

City Council Chamber, City Hall, Tuesday, September 16, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 16, 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. Stella Ortega, Agenda Office present. Mayor Lee P. Brown and Council Member Ada Edwards out of the city on city business.

At 2:15 p.m. Mayor Pro Tem Quan called the meeting to order and stated that Council would begin with their Regular Public Session and called on Council Member Robinson to lead in prayer. Council Member Robinson called on Pastor A James Jefferson, Jr., Pastor of Pentecostal Baptist Church to lead in prayer and then led all in the Pledge of Allegiance. Council Members Tatro, Galloway, Goldberg and Ellis absent.

At 2:17 p.m. the City Secretary called the roll. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Galloway, Goldberg and Ellis absent.

Council Members Robinson 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. Council Members Tatro, Goldberg and Ellis absent. MOTION ADOPTED.

Council Member Vasquez moved that the rules be suspended for the purpose of hearing Mr. Thomas Webb first on the speakers list, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1105 ADOPTED.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext 16) appeared and stated that he was present to speak on the 401A Plan; that the union's concern was the way the information was being distributed to employees and they were asking Council to delay so there would be more time for employees to consume the information; that they also suggested the union be involved in distributing the information and allowed to go to the job sites. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Webb stated that they were asking the Administration to accompany the union to the worksites. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that the union should be informed but disagreed with the delay, every moment of delay they ran into the potential that employees may not be able to benefit and would ask the Mayor Pro Tem to direct the Human Resources Department to double their efforts to reach the employees and meet their needs as quickly as possible and allow them to be informed and involved in the decision. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she agreed with Council Member Vasquez; that she appreciated Mr. Webb coming and understood he was generally supportive of the plan, but that employees had not been informed; and Mr. Webb stated that was correct. Council Members Tatro, Wiseman, Ellis, Berry and Robinson absent.

Council Member Alvarado stated that when talking about employees and direct impacts

she thought there was a committee where labor had representation and issues were then presented and then they would go to Local 1550 and discuss it and Mayor Pro Tem Quan stated that he was not sure there was such a committee. Council Member Alvarado stated that she would like someone to respond to that; and Mayor Pro Tem Quan stated that he would ask Mr. Tinnermon in the Mayor's Office to get an answer to her. Council Members Tatro, Wiseman, Ellis, Berry and Robinson absent.

Council Member Sekula-Gibbs thanked Mr. Webb for coming and stated that she would be interested in getting a response as to whether the union supported this or not; that it was to promote savings. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she did not understand why there was not better communication between employees groups and the Administration and was going to look into it. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Perez, 2400 Persimmon, Houston, Texas 77093 (281-451-0488) appeared and stated that he was a veteran and asking for Council Members support on changing the name of Hardy Tidwell Park to the Houston Veterans Memorial Park; that they had all the signatures needed and this park was going to make Houston very proud. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he expected Council to take positive action on it during tomorrow's meeting and thanked him for all his work. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she certainly supported it and felt it would easily be approved; that this was not just changing the name but a wonderful development of the park was being generated; and Mr. Perez stated that was correct and invited those present with him to stand to be recognized. Mr. Perez further stated that there would be an amphitheater and war memorial, medals would be displayed, campaign ribbons, etc. Council Members Tatro, Goldberg, Wiseman, Ellis, Berry and Robinson absent.

Council Member Vasquez thanked all for coming today and stated that they had worked very hard on the project and placed a great deal of effort to the city in terms of design and heart and he was happy to be a part of it and looked forward to the dedication on November 11, 2003, it was a very moving memorial and all would be very proud of it. Council Members Tatro, Goldberg, Wiseman, Ellis, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Carmen Arrieta, 1108 Sheffield, Bellaire, Texas 77401 (713-661-3473) appeared and stated that she was a limousine owner and representing the limousine industry concerning the proposal of staging at Intercontinental Airport; that they wanted to promote Houston as an upper class international city and they provided a polite and courteous service taxicabs did not provide and customers paid more and expected the best. Council Members Tatro, Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Ms. Arrieta stated that they were to go to an area and wait the same as a taxicab and their customer would have to go to an area where their name was on a list and then they would be released off the lot and the customer would be waiting at least 30 minutes and after traveling they should not have to wait. Council Member Galloway stated that a limousine was to give you personalized treatment and she noticed at other major airports there was no staging area and she would check into it. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she had been to airports with staging areas but agreed if she paid for a limousine she wanted service; that Council Member Ellis was chair of the Regulatory Affairs Committee and she would request that he place the issue before his committee and suggest the Administration take the item up in committee. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he agreed and they would ask that Council Member Ellis review the issue in his committee; that Mr. Kenneth Brooks with Aviation was present and would be glad to meet with Ms. Arrieta and others. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael Arrieta, 2500 Lazy Hollow #102C, Houston, Texas 77063 (832-252-6256) appeared and stated that he was a limousine owner and one main issue was the motivation behind this to penalize the limousine industry and turn them into a substandard service; that there was a big difference between a limo and a taxi in cost and service and a staging lot would cause them to become an inconvenience. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Arrieta stated that now they parked on the first floor and went into the terminal and assisted with luggage and they had a manifest with all the information on it and it was fine as is. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Charles Blackshire, 7906 Log Hollow Dr., Houston, Texas 77040 (281-830-5375) had reserved time to speak but was not present when his name was called. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Tim Ybanez, 1055 Gessner, Houston, Texas 77055 (832-435-0784) appeared and stated that he was present as part of the limousine industry also and had the same concerns; that also visitors not knowing where to go asked them for information and they provided assistance; that they were representing the city and it was important they were there. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Ybanez stated that now they signed in and would track the flight; that in the proposed plan they would check in at the lot and sit there until their flight arrived and they would be released to go to the terminal to look for their client; that they paid dues in the current plan and that should be eliminated if they had to be held at a staging lot. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway moved that the rules be suspended for the purpose of hearing Ms. Pat Mallard and Ms. Jacqueline Bostic at the beginning of the three minute speakers, seconded by Council Member Parker. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. No vote was recorded as a quorum was not present.

Mr. Felix Halter, 10405 Town and Country Way Suite 205, Houston, Texas 77024 (713-463-8111) appeared and stated that he was present also against a staging lot, it would be impossible to give good service; that many customers were elderly or handicapped and they helped with their baggage and that was limousine service, they did not just drive and they needed to park as close as possible and they and their customer paid for that. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was hopeful they could work with the limousine service to find an equitable solution for both sides. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Alonzo Mims, 5801 Sunforest Dr. #2904, Houston, Texas 77092 (713-956-8141) appeared and stated that his issue was entrance into the Houston Fire Department; that he currently was unemployed and wanted in the Fire Department, previously he did not have enough credits, but now did and found his age would hinder him; that he had filed an appeal and a decision was not made, but he had really put in the work needed, presented a letter to Council Members and asked for their assistance. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated to explain to Council that Mr. Mims was 35 years of age and 36 was the age limit for entering the fire service; that if he started the next class in November it would not end until he had turned 36 and that was the difficulty. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she did not think the rules stated you had to complete training prior to being 36; and upon questions, Mr. Bibler stated that to read the state law, "A person may not be certified as eligible for beginning position in a Fire Department if the person was 36 years of age or older"; that he did not know what could be done about it and was sorry he did not get started sooner; that he could be a lawyer or Council Member just not a firefighter. Council Members Goldberg, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Mr. Bibler stated that he was glad he had an opportunity to speak again; that this was a state civil service law the voters of Houston adopted, but there were a lot of other cities around the state that were not under that civil service law and it was quite possible to become a firefighter in another city in Texas. Council Members Goldberg, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Ms. Sonja San Miguel with the Fire Department was present and could speak with him and maybe give him direction. Council Members Goldberg, Ellis, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Pat Mallard, 9726 Guset, Houston, Texas 77078 (713-635-7410) appeared and stated that she was present representing her community as they were opposed to what appeared to be a systematic effort of City Planning and City Fathers and Mothers to be for this city in destroying their community; that there was a variance 2003-99 coming on the 18th Agenda for a thorough street and they felt the street would not have adequate support because the variance was actually street property and a new law allowed townhomes to be built within 200 feet of her home; that within a five mile radius there were five sets of apartments and most were Section 8; that North Forest received some \$70,000 in taxes from those Section 8 complexes, but it cost over \$250,000 to educate those children and they were asking for assistance. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she heard of the apartments a couple of weeks ago and referred it to the Super Neighborhood Council; that there was to be a meeting in the community between the Super Neighborhood Council and Northeast Beyond 2000 and the developer; that she supported development her constituents supported and she would be sending her letter to the Planning Commission not to support this so they would know how she felt until they could get all the particulars from the community. Council Members Goldberg,

Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would like to bring up Mr. Paul Reed following Ms. Jacqueline Bostic. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Jacqueline Bostic, 500 Clay Street, Houston, Texas 77002 (713-652-0738) appeared and stated that she was present regarding concerns of the City's leadership and how they appeared to the rest of the world; that she could not hear radio or television without hearing how Council Members want to overturn the Mayor's decision regarding the Police Chief; and urged that they think about what they say and do. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he hoped they would conduct themselves in a manor that would be respectful to citizens of the City of Houston. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway thanked Ms. Bostic for her words of advise and wisdom. Council Members Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Paul Reed, 7000 Capital, Houston, Texas 77011 (713-921-3227) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Dr. Marcos Urbina, P. O. Box 751853, Houston, Texas 77275 (713-947-1862) appeared and stated that he was submitting a proposal to Council and it was a significant channel to triple serve each citizen of Houston; that the Ten Commandments was a set of guidelines which were with the intention and spirit of the United States Constitution where it was written "in the pursuit of happiness"; that they held the truths to be self evident that all men were created equal and endowed by the creator with certain undeniable rights and among them were life, liberty and the pursuit of happiness; that the implementation of the Ten Commandments which were protected by the Constitution and written for our happiness as they read "in the pursuit of happiness"; that the Ten Commandments were not a church, the church definition was a building for religious worship, especially a Christian ceremony, and conclusively the Ten Commandments was not a church and they were given before the birth of the church; that they were a 3,400 year set of rules which survived on its own merits and were never able to be improved on by anyone; that America was founded on the biblical principals and God the creator had blessed America because of those biblical principals; that Council Members had the opportunity to use their wisdom to design an ordinance to make the Ten Commandments visible through posters in schools and public buildings and it would benefit profit and health. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that there were several speakers on the issue of limousine staging; that Council Member Ellis was taking it before his committee and he did not want to deprive anyone of a chance to speak, but was hopeful that there would be different views. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Linda Pomerleau, 5218 Lacreek, Spring, Texas 77379 (281-808-2498) appeared and stated that she was co-owner of Gulf Coast Limousine Services and on the board of directors

for the Limousine Association for Houston; that she felt Aviation was reaching a little too far into the everyday management and operation of their companies, they were not city employees and ordinances were being observed by most companies and that was where the City needed to leave it and not regulate when and where she could pick up her clients; that the staging lot did impact the timeliness of assessing their clients who had prearranged transportation services; that they were also still being denied access into Hobby which was allowed prior to 9/11; that they were also refused to allow their PDA devices for scheduled pick ups and they were supposed to be a city of technology, advancement and promotion and those things should be allowed; that they were also dictating dress code; that some medical clients and children needed assistance to the gate and they should be able to set standards in order for the city to be the pinnacle of world class travel. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Ellis stated that he had agreed to take up the issue in the next Regulatory Affairs Meeting to be held on the second Monday in October at 10:00 a.m. in the Council Chamber in the Annex building. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Ms. Pomerleau stated that information regarding being held in the staging area was what had been heard and property was being cleared, they had seen nothing in writing. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Keithera Pearson, P. O. Box 62346, Houston, Texas 77025 (281-575-7810) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Josef Khanoyan, 9910 Mossy Tree Lane, Houston, Texas 77064 (713-748-5466) appeared and stated that now a limousine driver would go to the airport, track a flight, paid a \$4.00 fee to the city for four hours and it allowed them to go in the terminal with a sign and pick up their prearranged trip and go and their clients don't mind paying for the service; that there was enforcement for soliciting and he could not see why they wanted to put the industry outside in a staging lot; that other cities were doing this but people did not come to Houston for any reason but business and this would be detrimental. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that it seemed the staging lot defeated the whole purpose of hiring a limousine; that she was glad to hear the current system seemed to be working. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Earl Reece, 16161 Capri, Houston, Texas 77040 (832-496-9460) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Ralph Wilson, 7418 Campeachy Lane, Houston, Texas 77083 (832-524-8122) appeared and stated that their clients were basically business people and they paid for their services; that the first perception visitors observed was drivers at the airport and if they received good service their perception of Houston was good. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Albert Hines, 10426 Kelburn, Houston, Texas 77016 (713-550-3088) had reserved

time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. David Schovajsa, P. O. Box 70190, Houston, Texas 77270 (713-956-6662) appeared and stated that he was president of the Limousine Association of Houston and much of what he was to say was already said; that the problem was the staging lot and they felt with the confusion their clients may take more assessable transportation; and the whole idea of a holding pen bordered on unfair competition, denial of service and selective discrimination that he was told by Aviation the staging lot was planned, the land was being cleared and they were about to call in the architects. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that if he had suggestions he would be glad to hear them. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Antonelli, 4045 Linkwood, Houston, Texas 77025 (713-660-0942) appeared and stated that he was a member and on the board of directors of the Limousine Association of Houston and was strongly opposed to any staging lot which would greatly impact their business and the way they provided their services; that his suggestion was to have a recording through the terminals informing of solicitation and have signage and he felt the citations needed tweaking within the judicial system. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Ellis stated that those were great suggestions and about two months ago he made the same suggestion to Mr. Vacar and he agreed to have a recording go off every so often regarding solicitation being illegal; that there was some posting; and upon questions, Mr. Bibler stated that there was licensing of drivers and licensing of companies and he would suppose they could look at going after both when being found guilty three times if that was what he wanted. Mr. Ellis stated that he would like to look at that in the next meeting. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member Parker presiding (NO QUORUM PRESENT)

Mr. Donald Worchecksick, 140 Magic Oaks, Spring, Texas 77383 (281-355-6711) appeared and stated that he owned Emerald Limousines and was against the proposed staging lot; that it would be bad for his business and the way Houston was viewed. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member Parker presiding (NO QUORUM PRESENT)

Mr. Bill Bohannon, 7 Switchbud Place, Woodlands, Texas 77380 (281-298-5466) appeared and stated that he dealt mainly in corporate clients and he felt most had already been said, except when the Mayor's politics was being talked about the Council seats were filled and there were 3,000 drivers with families and some had committed all their assets; that different meetings and conventions would be determined whether to be held in Houston by the ground transportation and he would like all that considered. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member Parker presiding (NO QUORUM PRESENT)

Ms. Julia Hatch, 2725 Luella Avenue, Deer park, Texas 77356 (713-824-8336) appeared and stated that there was an area at the far end of the limousine parking lot which could be paved and a number of spaces would be added; that there was also a road going to the lower end of the terminal and if they used that road with a coded gate, like terminal A, to get into their lot it would keep them out of the other traffic and the holding lot they want to use for the limousines could be used for public parking. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member

Parker presiding (NO QUORUM PRESENT)

Council Member Parker stated that she had made good suggestions and she hoped those would be raised at the committee meeting where the director would also be so it could be on record as to whether he thought it was a good idea. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member Parker presiding (NO QUORUM PRESENT)

Mr. Vance Lane, 4406 Pineville, Spring, Texas 77388 (281-353-2055) appeared, presented information and stated that he wanted to address recent changes at Intercontinental Airport, they were no longer able to use electronic instruments, they no longer would accept PDAs, etc., and that had been the accepted understanding of Houston Code 46-243 for the last two years; that the change was made overnight with no regard for the Code; that they were also giving tickets when changes occurred and then told there was a change. Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. Council Member Parker presiding (NO QUORUM PRESENT)

Council Member Parker thanked Mr. Lane for coming; and upon questions, Council Member Ellis stated that he was not aware of issues with the PDAs. Council Member Parker stated that was another new issue and anytime rules were changed the regulated industry should get warnings before tickets were written and she apologized if it was not being done and suggested that be brought up at the meeting also. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Joe Jordan, 2615 Waugh Dr., Houston, Texas 77006 (713-680-3181) appeared, presented information and stated that most had been said, but a Super Bowl was coming February and many will have never been to Houston before, their first impression would be a lasting impression and if they had a problem getting from the airports to the hotels what would they say; that what he had passed out was a letter from Gordon Bethune, Chief Executive Officer of Continental Airlines, where he said the airline industry was in trouble and 1,000 limousine operators had gone broke, that the most friendly limousine city in the country was Las Vegas where a man was there with a coat and tie asking if you wanted a limo, taxi or shuttle and if you chose limousine a whistle blew and a brand new limousine came up with a driver in a tuxedo and white gloves and handled you right a way and that was an option people coming here should have; that this was important and he was sure Council would take it under consideration. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he wanted to mention to Mr. Lane that Mr. Kenneth Brooks with Aviation was present and he could speak with him about the tickets being given, etc. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Allen Lyons, 4835 Wickview Lane, Houston, Texas 77053 (713-433-7534) appeared and stated that he was against the staging lot; that there was no perfect system, but he and other limousine drivers thought the system in place served their customers best. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Frank Black, 5112 Clay Street, Houston, Texas 77023 (713-921-7618) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, 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, Goldberg, Wiseman, Keller, Vasquez, Sekula-Gibbs, Berry and Robinson absent. (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. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Jay Garrison, 12728 Hollandale, Houston, Texas 77082 (281-556-5195) appeared and stated that he was present to speak on the Westpark Bridge on the Westside of Dairy Ashford; that it had been delayed 12 months beyond contract completion date and he was thinking there was no funding for change orders requested. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the report he had said there was a problem with the site distance, a car going over the bridge quickly came to an intersection and Public Works and Engineering was going to close the medians on both Meadway and Ashfield and it was to be fully functional by the end of the year; and Mr. Robert Fiederlein with Public Works was present and could speak with him. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, 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, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert deBerardinis, 6403 Ella Lee Lane, Houston, Texas 77057 (713-266-1692) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. J. B. Boykin, 1116 E. 25th, Houston, Texas 77009 (713-861-5369) appeared and stated that this was her second appearance before Council; that she was a 14 year, 10 month, 3 week, 6 day delivered crack addict who nine years, 5 months ago founded the In Action Shelters, they housed men, women, boys and girls who suffered from drugs, abuse and homelessness in physical, mental and spiritual abuse and they assisted in the attainment of GED and basic education, vocational training and helped build mind, body and soul; that they never asked for anything but support; that all issues today were important but drugs and homelessness had tapped into everybody's home and life in one way or another. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he applauded her efforts and the City had a Housing and Development Department which did provide grants and they did a consolidated plan every year; and upon questions, Ms. Boykin stated that they were looking for wisdom and knowledge to allow her to get needed help and allow them to stay steadfast. Mayor Pro Tem Quan stated that he would direct her to the Houston Foundation which was a City of Houston foundation and a part of City operations; that he thought they could help financially and with expertise as well. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Rick Hurt, 2500 W. Mt. Houston #142, Houston, Texas 77038 (281-448-0959) appeared and stated that he was present regarding potentially dangerous campaign signs which began to appear over Labor Day; that the head of the Orlando Sanchez campaign was notified September 3, 2003, by Mr. Robert Norris about signs located high on utility poles and a few days later he contacted his committee along with other Mayoral candidates about the illegal placement of the signs so they would not do the same, that there was danger in removal if they

were 20 feet in the air they could cause accidents if caught by wind and flew into traffic; that another problem was the electrical power lines which could cause shock or death to anyone removing them; and wondered what Legal could do. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Hurt stated that the Sanchez Campaign said well everyone did it. Mayor Pro Tem Quan stated those signs could pose a greater threat; and upon questions, Mr. Bibler stated that he had a sneaking suspicion who did it and he would like to know if anyone had seen him; that if they knew who it was they could take action against him and he would not guarantee Mr. Sanchez had sanctioned them to do such and would doubt that he had. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker stated that she would disagree and her campaign people had strict orders not to place signs on public property and if anyone saw that they should call her and she would personally pick it up; that Orlando Sanchez was personally responsible and suggested Mr. Hurt continue to raise this as a public issue. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, 2011 Piney Point Road, Houston, Texas 77060 (no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Charles Ingram, 5503 Mountwood, Houston, Texas 77019 (713-681-4206) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared, presented information and stated that he was present regarding the debriefing with the Houston Police Department; that he retained an attorney to represent him and he was asking for funds to pay for the debriefing because he was a member of the Houston Police Department; that this was undercover and he wondered when he would get financial assistance. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

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

At 4:18 p.m. City Council recessed until 9:00 a.m., Wednesday, September 17, 2003. Mayor Brown and Council Member Edwards out of the city on city business. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 17, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 17, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker,

Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Ms. Susan Taylor, Senior First Assistant City Attorney and Ms. Stella Ortega, Agenda Office, present.

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

At 9:16 Mayor Brown reconvened the meeting of the City Council. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado and Berry absent.

MAYOR'S REPORT

Council Member Robinson moved to suspend the rules to consider Item Numbers 59, 5, 55 and 55a out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-01106 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 22 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway absent. MOTION 2003-01106A ADOPTED.

59. 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 – **(This was Item 37 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY and WISEMAN)** – was presented. Council Member Parker voting no, balance voting aye. Council Member Goldberg absent. ORDINANCE 2003-0828 ADOPTED.
5. RECOMMENDATION from Director Parks & Recreation Department for approval to change the name of Hardy Tidwell Park to **VETERANS MEMORIAL PARK** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2003-1107 ADOPTED.
55. 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 - **(This was Item 10 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER PARKER)** – was presented, and tagged by Council Member Edwards. Council Member Goldberg absent.
- 55a. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 - **(This was Item 10A on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER PARKER)** – was presented, and tagged by Council Member Edwards. Council Member Goldberg absent.

Council Member Edwards requested that someone from Public Works, preferably Mr. Vanden Bosch, to visit with her on the item, and Mayor Brown stated that he would certainly do that. Council Member Goldberg absent.

22. ORDINANCE ordering and giving notice of a Special Election to be held on November 4, 2003, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition for the adoption of Chapter 174, Texas Local Government Code, to provide collective bargaining for Fire Fighters – was presented. Council Member Goldberg absent.

Upon questions by Council Members, Mr. Hall stated that the item was a rather unprecedented procedure in that there was Legislative authorization following a process that the item was part of that would allow there to be ultimately, if voters approved it, collective bargaining with firefighters as contrasted to Meet and Confer, which was what they had today, that there was an obligation to bargain in good faith under the Meet and Confer process, that this process could result, for instances, in wages and benefits of a judge setting it, or in the alternative, an arbitration panel setting the benefits that they would have to pay for no matter what the result, that the options of the Council, at the moment, was to campaign against or for it when it came up on the ballot, that they gathered signatures on a petition that had some requirements in it and it was their belief that they had met those, the City Secretary was responsible for verifying those petitions and she did it by a sampling process, the results of which was in a memo that they could give the Council Members if they wanted, that verified that the probability was that the signatures were valid, that as he recollected they had to come up with about 16,000, and they had done that.

Mayor Brown stated that this was an issue that they had no control over, if they got the right number of signatures on the petition, which the City Secretary verified that they had, then they had no option but to put it on the ballot on November 4, 2003, that the consequences that Mr. Hall had pointed out was that they also had no control when they went through collective bargaining, that it was not common in Texas cities to have firefighters operate under collective bargaining arrangements, that they had Meet and Confer and that was a precedent in itself for Houston.

Mr. Hall stated that San Antonio, Baytown and Corpus Christi were the ones they were familiar with, that what was different was that under the present process the Council itself was the one that had to approve the result of any negotiation and they obviously balanced all of the issues when they did that, that in the collective bargaining process once notice was given and once there was, after a sixty day period, what was called an impasse, they do not reach an agreement, and obviously in that process there was a distinct possibility, probability maybe, then they would go either to a three person panel of arbitrators that get selected one by the City, one by the firefighters and together, supposedly, they pick another one, if not a judge, or alternatively they go straight to a judge and a judge sets the pay and benefit for firefighters and the City just has to come up with the money, that is all, that in this process the Council has nothing to say about anything, they do not get consulted or get a chance to approve it, that every successive administration would end up with the consequences of it, that where he would differ was that right now, under Meet and Confer, the Council ultimately would vote on or reject any proposal from Police or Fire, they had to approve, but in this process they did not have any say so, that it would be forever, that there were limitations on it but they could have the process actually occur every year. Council Member Berry absent.

After discussion by Council Members, Council Member Alvarado asked Mr. Hall if they had the ballot language, and Mr. Hall stated that yes they did have it and would get it to the Council Members, that it all happened very fast, they actually posted it on the agenda before the canvassing was done in an effort to try to make certain they could meet all of the deadlines that were required. Council Member Berry absent.

Council Member Alvarado moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1108 ADOPTED.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0829 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 51

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **CITY HALL PRESERVATION COMMITTEE**:

- Position 1 - **MS. CAROLYN MASON**, appointment, for a term to expire 12/31/2004
- Position 2 - **MS. DRUCIE CHASE**, appointment, for a term to expire 12/31/2003
- Position 3 - **MR. DON B. KERL**, appointment, for a term to expire 12/31/2004
- Position 4 - **MR. MANUEL V. FLORES**, reappointment, for a term to expire 12/31/2003
- Position 5 - **MS. DEBORAH SOPHER**, appointment, for a term to expire 12/31/2004
- Position 6 - **MR. RICHARD MAXWELL**, reappointment, for a term to expire 12/31/2003
- Position 7 - **MR. F. SABIR**, appointment, for a term to expire 12/31/2004
- Position 8 - **MS. RAMONA A. DAVIS**, reappointment, for a term to expire 12/31/2003
- Position 9 - **MR. WILLIAM HILL**, reappointment, for a term to expire 12/31/2004 and as Chair
- Position 10 - **MS. ALMA L. ZEPEDA**, reappointment, for a term to expire 12/31/2003

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1109 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF THE GREATER GREENSPPOINT MANAGEMENT DISTRICT**, for terms to expire June 1, 2007:

- Position 12 - **MR. JAMES CURRY**
- Position 13 - **MS. MELINDA MAGDALENO**
- Position 14 - **MS. FAITH K. LEE**
- Position 15 - **MS. SHARON G. MOSES**
- Position 16 - **MS. LAURA BAILEY**
- Position 17 - **MS. MICHELLE WOGAN**
- Position 18 - **MR. REGGIE GRAY**
- Position 19 - **MR. STEPHEN E. DUNNING**
- Position 20 - **MS. LINDA JETER**
- Position 21 - **MR. GEORGE W. LUNNON, JR.**
- Position 22 - **MS. PAMELA A. MINICH**

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1110 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON READ COMMISSION**:

- Position 4 - **MS. LAUREN VAN WAMBECK**, reappointment, for a term to expire 1/1/2006
- Position 7 - **MR. GREGORY ERWIN**, reappointment, for a term to expire 1/1/2006
- Position 9 - **MS. KIM RUTH**, reappointment, to complete an unexpired term ending 1/1/2005
- Position 10 - **MR. DOUGLAS HODO**, reappointment, for a term to expire 1/1/2006

Position 13- **MR. JAMES L. PHILLIPS**, appointment, for a term to expire 1/1/2006
Position 16- **MS. MARIA CAMPOS**, reappointment, for a term to expire 1/1/2006

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1111 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**:
- Position 1 - **MR. MURDOCK SMITH, JR.**, for a term expiring 3/1/2005
 - Position 2 - **MS. CYNTHIA L. KELSCH**, for a term expiring 3/1/2004
 - Position 3 - **MR. RICHARD RICE**, for a term expiring 3/1/2005

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1112 ADOPTED.

DAMAGES - NUMBER 9

9. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CARROL NEWTON FIGLEY v. City of Houston, et al.**; in the County Civil Court at Law No. One (1) of Harris County, Texas; Cause No. 766,557 - \$22,500.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1113 ADOPTED.

ACCEPT WORK - NUMBERS 10 and 11

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,579,119.00 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Santa Rosa Subdivision, GFS S-0035-67-3 (WA10583) - 04.05% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1114 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$908,748.56 and acceptance of work on contract with **LAYNE-TEXAS** for Construction of Water Well Replacement for Sharpstown Well No. 1A, GFS S-0100-11-3 (WA10595) - 07.69% under the original contract amount - **DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1115 ADOPTED.

PROPERTY - NUMBERS 12 through 15A

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karl J. Schaff of Architecture+, Washington Plaza, on behalf of Dillard Texas Operating Limited Partnership, a Texas limited partnership [Dillard's, Inc. (James W. Cherry, Jr., vice president), general partner], for abandonment and sale of a 10-foot-wide and a 12-foot-wide water line easement in exchange for the conveyance to the City of a variable width water line easement, all located within Reserve E, Baybrook Mall, Section One, Parcels SY3-038A, SY3-038B and KY4-032 - **STAFF APPRAISERS DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1116

ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Hal Caton, Caton Consulting Inc., on behalf of the Housing Authority of the City of Houston, for abandonment and sale of a 12-foot-wide easement out of Block 2, Fulton Village Apartments, Parcel SY3-063 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1117 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Anita Drydale of Weatherford International Inc, on behalf of Weatherford Artificial Lift Systems, Inc. (Burt Martin, senior vice president), for encroachment agreement for a ±1.0-foot building encroachment into an alley and a ±5.7-foot building encroachment and a ±9.0-foot building encroachment into Lawndale Street, located at 1020 Fennell Street, all adjacent to Lots 2 and 5, Block 79, Harrisburg Addition, Parcel ENY4-01A through C - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1118 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 21

17. **AMEND MOTION #1999-2153, 12/21/99, #2000-0407, 3/22/00, #2002-1313, 10/30/02 and #2002-1332, 11/6/02, TO EXTEND** expiration date from December 21, 2003 to December 20, 2004, for Water Meter Locking Devices Part I & Part II for the Department of Public Works & Engineering, awarded to **METERGUARD, INC (formerly J & L PATTERNS/CAS PAR), MCGARD, INC and E. J. BROOKS COMPANY** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1119 ADOPTED.
21. Omitted

ORDINANCES - NUMBERS 22 through 51

23. ORDINANCE consenting to the addition of 194.3837 acres of land to **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0830 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the remaining 1500-square-foot portion of a 15-foot-wide alley from O’Neil Avenue ±100feet north to its terminus, located within Block 1 of Fair Grounds extension a subdivision in Harris County, Texas vacating and abandoning the 1500-square foot portion of the 15-foot-wide alley to 259 West Gray Partnership, the abutting owner, in consideration of the owner’s payment of \$37,500.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0831 ADOPTED.
25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued us of a 5-foot-wide water main easement out of Unrestricted Reserve B, Block 1, Alexan Piney Point Subdivision, John D. Taylor Survey, A-72; vacating and abandoning said easement to Piney Point Limited Partnership, the abutting owner, in consideration of the owner’s payment of \$4,335.00 and other consideration to the City; Parcel Number SY3-028 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0832 ADOPTED.

26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement containing 952 square feet of land, more or less, being out of Lot 24, Block 17, Timbergrove Manor, Section 3 Subdivision, Harris County, Texas, vacating and abandoning said tract of land to Nancy J. Locke, the abutting owner, in consideration of the owner's payment of \$3,808.00 and other consideration to the City **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0833 ADOPTED.
31. ORDINANCE issuing a permit to **VALERO LOGISTICS OPERATIONS, L.P.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0834 ADOPTED.
33. ORDINANCE approving and authorizing a lease agreement between the City of Houston and **GOVERNMENT SERVICES ADMINISTRATION (GSA)** for office and break room space for the Transportation Security Administration (TSA) at William P. Hobby Airport; containing provisions relating to the subject - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0835 ADOPTED.
46. ORDINANCE appropriating the of \$90,000.00 out of Public Library Consolidated Construction Fund and approving and authorizing the first amendment to Professional Architectural Services contract between the City of Houston and **STOA INTERNATIONAL ARCHITECTS** for Scenic Woods Branch Library Renovation and Rehabilitation of the Heights Branch Library CIP E-0013-01-2 & E-0023-01-2; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0836 ADOPTED.
50. ORDINANCE appropriating \$639,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **G & Z CONTRACTING, INC** for Safe Sidewalk Program C3 Work Order Project, GFS N-0610A-C3-3 (SB09049-3); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0837 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2004 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$215,559.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Keller. Council Member Berry absent.
7. RECOMMENDATION from Director Department of Public Works & Engineering to authorize **AMERICAN WATER SERVICES, INC (AWS)** to Repair Damage to the Southeast Water Purification Plant by Tropical Storm Allison - \$1,500,000.00 - Enterprise Fund - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member

Berry absent. MOTION 2003-1120 ADOPTED.

Council Member Wiseman requested that someone from the department meet with her regarding Item No. 7, she was curious why it took so long, and Mayor Brown stated that he would be glad to. Council Member Berry absent.

8. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.3149 per square foot for properties connecting to the 8-inch sanitary sewer line constructed by **BRIGHTWAY HOMES, INC** located Brun Street south of Indiana Street - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1121 ADOPTED.

PROPERTY

15. ORDINANCE appropriating \$38,980.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. John B. Brent, et al., to acquire Parcel Number DY0-38, for the sanitary sewer easement in connection with the **ROARK NO. 4 LIFT STATION PROJECT**; GFS/CIP R-0267-A3-3 - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0838 ADOPTED.
- 15a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and file objections to the Award in connection with eminent domain proceedings styled City of Houston v. John B. Brent, et al, Cause Number 783,961, for acquisition of Parcel DY0-38; for the Sanitary Sewer Easement in connection with the **ROARK NO. 4 LIFT STATION PROJECT**; GFS/CIP R-0267-A3-3 **DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1122 ADOPTED.

PURCHASING AND TABULATION OF BIDS

16. ORDINANCE appropriating \$199,606.00 out of Homeless & Housing Bond Fund for Emergency Purchase and Installation of Air Conditioners for the "Beat the Heat" Project for the Housing & Community Development Department - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2003-0839 ADOPTED.
- 16a. **LOWE'S HOME CENTER, INC** for spending authority for Purchase and Installation of Air Conditioners for the "Beat the Heat" Project for Housing and Community Development Department - \$199,606.00 - Homeless and Housing Bond Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1123 ADOPTED.
18. **DIXIE HARDWARE PLUMBING AND ELECTRICAL, INC** - \$558,957.07 and **BIG Z LUMBER COMPANY** - \$1,000,490.43 for Building Materials for Various Departments - General, Enterprise and Fire Department Revolving Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1124 ADOPTED.
19. **THE HEITMAN COMPANY, INC** for Auto, Heavy-Duty Brake Lining and Blocks for Various Departments - \$110,359.35, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,310.78 for a net award amount not to exceed \$107,048.57 General, Enterprise and Fleet Management Funds - was

presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro. Council Member Berry absent.

20. **VWR INTERNATIONAL** for Scientific Products for Various Departments - \$2,128,827.00 General, Grant and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Keller voting no, balance voting aye. Council Member Berry absent. MOTION 2003-1125 ADOPTED.

ORDINANCES

27. ORDINANCE issuing a permit to **CONCHA CHEMICAL PIPELINE LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2003-0840 ADOPTED.
28. ORDINANCE issuing a permit to **DOW HYDROCARBONS AND RESOURCES, INC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2003-0841 ADOPTED.
29. ORDINANCE issuing a permit to **EXPLORER PIPELINE COMPANY, INC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY and E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2003-0842 ADOPTED.
30. ORDINANCE issuing a permit to **TE PRODUCTS PIPELINE COMPANY, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Member Ellis.
32. ORDINANCE relating to the issuance and sale of City of Houston, Texas, Public Improvement and Refunding Bonds, Series 2003A, City of Houston, Texas, Certificates of Obligation, Series 2003B, and City of Houston, Texas, Public Improvement Taxable Refunding Bonds, Series 2003C; including authorizing the finance working group to proceed with the sale of such bonds and certificates, approving and authorizing distribution of the preliminary official statement related to such bonds and certificates, approving matters incidental to the issuance and sale and making various finds and provisions related thereto; and declaring an emergency – was presented, and tagged by Council Members Ellis, Tatro, Keller and Wiseman.
34. ORDINANCE approving and authorizing contract between the City and **STANDARD INSURANCE COMPANY** for Basic and Voluntary Employee Group Life Insurance Coverage; providing a maximum contract amount - 3 Years with two one-year options - \$5,228,567.00 - Health Benefits Fund – was presented, and tagged by Council Member Ellis. (Note: Council Member Ellis released his tag later in the meeting.)
35. ORDINANCE approving and authorizing contract between the City and **TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORIES**, for Prenatal Screening Services - \$66,000.00 General Fund - was presented. All voting aye. Nays none. ORDINANCE 2003-0843 ADOPTED.

36. ORDINANCE (1) authorizing the City of Houston to submit a request to the United States Department of Housing and Urban Development to borrow up to \$25,000,000.00 of additional Section 108 Guaranteed Loan Funds to further fund the Loan Programs previously established under Ordinance No. 97-1167 and to allocate up to \$5,975,000.00 of Economic Development Initiative Grant Funds for all eligible purposes within the City's Enhanced Enterprise Community; and (2) authorizing and approving a legal services agreement with **ANDREWS & KURTH, LLP.** in an amount not to exceed \$65,000.00 for legal services relating to the Section 108/EDI Program - was presented. All voting aye. Nays none. ORDINANCE 2003-0844 ADOPTED.
37. ORDINANCE repealing Ordinance No. 2002-930 and approving and authorizing an interlocal agreement between the City of Houston and Harris County for the benefit of **ACRES HOME CENTER FOR ECONOMIC DEVELOPMENT, INC.**, to provide a grant of Community Development Block Grant Funds in the amount of \$300,000.00 to finance a portion of the cost to construct a Neighborhood Facility located at 6112-1/2 Wheatley Street - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2003-0845 ADOPTED.
38. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** providing up to \$832,066.00 in Housing Opportunities for persons with AIDS ("HOPWA") Funds, which sum includes a limitation of additional funding in the amount of \$416,033.00, for the operation of Community Residence and Administration of a short-term rent, mortgage and utility assistance program, along with supportive services; containing other provisions relating to the subject - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2003-0846 ADOPTED.
39. ORDINANCE approving and authorizing an agreement between the City of Houston and **DSI-VP, LTD.** using Federal "HOME" Funds to provide a loan in the amount of \$1,800,000.00 and a grant in the amount of \$887,781.00 to finance a portion of the costs to acquire and renovate an apartment building at 8001 Fulton, Houston, Texas, to be rehabilitated to house low and very- low income residents - was presented. All voting aye. Nays none. ORDINANCE 2003-0847 ADOPTED.
40. ORDINANCE approving and authorizing contracts between the City and **VN TEAMWORK, INC., CHINESE COMMUNITY CENTER, INC, INTERFAITH CAREPARTNERS, INC** and **ASIAN AMERICAN FAMILY COUNSELING CENTER** for Support Services for the Elderly; providing a maximum contract amount - was presented. All voting aye. Nays none. ORDINANCE 2003-0848 ADOPTED.
41. ORDINANCE approving and authorizing contracts between the City and **PERRYLEE HOME HEALTH CARE SERVICES, INC** and **LONE STAR LEGAL AID** for Various Vendor services for the Elderly; providing a maximum contract amount - was presented. All voting aye. Nays none. ORDINANCE 2003-0849 ADOPTED.
42. ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT**, for the Community Outdoor Outreach Program; declaring the City's eligibility for such grant; authorizing the Director of Parks and Recreation to act as the City's Representative in the application process; authorizing the Director of Parks and Recreation to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$30,000.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2003-0850 ADOPTED.
43. ORDINANCE approving and authorizing a Redevelopment, Operations and Maintenance Agreement between **CHCA WOMAN'S HOSPITAL, L.P.** and the City of Houston, Texas for the Redevelopment, Operation and Maintenance of a tract of land containing 0.5111

acres situated at the intersection of Fannin Street and Greenbriar Drive; containing various findings and other provisions related to the subject - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2003-0851 ADOPTED.

44. 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** - was presented. All voting aye. Nays none. ORDINANCE 2003-0852 ADOPTED.

45. ORDINANCE (16 separate ordinances) granting to, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from Commercial Properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**, as follows:

1. **AARON OIL COMPANY, INC, D/B/A AARON ENVIRONMENTAL COMPANY, an Alabama Corporation**
2. **ATLANTIC WASTE, INC, a Texas Corporation**
3. **BERKELEY OUTSIDE SERVICES, INC, a Texas Corporation**
4. **CUT RATE VACUUM SERVICES, INC, a Texas Corporation**
5. **EARTHAMERICA OF TEXAS L.P., a Texas Limited Partnership**
6. **ENVIRO-VAC, INC, a Texas Corporation**
7. **HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, a Sole Proprietorship**
8. **KWS COMMERCIAL HAULERS, INC, a Texas Corporation**
9. **LIQUID ENVIRONMENTAL SOLUTION L.P., a Texas Limited Partnership**
10. **MIDNI BLUE TRUCKING, INC, a Texas Corporation**
11. **NEXUS DISPOSAL, L.L.C., a Texas Limited Liability Corporation**
12. **NORTHSTAR ENVIRONMENTAL GROUP, INC, a Tennessee Corporation**
13. **PIT STOP PORTA POTS, a Texas Sole Proprietorship**
14. **R. M. WOODS, INC, D/B/A DRANE RANGER, a Texas Corporation**
15. **RECOVERY CONTRACTORS, INC, a Texas Corporation**
16. **WASTE TRANSPORTATION, INC, D/B/A UNIVERSAL WASTE, a Texas Corporation**

- was presented. Council Member Berry absent.

Council Member Ellis asked if they were going to call 45-1, 45-2, etc., and the City Secretary stated yes.

Council Member Ellis moved to consider Item Numbers 45-5 and 45-16, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1126 ADOPTED.

Council Member Quan moved to consider the remaining ones collectively, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1127 ADOPTED.

Council Member Ellis stated that he needed some clarification, that he understood there had to be three readings on the item and really wanted to put the businesses, No. 45-5 and No. 45-16, on notice that they owed taxes and to pay them before the next two readings, and Mr. Hall stated that they had opined before, as he recollected, that because of the posting requirements that they had to do it was more advisable to accomplish what Council Member Ellis wanted by not passing it the last time if they had not done what they were supposed to otherwise they had to do it all over again, and Council Member Ellis asked that since they had been separated would they be posted separately, and Mr. Hall stated that yes, they could do that. Council Member Keller absent.

Council Member Ellis moved to post Item No. 45-5 and No. 45-16 separately, seconded

by Council Member Goldberg. All voting aye. Nays none. Council Member Keller absent.
MOTION 2003-1128 ADOPTED.

Item No. 45-5, Ordinance granting franchise to **EARTHAMERICA OF TEXAS L.P., a Texas Limited Partnership** - was presented, and tagged by Council Member Robinson.

Item No. 45-16, Ordinance granting franchise to **WASTE TRANSPORTATION, INC, D/B/A UNIVERSAL WASTE, a Texas Corporation** - was presented and tagged by Council Member Robinson.

A vote was called on Item No. 45-1, **AARON OIL COMPANY, INC, D/B/A AARON ENVIRONMENTAL COMPANY, an Alabama Corporation**. All voting aye. Nays none.
ORDINANCE 2003-0853 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-2, **ATLANTIC WASTE, INC, a Texas Corporation** . All voting aye. Nays none. ORDINANCE 2003-0854 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-3, **BERKELEY OUTSIDE SERVICES, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0855 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-4, **CUT RATE VACUUM SERVICES, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0856 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-6, **ENVIRO-VAC, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0857 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-7, **HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, a Sole Proprietorship** . All voting aye. Nays none. ORDINANCE 2003-0858 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-8, **KWS COMMERCIAL HAULERS, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0859 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-9, **LIQUID ENVIRONMENTAL SOLUTION L.P., a Texas Limited Partnership**. All voting aye. Nays none. ORDINANCE 2003-0860 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-10, **MIDNI BLUE TRUCKING, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0861 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-11, **NEXUS DISPOSAL, L.L.C., a Texas Limited Liability Corporation** . All voting aye. Nays none. ORDINANCE 2003-0862 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-12, **NORTHSTAR ENVIRONMENTAL GROUP, INC, a Tennessee Corporation** . All voting aye. Nays none. ORDINANCE 2003-0863 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-13, **PIT STOP PORTA POTS, a Texas Sole Proprietorship**. All voting aye. Nays none. ORDINANCE 2003-0864 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-14, **R. M. WOODS, INC, D/B/A DRANE RANGER, a Texas Corporation** . All voting aye. Nays none. ORDINANCE 2003-0865 PASSED FIRST READING IN FULL.

A vote was called on Item No. 45-15, **RECOVERY CONTRACTORS, INC, a Texas Corporation**. All voting aye. Nays none. ORDINANCE 2003-0866 PASSED FIRST READING IN FULL.

47. ORDINANCE approving and authorizing professional architectural services contract between the City of Houston and **JAMES S. WALKER ARCHITECTS, INC** for the Gregory School, CIP E-0144-02; providing funding for Environmental Task Order Contract No. 050900, the Civic Art Program; and contingencies relating to construction of facilities financed by the Special EDI Grant Fund 98H – was presented, and tagged by Council Members Galloway, Parker, Vasquez and Ellis.
48. ORDINANCE appropriating \$2,495,576.92 out of Houston Airport System Consolidated 1998B AMT Construction Fund CIP A-0483 and \$38,309.00 out of the Houston Airports Improvement Fund CIP A-0422; awarding construction contract to **CONSTRUCTION LTD.**, for Terminal D Core Room/MDF Upgrades - SITA Relocation at George Bush Intercontinental Airport/Houston (Project 500Q); 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 Member Vasquez.
49. ORDINANCE appropriating \$540,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RAGO, LTD.** for Safe Sidewalk Program B1 Work Order Project, GFS N-0610A-B1-3 (SB9113-01); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Vasquez.
51. ORDINANCE appropriating \$172,000.00 out of Police Consolidated Construction Fund for George R. Brown Convention Center Police Station Furnishings - GFS G-0096-01-5 - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Members Goldberg and Parker.

MATTERS HELD - NUMBERS 52 through 61

52. MOTION by Council Member Vasquez/Seconded by Council Member Alvarado to adopt 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

(This was Item 2 on Agenda of September 10, 2003, POSTPONED BY MOTION #2003-1089) - – was presented. Council Members Tatro, Goldberg, Vasquez and Parker voting no, balance voting aye. MOTION 2003-1129 ADOPTED.

53. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Director Information Technology Department for allocation of funds for software license and software/hardware maintenance - \$451,000.00 - General Fund – **(This was Item 7 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBERS TATRO, QUAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. MOTION 2003-1130 ADOPTED.

54. ORDINANCE appropriating \$236,000.00 out of C & E Construction Fund for Lighting Instrument Package for Wortham Center for Convention & Entertainment Facilities Department - (**This was Item 9 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER TATRO**) – was presented. Council Member Tatro voting no, balance voting aye. ORDINANCE 2003-0867 ADOPTED.
- 54a. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **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 - (**This was Item 9A on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER TATRO**) – was presented. Council Member Tatro voting no, balance voting aye. MOTION 2003-1131 ADOPTED.
56. ORDINANCE relating to the alteration or relocation of one or more off-premise signs **DISTRICTS A - TATRO and H - VASQUEZ** – (**This was Item 16 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER KELLER**) – was presented. All voting aye. Nays none. ORDINANCE 2003-0868 ADOPTED.
57. 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** – (**This was Item 23 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. ORDINANCE 2003-0869 ADOPTED.
58. 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) – (**This was Item 32 on Agenda of September 10, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY and KELLER**) – was presented.

Council Member Keller moved to postpone Item No. 58 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-1132 ADOPTED.

60. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt 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 38 on Agenda of September 10, 2003, POSTPONED BY MOTION #2003-1097**) – was presented.

Council Member Goldberg stated that for the next administration or the Planning Department, he really thought they needed to go to the Council Members, especially District Council Members, because the Planning Department develops the plan and does not take it to a City Council committee, they take it to the Planning Commission for the hearings and the next time the City Council sees it was when it was on the agenda and when there was very little to do with it, that he had wanted to make an amendment, that it was very important that one of the streets in his district be upgraded from a local street to a collector or thoroughfare, that he had discussed it with Mr. Robert Litke, Director, Planning Department, and it would be a problem right now, that especially District Council Members that had a good handle on the streets in their neighborhood, that he would delay the item but there was an item regarding the railroad on it

so he was not going to hold it up for that reason, otherwise he would, that Council Members did not even know what they were doing regarding the railroad lines, that the system really needed to be changed, that there was a lot going on, especially in the Medical Center, where they needed to change some of the mobility and it altered the setbacks, that he really thought that was important and for that reason he was going to vote "no" on the item.

A vote was called on Item No. 60. Council Member Goldberg voting no, balance voting aye. MOTION 2003-1133 ADOPTED.

61. 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 42 on Agenda of September 10, 2003, POSTPONED BY MOTION #2003-1100)** – was presented.

Council Member Quan stated that he had tagged the item and postponed it because he wanted the Building Services Department to see if there were opportunities to use existing space that they had and it was his understanding that it was a short term lease until they build the Fire Command Station, that he just wanted to bring Building Services on notice that as they renew leases that they review all of the properties they had to make sure that they were utilizing what they had before they continued to lease from other people, that they had provided a report that they had done that and had talked with the Fire Department as well as looking at other options and this was the best option available at this time.

A vote was called on Item No. 61. All voting aye. Nays none. ORDINANCE 2003-0870 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that she wanted to take an opportunity to congratulate Mexico on its festival of independence and alert everyone that there would be a parade on Saturday and also to thank Counsel General Ibarrola for inviting everyone to the wonderful festivities that he had at the Consulate office. Council Members Berry and Robinson absent.

Council Member Parker stated that she thought that Council Members were all well aware for the Mayor's concern for security but it was her turn to talk about the number of police officers that they were suddenly engaging and would like an opportunity for Council to have a discussion about the level of security, that now on the Council floor they had a security guard to run packages through the metal detector, they had a police officer who sat all day long watching people come in and out, they had police officers downstairs and another metal detector, they had to wait for police officers to be present before they could open a Council committee meeting, that she realized that their illustrious State Legislators made some decisions that had impacted them in Houston, but she would like to know the bottom line cost of it and questioned whether it was a good use of the personnel they had available from the Police Department and whether it was appropriate in the Public Safety Homeland Security Committee or just a general discussion before Council, and Council Member Goldberg stated that he had asked Mr. John Bales how many additional FTE's there were since then and could not get an answer, and Council Member Parker stated that was where she was going, how much was it actually costing the City to do all that.

Council Member Parker stated that Ms. Kathy Elick was going to start Monday following in the footsteps of Ms. Sally Bradford at Aviation, she was going to be the Council liaison and they were going to be having a going away celebration for her Thursday afternoon, to please come by and say goodbye and wish her luck over in Aviation.

Council Member Alvarado stated that she had brought it up before but it seemed like it was still ongoing and that was the lack of light synchronization in downtown, that she knew that the Public Works Department was working to address it but it seemed like it had gotten worse, that it was unbelievable, that it should not take someone from Main and Texas, 10 minutes to get to 901 Bagby, but they were having to stop at every single light, that it was unacceptable and she wanted someone to come and visit with her, that it was not just in downtown but was also occurring in Midtown, that she knew it was an ongoing project, but it seemed like from the last time she brought it up it had gotten worse, and Mayor Brown stated that he would have someone from Public Works visit with her, but would point out that there was a ongoing light synchronization project that was being implemented right now.

Council Member Edwards asked Council Member Alvarado that in her conversations to ask them to check Spur 5, which ran off of I-45.

Council Member Berry stated that he wanted to commend Mr. Robert Norris, Sign Administration and Mr. Roy Wilson, Parks and Recreation Department, that they had repeatedly received complimentary reports on them, that he wanted to thank them for the great work they do.

Council Member Goldberg stated that he wanted to recognize Ms. Cindi Garza, who was sitting at the press table, that she was retiring from Channel 2 next week, that she got married and was going to be a "mom".

Council Member Goldberg stated that on a sad note, yesterday he attended the funeral of a staff member who worked for him for a short time, Mr. David Wolf, who succumbed to cancer, that he was a board member of the Greater Houston Soap Box Derby, and actually helped to start that organization many years ago in Houston and now it had really grown tremendously, that he was also a past president of the Houston Citizen Police Academy and worked for Muscular Dystrophy, that he was an outstanding citizen and very involved in a lot of civic affairs, and it was sad for his children, Barbara, Michael and Russell, and asked for a moment of silence.

Council Member Wiseman stated that she wanted to introduce Mr. Keith Bush, a student at Quest High School in Humble, who was shadowing her to see how they operated and would most likely be interning with her in the fall.

Council Member Wiseman stated that she wanted to extend her thanks to some Public Works employees, Mr. Rick Grochoske, Ms. Nicole Flinnory and Mr. Bill Hlavacek, that they had helped them out with some school zone crosswalk issues in Clear Lake.

Council Member Wiseman stated that she wanted to recognize some outstanding work done by a staff member of hers, Ms. Linda Masserie, that she received a letter from a constituent praising Ms. Masserie for a job well done regarding a parking concern on his street.

Council Member Galloway stated that wanted to commend the Kashmere Garden Super Neighborhood Council, that this past weekend they had a Fair Housing Seminar and it was most beneficial to the community, as well as the personnel at the Planning Department who assisted with the seminar for the community.

Council Member Galloway stated that the husband of the president of the Super Neighborhood Council passed away on the day of the housing affair and wanted to offer the family condolences.

Council Member Galloway stated that she wanted to thank Mr. Gary Ordat, Public Works, for the diligent hard work that he did for the City.

Council Member Edwards stated that she had two complaints, one, there was a candidate running for office who was putting their signs on trees and in her district they were on large live oak trees and she found that very offensive and would appreciate their taking them down or next week she would just talk about it again.

Council Member Edwards stated that there was a lot of bandit signs coming up in District D, especially around the Reliant Stadium, regarding renting a house or apartment for the Super Bowl and she wanted to know if the City had any liability if it went on between private people, that she heard in San Diego that there were several people who got "taken" and their apartments were destroyed, and Mayor Brown stated that his sense was that the City would not be involved because it was between two private individuals, but Ms. Susan Taylor, Legal Department, could verify or contradict his assessment, and Ms. Taylor stated that the Mayor was correct, that the City would not have any liability for those transactions between private individuals. Council Member Robinson absent.

Council Member Edwards stated that there were two areas in her district that she thought were just being totally disrespected with the projects that were going on and that was the Cambridge Bridge Project in the Medical Center area and Spur 527, that those two communities were very solid communities and were very concerned about the quality of life that was going to be impacted and they were not looking to not be partners but were not going to be run over, that she would really encourage the groups that were working in that area to develop some partnerships so that they could have a "win win" with it and not be so adversarial and confrontational. Council Member Robinson absent.

Council Member Edwards stated that with the upcoming election there needed to be a checklist if there was not one already of what was told the new Council Members when they came in regarding projects, especially in districts, that in her district there was no turnover and it was kind of like District D was born when they came into office, that she thought it was a disservice to the community, that regardless of what their concerns were, or the likes or dislikes of the people coming in or going out, that she thought there should be some things that were mandatory regarding work in progress, projects and so forth, that she would hope they could develop some kind of process where there was an orderly turnover that spoke to the constituents concerns. Council Member Robinson absent.

Council Member Quan stated that they would be happy to work with her on such a guide and anything they could do to facilitate that process he would be happy to sit down with her and see what they could do. Council Member Robinson absent.

Mayor Brown stated that he thought it was a good idea and what he intended to do for his successor was to leave him a transition report which would tell what was in the works and what was being done, that it would be helpful for any Council Member that was leaving Council to do that same thing to their success and probably the Mayor Pro Tem could coordinate that for the Council. Council Member Robinson absent.

Council Member Edwards stated that she would like to congratulate the Fire Department Union on taking the initiative to get the petition done for collective bargaining. Council Member Robinson absent.

Council Member Tatro stated that he had a couple of discussions with people who frequently used Hobby Airport and obviously at Hobby Airport there was construction going on and plans for expansion but their concern was for the state of disrepair of the restroom facilities on the concourse in the loading area, that not so much for the day to day maintenance but the disrepair of the fixtures, that he had not had an opportunity to get out there but it would be a concern, that he would ask that they exercise a little more proactive repair and replacement of fixtures, keeping it a little more esthetically clean for the visitors to the City and Mayor Brown

stated that he would ask Mr. Vacar to address that. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to thank the Council Members for passing the name change of Hardy Tidwell Park to Veterans Memorial Park, that it was an exciting project in their district and a unique way to honor all veterans of war by converting an underutilized parkland to a memorial that the entire community could enjoy, that they would be invited to the ribbon cutting, which would be on Veterans Day, November 11, 2003, that he hoped they would make some time to attend and would make sure they got additional information. Council Member Robinson absent.

Council Member Wiseman stated that in praising the Public Works officials who had helped her with the specific crosswalks in Clear Lake she was requesting additional assistance for some crosswalks that were used by people with seeing impairment, that she received notice that a constituent in Clear Lake was almost run over yesterday trying to use one of the crosswalks, that she would be going to Clear Lake to try to cross the area blindfolded so she could experience it herself and would like for a member of Public Works to be there with her so they could address the problem. Council Members Berry and Robinson absent.

Council Member Quan stated that he would like to thank the Council Members for their support on Item No. 40 which provided support services for the elderly, especially in the Asian Community, the VN Teamwork, the Chinese Community Center, the Asian American Family Counseling Center, who was having their gala tomorrow night. Council Members Berry and Robinson absent.

Council Member Quan stated that regarding the signs that the Council Members eluded to, they had a speaker yesterday, Mr. Rick Hurt, who came to public session to talk about illegal bandit signs on poles and the danger that they posed, that he spoke with Mr. Norris afterwards and it was really a difficult situation because in order to even remove the sign they had to have a certified person who could deal with power lines, so it was creating a very difficult situation for everyone and would encourage people against posting the bandit signs and hoped that they as Council Members set an example of not doing that themselves in any way. Council Members Berry and Robinson absent.

Council Member Quan stated that on Item No. 47, which was tagged by several people, regarding the Gregory School Project, they were having their Housing Initiatives Committee meeting on Thursday at 10:00 a.m., that he had invited the Rutherford Yates Museum Group to come and present their plan totally to the group, that he knew there had been a lot of discussion about their plan and he just felt like it gave a forum for everyone to attend and ask questions about what they had to offer to the City. Council Members Berry and Robinson absent.

Council Member Quan stated that he wanted to remember an individual who passed away during the week, Dr. Iris Perkins, that many of them may know, was a very active member of the community and was the International Student Advisor at Texas Southern University for many years. Council Members Berry and Robinson absent.

Mayor Brown stated that Council Member Ellis was removing his tag on Item No. 34. Council Members Berry and Robinson absent.

34. ORDINANCE approving and authorizing contract between the City and **STANDARD INSURANCE COMPANY** for Basic and Voluntary Employee Group Life Insurance Coverage; providing a maximum contract amount - 3 Years with two one-year options - \$5,228,567.00 - Health Benefits Fund – was again before Council. All voting aye. Nays none. Council Members Berry and Robinson absent. ORDINANCE 2003-0871 ADOPTED.

There being no further business before Council, the City Council adjourned at 10:18 a.m.

upon MOTION by Council Member Quan, seconded by Council Member Tatro. Council Members Berry and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary