulled over to see what she could do to help assist in that and the people involved in the accident attempted to call 911 for assistance and the 911 dispatcher informed them that they no longer responded to minor accidents, that since she was there she did try calling the non emergency number and was put on hold, when they did get someone on the line she asked that an officer be dispatched, that was at 6:11 p.m. and at 6:15 p.m. she decided to start timing it and the officers responded with an arrival time of 6:50 p.m., so 35 minutes later they did have a unit respond and ten minutes later the tow truck drivers arrived, that when the officers did arrive they were very courteous and very professional and she appreciated that, but she did have some serious concerns about that response time, and also had concerns over the fact that he constituents were told that they no longer responded to minor accidents, that it was her assumption that the issue was clarified during the budget process so she would be very interested in a report on that and would also like some in writing with regard to the response time. Council Members Ellis and Keller absent.

Council Member Wiseman stated that she had a sample of dirt to show them today, that Blackhawk Park was once just an open barren field covered with dirt and the people in the community of the south belt area had been waiting for almost three generations for a football field, that Blackhawk Park had sat undeveloped for many years and this go round the Parks Department told them again that they would not be able to see a football field until at least the year 2006, that she went to the private sector and asked for their assistance and they jumped in with support and the sample of dirt she brought was to show them that where the dirt once sat now sat a football field, that the children would have a football field to play on this season, in fact their opening ceremonies were at 10:30 a.m. on Saturday morning at Beverly Hills Park because they were still babying the grass on the football field, that it would be ready for the next game, that she wanted to thank Mr. Richard Lewis of RWL Construction and Mr. Robert Kossman with Kossman Contracting for their most generous contributions and support and wanted to thank the Parks Department for insuring that they could have a park for the kids. Council Members Tatro, Ellis, Keller and Alvarado absent.

Council Member Galloway stated that she wanted to thank her colleagues and the Houston community for their condolences during the tragic loss of her nephew who passed away last week, that she would also like the Houston community to know the importance of buckling up and using their seatbelts, that so many times while driving down the streets she sees people and young people riding and they were not buckled up, that she really wanted people to put a concerted effort into being buckled up, that she saw that Clear Channel had given them the little billboard signs where they had them in the Fifth Ward Community about buckling their seatbelts, so it was very important that they use their seatbelts, it could prevent the loss of a life. Council Members Tatro, Ellis, Keller and Alvarado absent.

Council Member Galloway stated that she wanted to thank Mr. John Silva, F&A, he had been most gracious in assisting her with the CIP and working with her on funding and she thought that he went way beyond his job duties and she wanted to compliment him on his dedication and commitment to the City. Council Members Tatro, Ellis, Keller and Alvarado absent.

Council Member Galloway stated that she saw on the news last night where the Harris County computers were attacked by a virus and all of their systems went down, that she hoped that the City really had something in place and hoped that the Technology Department was monitoring the situation. Council Members Tatro, Ellis, Keller and Alvarado absent.

Council Member Robinson stated that he had an opportunity to talk to Mr. Richard Lewis, IT Department, on a couple of occasions and thought he had talked to a couple of other Council Members to keep them up to date on what was going on and if necessary he intended to come

to a TTI Committee meeting to give them a briefing.

Council Member Robinson stated that he was actually on the exact opposite side of two of his colleagues on the security issue, he thought they were probably a little to lenient and thought they needed to dig through the bags a little more, that it did not bother him at the airport when they asked him to take his shoes off, that it did not bother him when he came to City Hall that he had to go through the metal detector, that he also happened to read "Roll Call" on a regular basis and notwithstanding all that had happened in the Halls of Congress and the death of a City Council Member in New York, the Sergeant of Arms on the Senate and the House side recently had to send a memo to the Members of Congress reminding them to stop waving people through and not letting them go through the metal detectors, so he did not mind the inconvenience and was not going to criticize the track record that they had never had anything happen at City Hall as indicative of the need not to maintain prevention, he would like to keep that perfect record in tact, as opposed to figuring out what to do after the record was broken, that like of all of them had adjusted to the airport security, City employees and Council Members too ought to adjust, that he wanted to let Mr. Bales know that he appreciated it and his criticism was that they ought to step it up a little more actually. Council Members Tatro and Vasquez absent.

Council Member Wiseman stated that she wanted to echo Council Member Robinson's comments, that someone made a statement at the table a while back that they needed to trust their employees and that it was saying that they did not trust them, but it was not an issue of trust, that just that same week when that comment was made a personal item of hers, that she kept right outside her office door, was defaced by someone, so that was someone who had access to their Council offices, so that would be a City employee, someone with a badge, that they had identified in the past several weeks that someone had been gaining unauthorized access to her personal office after they were gone and she addressed that with Building Services with respect to the custodial service and whether or not they were maintaining locked doors after they serviced the offices because they did identify that someone was going through her office and they had yet to determine what, if anything, had been actually removed from the office, that they did have security concerns so she did support Mr. Bales efforts and thought they needed to realize that it could happen any place, and Mayor Brown stated that Mr. Bales was taking note of those comments as well. Council Members Tatro and Vasquez absent.

Council Member Edwards stated that she wanted to thank Chief Wong and Captain Reddy and Captain Anderson and various other officers who were at the meeting last night, that they had a very interesting meeting, some store owners in the Sunnyside and South Park area felt that they had been set up by the Police Department on various young people going in to purchase, but they finally got them to appreciate that they just needed to ask everybody for their ID's, that was the law and it did not matter, but they got, what she thought, was an understanding as to what needed to happen, that she also wanted to thank all of those persons who worked with them with the Best Mini Market, Council Member Quan and various police agencies and wanted to be kept up to date if there was going to be any follow through, they had talked about training of store owners as to what kind of behavior to identify that should give them cause for concern, that she did not know if that was something that they were going to follow through with or not, but she would hope so. Council Members Tatro, Vasquez and Robinson absent.

Council Member Edwards stated that she was not really whining but in their office they worked very hard to establish partnerships with the community, not only their office but with the City and other departments, so she would appreciate the courtesy, that on issues like the African American Museum and the Gregory School, when Council Members had a problem with it they should at least give her and her office the courtesy to talk about it before they make a decision to try to eliminate it, that she was not saying that they had to have her approval, but to at least give her office the heads up, their constituents the heads up, to participate in a process, that there had been open meetings time and time and then to have a Council Member

try to remove the thing from the CIP, without even talking with her or the other Council Member, that to her was just disrespectful, not of her, but of the community that had been working on it for as long as she had been in that office, that she did not think they needed to say they would always agree, she knew it was not going to happen, but she would give any person on the table the respect to say they had a problem or did not understand it, could they help, and they may still disagree, but at least give the constituents of the district and of the area that had worked hard to come to some kind of solution the opportunity to discuss it with the Council Member. Council Members Tatro, Vasquez and Robinson absent.

Council Member Edwards stated that she was still getting calls regarding Riverside Hospital from the Black Doctors in the Third Ward Community, there were very active health organizations in that community that were not pulled into that discussion, that they could not just walk over people's feelings and the work that they had done in their community and just come up with a "better plan", that she was just asking for the courtesy, that she was not asking for their agreement or their support, she was just asking for the upfront courtesy, not to her as a person, but to the office in the district to say they had concerns about it could they get them that information, that the other issue that fit into that same theme was the African American Museum, that the calls she was getting from her community in District D was that it seemed like whenever there was an African American issue the City Council says no, and they gave her the whole litany, from Pleasant Hill to whatever, whether it was right or wrong the perception was out there and they could minimize that perception and marginalize that perception by talking to people in a way that was respectful of their work in the community and the way they were working on their projects. Council Members Tatro, Vasquez and Robinson absent.

Council Member Edwards stated that since it was an election year and there would possibly be two district seats at least that would have new people coming in that they look at some kind of way that they could transfer the history of that district to that new Council Member, and she would like to suggest that it should not be left up to the individual Council Member, that it should be something that comes out of the Mayor Pro Tem's Office or something, to where there was a consistency that they would know that the new Council Members were getting that particular information about the district, work in progress and the hot buttons in that district, that she would like to see if they could get that started and look at a system for the entire floor and not just for individual office people. Council Members Tatro, Vasquez and Robinson absent.

Council Member Alvarado stated that on the issue of the CIP amendments, she could not agree with her more, that she was offended by one of the amendments because she and Council Member Edwards had been working for quite some time on the Gregory Lincoln issue and there had always been kind of an unspoken rule that they did not meddle in somebody else's district at least without going to them before, so she hoped they kept that in mind as they went through the CIP process and other issues as they came through the table. Council Members Tatro, Vasquez and Robinson absent.

Council Member Parker stated that she wanted to remind the Council Members that the annual City of Houston Birthday Gala was next Tuesday night and they were looking forward to having all of them there and looking forward to having a lot of department directors there, that they would have their annual induction into the City of Houston Hall of Fame, they were inducing as the 2004 Honoree, Mr. Ned Holmes, but were also making special catch up nominations of Dr. John McGovern and the Honorable Mickey Leeland and there would be folks there to accept on their behalf, so she would hope that all Council Members would attend, to please contact her office if they had further questions on it. Council Members Tatro, Vasquez and Robinson absent.

There being no further business before Council, the City Council adjourned at 10:56 a.m. upon MOTION by Council Member Quan, seconded by Council Member Galloway. Council Members Tatro, Vasquez and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary