

City Council Chamber, City Hall, Tuesday, September 9, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 9, 2003, Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Mayor Lee P. Brown and Council Member Ada Edwards out of the city on city business.

At 2:03 Mayor Pro Tem Quan stated that Council would begin with their presentations and he had Bravo Awards to present to city employees; and presented awards to Ms. Lisa Hayes of the Houston Fire Department, Officer Muzaffar Siddiqi of the Houston Police Department and Mr. Tracy Wingate of the Public Works and Engineering Department for their outstanding service to the city and community. Council Member Vasquez absent.

Council Member Robinson stated that he and Council Member Keller had presentations and invited Ms. Sandra-Massie Hines to the podium. Council Member Robinson stated that he had a Proclamation to present, one from the Mayor, one from himself and one from Council Member Keller and they were proclaiming Ms. Hines work worthy of recognition and proclaimed September 9, 2003 as "Sandra-Massie Hines Day" in Houston, Texas. Council Member Keller stated that Ms. Hines was an inspiration and true asset and presented a Certificate of Appreciation to Ms. Hines. Council Member Berry absent.

Council Member Vasquez stated that he had a Proclamation to present to the Shanghai Airport Authority Delegation who was visiting Houston for a 12-week Aviation training session sponsored by the Houston Airport System, welcomed them to the City of Houston and proclaimed September 9, 2003, as Shanghai Airport Authority Day" in the City of Houston, Texas.

At 2:34 p.m. Mayor Pro Tem Quan called the meeting to order and called on Council Member Galloway to lead in prayer. Council Member Galloway stated that she would ask that everyone remember the family members who lost loved ones in the tragedy of 9/11 which would be two years this Thursday as well as the men and women in the military and their families and led all in silent prayer and in the Pledge of Allegiance.

At 2:36 p.m. the City Secretary called the roll. Mayor Brown and Council Member Edwards out of the city on city business.

Council Members Tatro and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. MOTION ADOPTED.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Ms. Margaret O'Brien-Molina at the top of the speakers list and to add Ms. Kristy Vandenberg to the speakers list to be heard after Ms. O'Brien-Molina, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Mayor Pro Tem Quan presiding. MOTION 2003-1084 ADOPTED.

Council Member Berry moved that the rules be suspended for the purpose of hearing Mr. Larry Lane, Mr. Bruce Hotze and Mr. Robert Lemer after Mr. Barry Klein; Ms. Renae Stephens and Ms. Sylvia Brooks after Mr. Deloyd Parker and Mr. James Smith and Ms. Beneva Nyamu after Mr. Michael Thibodeaux, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Wiseman and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1085 ADOPTED.

Ms. Margaret O'Brien-Molina, 2700 SW Freeway, Houston, Texas 77098 (713-313-1657) appeared and stated that she was with the American Red Cross and the State of Texas would be recognizing First Responder's Day on September 11, 2003, and the Greater Houston Chapter wanted to tell the city there was no better way to honor those men and women other than being prepared to withstand an emergency; that nature was not the only element to prepare for and knowledge was power; that a kit was presented to all Council Members which contained a face mask, a light stick and several other items. Council Members Wiseman, Berry and Robinson absent.

Ms. Kristy Vandenberg appeared and stated that their overall initiative was to prepare and surveys showed most people did not feel they were prepared to deal with a disaster or emergency and training was needed at all levels, it was needed for teachers, parents, children, businesses, etc., kits and materials were needed and a priority was a good blood supply and donors. Council Members Wiseman, Berry and Robinson absent.

Upon questions by Mayor Pro Tem Quan, Ms. Vandenberg stated the kits presented to Council Members were available at the Houston Chapter Red Cross. Council Members Wiseman, Parker and Berry and Robinson absent.

Council Member Sekula-Gibbs stated that volunteers, donations and blood were needed; that an RFP had gone out for alternative transportation for ambulatory and wheelchair bound clients who were patients and she hoped the Red Cross and others would respond; that a meeting would be held Thursday at 9:00 a.m. in the Purchasing Division Conference Room. Council Members Wiseman, Parker and Berry and Robinson absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was president of the Houston Property Rights Association and present regarding Item 41; that in September 2001 they submitted an amendment to the Houston Charter that would limit growth in the City's annual revenue to a combination of rates of inflation and population, a taxpayers protection act, and people expected an election in 2001, but because the City Attorney interfered it was approved too late to be placed on the ballot; that Council Members should be calling for the amendment to be on the February ballot which was the first date allowed by the Texas Constitution and state law, but the suggestion it should be delayed until November 2004 showed some Council Members had a weak commitment to the democratic process; that they were also unhappy a competing proposal could be placed on the ballot which would cap only property taxes one-fourth of city revenue, but if that was decided Council Members should remember their group's amendment was proposed first and deserved to be Proposition I. Council Members Berry and Robinson absent.

Mr. Larry Lane, P. O. Box 1593, Houston, Texas 77347 (no phone) had reserved time to speak but was not present when his name was called. Council Members Berry and Robinson absent.

Mr. Bruce Hotze, 5219 Shady River, Houston, Texas 77056 (713-663-1831) appeared and stated that he was present to speak on Item 41, the resolution for Charter change, that their petition was submitted in 2001 and in November 2004 it would be over three years they waited for the election to be held and it was too long; that the Charter had been changed 21 times since 1905 and most changes were mandated by citizens initiatives with all but four being held on Uniform Election Code dates, but they were not the standard November elections; that the Charter change amendments were important and the cost of an election was not an excuse of avoiding the citizens voice and vote; and urged that the election be held as soon as possible. Council Members Berry and Robinson absent.

Mr. Robert Lemer, 13603 Apple Tree, Houston, Texas 77079 (713-465-2004) appeared and stated that he was chairman of the Citizens of Public Accountability, the author of the

Charter amendment in question and what he believed was driving Item 41 to put the election in 2004 and he was opposed to that; that this was not about Rev Cap but whether you were for or against denial of due process pure and simple; that some Council Members said it would cost \$1,000,000 for a special election but they should compare that if Rev Cap came in it would save at least 1% of the total city budget. Council Members Berry and Robinson absent.

Council Member Ellis stated that a question was raised by Mr. Klein and he wondered what the process was by which they determined what was Referendum I, Referendum II, etc., and Mr. Bibler stated that there was none he was aware of. Council Members Berry and Robinson absent.

Upon questions by Council Member Keller, Council Member Ellis stated that there was only four dates they could hold the election which were February, May, September or November. Mr. Bibler stated that City Council decided the order of the ballot process; and Council Member Ellis stated that he would be in favor of allowing the referendum as driven by petition to be Referendum 1. Council Member Keller stated that he would be in favor also; and upon questions, Mr. Bibler stated that the wording of the statute said the first available uniform day could be used or go to the next Presidential or Mayoral or General Election which ever came first. Council Member Ellis stated that he was looking at something delivered to him by Mr. Hall and it said there were four dates and those at the table were saying there was only two dates; and Mr. Bibler stated that there were four uniform dates but the statute which controlled this said you use the first available uniform date or the November date so you skipped over a couple and right now they did not know what the dates would be next year. Council Members Berry and Robinson absent.

Council Member Tatro stated that the million dollar figure he believed would be the City's cost this November, but he was told if they held an election on their own it would be a two million dollar cost and he wanted to clarify that; and Mr. Lemer stated that either one was irrelevant compared to the vast millions that could be saved if Rev Cap came in a fiscal year sooner. Council Members Berry and Robinson absent.

Ms. Velocia Ulmer, 1010 Waugh Dr., Houston, Texas 77019 (713-528-6798 x-2269) appeared and stated that she was present asking for the City's support in funding the Riverside Health Clinic; asked everyone present supporting the clinic to stand to be recognized, and further stated that there was a need in the Third Ward for the center and for the services it would provide. Council Members Ellis, Berry and Robinson absent.

Council Member Sekula-Gibbs thanked Ms. Ulmer for the good work she did at the Women's Center and stated that everyone was working hard to reopen the Riverside Clinic; that an RFP was issued by the Health Department and anyone wanting to make application to manage the clinic and help to reopen it was welcome to place their proposal on the table; that a pre-proposal conference was scheduled for 10:00 a.m., Thursday, September 18, 2003, at the Health Department located at 8000 N. Stadium Drive; that on page five of the RFP, Item 10 said budget document and at the bottom of the paragraph it said the department reserved the right to negotiate specific revisions of proposed budgets prior to the award of the lease agreement and she would like to ask the Legal Department to expand the language a little and that would be "based on the availability of funds that the department consider financial support as a part of contract negotiations". Council Members Galloway, Keller, Berry and Robinson absent.

Mr. Haines stated that as it related to the RFP itself he wanted to be careful and did not want to put something out there with the expectation that a provider had a right; that he would rather minimize the assets being put on the table in the RFP in the form of the building, let them make their presentation and identify what they thought would and would not work; that he would rather not put something in an RFP that assumed to a submitter that they had a right to something and would much rather say they had a commitment to maintain the preventive aspects of the health facilities in that area, how much could be done by the private sector

versus how much the City needed to do he would rather leave to negotiation. Council Member Sekula-Gibbs stated that the community wanted as much strength of language in the commitment as possible and deserved it and again would offer the language she said previously "based on the availability of funds that the department consider financial support as a part of contract negotiations". Council Members Keller, Berry and Robinson absent.

Council Member Alvarado stated that was her question also, she needed clarification as to that Item 10 but preferred to go on with the next speakers. Council Members Keller, Berry and Robinson absent.

Mr. John Robinson, 5320 Griggs Road, Houston, Texas 77021 (713-845-2506) had reserved time to speak but was not present when his name was called. Council Members Ellis, Keller, Berry and Robinson absent.

Ms. Carolyn Scantlebury, 7505 South Freeway, Houston, Texas 77021 (713-842-3310) had reserved time to speak but was not present when her name was called. Council Members Ellis, Keller, Berry and Robinson absent.

Ms. Theola Petteway, P. O. Box 541081, Houston, Texas 77254 (713-528-6464) appeared and stated that she was present representing 400 plus organization and community groups who were a part of the Third Ward Community Cloth Cooperative and their concern was the preventive healthcare services in their area; that the closure of the clinic caused a problem with accessibility to healthcare there; that their concerns about the plans for the City Health Department was the Third Ward Clinic was closed because of mold and it was not being slotted as a public facility now but instead they were looking at privatizing the center and in the process of negotiating the care they had folks not receiving what was needed; that prior to closing the clinic had a budget of up to \$1.7 million and currently services were retained between \$500,000 and \$600,000 and they heard the RFP was to commit \$300,000 so it was spiraling down; that they did not want this to cause serious health problems increased in their neighborhood. Council Members Ellis, Berry and Robinson absent.

Council Member Alvarado thanked Ms. Petteway for coming and stated that there had been numerous meetings and she understood their frustration; that she wanted to make sure concerns were addressed and this was a first rate clinic; and upon questions, Mr. Haines stated that the Administration could not agree with Ms. Petteway more and in fact that was precisely why the RFP was structured as it was; that they believed the threshold for health clinic services in the Riverside Community should be the same as for everyone and that was \$1.7 million worth of service delivery; that the only thing they were doing here was introducing an alternative and that was could someone else not just provide services they had in the past but perhaps even more and if that could not be done it would be their recommendation to come back to Council in next year's budget with a \$1.7 million health clinic and that was why it was important to not incorporate in the RFP any consideration for the City putting money into it until they knew what the private sector was even willing to offer. Council Members Tatro, Ellis, Berry and Robinson absent.

Mr. Deloyd Parker, 3815 Live Oak, Houston, Texas 77004 (713-521-0641) appeared and stated that he served as executive director of the Shape Community Center for over 34 years and his community was hurting and he wanted the Mayor and others to know that they would not sit and let any of them off the hook when it came to providing preventive healthcare, diabetes and heart disease services in the community; and pledged that they would do all in their power to make sure the Mayor and Council Members held up to their responsibility. Council Members Tatro, Ellis, Berry and Robinson absent.

Ms. Sylvia Brooks, 1301 Texas Avenue, Houston, Texas 77002 (713-393-8723) appeared and stated that she and Ms. Stephens were with the Houston Area Urban League and were present to support the city's participation in creating or redeveloping a health center in the Third

Ward; that the Urban League was responsible for a service called the Texas Health Step and they had to locate 85,000 children throughout the county to make sure they had access to health information and in the Third Ward Area the number was about 300,000; and they wholly endorsed the city's participation in the redevelopment of a public health clinic. Council Members Tatro, Ellis, Berry and Robinson absent.

Ms. Renae Stephens, 1301 Texas Avenue, Houston, Texas 77002 (713-393-8777) appeared and stated that because people could not go to a clinic near them it was a handicap for them and she could not stress that enough; that transportation was important, but the whole issue was preventive healthcare; that many had to go to a hospital for something that could be done at a health clinic because they had to go through 911 since they had no transportation. Council Members Tatro, Ellis, Berry and Robinson absent.

Council Member Sekula-Gibbs thanked Ms. Stephens and Ms. Brooks and stated that Council appreciated the work the Urban League did and especially in the Texas Health Steps Program; that signing up children was critical and she did support them on their efforts and would continue to work hard to get Riverside opened as soon as possible and encouraged them to come or send a representative to the meeting on the 18th when the RFP would be discussed. Council Members Tatro, Ellis, Berry and Robinson absent.

Council Member Galloway thanked Ms. Stephens and Ms. Brooks for coming and stated that she had been trying to get clinics in the northwest and northeast areas; and upon questions, Ms. Stephens stated that they did work in those areas and did have trouble referring people, it was a dilemma and all they could tell them was to go to emergency, call 911, because the clinics were closed. Council Member Galloway stated that health prevention in this city did need beefing up to help the young and she would work diligently to try and get clinics in the areas. Council Members Tatro, Ellis, Parker, Berry and Robinson absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared, presented information and stated that he was present as a debriefing was needed in the Houston Police Department; that his Houston Police Department debriefing had stalled stalling justice from the Houston Police Department due to a lack of Houston Police Department monies and or communication and asked for Council Members suggestions for the justice of his Houston Police Department debriefing. Council Members Tatro, Ellis, Berry and Robinson absent.

Mayor Pro Tem Quan stated that as he indicated and as the Mayor previously indicated there were no monies for the debriefing and if he would like to do it voluntarily the Houston Police Department was always willing to receive information he may have regarding threats to citizens; and Mr. Mercer stated that the debriefing was very large, he was talking about unloading \$680,000,000,000 worth of satellite equipment in the City of Houston and it would bring a lot of money to the City of Houston. Mayor Pro Tem Quan stated that he would pass the information to the Police Department. Council Members Tatro, Ellis, Berry and Robinson absent.

Mr. Charles Ingram, 5503 Mountwood, Houston, Texas 77019 (713-681-4206) appeared and stated that he was present speaking on contaminated soil which was found to exist in Ella Park Terrace which bordered Pine Mont Plaza; that he was the president of the Pinemont Plaza Civic Club and they saw on the news there was contamination in Memorial Park, but they had soil samples in their area with federal dollars and it was found there was indeed contamination and over 67% of their residents were cancer survivors and that was not counting those passed away; that he was having soil samples done in his community, 2.1 miles from Ella Park Terrace, and found out that particular site was sitting on a dump area and that his area may be on a dump area also and his concern was had the city acted upon the request of Mr. Smith, president of Ella Park Terrace, it was not that they did not want Memorial Park restored, but they had residents with Cancer. Council Members Tatro, Ellis, Vasquez, Berry and Robinson absent.

Mayor Pro Tem Quan stated that Mr. Ingram brought up an important situation and Ms. Gloria Moreno with the Health Department was present and he should meet with her and discuss his statistics; that they were concerned with environmental hazards. Council Members Tatro, Ellis, Vasquez, Berry and Robinson absent.

Council Member Galloway thanked Mr. Ingram for coming and for staying on top of the situation; that the community met with the Health Department and soil testing was done and Ms. Moreno should be able to give him the information; that back in the day his community was not in the city and when annexed the development had already begun so the contamination would have happened prior to that and before the laws were so strenuous. Mr. Ingram stated that his subdivision was built after the Hofheinz era and would not the city have to do testing before builders could build; and Mayor Pro Tem Quan stated that there were certain brownfields, designated areas, they knew had contamination and they did testing to composition of soil to determine how large a structure could be supported, but he did not believe they automatically did contamination testing. Mr. Ingram stated that he was getting federal dollars to have his area tested and if it showed contamination he would be back; and Mayor Pro Tem Quan stated that he should let them know. Council Members Tatro, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Thibodeaux, 5110 TC Jester, Houston, Texas 77091 (832-752-5968) appeared and stated that he wanted to thank the City of Houston and especially Council Member Galloway for all that had been done in the Acres Home Area; that he was president of the Acres Home Super Neighborhood and they were asking for help on the landfill, it was the Booker Landfill located on Tidwell and it was so high on the Tidwell side that you could stand up and see the roof tops of the Ella Park Terrace homes and seepage was going into their back yards; that soil testing was done and contamination was found and they were asking the City to come and assist on whatever could be done; that there had been 60 plus people with cancer and over 30 had died. Council Members Tatro, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he thought all stood behind them and if there were problems with contamination they as a city had responsibility to work with them to see about mitigating it; and as he said to Mr. Ingram they should follow-up with the Health Department personnel. Council Members Tatro, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. James Smith, 1534 West Donovan, Houston, Texas 77091 (713-688-0269) appeared and stated that he was president of Ella Park Terrace and was present about six weeks ago explaining the problem in their community; that he did not want to rehash what had been said, but they waited on the Health Department for their findings and it had been six weeks and they had heard nothing; that they did hear the water sample was okay but they knew that and were waiting to hear about the soil samples; that Channel 11 said they did sampling and had notified the City of contamination and the Health Department went out; that their samples showed contamination, but the Health Department said they wanted to know if it was tested correctly and was retesting. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway moved that the rules be suspended for the purpose of hearing Ms. Gloria Moreno, seconded by Council Member Sekula-Gibbs. No vote was recorded as a quorum was not present. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan asked that Ms. Moreno give a briefing on where things stood; and Ms. Moreno stated that prior to the last time Mr. Smith and community members came to

Council the Health Department had gone out and done testing, took pictures and did assessments and as a result of the testing done internally they received results that there were no significant findings of contaminants; that what they wanted to do and what was forwarded to the EPA and to TCEQ was their findings as they wanted to be sure all parties were on the same page; that their findings were sent in August and they were told last week they would have information in about 10 days and that was where they were at this point. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Ms. Moreno stated that last week they were told there would be about a 10 day time period so she was thinking that next week about this time would be 10 business days and they were hoping to get something back then. Council Member Galloway stated that by the end of the month there should be some correspondence they could send to that community with results of findings from all parties involved, EPA, etc.; and Ms. Moreno stated that there should be no problem doing that and if it was based just on the Health Department's readings their preliminary comments would be there was no significant findings, but because the community was so concerted and staying on top they wanted to clarify and forward findings to the EPA and TCEQ to make sure all environmental agencies would have oversight on this; that they were all on the same page and that was what they were waiting for. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Smith stated that they hired a private company to do their soil sampling and the TCEQ stated that they would do their sampling this month; and Ms. Moreno stated that the Health Department sent theirs to them August 21st so she assumed their September sampling was a result of what was forwarded to them. Mr. Smith stated that it was his understanding that what ever they did would be split at the same time they took the samples versus sending their samples for results and then forwarding their results saying this was what was found and you can retest; that was not proper. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Moreno stated she had not been apprised of communication with the community and thought she could do a better job in making sure the Environmental Health staff was communicating with them. Council Member Galloway stated that she would like to see that as lack of communication caused lack of understanding and encouraged the Health Department to work closely with the community as she did understand their frustration. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Moreno stated that in June and July they were requested to go out and see the problems and get samples; that they took some and evaluated it and then also sent some to TCEQ and EPA and they were running the same test to verify the City's lab. Mr. Smith stated that the City only dug one hole for testing and that was inconclusive; that the private lab dug a total of five or six holes for testing. Upon questions by Council Member Sekula-Gibbs, Ms. Moreno stated that she would have to follow-up, she did not have the details on what was done. Council Member Sekula-Gibbs stated that she would like to see how many sites were sampled and she requested last time to know which toxins were actually studied and what the relevance was and why those toxins were chosen for study; that she had also wanted to know if there was an increased cancer risk or increased cancer rate in that neighborhood; and Ms. Moreno stated that they did not know that, there was not a study for that, she remembered the conversation as to who could do the study but the Health Department did not; that perhaps it could come through the Hospital District or the National Cancer Institute or even through TDH or another agency. Council Member Sekula-Gibbs stated that was a fundamental question and it did need to be validated and she asked Ms. Moreno to help her explore that; and Ms. Moreno stated that she would suggest in written correspondence they provide the number of sites tested, basically a chronology of what events had occurred, to

make a determination on what toxins were studied, the relevance of those toxins and what agencies were available. Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Beneva Nyamu, 3617 Providence, Houston, Texas 77020 (713-224-5401) appeared, presented information and stated that she was still having to fight about Fifth Ward and the mess there; that they produced many brilliant people there and yet her children talked about the filth; that she was present to say something must be done, they could not talk about this city being a city for the people because Council was not handling all the people and she planned to cause problems with the City of Houston for not treating them right; that she also wanted to discuss HIV; that Houston needed to look at their budget when it came to prevention, they had done very little she was aware of. Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. LeAdrian Aldridge, 13410 Boonway, Houston, Texas 77045 (713-434-2320) appeared, presented information and stated that she resided in District D and was present to discuss damages her home sustained with the cause being the Houston sewage line; that February 3, 2002, water overflowed in both bathroom tubs and toilets and her home received damage to the carpet, baseboards and sofa; that she contacted Roto-Rooter Plumbing and Drain Service and upon completion he said it was the city and she called 311; that the next day a not was on her door saying the line was unclogged and she contacted her insurance company and the agent issued a report saying the damage was caused by the city and they should be held responsible; that she had homeowner insurance but it was not being covered so she contacted Citizens Assistance, City Secretary, City Attorney and Council Member Edwards but to no avail; that the City Attorney acknowledged fault of the city but said nothing could be done, but the City did admit fault and she believed should provide compensation and right the wrong. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Bibler stated that Legal denied about six months ago; that she had redress and access in the courts if she wished to and she had litigation; that that type of situation under the tort claims act the City had no liability unless sit was caused by motorized equipment and he was told this was an ordinary sewer backup; that he felt very sorry for her but it was not something the City had liability for. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Aldridge stated that the estimate of damages was about \$10,000 and she had a two year old son; that it was unacceptable as fault was acknowledged; that she did everything responsible for a homeowner and she should not have to bare the responsibility. Mayor Pro Tem Quan stated that he was totally sympathetic to her situation and understood the City's position as well, he did not know at this point what could be done, but he would take it under advisement and try and work with her. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Gwen Matthews, 1923 Deans, Houston, Texas 77093 (713-691-3116) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Anita Babineaux, 8660 Flower Path, Houston, Texas 77048 (832-236-0527) appeared, presented information and stated that she was present regarding the addendum to the previous resolution supporting court of inquiry, freedom for Nanon Williams and disciplinary action against HPD Criminologist Robert Baldwin and District Attorney Vic Wisner; in 1992 Nanon Williams was falsely arrested for capital murder and sentenced to death in 1995 and not

until 1998 did the court allow independent firearm's testing which conclusively showed the State's main witness and not Nanon Williams fired the bullet taken from the victim's head and then Robert Baldwin filed an affidavit stating that he had given incorrect testimony during the original trial; that in May 2001 the judge hearing the case recommended to the (CCA) Texas Court of Criminal Appeals that a new trial be held, but in April 2002 the CCA denied the judge's recommendation without explanation and affirmed the death sentence; and Nanon's case was not the only case involved with ballistics incorrect testing measures used. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Babineaux for coming and stated that it was something all was concerned with. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Ms. Babineaux stated that ballistics was done by Robert Baldwin with the HPD Crime Lab. Council Member Goldberg stated that he knew the situation with the DNA Crime Lab testing but there were also accusations of problems with ballistics testing; and upon questions, Mayor Pro Tem Quan stated that he did not believe they were retesting ballistics, but they would do an inquiry to get clarification as to what retesting was being done. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Morris Moon, 412 Main, Suite 1150, Houston, Texas 77002 (713-222-7788) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

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

Ms. Paula Harrison, 3560 Dixie Dr. #632, Houston, Texas 77021 (713-747-2008) appeared and stated that she had seen stores put in the Wards by Hispanics and Asians and items were thrown on the floor for Black and African people to buy; that any store not kept in the fashion Black and African people were used to would be asked to leave the neighborhood; and continued expressing her personal opinions until her time expired. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Lacreata Shields, 3802 South Lawn #4, Houston, Texas 77021 (713-842-6036) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Edgar Austin, 9000 Fondren #167C, Houston, Texas 77074 (713-988-5654) appeared and stated that he was present to discuss the Mr. Smoke Shop which recently opened at 9309 Fondren; that he was selling marijuana pipes and with that came drugs; that there were also adult films, novelties and items; that it was in a strip mall and a METRO bus stop was in front; that children were going to school and being dropped off and he went to the school and the principal was unaware of it; that the children did not need that image and he would like them moved out and was asking for Council Member Goldberg's assistance. Council Members Tatro, Galloway, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg thanked Mr. Austin for getting involved and stated that he knew he called his office and they already contacted the police and brought it to the attention of the Vice Squad; that there were ordinances on SOB's being located near schools but he was told they were outside the zone; that schools continued to work with the children and hopefully they could be influenced in the right direction. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Keller stated that in District G they just won one fight and if he would find out the owner of the strip center he would be glad to help him; that there were ways to get out of a lease; and Mr. Austin stated that he appreciated it; that images controlled children's minds and he was not inviting predators. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

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

At 4:15 p.m. City Council recessed until 9:00 a.m., Wednesday, September 10, 2003. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 10, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 10, 2003, with Mayor Pro Tem Gordon Quan presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Ms. Marty Stein, Agenda Director, present. Mayor Lee P. Brown and Council Member Ada Edwards out of the city on city business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 Mayor Pro Tem Quan reconvened the meeting of the City Council. Council Members Galloway, Wiseman, Keller and Robinson absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **ELECTRICAL BOARD**, for terms to expire January 2, 2005:
 - Position One - **MR. CHRIS J. FAHRENTHOLD**, reappointment
 - Position Three - **MR. A. W. BRINKMEYER**, reappointment
 - Position Five - **MR. LARRY NEAL**, reappointment
 - Position Seven - **MR. SANTOSH MUKERJI**, appointment
 - Position Nine - **MR. CHESTER BEARD**, reappointment

- was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Wiseman and Keller absent. MOTION 2003-1086 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, Kevin R. Krahn of J. F. Thompson, Inc, on behalf of F. L. Tucker, Ltd., [Mustang Tractor and Equipment Company (Louis Tucker, president), general partner], for abandonment and sale of a prescriptive sanitary sewer easement out of Tract 5D in exchange for the conveyance to the City of a sanitary sewer easement, both located at 7777 Washington Avenue, John Reinerman Survey, A-642, Parcels SY4-007 and DY4-007 **STAFF APPRAISERS - DISTRICT G - KELLER** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Wiseman and Keller absent. MOTION 2003-1087 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 11

11. **AMEND MOTION #2000-1344, 11/1/00, TO EXTEND** expiration date from November 6, 2003 to November 5, 2004, for Automotive White/GMC/Volvo Replacement Parts Contract for Various Departments, awarded to **LONE STAR TRUCK CENTER** – was presented, moved by Council Member Parker, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Wiseman and Keller absent. MOTION 2003-1088 ADOPTED.

ORDINANCES - NUMBERS 15 and 35

15. ORDINANCE issuing a permit to **CITY PARK VENTURE, LTD.** for constructing, using, occupying, operating, maintaining and repairing conduit for communication cables within the 1600 block of East T. C. Jester Boulevard Street, a public street right of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. ORDINANCE 2003-0808 ADOPTED.
17. ORDINANCE approving and authorizing lease agreement between the City of Houston and **FRIEDKIN REALTY - HOBBY, LTD** at William P. Hobby Airport - **DISTRICT I - ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Wiseman absent.
22. ORDINANCE approving and authorizing contract between the City of Houston and **WASTE MANAGEMENT, INC (WMI)**, CIP N-0658-02-3 (SB9024); appropriating \$194,000.00 out of Storm Sewer Consolidated Construction Fund to purchase Environmental Insurance related to the Contract - **DISTRICT A - TATRO** - had not been

received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.

35. ORDINANCE appropriating \$172,000.00 out of Police Consolidated Construction Fund, awarding construction contract to **ROOFTOP SERVICE CO., INC** for Construction of the Northwest Police Station Roof Replacement, GFS G-0066-06-3; providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. ORDINANCE 2003-0809 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment of the following to the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS**,:
Position 1 - **MR. DONALD K. HOLLINGSWORTH**, for a term to expire
September 30, 2005
Position 2 - **MR. RUSSELL RAU**, for a term to expire September 30, 2004

– was presented, moved by Council Member Vasquez, seconded by Council Member Alvarado. Council Members Parker and Wiseman absent.

Council Member Vasquez moved to postpone Item No. 2 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1089 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD**:
Position Three - **MS. MARCIA JOHNSON**, for a term to expire June 8, 2005 and to serve as Chair, for a term to expire December 31, 2003
Position Four - **MR. OWEN B. BROWN**, for a term to expire June 8, 2005
Position Five - **MR. EDMUNDO GARCIA**, for a term to expire June 8, 2005

- was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1090 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF THE FOURTH WARD REDEVELOPMENT AUTHORITY**:
MS. MARCIA JOHNSON, to serve as Chair, for a term to expire December 31, 2003
Position 1 - **MR. WILLIAM-PAUL THOMAS**, representing Texas State Senate District 13, for a term to expire December 31, 2004
Position 2 - **MR. BARRON WALLACE**, representing Texas House of Representatives District 147, for a term to expire December 31, 2004

- was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1091 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the

following to **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY):**

- Position One - **MR. CHARLES S. TURET, JR.**, reappointment, for a term to expire July 20, 2005, and to serve as Chair, for a term to expire December 31, 2003
- Position Two - **MR. RONALD L. HEIGHT**, reappointment, to complete an unexpired term July 20, 2004
- Position Three - **MS. SOFIA FONSECA**, appointment, for a term to expire July 20, 2005
- Position Five - **MR. TERRY CHENG**, reappointment, for a term to expire July 20, 2005
- Position Six - **MS. FLOY W. EVANS**, appointment, to complete an unexpired term ending July 20, 2005
- Position Seven - **MS. ANGIE SALLEE**, appointment, for a term to expire July 20, 2005

- was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1092 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment as Chair of **MR. CHARLES S. TURET, JR.**, to the **MEMORIAL CITY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2003 - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1093 ADOPTED.
7. RECOMMENDATION from Director Information Technology Department for allocation of funds for software license and software/hardware maintenance - \$451,000.00 - General Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Tatro, Mayor Pro Tem Quan and Council Member Sekula-Gibbs. Council Member Wiseman absent.

PURCHASING AND TABULATION OF BIDS

9. ORDINANCE appropriating \$236,000.00 out of C & E Construction Fund for Lighting Instrument Package for Wortham Center for Convention & Entertainment Facilities Department – was presented, and tagged by Council Member Tatro. Council Member Wiseman absent.
- 9a. **STAGELIGHT, INC** for Lighting Instrument Package for Convention & Entertainment Facilities Department - \$236,000.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$7,080.00 for a net award amount of \$228,920.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Tatro. Council Member Wiseman absent.
10. ORDINANCE appropriating \$83,648.25 out of the Harris County Construction Fund for Greenbriar at Lexington Intersection Construction for the Department of Public Works & Engineering, N-0662-21-3 – was presented, and tagged by Council Member Parker. Council Member Wiseman absent.
- 10a. **PEDKO PAVING, INC** for Greenbriar at Lexington Intersection Construction for Department of Public Works & Engineering - \$79,665.00 and contingencies for a total amount not to exceed \$83,648.25 – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Parker. Council

Member Wiseman absent.

12. **AMEND MOTION #2001-1086, 10/3/01, TO EXTEND** term from April 3, 2004 to April 2, 2005, for Printer, Fax, Toner Cartridges, Part II for Various Departments, awarded to **AMERICAN TONER PRODUCTS, AMERICAN LASER, INC, UNISOURCE and SMARKETING BUSINESS SYSTEMS, INC** - was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1094 ADOPTED.

RESOLUTIONS and ORDINANCES

13. **ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to sick and vacation leave benefits for certain city employees; authorizing the creation of a plan under 26 U.S.C. § 401(a) for unused sick leave and vacation pay – was presented. Council Member Wiseman absent.

Council Member Robinson moved to refer Item No. 13 back to the administration, seconded by Council Member Tatro. Council Member Wiseman absent.

Council Member Vasquez stated that he wanted to understand why Council Member Robinson was sending Item No. 13 back, and Council Member Robinson stated that if they read the Controller's memo it spoke a lot, that they were talking about savings of maybe \$500,000, that he thought they had ridden on the backs of the employees enough, there were some other things they could do to save \$500,000 and he would continue to lay out suggestions. Council Member Wiseman absent.

After further discussion Council Member Vasquez asked Mr. Haines to comment on the motion to refer back, and Mr. Haines stated that they had seen the letter from the City Controller and would ask if the City Council were interested one of the conditions that they placed before they even moved forward with it was that Mr. Vara was to meet with the employees and employee groups and understood that he had met with some 2,000 employees so far and there was overwhelming support and would be glad to defer that affirmation to Mr. Vara. Council Member Wiseman absent.

Council Member Vasquez moved to suspend the rules to hear from Mr. Lonnie Vara, Director, Human Resources at this time, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1095 ADOPTED.

Upon questions by Council Members, Mr. Vara stated that he had read the Controller's report and unfortunately had not been able to talk to her, that like many of their employees they were probably not fully aware how a 401(a) plan would work and where it would benefit them and the City, that they had talked to over 2,000, and a number of the departments had done a video copies of the presentations they made and had shown them to their employees, that they had been out to Aviation, Health and Parks, that at E.B. Cape they had 200 the other day, that there was overwhelming support for the 401(a) and the vacation proposals, that the information he gave, and he told them, was in draft because of course City Council could change some of the different provisions in there, that he had conversations with ASME and they were supportive of the measure as well, that he would be happy to talk with the Controller because he thought she had some concerns that he could allay if he was able to explain fully how the program worked and how it benefited both the employee and the employer, that it save the employee 7.65% forever and ever and it save the employer the same amount, that there were meetings that they called at 611 Walker and invited people down, that there were meetings at the Aviation Department, at Hobby Airport as well as Intercontinental Airport, that there were meetings at the Health Department and any number of places, that the first meeting they had after they met with

the Fiscal Affairs Committee they immediately setup meetings at 611 Walker, the first email that they sent to everybody was to department HR liaisons, which all departments had, including the Controller, telling them to come to the meeting and they would explain to them what the issues were and then they would help them with further meetings with their employees or answer any questions they had, that his assumption was that they had someone there from the Controller, he really did not know, but he never had any calls and they did call each of the departments and asked if they wanted them to come and explain it to their people. Council Member Wiseman absent.

After further discussion, Mayor Pro Tem Quan stated that as they recalled it was a budget amendment that came before Council and the administration did support it, and Mr. Haines stated that the position of the administration was that they believed that in order for a 401(a) plan to work effectively the enhancement to the vacation and leave benefits needed to be put into the package, it was a matter of simply an equity position and they believed it was in fairness to the employees themselves, that they were in favor of it and recommended that it go forward as part of the process of considering a 401(a) plan to the City, and Mayor Pro Tem Quan stated that when Mr. Vara first brought it to Fiscal Affairs there was even a more aggressive vacation plan and believed he scaled it back at the request of Council to what it was now. Council Member Wiseman absent.

Council Member Parker stated that she had intended to tag the item and in fact had considered just a motion to delay it for two weeks and would respectfully ask Council Member Robinson to consider that they tag it and delay it and get some of the questions answered, that she was a little taken aback, it did come to Fiscal Affairs Committee and what was put on the agenda was different from what was presented at committee and she was under the impression that it would come back for a more complete Council discussion before it moved to the agenda and thought a little time to digest it might be helpful all the way around rather than try to kill it. Council Member Wiseman absent.

Council Member Robinson moved to postpone Item No. 13 for two week, seconded by Council Member Keller. Council Member Wiseman absent.

After further discussion Council Member Robinson stated that he wanted a couple of answers specifically to the Controller memo, that one she said that there was the age 50 eligibility for retirement from the City if they had been with the City an appropriate number of years and then she pointed out in the memo that they could not draw down until the age of 55, that he was withdrawing his request to refer Item No. 13 back to the administration.

A vote was called on the motion to postpone Item No. 13 for two weeks. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2003-1096 ADOPTED.

14. ORDINANCE **AMENDING SECTION 45-172 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to increase Parking Meter Rates – was presented, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown out of the city on
city business.
Mayor Pro Tem Quan voting aye
Council Member Tatro voting no
Council Member Galloway voting aye
Council Member Goldberg aye
Council Member Edwards out of the
city on city business.
Council Member Wiseman absent.

Council Member Ellis voting no
Council Member Keller voting aye
Council Member Vasquez voting no
Council Member Alvarado voting aye
Council Member Parker voting aye
Council Member Sekula-Gibbs voting aye
Council Member Berry voting no
Council Member Robinson voting aye
ORDINANCE 2003-0810 ADOPTED.

16. ORDINANCE relating to the alteration or relocation of one or more off-premise signs **DISTRICTS A - TATRO and H - VASQUEZ** – was presented, and tagged by Council Member Keller. Council Members Wiseman and Robinson absent.
18. ORDINANCE approving and authorizing second amendment to contract between City of Houston and **ELECTRONIC DATA CORPORATION** for Alarm Billing Services – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Wiseman and Robinson absent. ORDINANCE 2003-0811 ADOPTED.

Council Member Ellis asked when was the administration going to come back with a solution to return those collected fees and permit fees that were sent out and Mr. Hall stated that he thought they had been visiting with Council Member Ellis's staff and others trying to work through the issue to find a way to accommodate Council's desire, it seemed as if at this point there was no way they could discover that would allow them to refund the fees that were legitimately levied at the time and whose use over time had expired, that they could send it to him, they were preparing it now, and Council Member Ellis stated that they did have some discussion in his committee that the reason they could not send it back was that they provided a service and Council Member Sekula-Gibbs brought up a great point and that was if they were doing anything different and had they done anything different during that duration and the representative from the Fire Department stated that they had not, they had not provided any additional service and therefore they could all conclude that if they did not provide any service that the full amount should be returned to the individuals who paid for that permit, and Mr. Hall stated that it was their intent to respond in writing, but the fees were collected in two different categories and they tried to analyze them both as thoroughly as they could to accommodate that desire, that they would get that out to them in the next day or two. Council Members Wiseman and Robinson absent.

Mayor Pro Tem Quan stated that it was his understanding that the administration had a proposal and it would be out in two weeks. Council Members Wiseman and Robinson absent.

Council Member Goldberg asked what about the category of people who had sent in their money or fees but never did receive a permit, and Mr. Hall stated that there was an effort on their part for a fact investigation of exactly what happened and what they had over at the Fire Department, that it appeared that there were some that had been mailed in, apparently for some time, and were over there and had not been processed at all and they believed that their view was that those would not be subject to the concerns that they were expressing now and could be returned, that the Fire Department had them and Mayor Pro Tem Quan stated that it was his understanding that all of them had been returned at this time, that was the assurance they had given to the administration and if anybody had not gotten it they needed to know about it to follow up. Council Member Robinson absent.

19. ORDINANCE approving and authorizing contract between the City of Houston and **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY** for Enhanced Street Lighting - **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Robinson absent. ORDINANCE 2003-0812 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and **MEDILIFE OF HOUSTON, INC** for Establishing a Mobile Ambulance Display for use as a Public Awareness Exhibit – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Robinson absent. ORDINANCE 2003-0813 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the City’s Air Pollution Control Program - \$776,854.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Robinson absent. ORDINANCE 2003-0814 ADOPTED.
23. ORDINANCE approving and authorizing grant agreement between City and the **U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAYS ADMINISTRATION** for Transportation and Community Systems Preservation Pilot Program titled Houston Main Street Corridor Revitalization Project (Phase V); \$993,500.00 - Grant Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS; H - VASQUEZ and I – ALVARADO** – was presented, and tagged by Council Member Vasquez. Council Member Robinson absent.

Council Member Vasquez stated that he would ask for a meeting with Mr. Litke and with the Main Street Corridor, that he was very disappointed in terms of how they had interacted with the Northside and in his opinion had ignored the Northside in their planned efforts for revitalization, that he hoped that the whole corridor could benefit and not just one part.

24. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Holiday Driving While Intoxicated Selective Traffic Enforcement Program (DWI STEP); authorizing the Chief of Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City’s representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0815 ADOPTED.
25. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Intersection Traffic Control Selective Traffic Enforcement Program (ITC STEP); authorizing the Chief of Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City’s representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0816 ADOPTED.
26. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Occupant Protection Selective Traffic Enforcement Program (OP STEP); authorizing the Chief of Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City’s representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0817 ADOPTED.

27. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Safe Trucks Driven Safely Selective Traffic Enforcement Program (STDS STEP); authorizing the Chief of Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0818 ADOPTED.
28. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Speed Selective Traffic Enforcement Program (SPEED STEP); authorizing the Chief of Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0819 ADOPTED.
29. ORDINANCE appropriating \$145,356.00 out of Fire Consolidated Construction Fund, CIP C0089 for Concrete Repair Services for Building Services Department and amending Ordinance No. 2001-0119 to increase the maximum contract amount of contract between the City of Houston and **SMITH-MOBLEY, INC** for Concrete Repair Services for Various Departments – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0820 ADOPTED.
30. ORDINANCE appropriating \$247,100.00 out of Convention & Entertainment Construction Fund; approving and authorizing contract between the City and **MORRIS ARCHITECTS, INC** for Architectural Design Services at Wortham Theater Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0821 ADOPTED.
31. ORDINANCE appropriating \$87,993.00 out of Police Consolidated Construction Fund, and approving and authorizing amendment to Professional Architectural Services Contract with **STOA INTERNATIONAL ARCHITECTS, INC** (approved by Ordinance No. 2001-0457) for the design relocation of the Airport Pistol Range and Renovation of four Police Stations; Central, Northwest, Southwest, and Magnolia; CIP G-0088-01-2 and G-0064-01-2 - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; H - VASQUEZ and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0822 ADOPTED.
32. ORDINANCE appropriating \$6,750,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of Neighborhood Sewer System Improvements under an engineering services contract between the City of Houston and **MONTGOMERY WATSON HARZA AMERICAS, INC** (approved by Ordinance No. 99-0855), CIP R-0544-01-2 (4751) – was presented, and tagged by Council Members Galloway and Keller.
33. ORDINANCE appropriating \$822,600.00 out of C & E Construction Fund, awarding construction contract to **PRIME CONTRACTORS, INC** for Construction of Electrical Improvements at Wortham Theater Center, CIP B-0062-02-3; providing funding for contingencies relating to construction of facilities financed by the C & E Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0823 ADOPTED.

34. ORDINANCE appropriating \$105,060.00 out of Parks Special Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for construction of Stewart Park Improvements and Upgrades, GFS F-0502-01-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Special Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0824 ADOPTED.
36. ORDINANCE appropriating \$582,800.00 out of Public Health Consolidated Construction Fund, awarding construction contract to **JACKSON CONSTRUCTION SERVICES, INC** for Roof Replacement at West End Health Center, West End Multi-Service Center and Riverside Health Clinic; CIP H-0018-01-3; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICTS E - WISEMAN and H - VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. ORDINANCE 2003-0825 ADOPTED.
37. ORDINANCE deappropriating \$270,581.42 from contract with Hanscomb, Inc (approved by Ordinance No. 2000-982) appropriating \$25,000.00 out of Convention & Entertainment Construction Fund, \$646,926.00 out of General Improvements Consolidated Construction Fund, \$192,871.00 out of Solid Waste Consolidated Construction Fund, \$343,695.00 out of Water & Sewer System Consolidated Construction Fund, and \$351,359.00 out of Public Health Consolidated Construction Fund, and approving and authorizing professional services contract between the City of Houston and **PARSONS INFRASTRUCTURE & TECHNOLOGY GROUP, INC** for Professional Program Management Services, CIP B-0064-01-5, D-0107-01-05, H-0066-01-5, L-0060-01-5, R-0268-37-3, R-0546-01-03 – was presented, and tagged by Council Members Galloway and Wiseman.

MATTERS HELD - NUMBERS 38 through 43

38. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2001 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2003 MTFP in map form – (**This was Item 3 on Agenda of September 3, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and GOLDBERG**) – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro.

Council Member Goldberg stated that he had tagged Item No. 38 and requested to meet with one of the City employees in charge of it and there was an emergency and they had to leave and he had not been able to meet with them and moved to postpone Item No. 38 for two weeks, seconded by Council Member Wiseman.

Mayor Pro Tem Quan stated that it was a very important matter in his opinion as well, that he had asked Council Member Sekula-Gibbs to tag it last week, that they had not had an update of their major thoroughfare plan in two years, they had sought public input and there 60 people who requested changes in that and thought it affected more lives than the Metro plan did, that during the two weeks he hoped the people had an opportunity to visit with the department and get all the information.

Council Member Sekula-Gibbs stated that it had come to her attention that a delay on Item N. 38 would actually have a negative impact on their attempt to fight the condemnation case that Burlington Northern had against them on the San Jacinto Rail, and Mr. Hall stated that part of the Major Thoroughfare Plan had an extension of, he thought, the Space Center Boulevard, for the first time in the plan and as they knew there was a hearing scheduled in the next two weeks, September 25, 2003, he thought and they would like to be able to accurately represent what the plan of the City was at that hearing.

Council Member Goldberg stated that he would change his motion to a one week delay.

Council Member Goldberg moved to postpone Item No. 38 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. MOTION 2003-1097 ADOPTED.

39. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **ACUSHNET COMPANY** for Resale Items for Golf Course Pro Shops for Parks and Recreation Department - \$70,000.00 Park Special Revenue Fund – (**This was Item 9 on Agenda of September 3, 2003, TAGGED BY COUNCIL MEMBER ROBINSON**) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. MOTION 2003-1098 ADOPTED.

40. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** contract vender, **TOTER, INCORPORATED** for Automated Refuse Carts through the interlocal agreement for Cooperative Purchasing for Solid Waste Management Department - \$299,980.44 Equipment Acquisition Consolidated Fund – (**This was Item 12 on Agenda of September 3, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER**) – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. MOTION 2003-1099 ADOPTED.

41. RESOLUTION expressing the intent of the City Council to order the next Special Election to consider amendments to the Charter of the City of Houston in November 2004 – (**This was Item 13 on Agenda of September 13, 2003, TAGGED BY COUNCIL MEMBERS BERRY, ELLIS and KELLER**) – was presented, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown out of the city on
city business.
Mayor Pro Tem Quan voting aye
Council Member Tatro voting aye
Council Member Galloway voting aye
Council Member Goldberg no
Council Member Edwards out of the
city on city business.
Council Member Wiseman voting aye

Council Member Ellis voting no
Council Member Keller voting no
Council Member Vasquez voting no
Council Member Alvarado voting aye
Council Member Parker voting aye
Council Member Sekula-Gibbs voting aye
Council Member Berry voting no
Council Member Robinson voting aye
RESOLUTION 2003-0025 ADOPTED.

42. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a lease agreement between **W. P. INC, a California Corporation**, as landlord, and the City of Houston, Texas, as tenant, for space at 2931 West 12th Street, Houston, Texas, for use by the Fire Department - **DISTRICT A - TATRO** – (**This was Item 16 on Agenda of September 3, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**) – was presented.

Mayor Pro Tem Quan stated that he would like to move for a one week delay on the item, that Building Services had been looking at various spaces within the City and a memo had been distributed that the lease was potentially saving the City \$722 per month but they had not answered the question as to whether it could be located in a City owned facility so they would not have to lease the space. Council Member Berry absent.

Mayor Pro Tem Quan moved to postpone Item No. 42 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2003-1100 ADOPTED.

43. ORDINANCE approving and authorizing second amendment to contract for Concession Services between the City and **LOPEZ MANAGEMENT GROUP, INC** for Extension of the contract term at Glenbrook Golf Course - **DISTRICT I – ALVARADO – (This was Item 18 on Agenda of September 3, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2003-0826 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that she wanted to remind everybody that there would be some public briefings on two RFP's that had been issued, that one was on the RFP for alternative ambulance service for non emergency patients and would be on Thursday at 10:00 a.m. in the City Hall Annex, that if they were interested in providing service for patients who were not emergency patients in a pilot study, it would be a time for them to put their input into that. Council Member Berry absent.

Council Member Sekula-Gibbs stated that they would have a discussion of the RFP on reopening Riverside and that was coming up on September 18, 2003, that it would be at the Health Department at 8000 North Stadium Drive on the 8th floor, that she would encourage everyone who had an interest in the reopening of the Riverside City Health Department Clinic that was in the Third Ward to attend that and to participate in that. Council Member Berry absent.

Council Member Sekula-Gibbs stated that it had come to her attention that the Harris County Commissioners Court voted yesterday to basically abandon their fight with Burlington Northern Santa Fe in trying to block the construction of the proposed new rail line through Clear Lake, that she was very disappointed in that decision, that Commissioner Sylvia Garcia voted against that but the other four members of Commissioners Court voted for it, that it did not in any way impact the City's position, that they would definitely persist in fighting the Burlington Northern Santa Fe's condemnation of City property in the Clear Lake area and would do their very best to protect the quality of life for the people of not only Clear Lake but South Houston and the East End. Council Member Berry absent.

Council Member Alvarado stated that she wanted to let those on the Legislative Affairs Committee and her other colleagues know that there had been a third special session called that would begin on Monday and there was some Legislation pending and knew the City Attorney had, she believed, written an opinion or was in the process of writing one, to change the runoff date for the Mayoral and City Council races and asked Mr. Hall to briefly comment on it because it was something that would have a lot of impact on the City Council.

Mr. Hall stated that they had prepared not an opinion but a memorandum analyzing the issue, that it was done, frankly, as part of the preparation for the calling of the election that was presented to them earlier, that what it proposed to do was change a number of provisions that when they went back and calculated it would alleviate some of the discretion they had now in when they held runoff elections, that Mr. Cheatham spent a good deal of time analyzing what difference it would make and he would distribute it later on today to everybody so they could understand why they believed there would be an impact, that it actually did pass in a previous session but was technically left out, it got knocked out because the clerk did not enroll it at the right time and it had not passed in a subsequent special session but it was in the call for the third special session.

Council Member Berry asked if it was going to move it to a different day of the week or was it just going to delay it, and Mr. Hall stated that he was hesitating but there were about 7 or 8 different day options they had when they added the Tuesday's and the Saturday's together and it would eliminate the front end Saturday, as an example, when they went through the calculations, but which Tuesday, that it closes the window and they would explain it, that it had been written and calculated and they would get it to the Council Members.

Council Member Goldberg stated that they had an intern in their office named Mr. David Wolf, who was suffering from cancer and was in Memorial Hospital and was gravely ill and hoped everyone would keep him in their thoughts and prayers.

Council Member Wiseman stated that she wanted to remind folks in Kingwood that they had a Mobility Study that was being conducted, that they had a public coffee to allow for input from the public on mobility issues in Kingwood, that they very much wanted that public participation, that they had a great turnout at their event and they announced then and sent it out to the local media that they were continuing to take survey responses from the public, that if they would please hit the website and get that form they could fill it out on the website it would directly to their office, at www.ci.houston.tx.us, that the deadline was September 15, 2003, that any additional input they could get from the public would be appreciated. Council Members Vasquez, Alvarado and Berry absent.

Council Member Wiseman stated that she had a Citizen Advisory Committee coffee last week in Clear Lake, that it went very well and was well attended and they got a lot of good input from people in the community with respect to some needs and was looking forward in working with the administration in making sure they took care of and addressed all the needs that were identified at the coffee. Council Members Vasquez, Alvarado and Berry absent.

Mayor Pro Tem Quan stated that www.Cityofhouston.gov was also available for people to get to their website. Council Members Vasquez, Alvarado and Berry absent.

Council Member Robinson asked Mr. Haines if they could expedite the process of reviewing whether or not to outsource Brock Golf Course, from all the information he had received from the Parks Department they were subsidizing Brock to the tune of about \$2 million per year. Council Members Vasquez, Alvarado and Berry absent.

Council Member Robinson stated that he met with the Public Works Department and asked that they put on next weeks agenda a request for them to expand the Northeast Water Plant by 40 million gallons per day and that way they could accommodate a tag and take it in committee on September 22, 2003 and be back up for a vote the following Wednesday, that as everybody knew they were already building a 40 MGD plant and they had already contracted 45 million gallons per day of water, so they had to expand the plant, the Public Works Department anticipated that by the time the second 40 was completed they would probably have on the contract somewhere on the neighborhood of 60 million to 70 million gallons per day, separate and distinct from any need they would probably have, so the next Council in maybe a short period of time may be in the pleasant position of having to vote to expand that water plant again another time. Council Members Vasquez, Alvarado and Berry absent.

Council Member Robinson stated that they had 8,000 tax delinquent properties inside Loop 610, according to the Planning Department, and most of them were vacant and those 8,000 lots had cost the City in the last couple of years about \$30 million in weeded lot and dangerous building liens, that in this year's budget his understanding was that they had \$1.7 million to mow and do dangerous buildings, that they had \$20 million in housing bond authority and had about \$4 million to \$5 million un-obligated in the Tax Increment Financing Account that if they leveraged could probably generate about \$11 million in bonds, that he would hope they would look at taking about \$30 million available to them in bond authority and go buy up directly, or in partnership with the Housing Authority, and condemn some of the properties and pay for

them and turn around and start putting property back on the tax roll with a significant portion of them being committed to affordable housing and they would stop spending money on dangerous buildings and weeded lot liens. Council Members Goldberg and Berry absent.

Council Member Robinson stated that he had two amendments to handout, that Mr. Haines was not present when they dealt with the utility combination ordinance and he had opposed the automatic rate increase and they finally agreed they were not going to do the franchise fee, that he was distributing two amendment and would prefer if the administration would work with him and they would get them off and he would not have to do them by amendment, that one of them said, at least his idea for a formula, that they have an automatic rate reduction under a given set of circumstances and it was patterned after the same thing that Council Member Ellis did when they passed the 5% cap ordinance, the only difference was that there was no vote to go above, but since they had an automatic rate increase built in he would like to also have the formula accommodate under a given set of circumstances and was open to the set of circumstances that they had on automatic rate reduction involved, and the other amendment he hoped would be moot, it just simply reiterated his position and he thought the position of a number of them at Council that when they moved forward on the rates they were going to be making the adjustments to the rate to make them actually cost of service based rates and that would be a part of the package, that he wanted everybody to be on notice that he intended to do that. Council Members Goldberg and Berry absent.

Council Member Tatro stated that he would like to repeat his request that the administration put out the projections for FY05 and FY06 that had not been previously put out, that the administration produce the FY05 and FY06 Operating Budget General Fund projections for the budget that had not been previously submitted to Council. Council Members Goldberg and Berry absent.

Council Member Tatro stated that at least a month ago, he requested the pension planned costs for the City for FY05 and FY06, that to date they had not seen an estimate on those costs and how they related to the budget in whole.

Council Member Tatro stated that there had been discussion about the automatic rate increase, projected to put into the bond covenants of the new combined storm sewer and water sewer utility bond covenants, that it had been opined or touted that it would in fact or in theory save them money on some interest rate, that what he would like to see was any historical data where a jurisdiction had any formula built into their water and sewer rate increase and any documentation that embedding that saved them money when they went out for refinancing or went out for a bond letting, and Mr. Haines stated that he thought it was essentially consistent with Council Member Robinson's request at the last Council meeting, they had been in communication with rating agencies and bond insurers and were preparing a memo to go to Council between themselves and their financial advisors, that it would be very practical, that they did not sell bonds to municipalities they rate bonds through rating agencies and insure them through bond insurers and they were the ones that were going to decide what the impact was, not another city. Council Members Ellis and Berry absent.

Mayor Pro Tem Quan stated that as far as the pension program it was his understanding that it would be on the agenda of the Fiscal Affairs meeting, that there had been a lot of questions he had about that too, civilian as well as the Police Pension Program and what they were committed to and what efforts they could make as far as reviewing their commitments to that. Council Member Berry absent.

Council Member Keller stated that he wanted to urge everyone to get out and vote on the weekend. Council Member Berry absent.

Council Member Keller stated that he wanted to congratulate the Texans, that they had a real football team in Houston. Council Member Berry absent.

Mayor Pro Tem Quan stated that he wanted to mention that as everyone knew tomorrow would mark the second anniversary of the tragic episodes of 9/11, that people had asked if the City was planning any commemorative ceremony, that New York, Washington and other cities were not, that it was more of a time for private reflection, that in New York they were going to have a ceremony where children would read the names of those were deceased in the tragedy, as opposed to politicians or celebrities, that on Thursday morning at 7:45 a.m. they would ask that everyone take a moment and pause in reflection to remember those who lost their lives in that tragic episode, that he knew several churches were having services at that time, there were prayer breakfasts as well scheduled, so he would just ask that they all take a moment to look back on those lives and continue to pray for their Country. Council Member Berry absent.

There being no further business before Council, the City Council adjourned at 10:07 a.m. upon MOTION by Council Member Galloway, seconded by Council Member Robinson. Mayor Brown and Council Member Edwards out of the city on city business. Council Member Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary