

City Council Chamber, City Hall, Tuesday, August 26, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 26, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Carol Alvarado, Annise Parker Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez absent on personal business.

At 2:05 p.m. Mayor Brown stated that Council would begin with presentations and invited Ms. Kim Ogg, Executive Director for Crime Stoppers and Mr. Sid Jurnigan, Chairman of Crime Stoppers to the podium and presented a Proclamation to Ms. Ogg for Crime Stoppers making Houston a much safer place and proclaimed September 2003 as "Crime Stoppers Month". Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Ellis, Parker, Berry and Robinson absent.

Council Members Keller and Alvarado were to make the next presentation and Council Member Keller stated that Pedestrian Safety Awareness Day was to reach out to the community and educate children and their parents; thanked all involved in the art contest; and proclaimed August 26, 2003, as "Pedestrian Safety Awareness Day". Council Member Alvarado invited the winners who were present to the podium and presented them Certificates of Recognition. Mayor Brown, Council Members Galloway, Wiseman and Parker absent. Mayor Pro Tem Quan presiding.

Council Member Berry invited Ms. Nana Booker, honorary Consul General and Mr. Tim Davidson along with Miss Eloise Frischkorn and Miss Laura Zwicker to the podium for a presentation. Ms. Booker stated that it was her honor to be present to honor two young artists selected by the City of Perth in a City of Perth Sister City Competition Art Contest; and introduced Mr. Davidson who was president of the Perth Sister City Association who read the judges comments regarding the artwork. Council Member Berry congratulated the girls and presented Certificates of Recognition to Miss Eloise Frischkorn who won first place and Miss Laura Zwicker who won second place. Mayor Brown and Council Member Wiseman absent.

At 2:04 p.m. Mayor Brown called the meeting to order and Council Member Goldberg invited Rev. Helen Morris Havens pastor of St. Stevens Episcopal Church to the podium who led all in the prayer and Council Member Goldberg led all in the Pledge of Allegiance.

At 2:25 p.m. the City Secretary called the roll. Council Member Vasquez absent on personal business.

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

Council Member Alvarado moved that the rules be suspended for the purpose of hearing the following speakers out of order, Ms. Elaine Oliver, Mr. Robert Reed, Ms. Catherine Roberts, Mr. Raymond Mbla and Mr. Larry Caplin and add Dr. Teddy McDavid to the list of speakers, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Berry absent. MOTION 2003-1024 ADOPTED.

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

Rev. Bill Lawson, 3826 Wheeler Ave., Houston, Texas 77004 (713-748-5240) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Ms. Elaine Oliver, 1919 Smith, Houston, Texas 77002 (713-655-0050) appeared and stated that she was present on behalf of Rep. Sheila Jackson Lee voicing support of the Houston African American Museum and restoration of the historic Gregory School in the Fourth Ward without any amendments. Council Members Keller and Berry absent.

Mrs. Jacqueline Bostic, P. O. Box 52950, Houston, Texas 77052 (713-652-0738) appeared and stated that she wanted to congratulate the Mayor and Council Members for moving forward with the African American Museum and Gregory School Project and asked that they all share in the vision and support the item. Council Members Keller and Berry absent.

Mr. Paul Matthews, 1834 Southmore, Houston, Texas 77004 (713-942-8920) had reserved time to speak but was not present when his name was called. Council Members Keller and Berry absent.

Ms. Michelle Barnes, 3740 Parkwood, Houston, Texas 77021 (713-748-7847) appeared and stated that she was with the Arts Administration and urged the Mayor and Council Members to support the Gregory School Project and keep it a part of Houston's legacy. Council Members Keller and Berry absent.

Upon questions by Council Member Quan, Ms. Barnes stated that she had seen the plans and found no objections. Council Member Berry absent.

Ms. Winifred Osborn, 5523 Cartagena, Houston, Texas 77035 (713-729-8552) appeared and stated that she was a teacher and urged support of the Gregory School Project and the keeping of all three buildings; that they needed a center there for the parents and children in developing the future and she would like to work with the early childhood programs.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of allowing Rev. Samuel Smith to speak, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1025 ADOPTED.

Rev. Smith stated that his church was across from the Gregory School, was a strong supporter and hoped they would make it the type of museum it should be.

Ms. Betty Chatman, 6166 Olympia, Houston, Texas 77057 (713-974-4970) appeared and stated that she was a local historian and not present to speak on any particular project but implored that they not fragment archival records; that they leave them where they were now at the Houston Metropolitan Research Center. Council Member Edwards absent.

Upon questions by Council Member Berry, Ms. Chatman stated that she was concerned about removal of archival records and also concerned about collections to be added. Council Member Edwards absent.

Upon questions by Mayor Brown, Ms. Chatman stated that she very much saw the need for the center; she was only addressing the archival material, one of a kind materials. Council Member Edwards absent.

Mr. Robert Deberardinis, 6403 Ella Lee Lane, Houston, Texas 77057 (713-266-1692) appeared and stated that he was on the board of the Clayton Library Friends; that last year they spent \$150,000 on library materials while the City of Houston spent \$40,000; that the Clayton collection of genealogy was second to none in the country and it would be a serious error to upset that as it was a true jewel.

Council Member Parker stated that the current item on the Agenda was should they

proceed with a renovation plan for the building; that she agreed the genealogy records should not be splintered, but an archival resource could be much broader; that she would agree they should not diminish anything at Clayton and she would work with him on that.

Upon questions by Council Member Edwards, Mr. Deberardinis stated that a man came to the library and told him he was identifying materials to be moved to the Gregory School Library; that he did not remember the name but had given it to Mr. Haines. Council Member Edwards stated that she would suggest putting material in a vehicle where it could be used; that she had trouble at Clayton in interacting with the people there; and Mr. Deberardinis stated that he thought the outreach she wanted could be accomplished. Council Members Ellis and Keller absent.

Upon questions by Council Member Berry, Mr. Deberardinis stated that he visited genealogy sites in other cities and states and in New York City records were handled by all departments because it was so large, but in most cities the records were handled by the Library Department; that in Dallas the City Secretary handled the city archives. Council Members Edwards, Ellis and Robinson absent.

Upon questions by Council Member Tatro, Mr. Deberardinis stated that he did not know the gentleman who came wanting to make a list of records to be moved; that he had his name and gave it to the Mayor's Chief of Staff, Mr. Haines; that Mr. Haines did not know who he was. Council Member Tatro stated that he understood community meetings just started in April of this year about what would go on in the facility, but they had no plans on what would go on though they were rushing to put items into a fund they did not know if they would even have operating dollars for; that his concern was it was not in the Library Master Plan and the general fund money and on the other hand was the Yates group who came with a proposal and did not feel they had a fair shake to present it; that his amendment on the CIP was to issue an RFP for the Yates group, etc., to bring forth their proposals; that he would like to maybe enter into a private/public partnership for future operations keeping the historic value and community events there; and upon questions, Mr. Deberardinis stated that they believed Houston already had an internationally recognized library and his concern was not to take from Clayton as it would hurt and since they were the end users why not ask them what they thought should go into the Museum project. Council Members Edwards, Ellis and Robinson absent.

Mayor Brown stated that they would make sure they were involved in the process; that to the best of his knowledge no one from Building Services was involved; and Mr. Deberardinis stated that he did not mean he was in Building Services. Mayor Brown stated that he would try and find his name and see what he represented; and Mr. Deberardinis stated that he gave the information to Mr. Haines. Council Members Ellis and Robinson absent.

Council Member Alvarado stated that she appreciated all the conversation about the Clayton Library, but the item on the Agenda was moving forward with the Gregory School Project and it had been going on for years; that hopefully tomorrow they would place additional funding and though she appreciated his concern about moving materials from Clayton they were not even there yet and she thought the community should have say as to what would go in the facility and did think having archives there was crucial, but they did need this passed tomorrow. Council Members Wiseman and Robinson absent.

Mr. Luther Brown, 3726 Tartan, Houston, Texas 77025 (713-661-7734) appeared and stated that he was present regarding the Yates Museum and Gregory School and Mr. Deberardinis had been to their board meetings and they had been to his about the same things; that the programs started were already going on and that was archeology, history, architectural, preservation and art for children; that since 1996 this had been going on and existed in the Fourth Ward and he did not know how they could say they would be duplicated and asked that Council consider what they were doing and give them the chance to come in and do something about programs they already had going. Council Member Robinson absent.

Ms. Dorothy Knox Houghon, 4019 Inverness Dr., Houston, Texas 77019 (713-622-5578) appeared and stated that she was president of Friends of the Texas Room at the Houston Public Library and their mission was to support collections of the Texas and Local History Department, Archives and Manuscript Department and Special Collections Department at the Houston Metropolitan Research Center at the Houston Public Library across from City Hall and she knew how important their records were; that if the African American archives were moved they would be isolated from materials telling the rest of the story of the City of Houston; that she was not opposed to restoration of the Gregory School or the African American Museum, but opposed to taking the original African American archives from the Houston Metropolitan Research Center. Council Member Robinson absent.

Mr. Robert Reed, 1994 Sugar Pine Circle, Houston, Texas 77071 (281-880-5351) appeared, presented information and stated that the only reason they were present today was because of Council Member Tatro's amendment that was to take money away from the project. Council Member Robinson absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending Mr. Reed's time, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Robinson absent. MOTION 2003-1026 ADOPTED.

Mr. Reed stated that it was wrong to hold this back again; that there was plenty of Black history to put in the museum and no one wanted to take away from anywhere else; that today he was asking Council to vote against Council Member Tatro's amendment. Council Member Robinson absent.

Council Member Quan stated that a lot of committees had been formed and they did not want to cut off dialogue, they were trying to be positive and represent those in the community and he applauded his efforts in volunteering to help. Council Member Robinson absent.

Council Member Alvarado stated that she wanted to thank Mr. Reed for speaking to the item on the Agenda and she appreciated that he was on two committees; that the item tomorrow was regarding funding in the CIP and it was in her district and she would do all she could to protect it. Council Members Quan and Robinson absent.

Council Member Tatro stated that he agreed with his frustration, but where was the plan; that the Yates group had come with a plan and believed they did not have a fair shake; that his concern was moving forward and pouring dollars into something they had no plan for; that they did not know if they could even afford the operating budget; that they just started having meetings in April and his amendment just said to take the \$2.5 ad valorem and general fund money and leave the grant funds in there and go out for an RFP for possibilities of what it could be; that he wanted it preserved and he wanted them to have that facility, but believed there was a better deal out there. Council Members Quan and Robinson absent.

Council Member Galloway thanked Mr. Reed and everyone who came out to speak for the Gregory School Project and stated that Council Member Tatro was a micro managing type of person and if he did not know every detail he got misconstrued, but they did need something like this for the African American Community, she was in total support and hopefully her colleagues would also be in support. Council Members Quan and Robinson absent.

Council Member Edwards stated that this had not just started in April the meetings had been going on for years; that in April they finally put some form and fashion to it so they could move forward and there was a plan. Council Members Quan and Robinson absent.

Ms. Catherine Roberts, P. O. Box 79425, Houston, Texas 77279-9425 (713-294-3338)

appeared, presented information and stated that the Rutherford Yates Museum Organization was a 501C3 established in 1996 and they were the only organization dedicated to preservation of African American history and houses on original sites in Freedmen's Town over the years; that they owned five properties and had raised over \$500,000, had over 200,000 volunteers, provided educational programming to the community to all ages and collaborated with various universities and art and educational institutions. Council Members Goldberg, Alvarado and Robinson absent.

Upon questions by Council Member Quan, Ms. Roberts stated that their plan was a Master Plan started about four years ago trying to link the museum, Theater District and educational facilities to the heritage, cultural and tourism site and had been working with HISD, HFPBA, etc. in connecting the institutions with theirs; that if the city went forward it would reduce their potential for funding; that they had commitments for longtime funding and unless the city plans met with theirs it could interfere; that the partnership she envisioned between the City of Houston and the Yates Foundation was to add a layer of protection; that they envisioned it being owned by the Parks Department because it would make the school available down the road for funding to protect it as a historic structure and they would use private funds to restore and manage and operate under a long-term lease; that the facilities would be open to the public and then a charge for certain events and exhibits. Mayor Brown, Council Member Galloway, Keller, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Dr. Teddy McDavid who had been added to the speakers list was not present when his name was called. Council Member Galloway, Keller, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Professor James T. Linehan, 2219 Richmond, Houston, Texas 77098 (713-528-1527) appeared and voiced his opinions of organized crime and stated that the good guys should be as organized as the bad guys. Mayor Brown, Council Member Tatro, Galloway, Keller, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Raymond Mbala, 2001 Bryan Tower, Suite 1938, Dallas, Texas 75201 (214-965-9454) appeared and stated that he was present representing Texans Super Shuttle; that he was happy to announce all complaints filed against them were dismissed and he would like to know what the city's official response would be to their request on an investigation into why the charges were brought against them in the first place. Mayor Brown, Council Member Tatro, Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he understood a continuance was granted at the last hearing and he was preparing his defense at this time; and Mr. Mbala stated that was totally incorrect; that charges were dismissed. Mayor Pro Tem Quan stated that he understood charges were still pending and would seek clarification; and Mr. Mbala stated that the matter was dismissed and he still wanted to know the city's position into an investigation; that he would bring him a copy of the transcript which concluded with all complaints dismissed; and Mayor Pro Tem Quan stated that he would like to see it and felt it would clear the matter for all Council Members and hopefully bring closure to the episode, but it was not what he was understanding; and if the matter was dismissed he would investigate as to why it was ever brought. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Larry Caplia, 5331 Pine Arbor, Houston, Texas 77066 (281-580-0165) appeared, presented information and stated that he was present to speak on tax abatements which brought much benefit to Houston, however, today he wanted to address a predator which was able to find a loophole, Royal Window Coverings, Inc., fka Novo Industries, LP, fka Novo Industries, Inc., etc., and etc.; that this particular predator identified a loophole and their charade was played out under the guise of what was called amended tax abatement and their actions

were well orchestrated to deceive the agencies for the City of Houston; that the abatement was induced with the promise of a new shutter line and there were no shutters; that last week Ms. Christi Smith of Planning advised Mr. Litke and he had referred the matter to Mr. Hall in Legal and he hoped he would follow the good precedence of Enron and work with the District Attorney to collect the monies owed to the City of Houston. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Mr. Caplia for bringing the matter to the city's attention and stated that they did not take tax abatement's lightly; that if there was a violation he appreciated him bringing to Council Member's attention; that Ms. Suzy Hartgrove with Planning was present and she would be glad to take copies of what he had and follow-up with Legal. Mayor Brown, Council Member Tatro, Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Caplia stated that originally the tax abatement was granted in 1992 when the building was almost completed then an amended abatement was granted in 1996. Council Member Goldberg stated that hopefully rules on abatements were tightened since then and if there was a loophole he hoped it was closed. Mayor Brown, Council Member Tatro, Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Bibler stated that he was checking incoming request from directors and found nothing, but Mr. Hall had called him to say it was an E-mail he received and was following up; that as he understood the character of the request was to ask that they consult with him about what to do regarding the situation. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Alberto Cavazos, P. O. Box 77252, Houston, Texas (713-256-3627) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Agnes Johnson, 5401 Chimney Rock #205, Houston, Texas 77036 (713-772-0098) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016-5103, Houston, Texas (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Brenda Arikata, 2121 Fountainview #H7, Houston, Texas 77057 (713-783-1598) appeared and stated that she was present on behalf of handicap individuals; that she was handicapped and understood how rare handicapped parking places were; that she was in the City of Houston Parking Management Volunteer Handicap Program and since June had given 75 parking tickets; that she has realized officers were not educated and did not understand they should give tickets for parking on parking lots such as Sam's Club, Luby's, etc., they also were only concerned with giving tickets downtown and her 75 tickets were in the Galleria area and she was just doing business and not in search of them; that she did this free and felt there were changes that needed to be made. Mayor Brown, Council Member Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she and Council Member Edwards were briefed this

morning on the very issue; that last November they were asked to look into the issue and she understood Mayor Brown would be briefed tomorrow on the current plan; that some things were state law, but there would be an education campaign and an internal training program and public information campaign, there would be stepped up enforcement in the downtown area but also citywide and in a week or two she should see it rolled out; that it was a significant problem and a hefty ticket and it would be nice to have more volunteers doing it; and Ms. Arikat stated that she sent in 15 to 20 tickets a week to the city and it would be nice to have them pay for her postage. Council Member Parker stated that once the new plan was in place she thought that should be considered. Mayor Brown, Council Member Galloway, Goldberg, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Arikat for coming and stated that Ms. Kim King in the Office of Disabilities had been working on this and something should be out in the next two weeks. Mayor Brown, Council Member Galloway, Goldberg, Wiseman, Keller, Alvarado, 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 Member Galloway, Goldberg, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Mai Q. Gong, 6410 Ranchester #132, Houston, Texas 77036 (713-500-5446) appeared and stated that she was a Falun Gong practitioner and was present trying to get help; that she had immigration status since 1998 but her papers were lost and she was trying to get her visa and was told she had to go to her original country to get her visa; that her family members were persecuted and she believed it was dangerous to go to China for her visa and was asking if someone could write a letter so the American Consulate could allow her a visa. Mayor Brown, Council Member Galloway, Goldberg, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Gong stated that she had her I 94, she had no visa but a pending case. Mayor Pro Tem Quan stated that because of homeland security third countries were not accepting a number of Chinese cases; that they would be glad to write a letter, but Mr. Benito Juarez with Immigrant and Refugee Affairs was present and she could speak with him and he would be glad to work with Mr. Juarez to see which Counsel would take her case for visa processing; and Ms. Gong stated that she would appreciate it; that she had an appointment August 29th in Vancouver and she would appreciate if they could help. Mayor Pro Tem Quan stated that they would see what could be done this afternoon. Mayor Brown, Council Member Tatro, Galloway, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Kevin Faircloth, 320 Walthall, Houston, Texas 77002 (713-742-6267) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Cliff Harris, 2318 Hutton, Houston, Texas 77026 (713-675-0961) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Tatro,

Galloway, Edwards, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joe Lopez, P. O. Box 191255, Houston, Texas 77063 (832-212-2318) appeared and stated that over the past weekend he saw an accident and stopped to help; that a wrecker driver hooked up and pulled the car out of the ditch and kept insisting to tow the car when the individuals kept saying it was drivable, he then charged them \$40.00 for his service; that it was Gideon Wrecker Service, but the guy came around to him using abusive language just because he let the individuals use his cell phone for assistance, then after he left he proceeded to chase him going down Westheimer in total road rage and showing him he had his license plate number written down; that he called 911 to let them know and give them his license number, but the individual now knew where he lived and had called his home two times and his concern was that they could do whatever they wanted to someone just trying to assist. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he understood and thanked him for his assistance; that he understood his nightmare and Assist. Chief Storemski was present and he should speak with him and see what could be done. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Ellis, 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 Member Tatro, Galloway, Edwards, Wiseman, Ellis, 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) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Ellis, 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 expressed his personal opinions until his time expired. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 4:17 p.m. City Council recessed until 9:00 a.m., Wednesday, August 27, 2003. Council Member Vasquez absent on personal business. Mayor Brown, Council Member Tatro, Galloway, Edwards, Wiseman, Ellis, Alvarado, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 27, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 27, 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, Ms. Sara Culbreth, Deputy 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 9:12 Mayor Brown reconvened the meeting of the City Council and stated that he like every other Houstonian was very delighted that they had their national football league back in the City and were very pleased that they had the team, that many of the City Council Members were the guests of Mr. Bob McNair and the Texans preseason game at Reliant Stadium this past week and today in a bit of role reversal he had asked Mr. McNair to trade places with him and give them an update on the Texans and events leading up to the regular season and it would constitute the Mayor's Report and invited Mr. McNair to the Council table to serve as Mayor for a few minutes. Council Members Galloway, Goldberg, Wiseman and Alvarado absent.

MAYOR'S REPORT - Go Texans Week

Mr. McNair stated that they appreciated very much the support that they had given them throughout their pursuit of the NFL franchise and the help in getting the stadium built and for getting the team going and the support of City Council, that all of them had been very supportive and hoped that they were as proud of the Texans as he was, and invited Mr. Jaime Ruse, Senior Vice President of Marketing Sales to tell them about the Houston Texans week activities. Council Member Galloway absent.

Mr. Ruse appeared at the podium and stated that he was pleased to tell them a little about what was becoming a widely reputed success within professional sports, which was Texans Week, that it was their second annual Texans Week, that last year it raised approximately \$200,000 for needy charities in the community and allowed them an opportunity to connect on a one to one basis with hundreds of thousands of Houstonians, that folks who may never get a chance to come on the inside of Reliant Stadium got a chance to get up close and personal with their team, that Texans Week was actually a partnership between the Houston Texans and 50 community leaders who came together and worked about 8 months to put the events together, and read off the schedule of events for Texans Week. Council Members Edwards and Robinson absent.

Mayor Brown stated that he would like to have a moment of personal privilege and stated that Mr. Charlie Cassery in the audience and invited him to the podium to give them an update on the team's preparation for the season. Council Members Edwards, Alvarado and Robinson absent.

Mr. Cassery appeared and gave them an update on the Texan's results of the previous season and the preparations for the upcoming season, and the status of the members of the team. Council Members Edwards, Alvarado and Robinson absent.

Mr. McNair stated that in his final moments as Mayor he would like to decree that August 30 through September 7, 2003 was Go Texans Week in Houston and all Houstonians were asked to participate in the various events and show their spirit by wearing the Texans colors and cheer for the team in the 2003 season and with his official Texans gavel, that he had brought for the special occasion he would like to declare it an official act of the office. Council Members Alvarado and Robinson absent.

HEARINGS - 9:15 A.M.

1. **PUBLIC HEARING** on creation of combined Water Sewer Drainage Utility

Council Member Edwards moved to suspend the rules to add Ms. Susan Young to the speakers list, seconded by Council Member Tatro. All voting aye. Nays none. Council Member

Vasquez absent on personal business. MOTION 2003-01027 ADOPTED.

Mr. Tom Ramsey, 1160 Dairy Ashford, Ste. 550, Houston, Texas 77079 (21-589-7257) appeared and stated that he was President of Houston CEC in Houston and was present to express their organization's support of the combined utility fund, that they believed that it was an effective means of providing long term, dedicated funding of storm water improvements in the City and his simple request was to ask that they support and encourage their support of it. Council Member Alvarado absent.

Mr. Ray Anderson, 2819 Golden Leaf Dr., Kingwood, Texas 77339 (281-359-3744) appeared and read a prepared statement against the combined utility fund which stated that since annexation Kingwood had to pay some of the highest water and sewer rates in the State and since 1993 the City had taken more than \$325 million from those monies to spend on non-utility items such as Clear Lake Library, Fire Department equipment and repairs to swimming pools in the City, that at the same time routine maintenance and repairs were deferred, that the following examples illustrated the unfairness of the administration's plan, that homeowners using only 3,000 gallons per month currently paid \$8.50, if \$5.00 was assessed as an additional fee, and if the water rate was raised five percent, then the monthly costs would increase from \$8.50 to \$13.60, a 60% increase, that for families using 13,000 gallons of water per month their monthly cost would increase from \$76.48 to \$83.37, an 8.9% increase, that the plan discriminated against those who were both economizing on water usage and those who were the least able to afford any extra expense, that based on an estimated 620 acres, the Kingwood Country Club would be faced with a monthly additional fee of \$45,260, at the rate of \$73 per month per acre for businesses, that all residents of the City would feel the pinch, as all organizations, public and private, would pass the increased cost of doing business back to the consumer. Council Member Alvarado absent.

Upon questions by Council Members, Mr. Anderson stated that if the fee was turned into a tax at least it might be deductible for residents of the City who had to pay federal taxes, that fees were not deductible, presuming that taxes were a better way to fund it then he thought the bond issue clearly would be the way to go, that he did not think the new program would benefit the Kingwood residents in the slightest, that he was sorry the funds were drained away from the monies that were collected, that he thought it should be addressed but thought that attempting to get over \$80 million each year was a real stretch, that he thought a lesser amount would be better, that he was for a storm drainage fee but thought the \$80 million was way too aggressive, it hurt the small people, that he felt there was an unequal distribution of the cost, that there should be exemptions for non profit organizations and organizations that did not contribute to a storm drainage problem, that once the program got out in the world they would know more about what they would want to do, that he thought it was too early to vote on an issue until the public knows exactly what they planned to do, that the only thing he heard was Mr. Al Haines proposal early on in February 2003 and certain of the numbers that leaked out at that point, that if it changed they would be happy to listen. Council Member Parker absent.

Mr. Mike Bryers, 110 West Main, Humble, Texas 77339 (281-318-8901) appeared and stated that he was present to speak in opposition to the drainage fee, that he lived in Kingwood for 28 years, but was a native Houstonian and also cared about the City of Houston, that in being president of the Chamber and representing the folks around Lake Houston and Kingwood, he realized the value of having a strong, viable city, the City of Houston and what intricate part they were of that, but he was present to speak against the drainage fee, that he thought it was poorly thought out and flawed in its content and thought there were hidden agents, that he found out there was a franchise fee that was hidden in there, that it was zero, but anytime they put the opportunity for there being a franchise fee they had created the opportunity for the water fee to be abused, that he also questioned the timing for it, if it was something so major and critical why were they doing it right now with the current administration going out, why did they not wait until the new administration would get in there, who would probably be in for another long period of time and give them an opportunity to be a part of that

overall implication and planning of putting it in place, that the other thing he wanted to address, that was mentioned earlier, he did not know how they could promote something so expensive and then start saying they were going to exclude people and groups and what they would wind up with was a few people having to pay for all of it and that was not fair, which got him to his original reason for being present, that he wrote some letters to the Mayor and to Mr. Haines, that he thought it was a regional problem, he did not think it was just a City of Houston problem, so why would the Council Members ask the people that put them in office that they expect them to pay an amount of money for things that they were victims of, the uncontrolled growth and management that they had and the flooding issues on a regional basis, that they dealt with water and air quality on a regional basis and were doing a good job, but all of a sudden on storm drainage they wanted to deal with it as a Houston problem, it was not, it was a regional problem, that the water that came into Houston from the outside had more of an impact on flooding in Houston than water that was generated inside the City limits, how did they draw the line, that for example, in 1994 Kingwood had a major flood and anybody that was born and raised in Houston knew that they were going to flood when they lived in a flat area like the Houston area if enough water fell, that all they could do was do the best job they could to divert the flooding as quick as they could, that during the flooding in 1994 they did a study and the City of Houston came back to Lake Houston and said it would do no good for them to dig the river out deeper and make it wider to carry more water because the water was coming from outside the area, it was coming from Montgomery County and other areas and until they had some control of the flooding outside of the area it did not matter how much they dredged the San Jacinto River, how deep or wide, it was still going to flood, it was the same thing in the City of Houston, they could build the biggest storm drainage system that they could imagine and if they did not control growth and drainage outside of Houston they were still going to flood, so he was telling them that he thought it was much bigger than just Houston and thought it was unfair to put that burden on the businesses and residents of the City of Houston, so he was asking the City Council to represent their people and not put the burden on the folks that lived in Houston. Council Member Alvarado absent.

Upon questions by Council Members, Mr. Byers stated that he thought the regional was more than just Harris County and thought it extended into other counties outside of it that had a drainage area that came into Harris County and Houston, that he understood that Clear Lake would not be included, that it was a part of Houston and were flat and they had problems with flooding, but yet they were not part of the funding so to him it was still not an equitable way of funding for the City of Houston and other people to pay for it, and Mr. Haines stated that Clear Lake Water Authority was a totally separate entity and they ran their own water, sewer and drainage system and the City had no jurisdiction of that area. Council Members Goldberg and Ellis absent.

Upon further questions and discussion by Council Members, Mr. Byers stated that as to the study he had referred to, back after the flood in 1994, at that time, Congressman Jack Fields asked him, along with Mr. Gary Montgomery, who was in the audience, to chair a task force and try to determine what caused the flooding and what could be done about that, that they brought together all the players in the area, from the Harris County Flood Control, the City and everybody they could find out was a player or a partner in the Lake Houston or that watershed and everybody wanted to point the fingers at everybody else, but the City did come forward and supported financially a study with Brown and Root to do it, that was the study he was referring to, that what they proposed was to open the river channel up so the water would flow better and get it out of the river and lake and what the City said was that they could dredge the river and make it 10 to 15 feet deeper, and make it 25 to 30 feet wider, they could increase the volume, but since they had no real control over the water coming into the area from up north it would not do them any good, so why should they make the river wider and deeper, that he read the brief from Brown and Roots report that the City of Houston gave them; that he did not mean that they should not be paying for it, that he thought they should, that something needed to happen, but did not think it was solely the responsibility of the businesses and the residents of Houston, that it was a much bigger problem, that he thought it was going to take a regional planning and

working with other counties to make it happen, that he thought it was going to take some control on how and when and where people build, that obviously they were the Chamber of Commerce did not want to stymie growth, they wanted to have controlled growth and they had to stop people and create some situations where people were not building in watersheds that were going to flood and concrete walkways and drives and streets, that there was plenty of undeveloped area, move it out of those areas, more attention had to be paid to where they build shopping malls and strip centers and everything else and how the water from those areas flowed, that he thought that a lot more thought need to go into that rather than the little time that had been spent on the report.

After further discussion Council Member Parker stated that is was a public hearing and she was really looking forward to hearing from the public and she was actually hearing a lot from her colleagues and asked if the 5 minute rule applied to public hearings as it did in the public session of Council and if so she would ask that the invoke that and Mayor Brown stated that it did not apply on public hearings on items on the agenda, that it was 5 minutes per Council Member but with 10 votes of Council they could change that rule.

Council Member Parker moved to suspend the rules and allow 5 minutes collectively for Council Members for each speaker, seconded by Council Member Ellis. Council Members Quan, Berry and Alvarado absent.

Council Member Wiseman stated that the people had changed their schedules to come to Council and address the item and enter into discussion and exchange of information with the Council and thought they should leave the rules as they were and allow for the 5 minutes per Council Member as opposed to compressing it, it was their responsibility and duty. Council Member Berry absent.

Council Member Robinson stated that he agreed with his colleagues, that they were talking about an item that was bigger than the General Fund of the City in terms of the amount of money to be raised and he just thought they ought to spend a little time on it.

Council Member Tatro stated that he wanted to echo Council Member Robinson's statements.

Council Member Sekula-Gibbs stated that she would remind Council that the public hearing was actually not a part of the administration's timeline, but that it was initiated during the joint Fiscal Affairs and TTI meeting that they had, or it might have just been the Fiscal Affairs meeting, and she recommended that the administration put it on and Mr. Haines and Mayor Brown were kind enough to do so, and everybody recognized that it was critical.

Council Member Parker stated that her original statement was that it was a public hearing and she wanted to hear from the public and needed to hear from the public more than she needed to hear from her colleagues, who had weighed in on it quite a bit over the last few weeks, that she would withdraw her motion and the second would withdraw his motion as well, and Mayor Brown stated that the motion had been withdrawn and was no longer on the floor.

Council Member Ellis moved to suspend the rules to hear Mr. Jim Box out of order, seconded by Council Member Parker. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-01028 ADOPTED.

Mr. Jim Box, 16017 Kevinvale Court, Houston, Texas 77040 (713-937-1813) appeared and stated that he had to address some of the statements that were just made, they were totally inaccurate, that he was President of the Greater Houston Builders Association and represented the Houston Real Estate Council, that he had been in the development business in Houston for 35 years, that for credibility he had been on the Subsidence District and was their appointee for 25 years, that he had been on the Harris County Flood Control Task Force for about 25 years

and had developed in everyone of the surrounding counties and everyone of their districts, that he chaired the drainage committee for the Chamber of Commerce for 4 years, so he knew a little bit about the business, that when Kingwood was built he was at the City, and in 1972, when it started, detention was not a requirement, there was no detention in Kingwood, he just developed 60 acres in Kingwood and no detention was required, that every abutting County required detention, that the statement of uncontrolled growth, if he developed in Council Member Keller's district he had one set of rules, if he developed across the line in Harris County he had the same set of rules, that he submitted plans to the Planning Commission, that they had control of over 2,000 square miles, parts of Harris un-incorporated and parts of all the surrounding counties, they had detention requirement any place of the surrounding counties, that he had to submit his plans to the Public Works Department and build them to the City's criteria whether he was in the City of Houston or in the City of Houston's ETJ and frankly most of the surrounding cities had adopted their guidelines because it was easier to go by what the City had spent years developing so there was very little difference, there was no such thing as "uncontrolled growth" other than the way they developed in the City of Houston period, it was just not accurate and he could not just let it go without addressing it, that the development community was relatively responsible in Houston and had participated in the drafting of almost every ordinance that governed them to make sure it was equitable, that as far as their position it was hard to be just slam dunked for something they had not read yet, but they certainly recognized that there was a tremendous need, that subsidence was not an issue any longer, they were going to have flood control maps of the flood plain, they were state of the art and were going to have better information there than they ever had in their entire history, but they had a drainage problem and somebody had to pay for it, he thought it was very important that they did not go about exempting every worthy cause, that there a jillion qualified, well deserving entities that should be exempted but if they did the burden shifted to the other few and they could not just take exemptions, in his opinion, unless it was mandated by State law, that he thought they absolutely had to give credit for detention, for example, he lived in Spring Branch in Council Member Tatro's district in an open ditch street for 20 years with limited drainage and 25 years later he developed Binglewood Section 6, same subdivision in Council Member Tatro's district, with concrete streets and storm drainage with completely different criteria and was developing a piece of property in Council Member Edwards district that had more stringent storm sewer requirements, had detention requirements and it was not fair to make the businesses or people who were living in a subdivision that paid for detention, paid for larger pipe, it was not fair to make them pay twice, so that was something he thought they needed to take into consideration as giving credit, to some degree, for people who already paid and had done something to correct the problem before it existed, that he thought it was important and felt real strong that it needed to be a designated fund, that there were a lot of worthy causes that the City had but it should not be spent on anything but water, sewer and drainage.

Upon questions by Council Members, Mr. Box stated that as an example, he was sitting on the Harris County Flood Control Task Force because he was Chairman of the Subsidence District to be sure that those things intermeshed, that every agency that he dealt with worked with the City of Houston or the City of Houston worked with Harris County Flood Control, that every surrounding County had a drainage district of some description and every one of them had virtually the same requirements as the City of Houston, that it was a regional issue and they were all working together; that if the bayous were full there was no doubt it was not going to flow, but they could not design around Allison, that it was a 1,000 year storm and they could not design around it, they would have to have a channel to the Gulf of Mexico as big as Houston, they could not design around that kind of occurrence; that the reason the flood plain was changing was not because there was additional runoff, it was because the mapping was more accurate, they were using state of the art satellite mapping of the flood plain, that there was no doubt that flooding needed to be corrected in some of the older areas that were built with different standards, they were built as whatever the City said they ought to do at that point and time, but there were different flood control flooding standards; that he wanted to point out one thing, that there were 34,000 building permits issued in this market area last year and only 4,000 were in the City, that small businesses from what they tell him, and the Real Estate

Council, that it was so competitive in the Houston area with office warehouse that if it got out of portion they would have to look at leaving the City and developing in a utility district in the County, that unfortunately he had not seen the details and could not comment intelligently.

Council Member Keller moved to suspend the rules to hear Mr. James Thompson out of order after Mr. Box, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Alvarado and Robinson absent. MOTION 2003-01029 ADOPTED.

Mr. James Thompson, 6110 Clarkson Lane, Houston, Texas 77055 (713-956-4100) appeared and stated that he was present representing the HCC as a follow up to Mr. Tom Ramsey who recently discussed and presented some information and some viewpoints and wanted to follow up with a few statements in these regards pertaining to the issues, like everyone present he had talked to at length about the subject, what they were really talking about was the dedication of funds specifically for storm sewer improvements, as millions of dollars were needed in improvements citywide, the storm sewers themselves were basic fundamental infrastructure component, which was a fundamental aspect of their City businesses, homes, neighborhoods and quality of life, it was not about cleaning out ditches and expanding bayous, the Harris County Flood Control District, whom they worked with closely, had a major responsibility component of those particular channels and waterway systems, that again it reverted back to the issue of fundamental infrastructure and it was their responsibility to take care of, that without a doubt they had a decaying infrastructure that was expansive and extremely in need of repair and improvement citywide, there was no question about that, there was also widespread support for drainage improvements, everybody that he had talked to across the City would acknowledge the need for such improvements, that he did not think there was any question about that either, that if not implemented what was before them right now, the combined utility and to actually implement such a program in place to continue on with those infrastructure improvements, not only would they suffer the consequences of their decaying infrastructure but also their CIP in the future would be severely and negatively affected in the outgoing years and really encouraged everyone on Council to take that to heart as well, that again the purpose of those projects was to aggressively move forward to do the basic infrastructure improvements to address the issue of flood frequencies, flood levels and flood duration's, that those were very fundamental concepts that must be hammered home in this discussion. Council Members Alvarado and Robinson absent.

Upon questions by Council Members, Mr. Thompson stated that they had looked at water flow from other areas and as a general rule of thumb Harris County, as a whole, the watersheds within Harris County were mostly contained within Harris County, for example there were some, such as Kingwood, that were related to the San Jacinto River, which did come from outside the Houston region, however the other areas of the City their basins were contained within the Houston area and were dramatically affected by those rainfall events that occurred on those basins within those project areas, that the best example he could give them, which they were all aware of, the Texas Medical Center did not flood because of rainfall events that occurred in Montgomery County, the Texas Medical Center flooded as a result of inadequate infrastructure and a huge rainfall event that occurred within the Harris Gully Watershed or sub basin to the Braes Bayou Watershed, that an additional contract was given to their firm to do a review of the Huffman area and some of the Southbelt, that the studies were being completed right now and the results were now being compiled and put together and submitted to Public Works and Engineering in the near future, that it would be included in the overall Comprehensive Drainage Plan; that the basic fundamental problems were an inadequate focus on the storm water infrastructure, that it had been neglected, that was his opinion after looking at hundreds of miles of storm sewer infrastructure, that they could point the finger at development or maintenance, but in his opinion there was no one bullet that could be fired to either lay blame or lay a cure, that it was a multi level cure to the overall flooding problems, that when people talked about regionalism he certainly agreed, however their fundamental infrastructure and the maintenance and improvement of the infrastructure was a vital and key component to that overall regional

approach and if ignored further it was only get worse, that flooding was not getting better it was only getting worse and it would continue to degrade, that if it was flooding in the Galleria area, the Medical Center or downtown it was not from outside the City of Houston and their problems could be exacerbated by flooding and heavy events outside of other regions, but as he said previously if they really looked at Harris County and the watersheds that affected their region in the City of Houston they were mostly contained within the local region and the local environment and the inadequate infrastructure that they had right now and a major rainfall event in any of those areas mentioned would initiate flooding localized within those areas and in many cases their bayou systems did not even come out of their banks and they still had severe structural flooding, that was not a bayou for watershed problem to point at the flood control district, in his opinion it was not fair to them, that was not their particular problem, it was a City of Houston infrastructure problem that should be addressed, that in his professional opinion, if they do not start working on this now, it was just going to continue to rise at a rate of the cost of not only the construction increase but the actual needed repair would increase as a result of the further decay of the system, that the longer they waited the repairs would just get worse and worse and cost more money and time to do so, that as the infrastructure further decays the issue of the maintenance, and when he says maintenance he was not only talking about cleaning out storm sewers or cleaning out ditches, he was talking about basically maintaining their infrastructure in a manner in which would actually include improvements, which would involve capital dollars, which was really what he was specifically talking about and those would undoubtedly go up as their needs increased in the future and he could guarantee they would continue to increase, that he thought that they as the rate payers were going to be incurring that on their shoulders; that without a doubt the issue of storm sewer improvements in many cases necessitates the need for reconstruction of streets and the infamous, while they were there to repair the other poorly needed infrastructure as well, which sometimes did involve sanitary sewers and waterlines as well, so in many cases the projects did involve also the reconstruction of the streets and reconstruction of the sanitary sewers and waterlines; that the Comprehensive Drainage Plan did include consideration of improvements by other agencies such as the Harris County Flood Control District and the Corp. of Engineers, that it was a big picture, however obviously the main focus of the Comprehensive Drainage Plan was to identify those needed infrastructure improvement projects across the area including Kingwood, that in order to get those improvements they had to be in support of them. Council Members Tatro, Ellis and Robinson absent.

Mr. Mike Myers, 4311 Woodbridge, Kingwood, Texas 77339 (281-358-5752) appeared and stated that he was a long time resident of the Houston area and had a business in Houston for about 20 years so the annexation of Kingwood he was not caught by surprise because of the growth of the City, that the water at the beginning was a major issue with people because their water bills were going up and they were not talking truth in the fact that they lost the MUD tax, which they add that to the water bill and the water bill was not really that bad, but it had become bad, their water bills were already over doubled from a residential standpoint, that he had heard that an additional cost to a resident in Houston might be \$5, but they had not been educated, where were they going with it, that there had been talk of the businesses being taxed by the acreage up to \$75 per acre and a major concern was the school district, they were already struggling severely and if it was \$75, the Humble Independent School District, would be \$235,000 a year increase to their cost and he thought they all knew the schools were struggling severely as it was let alone the economic growth hits done in the Kingwood area with business, like a golf course with runoff, if the bill was passed please consider revising on the business side of it, if it was in fact, which they did not know, because they had not been educated to the fact of exactly what was proposed in it, but please consider the effect they would have on the economic impact on the growth of the Kingwood and Humble area. Council Members Ellis, Keller and Robinson absent.

Upon questions by Council Member Wiseman, Mr. Meyers stated that the acreage was not that big affect on his business, but he saw it being an economic impact on the people who had large development, that he did take offensive to someone thinking that the growth and the

building around their areas, that he had not seen firsthand where runoff was affecting them from the massive growths above them, that it had to be addressed somewhere along that regionally in it, that he realized they were in a critical stage in Houston, that inner Houston was so sadly affected, that he had friends that were destroyed in the floods and he sympathized them but there had to be a better plan and maybe an address to some issue now, but not a full address of that magnitude that negatively affected business. Council Member Tatro absent.

Upon questions by Council Member Wiseman, Mr. Meyer stated that he had lived in Kingwood for 9 years in Huntersridge, that when he first moved there during the worst hurricane that they had in years he did not have hardly any water, even in the street and year before last when they had the first hurricane he had water all the way up in his yard, so what was causing it, the lay of the land, the lack of trees or the building, but they could not stop the growth of the City as progressive as Houston was, so what would they do, there was no answer about that, that he was not present to oppose that they do not do anything, that there had to be something done, but it had to be more rigorously put together and there had to be some action now, he agreed with that, that something had to be done now in certain circumstances, but could there not be something done to address it in a feasible manner but not as big and quick and do more of a regional study for those of them who were affected by runoff, and they were affected by runoff from Montgomery County. Council Member Tatro absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77007 (713-224-4144) appeared and stated that he was the President of the Houston Property Association and his organization was opposed to the proposal to create the new utility to be called a drainage utility system, that the so called utility was obviously a gimmick to justify a new tax for flood control work and to vastly expand the City's infrastructure program, that he attended four of the City's budget hearings held earlier in the year and they all included presentations on the proposed drainage fee, that at those meetings he saw either Mr. Haines or Mr. Vanden Bosch speak in favor of the new tax, he was able to ask several questions of both men and he and other citizens were told at one or more of those meetings first that the computer model was only showing relief from flooding during a 100 year flood event after \$1.2 million was spent, they had storms worse than that now, that the study that supported the new tax to fight flooding was incomplete, as had been demonstrated by some of the conversation today and even worse was based on the current flood plain maps that were notoriously inaccurate and due to be replaced this year, that it was important to realize that Mr. Vanden Bosch had admitted that flooding could not be eliminated, that the two men who were the current and past directors of the Harris County Flood Control District had also stated that flooding could not be eliminated in Harris County, infrastructure would not solve the problem, that lastly City Council should not impose a new tax for flood control work and City taxpayers, who had been paying into a County agency charged with that purpose since 1937, that most of the County's tax take was collected from Houstonians, that taxpayers preferred to see redundancy reduced rather than created, if the Council wanted more money spent in Houston for flooding then they should demand that Commissioners Court allocate more funds inside the City instead of pursuing an investment program that spends most benefits outside of the City. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Mr. Klein stated that at had been pointed out the numbers that were released early in the year were no longer apropos or were to be trusted because everything had changed into something else and he had not reviewed those numbers that were released at that time and he had to point out though that they should not be focusing simply on the direct cost to a property owner because obviously what was assessed other property owners became part of the cost of goods and services that they all paid for, that it was mentioned that \$85,000 per year would be generated by the proposed new fee and that was equal to an 8.5 cent increase on the property tax rate and that was a very sizable increase in City revenue and though that was a starting point in the discussion but his message was that they should think of it like a zero based budget and needed to go back and look at their assumptions, if their people with the most expertise in flooding said that they could not solve the

flooding problem then maybe they should be asking themselves what were they going to get with new investment in infrastructure, obviously if they knew they could not solve it then maybe the solution was some matter of self buffering. Mayor Brown, Council Members Tatro, Goldberg, Edwards, Keller, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Linda Stegall, 20000 Kingwood Dr., Kingwood, Texas 77339 appeared and stated that she was President of Kingwood College, which was one of the five North Harris and Montgomery Community Colleges in their area, that currently at Kingwood they enrolled about 6,300 students, that they were located on 264 acres in Kingwood, but located in Montgomery County, kind of an anomaly because of the 264 acres, 78.15 of those acres were in the City of Houston, that much of the college property was in the flood plain and had flooded three times in the past 8 years, that the property that flooded was not in the City of Houston so additional storm drainage would obviously not help them that much in that regard, that if the proposal of \$75 per acre per month were enacted the financial impact to Kingwood College would be over \$70,000 per year, and as all of them had read in the newspapers the finances for higher education and public education had been negatively impacted and they would have to increase local taxes or tuition if the proposal was passed, that additional cost would basically be passed on to the students and the community they served, that many of their students were already having significant financial crisis so the additional increases would undoubtedly result in reduced access for many students, as stated earlier she did not see that the college would benefit from additional storm drainage services since the flood prone areas were not in the City of Houston, that most of the surface water from the college drained into the San Jacinto River just west of the campus and most of the drainage ditches surrounding the campus were maintained by Precinct 4, Montgomery County. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Keller, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the college would be exempted under State law, and Dr. Stegall stated that the proposal that they had read had not indicated that public schools or colleges would be exempt. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Keller, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Anne Day, Assistant City Attorney, stated that under State law passed in the spring, House Bill 2425, public institutions of higher education were exempt from fees for storm water drainage facilities, and Dr. Stegall stated that was good news, that their legal counsel was not under that impression as they had been looking at that, that she did feel like the whole proposal based on acreage for local businesses though was very unfair and would stymie economic growth, so regardless she thought the Council really needed to look at the whole proposal. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Keller, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro stated that Ms. Day mentioned that institutions would be exempted for the fee but for the cost that would be embedded in the water sewer rates, the cost of construction, which was not necessarily determinable at this time, would those institutions be exempted from the water sewer rate structure, and Ms. Day stated that she thought the answer was not clear at this time, that it was uncertain if it was a water and sewer fee and had been based on the water and sewer rate structure, if it had been used for storm water facilities, she was telling them honestly she was not sure if they really understood that at this point. Council Members Galloway, Edwards, Alvarado and Robinson absent.

Mr. Roger Hord, 820 Gessner, Ste. 190, Houston, Texas 77024 (713-461-9378) appeared and stated that he was President of the West Houston Association, that his organization was composed of companies that built and developed and provided services to those functions in an area in the western suburbs, including the City of Houston, that he was present to address the

issue of creating the combined water and sewer drainage program and wanted to say that in April and June of this year the board of their organization supported the concept of a separate utility with a fee under certain conditions and in doing so they recognized the need to expand and maintain the City's storm water drainage program as a critical element of their infrastructure for the City's and its residents, that the question today of creating the combined water and sewer drainage utility was before them and they believed that it was a good positive first step by way of providing the opportunity, the promise of providing \$50 million in capital for storm water drainage projects, that he mentioned some of the concerns earlier, when the fee was addressed, later on, subsequent activity, he understood, the matter of sole use and dedication of those funds, which was a tenant that they believed in initially, should be retained and they understood there was a franchise fee issue and that remarkably sounded to them like a means of getting cash out of the program and thought that probably ought to be tightened up, and then secondly the issue of exemptions, they did not know where they could stop exemptions once they started offering exemptions and their position was no exemptions should be offered at all. Council Member Galloway absent.

Council Member Tatro moved to suspend the rules to add Ms. Brenda Flores to the speakers list after Ms. Susan Young, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Galloway absent. MOTION 2003-01030 ADOPTED.

Mr. Bill Carey, 5615 Kirby Dr., Ste. 550, Houston, Texas 77005 (713-965-2920) appeared and stated that he was present to represent Houston Building Owners and Managers Association, they represent a lot of the commercial property owners and managers in town, that he had been involved in the process from early summer, that today it was really more of a policy decision without knowing what the fiscal part of it was, that they were concerned about the fees and the rate structure, that they were being asked to make a decision out of a leap of faith that the combined sewer utility would really do what it was supposed to, that there were quite a few moving parts, of course the biggest concern was the fee rate structure, that provisions within the amendment they did not think adequately dedicated the drainage funds, that it had gone from a single dedicated enterprise utility now into a combined utility, given that there was another issue with a franchise provision where funds could be siphoned off and then again as was mentioned earlier were exemptions, that they believed that other than those that were mandated by State law there should be no exemptions, because once they started how would they stop, that BOMA participated in that citizen advisory group and it was a learning process, they attempted to come to a conclusion at the end of that, took a straw pole vote and it was ironically no fees given the City's fiscal stature at this time, he thought, that was probably idealistic, but they did believe it should be a single dedicated enterprise utility fund and commingled with the combined sewer as the amendment stated today, that he thought it was premature for Council to really make a decision without knowing the financial side of it. Council Members Galloway, Goldberg and Ellis absent.

Upon questions by Council Members, Mr. Carey stated that their Executive Vice President, Tammy, participated in stake holder meetings, that he attended the last meeting, that the ERU in the model that they used was roughly 2,300 square feet of land area, that being the impervious part so if they had a one acre site and 50% to 60% of that was impervious, concrete, parking lots and buildings, that if an acre was approximately 19 ERUs somewhere in the neighborhood of 14 ERUs per acre times whatever that fee was going to be on a monthly basis could add up quickly, that it was kind of a moving target as to the \$2, depending upon the quality of service that may be selected the \$2, he thought, just kind of got them at the minimum, that the fees that were proposed at that time started at \$2 and escalated up to, he thought, \$5 or \$6, that it was possible that businesses could be 10, 15 or 20 times more and that he believed just the rate structure was set up it kind of shifted from the residential to the commercial paying 60% of the drainage fees, that BOMA would be in favor of the single storm drainage as opposed to the consolidated fund as a fall back to no new fees, that if it was dedicated specifically BOMA would look at it much closer, that they got the B model, \$5 or \$6

per ERU through the advisory committee, the process that they went through in the final meeting, that it was working with Camp Dresser, it was a process of determining a Matrix of services of what should the City be providing in the storm drainage program, so they had delineated the bottom, which was purely reactionary, fix it as it breaks and then built it up from there, that the committee determined that really kind of a B minus level of service was what they thought was appropriate, which would include proactive inspections, repairs and capital improvements, really trying to do as good a job as they could. Council Members Galloway, Wiseman, Ellis and Berry absent.

Council Member Robinson asked Ms. Sarah Culbreath, Finance & Administration, when would they have the details of whatever the fee would be, that he thought what they were hearing from everybody who had come to the public session was that they would like to see a recommendation that they could always modify, but they were all now talking in hypothetical terms, and Ms. Culbreath stated that they were working that category up as fees down by categories of properties and they should have that available at Tuesday's Fiscal Affairs meeting, that as to when they would have something on the City's Council agenda, she believed, the timeline, for the actual ordinance, was closer to the first of October or the end of September. Council Members Galloway, Goldberg, Ellis and Keller absent.

Ms. Susan Young, appeared and stated that she participated on an advisory Council for District D that worked with Council Member Edwards to discuss important issues to their constituents and Council Member Edwards had asked her to address the discussion that they had about the drainage issue and about the drainage fee and she thought the constituents in District D, of course there were many homeowners, many businesses, major institutions, TSU, the University of Houston and the Texas Medical Center were all very deeply affected by the drainage problems that the City of Houston had and everyone understood at a bottom line basis that those drainage problems would get worse, not better, as the City grew, that the City of Houston did not have responsibility for all aspects of flooding and drainage but did have a critical role to play and she thought that the members of the advisory committee urged Council to take steps, bite the bullet and develop the resources that would help them improve the problem as quickly as possible, the concerns were that they move forward promptly, that there be dedicated resources that could not be used or shifted for other purposes and that those dedicated resources go both for capital improvements and for operations and maintenance and that there be some fundamental fairness that those who contribute to the problem help pay for the solution and thought that there was a general feeling that the impervious surfaces approach had some good logic to it. Council Members Ellis, Keller and Berry absent.

Ms. Brenda Flores, appeared and stated that she was sitting at home and had not signed up to speak today but she had to come to Council to say something on the drainage fee, that not just the present City Council but others before it sold the citizens of the City out, they deferred maintenance on their sewer systems, they had the money, they took it out of the Any Lawful Purpose Fund and used it for any awful purpose, they voted for those awful purposes, that she heard Council Member Galloway say that some districts had to get rid of their wants and start taking care of the needs of the City, that the Mayor wanted SimDesk and Council Member Parker sold them out at 12:33 a.m. on the day of the vote, that every Council Member present had sold out on one issue or another, they sold out on Voice Over IP and now they wanted them to take collections they already had maintained and taken care of and throw \$7 million at it to move it over to the Gregory School, that their job was police, fire, roads, water and that included their sewer systems, that they had their money and did not manage it, that they raised the fees and funds for Municipal Courts, that they raised parking fees and raised permit fees, that they paid higher rates than anybody else on water, they gave them a garbage fee, that they fee'd them to death, that her kids wanted steak and baked potatoes for supper but it was hamburger helper at her house and it was hamburger helper time at Council, that any future agenda if it did not pertain to police, fire, road and water they had an obligation to the citizens of the City as a whole to vote it down. Council Members Ellis and Keller absent.

Council Member Quan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Ellis, Keller and Berry absent. Council Member Vasquez absent on personal business. MOTION 2003-01031 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 38, 38a, 38b, 38c, 38d, 38e, 14, 33 and 35 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-01032 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to allow Mr. Ed Wulfe, Reverend Bill Lawson and Mr. Charles Weekly to address an item on the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-01033 ADOPTED.

Mr. Ed Wulfe appeared and stated that he was present on behalf of the Houston Museum of African American Culture, that it was his pleasure to serve on its board and the boards of the Houston Museum of Natural Science and the Holocaust Museum, that he served on those boards because he strongly believed in the critical importance of their many cultural and educational organizations to their City and especially to their children, that they reflected the best of Houston and what it had to offer its citizens and visitors, that the addition of a museum representing African American History, culture and the arts in Houston's Museum District would serve to broaden their educational capacity and help enhance Houston's quality of life, that the project was supported by Houston's Museum District and its 16 members as well as the City's Convention and Visitors Bureau, that it would become a cultural and educational destination point and a major tourist attraction, that even though the City of Houston was known as being multi cultural and ethnically diverse, they were one of the last major cities to have an institution dedicated to celebrating and showcasing the many contributions of African Americans to the City and the Nation, that he knew how important it was to protect and celebrate their diversity and heritage and was committed to the project, that as a member representing the board they were not asking the City to build the institution with City dollars nor were they asking the City to maintain it, they were only asking for funding to assist in the purchase of land, that the board, which was ably chaired by Mr. Gerald Smith, who was out of town and could not be present today, was committed to raise the necessary funds to build it and maintain it, that many of the other major cities had used public funds to establish an African American Museum but they were not asking for that, that they were asking for them to vote to provide the funding needed to purchase the land only, land which the City would retain ownership, so he came before them today to ask for their support, support for the addition of the very worthy and long overdue new Houston Museum of African American Culture to add to their cultural and educational community, they needed it, their community wanted it and it was now time to make it happen.

Upon questions by Council Members, Mr. Wulfe stated that they had not pinpointed the site other than they had identified three or four sites in the Museum District area, that it was correct that the budget for the overall museum was about \$40 million, that he thought they had raised so far just \$500,000 establishing the mission and the program and everything else, that the next step was to tie up the land and then they would proceed with the major fund raising drive for the building, that he had been known to be somewhat of an optimist and he felt strong that it was a project that had broad appeal, not only in the City, but across the State and the Nation and was confident that they could raise the funds, that to his knowledge he thought the Hispanic Cultural Center was funded partially by the City, and Mayor Brown stated that this was not General Fund money, that it was General Government Bond money, and Mr. Wulfe stated that he was not sure what fund that was used, that the Technology Center the funds were used, but to remember that the City was going to own the land and that was the investment, in the land, that one of the sites that had been discussed was Hermann Park, on the edge of Hermann Park by Hermann Drive, across or near the Houston Museum of Natural Science, which was on park land, that he would probably be in favor of giving up some of Hermann Park's land for the museum, but wanted it located in the Museum District and if that was the only site that made

sense then yes. Council Member Wiseman absent.

Reverend Bill Lawson appeared and stated that he wanted to agree with Mr. Wulfe, that he had said most of what needed to be said and he suspected that the only thing he would say was that as an African American he would appeal for it to be done not for African Americans, that it was called the Museum of African American Culture, but there had been a miracle that had taken place and they were right now part of that miracle, just seven generations ago African Americans were not citizens, they were not even concerned human, three fifths human and now some seven generations later it was possible for them to have as the Chief Executive Officer of their City an African American descended from slaves, as the City Attorney, an African American and the Council table reflected what had made Houston a world class City, there were Anglo's, Hispanics, Asian's, African Americans, Jews and Christians that made up the Council table and that meant that Houston really did need to reflect all of its cultures and the African American Culture was an important culture, so he appealed, along with the members of the Museum of African American Culture Board and certainly along with Mr. Wulfe, who had already proven himself a real friend to the City, that they should do something that would make it possible for every child in Houston, every Anglo, Hispanic and Asian child along with every African American child to understand what were the qualities, what were the inner strengths of those slave people that made it possible for them to raise in that brief time so that they could have a Secretary of State, a Secretary of Education and people who were at the top of their fields in virtually every thing from academics to sports, even in non ghetto sports like golf and tennis and the fact was that they had done something that the whole Nation needed to celebrate and their hope was for the sake of their children they could make that celebration possible, that they opened the Council meeting today with Texans owner, Mr. McNair and he helped them to celebrate the fact that in the first game played by the Texans they beat the Cowboys, he would certainly not like to see Houston fall behind Dallas at this point.

Mr. Charles Weekley appeared and stated that he had been a resident of Houston since 1976, that he had a couple of questions related to the funding of projects that they were talking about, that his understanding was that they were talking about spending tax money on projects that in some cases had been funded or could be funded from outside sources and they also would like to find out a little bit more information relative to that, that one of the things they would like to question in addition to that was that he was a veteran of the military forces of their Country and worked with veterans in quite a few areas and one of the questions that they had was that they had quite a few, looking at the projects that they were talking about specifically, members of their organization that were minorities and those people absolutely stood up for the museums that were being created in the City, the projects that were relative to that and one of the things they would like to see though in the cases like this was an equal footing for veterans issues and the Veterans Museum that they were looking at putting together and they felt like when they came in and offered to do those kind of things in a manner that did not require City funds that the other projects that were on equal footing with this should be able to stand on their own, especially when there were outside groups that had presented a program that did that without City funds.

Upon questions by Council Member Tatro, Mr. Weekley stated that he did not feel they had been given the opportunity to compete for those same dollars, they had actually been pursuing their project for approximately 5 years and had never had the opportunity to present it, they had support from quite a bit of the City Council over those years that stood behind them relative to the project and the main thing they would like to say was that they absolutely supported the projects they were talking about but they would like to see them done on an equal footing with the other projects, and they felt like the City was not the place to fund those projects, they were working to bring outside money for their project, they worked very hard at that and they knew that those other projects had outside groups that were interested in funding them and they would support them and work with them to do it, but they also wanted an equal consideration in the things that occurred relative to those issues and they felt that they had not gotten it, for one thing, and they also felt like the outside groups that were supporting the

museum that was in question had not had that same consideration either, that they thought that the City Council and the Mayor needed to have an ability to address those things on an equal footing.

Council Member Keller moved to remain in session beyond the noon recess to continue the business of the City, seconded by Council Member Ellis.

A roll call vote was called on Council Member Keller's motion to stay in session.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez absent on personal business.
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2003-1034 ADOPTED

38. WRITTEN Motion by Council Member Alvarado to amend Item 38E, by 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)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1035 ADOPTED.

38a. WRITTEN Motion by Council Member Tatro to amend Item 38E below, to 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)** – was presented.

Council Member Tatro stated that the amendment was to remove the \$2.5 million in Library bond funding and issue an RFP for lease renovation and operation of the Gregory School using the private and grant funding that was already in there so that would keep the money allocated there, that obviously his concern was that they were looking at opening a facility which would add to the operating budget and thought that it was clear from some of the testimony that they did not necessarily have a plan and knew they certainly did not have an operating budget which could handle the opening of a new library, that the project would significantly burden the City and significantly burden the taxpayer and a project as they saw from the AIDS group coming forward and willing to step forward and put some initiative and a lot of private money in it could be a significant benefit and thought it was time that they should be heard and given the opportunity to be heard and thought that would come through in a proposal and if their ideas and economics were not better than the City's then he thought they should reject it and go with the proposal but until they had that fair hearing he thought they were short sighted in allocating the money and proceeding on a plan to have that totally a City facility, with ideas and costs completely unknown at this time, that was the amendment, it was not to delete the project.

Council Member Goldberg stated that he was going to vote for the funding for the project and against Council Member Tatro's amendment, that it would be great to have an RFP but that was not the way they always did things, they funded a lot of libraries without doing an RFP, they built new libraries without doing an RFP and this was something that library funds, he thought, were an appropriate use for, that to him it was typical business that the City did, that the only issue he had and it was not this agenda item issue specifically, funding was fine, but what was

said yesterday at public session kind of worried him a bit and they had plenty of time to think about how to handle it but when the museum was created were they going to take all of the documents regarding African American Culture out of all of their libraries and put it in that place, were they setting down a dangerous road where they were going to create specific libraries for every race and religion and segregate all those materials, he hoped they would not do that, that he hoped that the documents that were there could stand on their own and they would go out and find new documents and deposit them there, but he did not think they should start taking from other places and use the facility as storage, that was his only concern.

Council Member Alvarado stated that she wanted to speak against Council Member Tatro's amendment, that as they knew Gregory School was in her district and Council Member Edwards had been working on it in conjunction with her office and their community, that the project had been in the works for quite some time, May 2000, that some of them were not on Council, but City Council unanimously passed a vote to acquire the land in the year 2000 and they also received an EDI Grant under \$997,000 that was heavily supported by Senator Kay Bailey Hutchison, so it was not new and not doing something different than had been done at the City, that prior to her arrival City Council had an agreement with the Houston Hispanic Forum to help fund the Houston Hispanic Forum Education and Cultural Center and even though the decisions had not been made exactly what was going to be placed in there, the funding was acquired and they were raising money and there was no doubt in her mind that the project would operate in the same fashion, she thought that the amendment was a disservice to the people in the community who had been working tirelessly on the project, that there was a plan and if they wanted to see a plan they were welcome to come and talk to the district Council Member who had seen the plan, that Building Services had provided a plan to the community and they had met continuously in numerous meetings with stake holders, committees had been formed and people were serving on them, so she was asking her colleagues to vote against the amendment.

Council Member Edwards stated that she would like to speak to the issue that was brought up yesterday of archival, that it just smacked to her of a complete arrogance to assume that all African American history of the City of Houston and the region would go into the Gregory, that the area was designated to the Gregory School and the historical events that were germane to that school and to that area and to assume that they would collect up all of the African American history out of everything and put it in that area was just ridiculous, that it implied to her that people really did not understand what the community was saying that wanted at that particular spot, they wanted the history of that particular school and that particular area preserved and respected.

A roll call vote was called on Item No. 38a.

Mayor Brown voting no	Council Member Vasquez absent on personal business.
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-1036 ADOPTED

38b. WRITTEN Motion by Council Member Tatro to amend Item 38E below, for Removal of the Combined Utility Fund section of proposed CIP for FY2004-2008 – **TAGGED BY COUNCIL MEMBER ROBINSON** – was presented.

Council Member Robinson moved to postpone Item No. 38b for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Vasquez absent on

personal business. MOTION 2003-1037 ADOPTED.

- 38c. WRITTEN Motion by Council Member Tatro to amend Item 38E below, for 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. – (**TAGGED BY COUNCIL MEMBERS ROBINSON, QUAN, KELLER and WISEMAN**) – was presented.
A roll call vote was called on Item No. 38a.

Mayor Brown voting no	Council Member Vasquez absent on personal business.
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-1038 FAILED

Council Member Goldberg stated that like the speakers before he thought there was a need for an African American Cultural Museum, that what he was against and the reason he voted in support of the amendment was that he was a lawyer and thought like a lawyer and thought what they were setting was a bad precedent, that he supported the museum but did not support the way they were funding it.

Council Member Wiseman stated that she was supportive of the museum and the efforts of those involved and the tremendously hard work that they had put into it and the goals that they set to reach with the museum, that it would benefit the City greatly to have such a museum, that her concern had to do with the level of information that they had not received with respect to the project up until the last minute, that the request that was being made was identical to the Veterans Museum, that the commitment to actively begin fund raising after the land was secured was identical, the only difference was in the project and unfortunately the only difference was in the commitment that had been given by the City of Houston towards those projects, that she thought they needed to be more open and more forward and have greater details and give everyone an equal opportunity within the City when it came to such projects. Council Members Galloway and Parker absent.

Mayor Brown stated that he supported the Veterans Museum, they could not get the land they wanted, they wanted Ellington Field and there were federal prohibitions against that and that was the only major difference. Council Members Galloway and Parker absent.

Council Member Robinson stated that he voted to give the veterans land at Ellington Field, that they already had a precedent about land, that Council Member Goldberg asked if the African American Museum supporters would take land in Hermann Park, that they should put them right next to or across the street from the Museum Natural Science and keep the \$2 million.

Council Member Galloway stated that they could not put anything on park land unless it was recreational as per State law, so they could not even put a museum there if they wanted to.

Council Member Berry stated that he hoped that the African American Museum would become a location that people across the Country wanted to come and visit, that he hoped they had the best in the world, that they should not have to pit veterans against African Americans against Hispanics against any other group, that all of those museums were wonderful concepts, that the question was what was economically viable, what could they do and whatever they were willing to do they ought to attempt consistently to be fair. Council Member Ellis absent.

Council Member Edwards stated that there was a lot to be said about it but fundamentally as City Council Members if there was an issue regarding process could they focus on how do they correct and develop a go forward strategy, that there were a lot of people in District D that would like to have the City's help in setting up the museum, that she did not know of any process, that she would like to suggest to the administration that it be referred to some committee or task force or whatever and that they address it as City Council Members as they were supposed to do. Council Member Alvarado absent.

Mayor Brown stated that he would certainly agree with Council Member Edwards suggestion, and Mr. Hall stated that Council Member Edwards should strongly request it. Council Member Alvarado absent.

Council Member Parker moved that Council continue with the agenda, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1039 ADOPTED.

38d. WRITTEN Motion by Council Member Galloway to amend Item 38E below, to move all costs associated with and related to the renovation of Tidwell Park (CIP Number F-0504A5) from Fiscal Year 2007 to Fiscal Year 2005. – (**TAGGED BY COUNCIL MEMBERS KELLER , ROBINSON and WISEMAN**) – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1040 ADOPTED.

38e. 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 42 on Agenda of August 20, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER**) – was presented as amended. Motion by Council Member Quan, seconded by Council Member Vasquez to adopt the recommendation.

Council Member Robinson moved to postpone Item No. 38e for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1041 ADOPTED.

14. ORDINANCE authorizing the combination of the City's Water and Sewer System and Drainage Utility System into a combined System; **AMENDING CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of the Water, Sewer and Drainage Utility Systems – was presented.

Council Member Robinson stated that he had three written motion to amend Agenda Item No. 14 and intended to tag his amendments and the main item for one week as follows:

"To prohibit payment of a "Franchise Fee" to the General Fund from the combined Water, Sewer and Drainage Utility System.

To prohibit automatic rate increases without a vote of Council.

To exempt from the Drainage Utility Fee religious property actually used as a house of worship", tagged by Council Member Robinson.

Mayor Brown stated to Mr. Hall that there was a question as to whether it was an appropriate amendment to this ordinance or to another ordinance and asked him to address that, and Mr. Hall stated that they just saw them today and Ms. Day had been looking at them and it raised a difficult question for them because the issues that were attempted by the amendments were not issues that were addressed in the agenda item and the real question was whether or not they could be made to do that and thought their opinion was that they were

inappropriate at this time, they were appropriate items for the bond ordinances when they would come because they attempted to deal with those kinds of issues, that without benefit of some further research and some adjustment in how they would apply to this particular ordinance, that he could not say that they were illegal but certainly they were not the issues that were addressed by the agenda item today.

Council Member Robinson stated that one, that was why he was asking for the delay and second was his over arching question at least as to the first two amendments was that it was the organic ordinance, it was the ordinance that created the utility and if he could not say an organic ordinance and did not see the thing that created the utility, what it could or could not do, just putting it in the bond ordinance, whenever the bond ordinance expired or if the bonds were refinanced at some point in the future and did not retain those covenants the utility would not be prohibited because there would be no definition of what it could or could not do, that was why he was asking for the first two if they needed to change the language then he would be happy with the Legal Department, but he did not want the ordinance creating the utility not to say what he thought it could or could not do if he had seven members of Council supporting him.

Mayor Brown stated that since there were some questions he was going to allow the amendments to stand with the understanding that they would be tagged and gave them time to look at them.

Council Member Sekula-Gibbs stated that she had a written motion to amend Agenda Item No. 14 as follows:

“To mandate a minimum \$50 million per year for drainage CIP from the combined Water, Sewer and Drainage Utility System”, tagged by Council Member Robinson.

Council Member Tatro stated that to follow up on what Council Member Robinson stated, he thought a bond covenant would be much more restrictive than a City ordinance and thought that a bond counsel probably would weigh in on that, but when they entered into a contractual bond covenant with a bond holder he thought they needed to make it tighter, that he was not sure the legality at this point, but he would think if they were going to make amendment it would be in their ordinance.

Mr. Hall stated that he would explain why they felt that way, that the majority vote on the ordinance was obviously the opinion of the Council at this time and the issues that he thought were addressed by the amendments were issues that intended to restrict the revenues at the time that they would in fact engage in a contract to have and get those revenues, the problem was that if they did not do that at that time, frankly, it was their considered opinion that anything they would do today was fairly meaningless because Council would have voted at that time what they wanted to do, that they had not ruled that they could not lay them on the table, that they did not think they were appropriate, but he was not suggesting they were illegal.

Council Member Wiseman stated that she too circulated a written motion to amend the item as follows:

“To require that sewer fees be adjusted to reflect actual usage,” tagged by Council Members Robinson and Tatro.” Council Member Keller absent.

Mayor Brown stated that all the amendments and the item had all been tagged.

33. RESOLUTION requesting the Mayor to place on a future City Council Agenda an ordinance ordering a Special Election to consider the adoption of a Charter Amendment requiring approval of two-thirds of the full City Council prior to the levy of Ad Valorem Taxes at a rate expected to increase Ad Valorem Property Tax Revenues by more than five percent more than the Ad Valorem Property Tax Revenues collected during the immediately preceding fiscal year – **(This was Item 34 on Agenda of August 6, 2003,**

POSTPONED BY MOTION #2003-0979) – was presented. Council Member Keller absent.

Council Member Tatro asked Council Member Ellis to give them the synopsis of the item and the effect, and Council Member Ellis stated that it was basically the same type of resolution that Council Member Parker had passed with regards to a two thirds majority to take any money out of the Rainy Day Fund and Legal had advised them that since there was not a date set they could pass the resolution and once there was a date set for a special election it could be brought forward at that time, that it did not place it on the ballot, it just passes a resolution that they could carry forward with the next Council and when they set the date for the special election then it would be brought forward, along with Council Member Parker's resolution as well as let the people vote their referendum, that it was non binding.

Mayor Brown stated that he wanted to point out that the Council Governance Committee had already voted and it would be on the agenda next week, that the next Charter election would be on November 2004, that it would be coming to Council.

Council Member Quan stated that they voted for a 5% cap on the budget and this would make a Charter amendment that would incorporate that, and Council Member Ellis stated that it was not only for the budget, it was an ordinance moving forward and all the item did was make it more restrictive and hopefully they would have a Charter amendment, that what he was saying they were going to change the Charter itself to incorporate that because Council could bring forward another ordinance that would only take a majority vote and would reverse the vote that they had a couple of weeks ago.

A vote was called on Item No. 33. Mayor Brown, Council Members Galloway and Quan voting no, balance voting aye. Council Member Vasquez absent on personal business. RESOLUTION 2003-0023 ADOPTED.

35. MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration to award to **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 – **(This was Item 20 on Agenda of August 20, 2003, TAGGED BY COUNCIL MEMBERS QUAN, KELLER, ELLIS and ALVARADO)** – was presented.

Council Member Quan stated that it had been a very perplexing situation and felt that the process though had been followed and saw the City potentially losing out on an opportunity to save more money, that he would just request in the future if they knew there was an offer at a lower rate on table that when they conduct those auctions that they begin at that rate, that was his concern, that he supported the reverse auction system but felt like the bidder had offered a lower rate to begin with and if they had started the bid at that rate they would have gotten the best bid, they did not get the best rate in his opinion, but they did follow the system and he could not penalize people for following the system.

Council Member Goldberg moved to refer item No. 35 back to the administration, seconded by Council Member Tatro.

After further discussion Mayor Brown stated that he wanted to point out that the process was followed and there were no mistakes and thought that government also must keep their word if they have a process.

Council Member Robinson moved to suspend the rules to hear from Mr. Calvin Wells at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Members Tatro and Edwards absent. MOTION

2003-1042 ADOPTED.

Upon questions by Council Members, Mr. Wells stated that he had in his hand a letter dated March 10, 2003 from DXI requesting an increase in the current rate of the previous contract, that the first increase was 16% and he denied that and the second was for 20%, that after the documentation had been provided they granted them the maximum allowed in the contract which was 10%, that it was no offer, it was a request for a price increase that they granted the maximum allowed under the contract, that the 36 cents was what they were requesting the price to be increased to prior to canceling the contract; that once the low bidder was selected they could still negotiate with that low bidder on a lower bid, that they had no evidence that a fax was received from DXI after the bidding was concluded. Council Member Wiseman absent.

After a lengthy discussion by Council Members a roll call vote was called on Council Member Goldberg's motion to refer Item No. 35 back to the administration.

A roll call vote was called on Item No. 38a.

Mayor Brown voting no	Council Member Vasquez absent on personal business.
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-1043 FAILED

After further discussion by Council Members a vote was called on Item No. 35. Council Members Tatro and Goldberg voting no, balance voting aye. Council Member Vasquez absent on personal business. MOTION 2003-1044 ADOPTED.

CONSENT AGENDA NUMBERS 2 through 32

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 8

- 6. CREATIVE COMPUTER APPLICATIONS** for Preventative Maintenance Agreement for Laboratory Information System for Health & Human Services Department - \$35,822.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1045 ADOPTED.
- 8. AMEND MOTION #2000-1076, 8/30/00, TO EXTEND** expiration date from August 30, 2003 to August 29, 2004, for Chlorinated Chemicals for Parks & Recreation and Public Works & Engineering Departments, awarded to **UNIVAR USA, INC (formerly dba VAN WATERS & ROGERS, INC aka VOPAK USA)** and **COMMERCIAL CHEMICAL PRODUCTS, INC** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1046 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 26

- 12. RESOLUTION** requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was presented. All voting aye. Nays none. Council Member Vasquez

absent on personal business. ORDINANCE 2003-0024 ADOPTED.

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the 26,106-square foot former Sagemont Municipal Utility District Water Plant Site, located at 12136 Sagedowne Lane, Reserve A, Block 5, Sagemont Subdivision, Section 1, Houston, Harris County, Texas (Parcel S95-049); determining that, due to its limited access to public roads, it may be sold to the abutting owners, Patrick A. and Sheila Bellamy; approving and authorizing the sale of said parcel to said abutting owners, in consideration of their payment of \$15,664.00, and other consideration to the City; subject to the terms and conditions of the conveyance - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0775 ADOPTED.
16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of West 27th Street right of way, containing 20,453 square feet of land, more or less, out of the resubdivision of Shady Acres Second Addition, situated in the Henry Reinerman Survey, A-644, Houston, Harris County, Texas; Parcel SYO-018; vacating and abandoning Parcel SYO-018 to Memorial Hermann Hospital System, the abutting owner, in consideration of owner's dedication back to the City of the said parcel as a 51-foot wide utility easement, and payment of \$61,359.00 and other consideration to the City - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0776 ADOPTED.
18. Omitted
20. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$130,000.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds to cover acquisition and closing costs in connection with property located at 1804 Carr Street and 2505 Mills Street to be used for a Transitional Housing Facility - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0777 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **VOLUNTEERS OF AMERICA TEXAS, INC** to provide \$800,086.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which sum includes a supplemental allocation in the amount of \$400,043.00 for the operation of two Community Residences and administration of a Short-term Rent, Mortgage and Utility Assistance Program, along with supportive services – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0778 ADOPTED.
26. ORDINANCE appropriating \$175,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Cooperation Agreement between the City of Houston and the **SAN JACINTO RIVER AUTHORITY** for Acquisition of additional water rights in the San Jacinto River Basin, S-0019-26-05 – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0779 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Finance & Administration for membership renewal for

in the United States Conference of Mayors - \$34,311.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1047 ADOPTED.

3. RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2003 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1048 ADOPTED.
4. RECOMMENDATION from City Attorney for approval of supplemental allocation of \$150,000.00 for professional legal services contract between the City of Houston and **CONNELLY, BAKER, WOTRING & JACKSON, L.L.P.** in connection with lawsuit styled Hill v. City of Houston in the U. S. District Court for the Southern District of Texas, Houston Division, Civil Action No. H-03-0830 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1049 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.4644 per square foot for properties connecting to the 8-inch sanitary sewer line extension by **PETROLEUM WHOLESALE, INC** located in the 600 block of West Gulf Bank Road - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1050 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. **CPI FOODS, INC** for Shelf Stable Meals for Health & Human Services Department - \$33,732.88 Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1051 ADOPTED.
9. **BEASLEY TIRE SERVICE** - \$70,169.00, **GOODYEAR TIRE AND RUBBER COMPANY** \$813,233.46 and **REMINGTON TIRE DISTRIBUTORS, INC, DBA GRAY'S WHOLESALE TIRE** \$3,760,618.67 for Automotive Tires and Tubes for Various Departments - \$4,644,021.13, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$139,320.63 for a net award amount not to exceed \$4,504,700.50 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs.

Council Member Tatro stated that this was another reverse auction and was a follow up on what Council Member Robinson had stated, that he said responsible bidder, they entered into a contract at 3% with a Texas firm and there was a national firm that did business all over the nation with multiple jurisdictions, State, Federal, County and City agencies, that they were one of the bidders and were the 1%, so to suggest that a national firm doing business all over the Country was not a responsive bidder and he thought they had seen the result of the process, and Council Member Robinson stated that he wanted to make sure they were clear, that just because someone was a national firm it did not mean they could not fall out, and Council Member Tatro stated that he would tag the item. Council Member Goldberg absent.

10. **GRAY'S WHOLESALE TIRE DISTRIBUTOR** for Purchase of Tires from the State of Texas Building and Procurement Commission's Contract through the State of Texas

Cooperative Purchasing Program for Various Departments - \$1,000,000.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1052 ADOPTED.

11. **ENNIS PAINT, INC** for Paint, Airfield Marking for Various Departments - \$314,138.46, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$9,424.16 for a net award amount not to exceed \$304,714.30 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Tatro. Council Member Goldberg absent.

RESOLUTIONS AND ORDINANCES

13. ORDINANCE **AMENDING CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicle Abatement – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0780 ADOPTED.
17. ORDINANCE approving and authorizing first amendment to agreement with the **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add Grady Elementary School as an additional After School Achievement Program (“ASAP”) Site and to provide \$50,000.00 in additional funds - Grant Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0781 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for an Environmental Public Health Tracking Network System; providing a maximum contract amount - 1 Year with one-year renewal \$300,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0782 ADOPTED.
21. ORDINANCE appropriating \$1,116,900.00 out of Homeless and Housing Consolidated Bond Fund and approving and authorizing City of Houston to enter into contract with **BONITA STREET HOUSE OF HOPE** to provide an additional \$400,000.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds to assist in the acquisition of a 4.7 acre tract of land at Parker Road and Shady Lane and the payment of a portion of hard and soft costs in connection with construction of a Transitional Housing Complex - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0783 ADOPTED.
23. ORDINANCE appropriating \$854,210.73 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$2,940,581.98 out of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$4,604,771.03 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$2,609,792.52 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$1,547,624.82 out of Tax Increment Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$1,626,557.66 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone) Tax Increment Fund (Fund 915); \$245,296.59 out of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$251,142.23 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$4,091,754.58 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax

Increment Fund (Fund 912); \$2,362,020.33 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) Tax Increment Fund (Fund 916); \$274,704.13 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$231,991.07 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$790,463.62 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$68,378.32 out of Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) Tax Increment Fund (Fund 921); \$2,601,447.85 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$278,888.07 out of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone) Tax Increment Fund (Fund 923); \$86,704.84 out of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (924); and \$1,191,514.14 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (925) for Affordable Housing, Administrative Expenses, payment of project Costs, payments to the Houston Independent School District, the Humble Independent School District and certain redevelopment authorities as provided herein – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0784 ADOPTED.

Council Member Alvarado stated that she wanted to visit with someone on the item and Mayor Brown stated that they would have someone visit with her. Council Member Goldberg absent.

24. ORDINANCE approving and authorizing contract between the City and **MANDELL & WRIGHT, P.C.** for Legal Services in the appeal of Juanita Fletcher vs. City of Houston, et al., Cause No. 98-05588 (Appeal No. 14-03-00690-CV), filed in the Fourteenth (14th) Court of Appeals in Houston, Texas; providing a maximum contract amount - \$50,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0785 ADOPTED.
25. ORDINANCE appropriating \$101,780.00 out of Street & Bridge Construction Fund as an additional appropriation to contract with **STRIPE & STOPS COMPANY, INC** for Pavement Marking Services for Public Works & Engineering Department (approved by Ordinance No. 02-0913) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0786 ADOPTED.
27. ORDINANCE awarding contract to **SKE SUPPORT SERVICES, INC** for Fleet/Vehicle & Equipment Maintenance Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$15,455,992.65 - Enterprise Fund – was presented, and tagged by Council Member Wiseman. Council Member Goldberg absent.
28. ORDINANCE appropriating \$11,967,442.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund CIP A-0483 and \$990,770.00 out of Houston System Consolidated 2001 AMT Construction Fund CIP A-0354 and \$200,680.00 out of Houston Airports Improvement Fund CIP A-0422; awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** for Terminal D Remodeling and Upgrades/Vertical Circulation Upgrades in APM Stations at George Bush Intercontinental Airport/Houston (Project 500G); providing funding for engineering testing and for contingencies and the Civic Art Program relating to the construction of facilities financed by such funds - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Members Wiseman and Keller. Council Member Goldberg absent.

Council Member Keller stated that he needed to go over the construction contingencies.
Council Member Goldberg absent.

29. ORDINANCE appropriating \$300,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to contract for professional engineering services between the City of Houston and **PBS&J** for Rehabilitation of Runway 8R-26L at George Bush Intercontinental Airport/Houston, Project No. 491; CIP A-0058, A-0263 and A-0323 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0787 ADOPTED.
30. ORDINANCE appropriating \$5,500,000.00 out of Airports Improvement Fund and approving and authorizing professional services contract between the City and **DMJM AVIATION, INC.**, for Comprehensive Plan Study at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. Council Member Goldberg absent. ORDINANCE 2003-0788 ADOPTED.

Council Member Keller asked that they have someone come and visit with him, that he would like to revisit the master plan, and Mayor Brown stated that they would do that. Council Member Goldberg absent.

31. ORDINANCE appropriating \$204,800.00 out of Parks Special Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of E. R. and Ann Taylor Park, GFS F-0514-00-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Special Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0789 ADOPTED.
32. ORDINANCE appropriating \$315,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City and **CAMP DRESSER & MCKEE, INC** for Construction Management and Inspection Services for the 69th Street Wastewater Treatment Plant Improvements, CIP R-0509-07-3 (4842) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0790 ADOPTED.

MATTERS HELD - NUMBERS 33 through 38E

34. MOTION by Council Member Quan/Seconded by Council Member Parker to adopt 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 – (This was Item 16 on Agenda of August 20, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and TATRO)** – was presented.

Council Member Sekula-Gibbs stated that after discussion with the various agents involved she understood it was very important that they move on it, but would like to ask that City Legal and Public Works and Engineering revisit the whole way that they were conducting business with folks in condemning land, that it seemed to her that they were spending a lot of money on the condemnation process when the two parties would really like to sit down and negotiate and thought that under the Mayor's direction that it could be brought up to a good way of doing business instead of the way it was currently, and Mayor Brown stated that he would have Public Works and Legal get together and address that, and Council Member Galloway stated that she concurred with Council Member Sekula-Gibbs.

A vote was called on Item No. 34. All voting aye. Nays none. Council Member Vasquez absent on personal business. MOTION 2003-1053 ADOPTED.

36. 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 – **(This was Item 38 on Agenda of August 20, 2003, TAGGED BY COUNCIL MEMBERS KELLER and ALVARADO)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0791 ADOPTED.
37. 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 – (This was Item 39 on Agenda of August 20, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Vasquez absent on personal business. ORDINANCE 2003-0792 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that she wanted to thank the Bureau of Primary Health Care for allocating funding for two new clinics that were federally qualified health centers in the Houston area, that it was the first time they had been given community clinic designation since 1994 and wanted to congratulate the Mayor on his efforts to push it through, his funding recommendations and support made a huge difference in getting the funding from Washington back to Houston, that the clinics, El Centro De Corazon on Navigation and The Lone Star Clinic in Conroe would receive \$554,000 a year for uninsured people and would also benefit very largely because they would receive enhanced funding for Medicaid and Medicare and the total amount could reach \$3 million per clinic per year, so it was a huge bonus for folks in the Harris County area who would now not have to the emergency rooms for their routine primary and preventive medical care, that she was also obliged to give special thanks to Senator Cornyn and Senator Hutchison for helping to push it through the bureau and call it to their attention as well as the Congressional delegation, they did a yeoman's job, and also Judge Eckles and Commissioner got behind it as well as the other County Commissioners and thanks to her colleagues at Gateway to Care, without Gateway to Care she did not believe that it would have happened. Council Members Galloway, Keller and Robinson absent.

Mayor Brown thanked Council Member Sekula-Gibbs for her leadership on the issue, that it made a difference. Council Members Galloway, Keller and Robinson absent.

Council Member Alvarado stated that she wanted to congratulate Council Member Parker, the event co-chair for last night's birthday party, that she did a great job. Council Members Galloway, Keller and Robinson absent.

Council Member Berry stated that he just wanted to renew his call for a Superbowl update, and Mayor Brown stated that they were trying to schedule it. Council Members Galloway, Keller and Robinson absent.

Council Member Ellis stated that he wanted to warn everybody that if they went through the City's webpage and tried to get to his email it went off into cyberspace so there were some thousand emails that they had not gotten, that he wanted to let the constituents know to please give them a phone call if they did not get a responsive from the email, that it was not any fault of

his staff or himself. Council Members Galloway, Keller and Robinson absent.

Council Member Goldberg stated that he wondered if someone from the administration could visit with him, that one of their providers for After School Programs was trying to get a license to do that at one of their facilities, at Marian Community Center, that they were told they could not get a license because their own facility did not have an occupancy permit, they did not have a fire occupancy permit and had not been inspected by the Fire Department and so they could not get it and now the after school provider was in the position to have to pay to get a City building inspected and an occupancy permit otherwise they could not operate, and Mayor Brown stated that they would have someone get with him and take care of it, and Council Member Goldberg stated that he wanted to thank Ms. Twanda Thompson in her work for extending the deadline. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Goldberg stated that he wanted to remind the Council Members that Friday was the deadline to submit their silent auction item. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Wiseman stated that the Ballooner Liffoff Festival was a success this weekend, that she wanted to thank Mr. Jordy Tollett, Ms. Dawn Ullrich and Mr. Mario Ariza for their help in getting it done. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Wiseman stated that last night the Kingwood Mobility Study went very well, they had gotten a lot of wonderful ideas and suggestions and wanted to thank Mr. Rick Grahosky, Mr. Gary Drabek and the other Public Works staff members who were present along with Parsons Transportation Group for the work they had done. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Wiseman stated that she wanted to visit with Public Works representatives, that she was traveling with them to Clear Lake to look at some areas where they needed additional crosswalks and signage for school crossing areas, that it was a tremendous problem down there, that they also had that situation in other areas in their district. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Edwards stated that she wanted to remind everyone of the election coming up September 13, 2003 and believed that early voting started tomorrow, that it was a very serious election, that she was not sure if they had an analysis from their lobbying team if any of the Charter amendments passed would they have any effect on any of the business in the City, and Council Member Alvarado stated that they would be having a meeting on September 9, 2003. Council Members Galloway, Keller, Berry and Robinson absent.

Council Member Tatro stated that if they went on the Memorial trail, the bike path that had been built and taking it from 610 towards Memorial Park and were going down the path as it crossed under the railroad tracks there was a stop sign on a bike path with absolutely nothing intersecting the bike path, just a trestle overhead. Council Members Galloway, Keller, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 1:29 p.m. upon MOTION by Council Member Tatro, seconded by Council Member Ellis. Council Member Vasquez absent on personal business. Council Members Galloway, Keller, Berry and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary