

City Council Chamber, City Hall, Tuesday, September 23, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 23, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Galloway absent on personal business.

At 1:32 p.m. Mayor Pro Tem Quan stated that Council would start their regular meeting. Mayor Brown, Council Members Goldberg, Ellis, Keller, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Brown stated that Council would begin with their presentations and invited Ms. Kym King, executive director of the Mayor's Office of People with Disabilities, Mr. Robert Bartlett, Chair of Houston Commission on Disabilities to join him at the podium. Mayor Brown stated that he was pleased all were here to celebrate the 10th Anniversary of the Houston Commission on Disabilities; acknowledged several individuals instrumental in creating the office and commission and presented a Proclamation for educating, rehabilitating and employing individuals with disabilities; celebrating accomplishments of all those with disabilities and proclaimed September 23, 2003 as "Mayor's Office for People with Disabilities Day" in Houston, Texas. Council Members Goldberg, Ellis, Keller, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards congratulated all for their dedication and commitment to quality of life in Houston. Council Members Goldberg, Ellis, Keller, Alvarado, Parker, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that the National League of Cities, the oldest and largest national organization for American cities, established Race Equality Week and the Northeast Houston Multi Cultural Coalition would hold it's 2nd Annual Anniversary Celebration in observance of that week developing community spirit, economic opportunities and social advancement and invited those present to the podium and presented a Proclamation saluting the Northeast Houston Multi Cultural Coalition on this occasion, extended best wishes to all for a successful event and proclaimed the week of September 29, 2003, to October 4, 2003, as "Race Equality Week" in Houston, Texas. Council Members Tatro, Goldberg, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Council Member Vasquez stated that the American Studies Institute of the University of Leipzig, Germany was undertaking a tour of the City of Houston arranged in conjunction with the celebration of the 10th Anniversary of the Sister City relationship and was cosponsored by Christ the King Lutheran Church in District H and invited them to the podium to be recognized. Council Members Tatro, Goldberg, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

At 2:04 p.m. Mayor Brown called the meeting to order and called on Council Member Edwards to lead in prayer. Council Member Edwards stated that she would ask Mr. Al Haines today to lead in the prayer and pledge; that it was his last Council Meeting as he would be leaving and going to Baghdad and he currently served as president of the Cypress Texas State Church of Jesus Christ of Latter Day Saints; and Mr. Haines led all in the prayer and pledge. Council Members Tatro, Ellis, Parker, Sekula-Gibbs and Robinson absent.

At 2:07 p.m. the City Secretary's Assistant called the roll. Council Member Galloway absent on personal business. Council Member Ellis absent.

Council Members Robinson and Tatro moved that the minutes of the preceding meeting

be adopted. All voting aye. Nays none. Council Member Galloway absent on personal business. Council Member Ellis absent. MOTION ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of moving Mr. Thomas Webb to the end of the Agenda speakers list and Ms. Madgelen Bush to the top of the non-Agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent on personal business. Council Members Goldberg and Ellis absent. MOTION 2003-1134 ADOPTED.

Mr. Robert Schwartz, 5446 Queensloch, Houston, Texas 77096 (713-723-7230) appeared and stated that he was present supporting Agenda Item 40, an interlocal agreement between the City of Houston and Harris County which was a truly unique partnership; that this process would be the first in perhaps a series whereby the City could acquire rights to develop parks throughout the city and urged its passage. Council Members Goldberg, Ellis and Alvarado absent.

Mr. Howard Sacks, 9407 Brown Leaf Circle, Houston, Texas 77096 (713-470-2662) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Ellis and Alvarado absent.

Mr. Ed O'Rourke, 3227 South Braeswood, Houston, Texas 77025 (713-664-4343) appeared and stated that he was present asking Council to vote in favor of Agenda Item 40; that the Braes Bayou Association and Willow Waterhole Group had worked on this a number of years with Harris County Flood Control District, City and others and now they could approve an interlocal agreement which would allow the City to build a park, enhance the Westbury Area and help with flood control. Council Members Goldberg, Ellis and Alvarado absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared, presented information and stated that he was present to speak on Agenda Item 34; that the city was about to award another disbursement of HUD funds and there was still a problem in making sure older homes were not contaminated; that recently he caught another home being inspected improperly and the transaction closed; that the person was now under Administrative sanctions but those actions were fought and it was just a slap on the wrist; that a letter he presented was from HUD to Housing with findings that they were not in compliance with a number of issues and one was a child being poisoned by lead; that he asked HUD and the Controller to do an audit and he was asking the Mayor and Council to ask the Controller to look at the issues. Mayor Brown, Council Members Wiseman, Ellis, Keller, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards commended Mr. Bazan on his commitment; and upon questions, Mr. Bazan stated that statistically over 70% of the dwellings constructed prior to 1978 could have a problem; that there was a lead base paint disclosure form which required the seller to disclose if they knew of hazards, but they did not have to get it inspected. Mayor Brown, Council Members Ellis, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they brought in the Director from the State to address the Housing Initiatives Committee as to the sufficiency of review and they were always willing to investigate further; that if there were still inconsistencies or errors being made they wanted to follow-up; and Mr. Bazan stated that was why he asked the Controller do an audit. Mayor Brown, Council Members Tatro, Wiseman, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Paul Bettencourt, 13622 Apple Tree, Houston, Texas 77079 (713-365-0428) appeared, presented information to Council Members and stated that he was present joined by Mr. Lord from the Plumbers Union and Mr. Corgoy from the Seafarers Union, displayed a graph of property tax increases in the county area and stated that the average Houston home this year

would pay 89.36% more in property taxes since 1997; this year alone the average Houston home would pay an additional nine and a quarter percent more on property tax due to the appraisal value increases; that without tax rate cuts, specifically relief in the City's current existing rate of sixty five and a half cents certain homes would be paying another \$250.00 per year in property taxes. Mr. Bettencourt further reviewed the graphic being displayed and stated that he and those with him were interested in lowering taxes for Houstonians; that for the first time homes that were under the County's average of \$132,000 in value were being hit the hardest with property tax increases; that in what he presented on page three there was a chilling statistic for the homeowner which were homes capped in the county which were increased to the maximum allowed by the legislature for a homestead of 10% would pay 10% more in 2004 and 10% more in 2005 and homes valued under \$50,000 or less would pay 10% more in 2006; that the bottom line was the average Houston homeowner paid \$1,382.00 more and that was every homeowner from Acres Homes to River Oaks and that was a substantial burden on working families. Mayor Brown, Council Members Tatro, Wiseman, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Goldberg, Mr. Bettencourt stated that the 5% cap passed by Council would do nothing this year due to the fact the tax levy for the city was not to a 5% increase so the homes driving the whole increase would get no relief unless there was a reduction and the lowest social economic areas were being hit the hardest. Mayor Brown, Council Members Tatro, Wiseman, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Vasquez, Mr. Bettencourt stated that the largest portion of the property tax bill was HISD and that made up more than 53% of the combined tax bill; that the City and County were below increases of HISD and HCCS due to the fact the neighborhoods represented by HISD on average had a higher rate of increase and he was asking for rate relief, anything he could get. Council Member Vasquez thanked Mr. Bettencourt for coming and working with the Plumbers and Seafarers Unions as it was important to the average homeowners and if the proposal was made he would vote for it. Mayor Brown, Council Members Tatro, Wiseman and Ellis absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Mr. Lord and Mr. Corgey stated they were present on behalf of the Plumbers and Seafarers Unions. Mayor Brown, Council Members Tatro and Ellis absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that when he was trying to do something about this and he wished they would have been more vocal and hoped they would continue to work with those trying to get the legislature to reduce the cap from 10% to 5% on individual homes and he hoped labor would make it clear it was not a partisan issue but an economic issue; and Mr. Bettencourt stated that in looking at the City's budget document he believed they had the flexibility to look at a property rate tax cut due to increases in delinquent tax collections as well as decrease in the amount of refunds projected. Council Member Robinson stated that he should also help those at the union to understand they should oppose the drainage fee because that would be as detrimental, if not more so, than the current compounding of the property tax because whatever the rate was it would automatically increase on an annual basis. Mayor Brown and Council Member Tatro absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman thanked Mr. Bettencourt for coming and stated that she appreciated his work and his pointing out that the City kept taking more and more money in and should be able to live within their means; and Mr. Bettencourt stated that they did a study and \$670,000,000 was collected including delinquent taxes, less refunds, and also prior year refunds and that was up \$32,000,000 in one year and right now delinquent tax collection was 17% ahead of \$35,000,000 which was the record last year and that was partly because of Council closing the door on companies that owed taxes as well as the tax assessor going out to collect when they would not pay and were able to. Mayor Brown, Council Members Tatro and Alvarado absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that they may have to take out bonds in order to pay the pension and citizens of Texas just passed a constitutional amendment and unless reversed by a local referendum it would make it impossible to change any kind of pension program other than raising it and there was an issue with health benefits, etc.; and upon questions, Mr. Bettencourt stated that he would strongly suggest they get a quorum and discuss the subject because unfounded liabilities in that magnitude were substantial and the public expected the Council body, like any government body, to manage the affairs and when the average home paid 89% more in the sixth year he knew he would be back in the seventh year as taxes would have doubled if something was not done; and he would be glad to give his input once real numbers were on the table. Mayor Brown, Council Members Tatro, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

After further discussion with Mayor Pro Tem Quan Mr. Bettencourt stated that in 1999 or 2000 the City lowered their taxes by one penny and the county lowered theirs by 175 parts of one thousandth and it was better to have rising property values but not to the point people were being taxed out of their homes, the average Houston home was now paying over half of a 30 year mortgage in taxes and the difference being you could pay off your banker but you could never pay off your tax man; that he had the City down for a tax base increase of about \$3.3 billion with probably over \$2 billion of it new construction, but they were hitting the properties on the low end of the economic scale the hardest; that over half the taxes collected were from where people lived and not where people worked and this was the first year for that which meant over time residential was taking on an ever increasing burden of the tax roll. Mayor Brown, Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved that the rules be suspended for the purpose of adding Mr. Dean Corgey and Mr. Rick Lord to the end of the three minute speakers list, seconded by Council Member Goldberg. All voting aye. Nays none. Council Member Galloway absent on personal business. Mayor Brown, Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1135 ADOPTED.

Mr. David Hammons, 1066 Gessner Bldg. A, Houston, Texas 77055 (713-365-5751) appeared and stated that he was manager with the Spring Branch Independent School District and present to address the new storm water fees and its impact on the district; that they experienced a decline in revenues and voters approved the current tax rate with an expectation of the highest level of performance and with that in mind they felt it inappropriate to reallocate school district tax revenues for storm water fees; that the board felt the exemptions should also include school districts and read a resolution from Spring Branch ISD opposing application of the proposed storm water fee or any other government tax, fee or levy upon school districts when it served only to distribute those school taxes toward other government purposes. Mayor Brown, Council Members Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that currently exemptions were granted at the state level and he would recommend during the next legislative session all school districts work with a local legislature to bring it forward and include school districts; and upon questions, Mr. Hammons stated that Spring Branch was now in the Robin Hood issue where they had to distribute some of their revenues to other districts and made it even more of a concern; that he did not know if their school district was subject to any other local taxation or local fees from other jurisdictions. Council Member Tatro stated that he would like that information; and Mr. Hammons stated that he would find out for him. Mayor Brown, Council Members Goldberg, Wiseman, Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he would like all the ISD folks to get together quickly and call Dr. Schepps in F & A and get information on their projections as to each of their

school districts and calculate a number for him and unless they came back with numbers for him he would tag the item and was giving them a week so they could try and convince the others of what that meant so they would have an idea of the cost to the district and their budget; and Mr. Hammons stated that he would get the information for him. Mayor Brown, Council Members Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they were trying to be sympathetic to different groups but under state law were limited; that they may also look at credits, he knew they had fields, etc., and there could be a formula to help reduce their liability; that they were currently looking at 20% credit and could go to 40% credit and that could be some options. Mayor Brown, Council Members Ellis, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that it was a tremendous burden on them; that they did the math for HISD and it came out to \$1.3 million and there was talk of the credit and requirements had to be met and she was skeptical at what was being proposed and was glad he came out and hoped he would do the math and show everyone what it really meant. Mayor Brown, Council Members Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext. 16) appeared and stated that he was again present on the 401A Plan which was a challenge for ASCME; that they tried to visit as many sites as they could to speak with employees, but there was not enough time and ASCME did want to make sure that Council and the Administration had attempted to construct the plan with the interest of the employees at heart and for that they thanked them and appreciated it and hoped in the future when something was coming down the pipe for employees they could be involved. Mayor Brown, Council Members Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he appreciated his proactive work on the items and felt he should be engaged immediately when such items came up. Mayor Brown, Council Members Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that this should be a no-brainer for Council with the Controller and employees weighing in on it but they were not getting much feedback; and upon questions, Mr. Webb stated that there was no fact sheet put out by Human Resources. Council Member Tatro stated that was unbelievable and obscene and he would look to ASCME for a final recommendation and was very disappointed the Administration kept all the information. Mayor Brown, Council Members Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he appreciated his persistence and hoped Human Resources had been responsive since last week; that ASCME's involvement was welcomed and if he ever thought it wasn't he hoped he would come to Council and let them know. Mayor Brown, Council Members Tatro, Wiseman, Ellis, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Howard Sacks, 9407 Brown Leaf Circle, Houston, Texas 77096 (713-479-2662) appeared and stated that he was president of the Willow Waterhole Green Space Conservancy, a diverse group of citizens dedicated to the realization of a major flood reduction element as well as a major park in Southwest Houston; that Item 40 was a magical combination of flood control and green space and they were urging Council's full support. Mayor Brown, Council Members Ellis, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Goldberg thanked Mr. Sacks for coming and stated that it had come along way in the fact the Interlocal Agreement was on the Agenda and it was an incredible

benchmark and looked like they were finally on their way. Mayor Brown, Council Members Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he wanted to congratulate Council Member Goldberg for his efforts in the area also; that it had been four years but looked as if it were finally coming to fruition. Mayor Brown, Council Members Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Madgelen Bush, 2720 Sampson, Houston, Texas 77004 (713-651-1530) appeared and stated that she was present for two reasons, one was she had parked in the same spot for 35 1/2 years and yesterday received a ticket for being too close to the walkway and she did not know how they had so many police there, but yesterday she counted 20 in the first five minutes; that her second problem was the center was about to close and she did not think Council was aware of it; that Council Member Quan was out last month and dropped a donation of \$2,000 in order to get her payroll paid; that the City had depended on them to keep children under adult supervision, babies, homeless and without the center thousands of people would be without; that she hoped Council could find some money to pay her staff who was not paid for August or September. Mayor Brown, Council Members Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that regarding the parking he was surprised they had so many police where they had free time to give her the ticket; that Mr. Paul Dugas was present and he could meet with her on that and regarding the good work she did they certainly did acknowledge that; and upon questions, Ms. Bush stated that she was working with the state for money, but the State Controller said what they were doing to her was illegal but he did not know who to call to get the legalities straightened out; that they were being punished by someone there. Mayor Brown, Council Members Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she would request someone from the Mayor's Senior Staff visit with Ms. Bush and see what funding options were there; that the center had been an asset to the community; and Mayor Pro Tem Quan stated that he would see if Mr. Tinnermon would meet with her. Council Member Alvarado stated that Mr. Tinnermon was the Mayor's Chief of Staff. Mayor Brown, Council Members Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that if a letter needed to be written to give her support at the state she would be more than happy to do so and however their office could help Council Member Alvarado they had her support. Mayor Brown, Council Members Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Darrell Scott, 8601 Broadway #1275, Houston, Texas 77061 (713-649-5294) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. Thomas Moore, P. O. Box 782, Sugarland, Texas 77487-782 (281-903-3334) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Carolyn Buras, 5401 Chimney Rock #397, Houston, Texas 77081 (713-665-8976) appeared and stated that she was present regarding an accident she had at 2701 North Blvd.; that she fell in a hole and the letter from the insurance company said it was a city sewer hole that did not have concrete around it with grass growing over; that she had broken a bone in her left foot and the insurance company said they would take care of it primarily, but the City was also responsible and she signed the agreement, but after contacting the Legal Department she was told they were a governmental entity and could not be sued that she could get a lawyer;

that she now had a partial disability and was present to see if she could get any assistance. Mayor Brown, Council Members Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Goldberg, Ms. Buras stated that she fell in the hole in July 2000. Mayor Pro Tem Quan stated that you had 90 days to file a claim and 2 years to file a lawsuit. Upon further questions by Council Member Goldberg, Ms. Buras stated the Pit Bulls were running loose at 5401 Chimney Rock, the name of the apartments was 5401 Chimney Rock; that if you called Ms. Russell's office and said you were injured she would appreciate someone saying lets get it documented. Mayor Brown, Council Members Wiseman, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Mr. Bibler stated at this point he did not know of anything that could be done; that he had correctly stated a claim should have been filed and if she was not happy with the handling she would have needed to file a lawsuit and the first claim he was aware of being filed was 2 1/2 years after she allegedly fell in the alleged hole. Ms. Burres stated that she was told she had reported the incident and nothing else was needed by the City Secretary's Office. Mayor Pro Tem Quan stated that Ms. Moreno with the Health Department was present and would speak with her regarding the Pit Bulls. Mayor Brown, Council Members Tatro, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Louis Bundage, 3730 Luca, Houston, Texas 77021 (713-741-6411) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Branch, 2720 Sampson, Houston, Texas 77022 (832-215-5646) appeared and stated that for the past 14 years the Independent Heights War On Drugs sponsored an event "Fun Day In The Park" and this year the City wanted to charge them \$2,500 to use the park and all they wanted was the pavilion for the band; that previously the City waived the fees and they provided donations to rebuild the park and worked closely with HPD who co-sponsored them; that they were asking Council Members to be in their parade and make donations, but most of all asking that the pavilion fee be waived; that he hoped they would not be arrested because the event would go on. Mayor Brown, Council Members Tatro, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they understood his situation and he for one was willing to donate to help offset costs, but unfortunately the Parks Department no longer had a policy of cosponsoring the events because of budget constraints; and Mr. Branch stated that they did it in June for Super Neighborhood 13 so they should do it for all. Mayor Pro Tem Quan stated that Ms. Gustin with Parks was present and he could speak with her as he was not familiar with that and encouraged him to seek additional sponsorships. Mayor Brown, Council Members Tatro, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that he had a good point and she had been working with departments and Legal for a special events ordinance as some had fees waived and some did not and that was wrong and inappropriate; that she would like to see a schedule of fees to be charged to Independence Heights and it was a public park so if they just showed up; and Mayor Pro Tem Quan stated that they would get the information from Parks. Mayor Brown, Council Members Tatro, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Sekula-Gibbs, Mr. Branch stated that they cleaned up the park and hauled off the trash. Council Member Sekula-Gibbs stated that she would also like information from Parks on their decision process. Mayor Brown, Council Members Tatro, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that if the City dished out resources totaling nearly \$200,000 for the Houston International Festival when they received not much back in return she did not see why such neighborhood organizations could not be helped and looked forward to getting the special events ordinance passed and bringing about some equality. Mayor Brown, Council Members Tatro, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Ms. Gustin had heard Council's request and he would ask that she make sure they get the information. Mayor Brown, Council Members Tatro, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mr. John Block, 104 Stratford Ave., Houston, Texas 77006 (713-630-0685) appeared and stated that he just met Mr. Branch and was very impressed with his sincerity; that he offered to make a contribution and would pass around a bowl for contributions to help; that he was present to discuss his selling of two historic accurately preserved residences in Freedmen's Town; that he noticed the good works of Catherine Roberts and the Yates Foundation and he hoped there would be a full investigation of what was going on; that \$11,000,000 of federal money and \$3,000,000 of City money had been spent to deliver 750 renovated historic housing units when none had yet been delivered; that over \$2,000,000 in consulting fees were paid to those who did the Renaissance development and to his knowledge the Controller's Office had not yet investigated the matter; that he had nothing to gain, but it needed to be investigated as money was gone and no promises to the Federal Government or Housing and Development or to Council had been followed through on. Mayor Brown, Council Members Goldberg, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

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

Mr. Larry Alexander, 3920 Omeara #140, Houston, Texas 77025 (713-661-2699) appeared and stated that he represented a Town Car Service and was present against the staging area at the airport as it was not required; that he understood Mr. Brooks said it was because of solicitors and if that was the case there should be plain clothes in the airport to get them out as they did in Los Angeles. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that the Regulatory Affairs Committee Meeting would discuss some of his issues and would suggest he come, it was to be held October 12, 2003, at 10:00 a.m. in the City Hall Annex Chamber. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro

Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Dean Corgey, previously added to the Speakers List, appeared and stated that he was vice president for the Seafarers Union and present to speak on the proposed tax rollback; that he was not an expert on finance or budget but an expert on the plight of the working families in Houston struggling to make ends meet in the face of spiraling property tax increases; that some retirees were being forced out of their homes; and they were present asking Council for relief. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Ellis thanked Mr. Corgey for coming in favor of a reduction in the ad valorem tax rate, it showed the tax burden was affecting everyone and he would be supportive of what was being asked, but he hoped he would also go to the other taxing entities and request the same; and Mr. Corgey stated that he thanked him and his mariners thanked him. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the City reduced their workforce by 1,400 employees over the last few years, did reduce the tax rate previously by one cent and was now looking at a shortfall; that if they reduced taxes again they would probably have to lay off another 5,000 employees and how should they balance that with ASCME's concerns of no furloughs; and Mr. Corgey stated that when he first began he said he did not come as an expert on taxes, budget or finance, but did know that in 1973 an average ship coming in had about 40 crew members and now it was 20 and they had to learn to do more with less. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that they had record revenues and still had to cut staff and be in deficit for the last three years and it was brave of him to know that taxing more had not worked; that Russia had a flat tax and they had the fastest growing economy in the world; that if they taxed less they would have more money, have increased sales tax, more jobs and be more competitive and he would commit to do it with no layoffs. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that with more revenue coming in and services being cut there must be something fundamentally wrong with management structure; and she understood his frustrations. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that this was an interesting dialogue, but at the end of the day the only manipulative thing you have is the labor force, everything else was fixed. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Rick Lord, previously added to the Speakers List, appeared and stated that he was with the Plumbers Union and was present to speak on the taxes which was outpacing pay increases; that they felt Council should take a commonsense approach like with a household instead of like on a whim and there needed to be relief; that there were times when things at home needed to be put off and the same had to be done with the budget. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Council did pass a revenue cap of 5% on property so they did try to be somewhat responsive. Mayor Brown, Council Members Tatro, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

(NO QUORUM PRESENT)

Council Member Edwards stated that she appreciated what he said, but at the end of the day it still fell back on the shoulders of the workforce. Mayor Brown, Council Members Tatro, Goldberg, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that most did not want to see people cut because when people went services went; that there were a few places his group could come and help and to put out a few battles that came and went was the Voice Over IP, that was a \$22,000,000 new phone system and the Sims Houston deal, \$7,500,000 both went on the credit card and the card was bursting. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that it was a difficult economy they were dealing with and thanked Mr. Lord for coming. Mayor Brown, Council Members Tatro, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) had reserved time to speak but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

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

At 4:02 p.m. City Council recessed until 9:00 a.m., Wednesday, September 24, 2003. Council Member Galloway absent on personal business. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Goldberg, Wiseman, Ellis, Vasquez, Alvarado, Parker, Berry and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 24, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 24, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, 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. Marty Stein, Agenda Director, present. Council Member Carol M. Galloway absent on personal business.

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

At 9:13 Mayor Brown reconvened the meeting of the City Council. Council Members Tatro, Goldberg, Vasquez, Berry and Robinson absent.

MAYOR'S REPORT

Council Member Edwards moved to suspend the rules to consider Item Numbers 9, 9a, 15, 53, 55, 55a and 17, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1136 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 41 out of order, seconded by Council Member Parker. Council Member Galloway absent on personal business. MOTION 2003-1137 ADOPTED.

9. ORDINANCE appropriating \$362,760.00 out of Harris County Construction Fund for Purchase of Vehicle Video Imaging Detection Systems for Public Works & Engineering Department – was presented, and tagged by Council Members Berry and Keller.
- 9a. **TEXAS HIGHWAY PRODUCTS LTD.**, for Vehicle Video Imaging Detection Systems from the State of Texas Building and Procurement Commissions contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$362,760.00 – was presented, moved by Council Member Quan, seconded Council Member Tatro, and tagged by Council Members Keller and Berry.
15. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Mortgage Revenue Bonds (GNMA Collateralized Mortgage Loan - North Forest Trails Apartments) Series 2003 and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT B – GALLOWAY** – was presented, and Council Member Edwards stated that she was going to tag the item for Council Member Galloway.
53. 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 – **(This was Item 49 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Edwards stated that they had asked for an inventory or listing or some type of itemization of the Safe Sidewalks and what programs were being done in District D, that she did not want to delay the item but would really like to have that information, so if they could encourage someone from that department, and Mayor Brown stated they would make sure the information was provided to her.

A vote was called on Item No. 53. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0872 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 55 on Agenda of August 17, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. Council Member Edwards voting no, balance voting aye. Council Member Galloway absent on personal business. ORDINANCE 2003-0873 ADOPTED.
- 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 55 on Agenda of August 17, 2003, TAGGED BY**

COUNCIL MEMBER EDWARDS) - was presented. Council Member Edwards voting no, balance voting aye. Council Member Galloway absent on personal business. MOTION 2003-1138 ADOPTED.

17. ORDINANCE amending City of Houston Ordinance No. 2002-1181 relating to Postponement of a City Council Meeting - was presented.

Council Member Wiseman stated that she was curious as to why the request was made, that she tried to find out why they were being asked to move the Council break, and Mayor Brown stated that a number of Council Members made the request and a poll was taken of Council Members and that was the reason.

A vote was called on Item No. 17. Council Members Sekula-Gibbs, Wiseman and Goldberg voting no, balance voting aye. Council Member Galloway absent on personal business. ORDINANCE 2003-0874 ADOPTED.

41. ORDINANCE appropriating \$1,713,362.00 out of Harris County Construction Fund, awarding contract to **KENMOR ELECTRIC COMPANY, L.P.** for Traffic Signal Construction - Spur 527 Mitigation Area (Work Order Contract), GFS N-0662-23-3 (SB9139-04); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Harris County Construction Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO** - was presented, and tagged by Council Member Berry.

Council Member Keller moved to suspend the rules to consider Item Numbers 44 and 43 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1139 ADOPTED.

44. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2003 - was presented.

Council Member Berry stated that during the budget process a vote was taken to postpone the determination of the property tax rate and it was supposed to be posted on last weeks agenda per their discussion then and it was not, so he was submitting an amendment to that item to reduce the property tax rate to \$.645/\$100 of assessed value.

Council Member Tatro stated that he supported Council Member Berry's amendment but thought it was proper to adjust it because of the posting and the way it was set out, that it was set out as \$.49452 for M&O Expense and \$.16048 for interest, and Council Member Berry asked if Council Member Tatro was just apportioning it, and Council Member Tatro stated that no, that they had to do it in the M&O side, that they would adjust the M&O rate from \$.49452 to \$.48452 because they could not touch the Interest and the Debt side, and Council Member Berry stated that they would take it as a friendly amendment, Council Member Tatro stated that the effect of that would be to lower it by one penny, but thought they would get into a legal problem.

Mayor Brown asked Council Member Berry to restate his amendment.

Council Member Berry stated that "it would be reducing the 2003 property tax for M&O to \$.485/\$100 of assessed value", seconded by Council Member Tatro.

Council Member Tatro stated that they were considering the property tax rate and right after it they had the drainage fee proposal, that the drainage fee had been set out as a fee, it was a tax, that a tax was anything levied on residents or taxpayers, but it had not been set out as an advalorem tax, it had been set out simply as a fee, that they passed out to Council Members, with the help of Mr. Paul Bettencourt's office a spreadsheet and they wanted to convert and show taxpayers what the effective tax rate change of the new drainage fee proposal would be and it would be his hope that if

the administration and Council was going to impose a fee that they get a corresponding decrease in their advalorem tax base, that the handout was a schedule showing them the effect of the fee on different homes, that they were showing it as a fee, but it was not, it was nebulous, it was supposed to be included in their water bill, but it had a real impact and had a significance as though it were being paid out of the advalorem tax, that he would ask Council to weigh them together, that he wholly supported Council Member Berry's amendment and if Council was going to adopt a fee he would ask that they consider a corresponding advalorem tax increase of between one and two and a high cents, he thought that might help equalize some of the added tax burden that the fee looked to impose on taxpayers. Council Member Alvarado absent.

Council Member Vasquez stated that the fee was pretty well set, it was based on the square footage, however if they were doing it based on advalorem taxes then it had a greater potential for variability and to cost more or less, and Council Member Tatro stated that because it was a fixed rate they did have variability, between the value of the home, the square footage and then what the impact on an advalorem basis was to them, that he was just trying to convert for the taxpayer the impact of what the fee was as represented in their advalorem tax base. Council Member Alvarado absent.

Mayor Brown asked Council Member Tatro if they reduced the tax rate it meant less revenue for the City, what did he propose to do in continuing the delivery of City services considering that they had cut back and laid off people, and asked if Council Member Tatro was not prepared to respond to a logical question at this time and Council Member Tatro indicated he was not. Council Member Alvarado absent.

Council Member Keller stated that he was going to make a motion to lower the property tax rate two cents and was not going to break it out into M&O, he was going to do it to \$.635/\$100, that he was going to leave it to the administration to figure out how they lived up to the Charter amendment, which was that they could not go below 50 cents.

Council Member Keller moved to reduce the property tax rate to \$.635/\$100 assessed value, seconded by Council Member Robinson.

Mr. Daniel Doherty, Senior Assistant City Attorney, stated that the Council, as a governing body, was required to adopt two tax rates, that the Tax Code did not allow the governing body to adopt one overall tax rate, that they must a Debt Rate and an M&O Rate, two rates.

Council Member Keller stated that M&O stayed the same, reduced two cents, and Council Member Ellis asked Council Member Keller if it was his intention to keep M&O at the same rate and then reduce the Debt Service Rate by two cents and Council Member Keller indicated yes.

After further discussion, Mayor Brown asked Mr. Haines to explain what Council Member Keller was talking about, and Mr. Haines stated that all he could tell them was that the only discretion that the Council had on tax rate was really on the M&O side, they had to meet Debt Service and that tax rate essentially puts them in a position of jeopardy with the bondholders, that he thought that was the simplest way to say it, irrespective of what \$50 million generated or restructuring, but the reality was that they set a tax rate and if they were going to reduce that rate the only discretion they had was on the M&O Rate, otherwise they were potentially in jeopardy of defaulting on their Debt Service obligation.

Mayor Brown asked Council Member Keller if they reduced the revenue and they passed a budget based upon the current tax rate what did he propose to cut out and Council Member Keller stated that he knew they could not afford not to do it, that it jeopardized the entire budget that they already passed without doing the restructuring and was the only way that they could accomplish it and fulfill the CIP.

Mayor Brown asked where did they want to cut, the Police, Fire, Health or Libraries or Public Works, that was what he was asking the Council Members who were making the proposals, and

Council Member Wiseman stated that she would love to schedule a meeting with the Mayor because there was a lot of stuff she would like to cut, and Mayor Brown stated that she should share it with the entire Council, not to have a secret meeting on where she would like to cut, and Council Member Wiseman stated that they needed to cut staffing, that they were top heavy, that they could cut the administrative fat.

Council Member Ellis asked Council Member Keller if he would accept a friendly amendment to his amendment, that he understood that he wanted to adjust the advalorem tax rate to \$.635/\$100 assessed value and he would offer a friendly amendment that he adjust the M&O Rate to \$.48452 and adjust the Debt Service Rate to \$.15048/\$100 assessed value, seconded by Council Member Keller.

Council Member Ellis stated that he understood it was Council Member Keller's intention on the drainage fee to offset that one cent and transfer over some Debt Service into the newly created Water, Sewer and Storm Drainage Enterprise Fund.

Mayor Brown requested that Council Member Ellis repeat the numbers and Council Member Ellis stated that the proposed tax rate would be \$.635/\$100 assessed value and the M&O Rate would be \$.48452/\$100 assessed value and the I&S Rate would be \$.15048/\$100 assessed value.

Mayor Brown asked Mr. Haines to address that and Mr. Haines stated that the I&S Rate, the rate that was set was to meet obligations that they currently had in place to pay Debt Service, it had nothing to do with the Water and Sewer Fund, with \$50 million of capitol, that it was 100% obligated to Public Improvement Bond Debt, that if they reduced the rate they would violate the covenants that they had presently that they had with the bond holders and that was a very dangerous thing, and Council Member Ellis asked assuming that they set up the Water and Sewer and Storm Drainage Enterprise Fund, they transfer \$8 million to \$9 million in Debt Service from the General Fund over into the newly created enterprise fund, what was that equivalent, and Mr. Haines stated that amount was \$8 million to \$9 million, that it was roughly comparable to one penny, the reality was, however, was that the 16 cents had to be disclosed relative to the Public Improvement Bond Debt they had, that the only value that the \$8 million proposed transfer coming off of the drainage fee was going to do was enable them to meet their Capital Improvements Program on current and future Debt Issuances, it did not deal with the present, what they had to do today.

Council Member Ellis stated that he seconded Council Member Keller motion and tagged it, that they had a week to discuss it.

Mayor Brown stated that also Council Members Vasquez, Wiseman and Robinson tagged Council Member Keller motion.

Council Member Ellis stated that he wanted to tag Council Member Berry's amendment, and Mayor Brown stated that Council Member Berry's amendment was tagged by Council Members Ellis, Sekula-Gibbs, Wiseman, Robinson and Vasquez.

After a lengthy discussion by Council Members, Council Member Quan stated that he was open to listen to any suggestions, that he wanted to make sure that they did not do it blindly and stated that wanted to tag the main item. Council Members Edwards and Berry absent.

Mayor Brown stated that they would add Council Members Robinson, Wiseman, Tatro and Sekula-Gibbs to the tag.

43. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Charges and Terms of Service for Drainage Service; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefore; containing a repealer; providing for severability – was presented, tagged by Council Members Robinson, Wiseman and Parker. Council Member

Edwards absent.

Council Member Goldberg stated that he wanted to make a motion before the tags were put on, that he passed out an amendment to the Council Members as follows:

(1) "Remove the exemption for City owned and operated facilities."

(2) "The drainage fee shall be applicable to all City of Houston property whether or not the City of Houston operates it."

Council Members Parker, Robinson and Wiseman stated they would remove their tags for the amendment.

Council Member Robinson stated he would tag the amendment and the main item and Council Members Vasquez and Wiseman requested their tags be added also.

Council Member Keller offered the following amendment:

"To amend the fee to equal the estimated amount of one cent of property tax", seconded by Council Member Ellis, and tagged by Council Member Vasquez. Council Member Edwards absent.

After discussion by Council Members, Council Member Robinson asked how much money it was that the City would be paying and Council Member Goldberg stated it was \$145,000 and Council Member Robinson asked where that number came from and requested the basis against which that number was calculated from somebody in the administration and would also like for comparison purposes, what the impact would be on all the ISD's in or partially in the City so he could compare how much impermeable surface they had and what their cost was compared to the amount of impermeable surface they said the City had, and Mr. Haines stated that they would probably suggest that the amendments that had been offered up be a part of the next Fiscal Affairs Committee if it was acceptable to the Chair, and Council Member Robinson stated that he would like to have his own information and Mr. Haines stated they would have that for him. Council Members Alvarado and Berry absent.

Mayor Brown asked who tagged the drainage fee so they could have a record on it, and Council Members Wiseman, Robinson, Tatro, Vasquez, Sekula-Gibbs, Quan, Parker, Berry, Ellis and Keller stated that they had tagged the item.

CONSENT AGENDA NUMBERS 1 through 44

MISCELLANEOUS - NUMBERS 1 through 7

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION:**

- Position 3 - **MR. DONALD POARCH**, appointment, for a term to expire February 1, 2005
- Position 5 - **MR. W. J. BOWEN**, reappointment, for a term to expire February 1, 2005
- Position 7 - **MS. PATRICIA WALSH**, appointment, for a term to expire February 1, 2005
- Position 9 - **MR. EDWARD REYES**, reappointment, for a term to expire February 1, 2005
- Position 11 - **MS. TANAZ CHOUDHURY**, reappointment, for a term to expire February 1, 2005
- Position 12 - **MR. BRIAN FRANCO**, appointment, to complete an unexpired term ending February 1, 2004
- Position 13 - **MS. CHARLOTTE A. HAYNES**, reappointment, for a term to expire February 1, 2005

- Position 15 - **MR. ROBERT RIDGE**, appointment, for a term to expire
February 1, 2005
- Position 21 - **MR. BRETT FRAZIER**, reappointment, for a term to expire
February 1, 2005
- Position 23 - **MR. KEN HARRY**, reappointment, for a term to expire
February 1, 2005
- Position 25 - **MR. KEIJI ASAKURA**, reappointment, for a term to expire
February 1, 2005
- Position 29 - **MR. JOSÉ GRIÑÁN**, reappointment, for a term to expire
February 1, 2005

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1140 ADOPTED.

7. RECOMMENDATION from Acting Director Building Services Department for approval of Computer Image for Dedication Plaque for Veterans Memorial Park (formerly Hardy Tidwell Park), GFS F-0504B-03-3 - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1141 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 18 through 39

18. ORDINANCE consenting to the addition of 104.0198 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0875 ADOPTED.
19. ORDINANCE consenting to the addition of 81.632 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0876 ADOPTED.
20. ORDINANCE consenting to the addition of 254.97 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0877 ADOPTED.
21. ORDINANCE consenting to the addition of 110.3983 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0878 ADOPTED.
23. ORDINANCE approving and authorizing Supplemental Agreement No. 2 to lease agreement DTFA 07-02-L-02783 between the City of Houston and the **FEDERAL AVIATION ADMINISTRATION** to Install a Precision Approach Path Indicator (PAPI) Facility for Runway 15R/33L at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0879 ADOPTED.
24. ORDINANCE approving and authorizing lease agreement with the **FEDERAL AVIATION ADMINISTRATION (FAA)** to Accommodate Runway 15L/33R Navigational Aids Sites at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0880 ADOPTED.

25. ORDINANCE approving and authorizing lease agreement with the **FEDERAL AVIATION ADMINISTRATION (FAA)** to Accommodate Low Level Windshear Alert System Sites at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0881 ADOPTED.
26. ORDINANCE approving and authorizing lease agreement with the **FEDERAL AVIATION ADMINISTRATION (FAA)** to Accommodate Runway 8L/26R Navigational Aids Sites at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0882 ADOPTED.
27. ORDINANCE approving and authorizing ground lease agreement with the **FEDERAL AVIATION ADMINISTRATION (FAA)** to Accommodate the Remote Transmitter/Receiver (RTR) Site at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0883 ADOPTED.
28. ORDINANCE approving and authorizing Supplemental Agreement No. 1 to Lease DTFA07-94-L-01116 with the **FEDERAL AVIATION ADMINISTRATION (FAA)** to Accommodate Runway 15R/L 33L/R Navigational Aids Sites at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0884 ADOPTED.
29. ORDINANCE approving and authorizing lease agreement between the City of Houston and **FRIEDKIN REALTY - HOBBY, LTD** at William P. Hobby Airport - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Robinson absent.
38. ORDINANCE Nos. 2003-853 through 2003-866, passed first reading September 17, 2003 ORDINANCE (14 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 to the following - **SECOND READING** – was presented.

Item No. 38-1 - 2003-853 - AARON OIL COMPANY, INC, D/B/A AARON ENVIRONMENTAL COMPANY, an Alabama Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-853 PASSED SECOND READING IN FULL.

Item No. 38-2 - 2003-854 - ATLANTIC WASTE, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-854 PASSED SECOND READING IN FULL.

Item No. 38-3 - 2003-855 - BERKELEY OUTSIDE SERVICES, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-855 PASSED SECOND READING IN FULL.

Item No. 38-4 - 2003-856 - CUT RATE VACUUM SERVICES, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-856 PASSED SECOND READING IN FULL.

Item No. 38-5 - 2003-857 - ENVIRO-VAC, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-857 PASSED SECOND READING IN FULL.

Item No. 38-6 -2003-858 - HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, a Sole Proprietorship – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-858 PASSED SECOND READING IN FULL.

Item No. 38-7 - 2003-859 - KWS COMMERCIAL HAULERS, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-859 PASSED SECOND READING IN FULL.

Item No. 38-8 - 2003-860 - LIQUID ENVIRONMENTAL SOLUTION L.P., a Texas Limited Partnership – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-860 PASSED SECOND READING IN FULL.

Item No. 38-9 - 2003-861 - MIDNI BLUE TRUCKING, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-861 PASSED SECOND READING IN FULL.

Item No. 38-10 - 2003-862 - NEXUS DISPOSAL, L.L.C., a Texas Limited Liability Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-862 PASSED SECOND READING IN FULL.

Item No. 38-11 - 2003-863 - NORTHSTAR ENVIRONMENTAL GROUP, INC, a Tennessee Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-863 PASSED SECOND READING IN FULL.

Item No. 38-12 - 2003-864 - PIT STOP PORTA POTS, a Texas Sole Proprietorship – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-864 PASSED SECOND READING IN FULL.

Item No. 38-13 - 2003-865 - R. M. WOODS, INC, D/B/A DRANE RANGER, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-865 PASSED SECOND READING IN FULL.

Item No. 38-14 - 2003-866 - RECOVERY CONTRACTORS, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-866 PASSED SECOND READING IN FULL.

39. ORDINANCE consenting to the assignment from **KMC/TL SERVICES, LLC** as assignors to **KOETTER FIRE PROTECTION OF HOUSTON, LLC** as assignees of the contract for Fire Alarm System Replacement (No. C54780) authorized by Ordinance No. 2003-208 - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0885 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BUILDING AND STANDARDS COMMISSION**:

Panel 1:

- Position One - **MS. GLORIA HOBBS**, reappointment, for a term to expire December 31, 2004
- Position Three - **MR. EURAL JOHNSON**, appointment, for a term to expire December 31, 2003
- Position Five - **MR. KEITH JORDAN**, reappointment, for a term to expire December 31, 2004
- Alternate Position One - **MR. EDWARD GONZALES**, reappointment, for a term to expire December 31, 2004
- Alternate Position Three - **MS. LISA HELFMAN**, appointment, for a term to expire December 31, 2004

Panel 2:

- Position One - **MR. JACKSON CHANG**, reappointment, for a term to expire December 31, 2004
- Position Three - **MR. LARRY LEE**, reappointment, for a term to expire December 31, 2004
- Position Five - **MR. STEVE H. WHITFIELD**, reappointment, for a term to expire December 31, 2004
- Alternate Position One - **MR. NOMAAN K. HUSAIN**, appointment, for a term to expire December 31, 2004
- Alternate Position Three - **MS. MARY K. VARGO**, reappointment, for a term to expire December 31, 2004
- Alternate Position Four - **MS. UMA MANTRAVADI**, appointment, for a term to expire December 31, 2005

Panel 3:

- Position One - **MS. EILEEN SUBINSKY**, reappointment, for a term to expire December 31, 2004
- Position Three - **MR. ALPHONSO DELANEY**, reappointment, for a term to expire December 31, 2004
- Position Five - **MR. MICHAEL L. CATRETT**, reappointment, for a term to expire December 31, 2004
- Alternate Position One - **MR. WARD GRAY**, reappointment, for a term to expire December 31, 2004
- Alternate Position Three - **MS. VIRGINIA L. DUKE**, reappointment, for a term to expire December 31, 2004

Panel 4:

- Position One - **MR. TALMADGE SHARP, SR.**, reappointment, for a term to expire December 31, 2004
- Position Three - **MR. MICHAEL O'BRIEN**, reappointment, for a term to expire December 31, 2004
- Position Five - **MR. ROBERT L. GRAY**, reappointment, for a term to expire December 31, 2004
- Alternate Position One - **MR. J. GOODWILLE PIERRE**, appointment, for a term to expire December 31, 2004
- Alternate Position Three - **MS. MARCIA PERRY**, reappointment, for a term to expire December 31, 2004
- Alternate Position Four - **MR. EDWARD LEE, JR.**, appointment, for a term to expire December 31, 2005

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. MOTION 2003-1142 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**:

- Position 1 - **MR. JAY MALHOTRA**, reappointment, for a term to expire 12/31/2004
- Position 2 - **MS. MARILYN LINLEY**, appointment, for a term to expire 12/31/2003
- Position 3 - **MS. MYRLEEN KNOTT**, reappointment, for a term to expire 12/31/2004
- Position 4 - **MR. EDWARD YBARRA**, reappointment, for a term to expire 12/31/2003
- Position 5 - **MS. GAYLA HEATH GARRISON**, appointment, for a term to expire 12/31/2004
- Position 6 - **MS. ALICE VALDEZ**, appointment, for a term to expire 12/31/2003
- Position 7 - **MS. R. ELAINE JEFFERSON**, appointment, for a term to expire 12/31/2004
- Position 8 - **MR. GEORGE NWANGUMA**, reappointment, for a term to expire 12/31/2003
- Position 9 - **MS. SANDRA FRIEDEN**, reappointment, for a term to expire 12/31/2004
- Position 10 - **MR. CARLOS SERA**, reappointment, for a term to expire 12/31/2003
- Position 11 - **MR. MARK D. LEE**, reappointment, for a term to expire 12/31/2004
- Position 12 - **MS. MAURYZIA WONG**, appointment, for a term to expire 12/31/2003
- Position 13 - **MS. JUDITH BRUNI**, reappointment, for a term to expire 12/31/2004
- Position 14 - **DR. GARTH JOWETT**, appointment, for a term to expire 12/31/2003
- Position 15 - **MR. FREDERICK FERGUSON**, reappointment, for a term to expire 12/31/2004

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1143 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE EIGHTEEN, CITY OF HOUSTON, TEXAS, (FIFTH WARD ZONE)**:

- MR. HARVEY CLEMONS, JR.**, reappointment, to serve as Chair, for a term to expire December 21, 2003
- Position One - **MR. RICHARD VARA**, appointment, for a term to expire June 21, 2005
- Position Three - **MS. KATHY PAYTON**, appointment, for a term to expire June 21, 2005
- Position Five - **MR. TYRONE P. DORIAN**, reappointment, for a term ending June 21, 2005

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1144 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of **MR. HARVEY CLEMONS, JR.**, to serve as Chair of the **FIFTH WARD REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2003 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1145 ADOPTED.

6. RECOMMENDATION from Director Office of Public Safety and Drug Policy for approval of

funds in the amount of \$664,000.00 on contract with **PRC PUBLIC SECTOR, INC** for Preventive Maintenance Coverage for the Houston Emergency Center's Dispatching System - Houston Emergency Center Fund – was presented, moved by Council Member Tatro and seconded by Council Member Vasquez, and tagged by Council Members Sekula-Gibbs and Quan.

PURCHASING AND TABULATION OF BIDS

8. **ORTHO-MCNEIL PHARMACEUTICAL, INC** for Contraceptives from the State of Texas Building and Procurement Commissions contract through the State of Texas Cooperative Purchasing Program for Health and Human Services Department - \$171,803.76 - General Fund – was presented.

Council Member Quan stated that he had some concerns about how they distributed the contraceptives and would like to tag the item until further briefing from the Health Department, and Mayor Brown stated they would have someone meet with him.

Mayor Brown stated that the item was tagged by Council Member Quan and Council Member Sekula-Gibbs asked that her tag be added to the item.

10. **AND MOTION #2000-1149, 9/20/00, TO EXTEND** expiration date from October 1, 2003 to September 30, 2004, for Steel Construction Materials for Various Departments, awarded to **NORTH SHORE SUPPLY CO., INC** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1146 ADOPTED.
11. **J. TYLER SERVICES, INC** for Office Furniture for Various Departments - \$51,582.22 - General, Grant and Enterprise Funds – was presented, and tagged by Council Member Wiseman.
12. **AMEND MOTION #2000-1058, 8/23/00, TO EXTEND** expiration date from October 1, 2003 to September 30, 2004, for Chemicals, Water Test Materials for Various Departments, awarded to **HACH COMPANY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1147 ADOPTED.

RESOLUTIONS AND ORDINANCES

13. RESOLUTION in support of pending Federal Legislative proposals that seek to address the growing problems related to Spam, or unsolicited commercial E-mails - was presented. Council Members Wiseman and Berry voting no, balance voting aye. Nays none. Council Member Galloway absent on personal business. RESOLUTION 2003-0026 ADOPTED.
14. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Mortgage Revenue Bonds (Sweetwater Point Apartments) Series 2003 **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
16. ORDINANCE **AMENDING ITEM (2) OF SECTION 45-172 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** to clarify that the minimum and maximum long term parking meter rates are City-Wide averages rather than per meter minimum and maximum rates - was presented. Council Member Berry voting no, balance voting aye. Council Member Galloway absent on personal business. ORDINANCE 2003-0886 ADOPTED.
22. ORDINANCE approving and authorizing Memorandum of Agreement SW-493 with the Federal Aviation Administration (FAA) for Reimbursement of costs for Miscellaneous

Improvements at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0887 ADOPTED.

30. ORDINANCE approving and authorizing contract between the City and **TEXAS A&M'S TEXAS ENGINEERING EXTENSION SERVICE** for the State Homeland Security Grant Program as funded by the U. S. Department of Homeland Security, Office of Domestic Preparedness \$810,081.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0888 ADOPTED.
31. ORDINANCE amending Ordinance Number 2000-1086 for grant assistance from the Governor's Criminal Justice Division for funding for a Local Delinquency Prevention Program - \$757,576.00 General and Grant Funds - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0889 ADOPTED.
32. ORDINANCE amending Ordinance Number 98-855 to provide for Fourth and Fifth Year funding through the Juvenile Accountability Incentive Block Grant - \$2,842,892 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0890 ADOPTED.
33. ORDINANCE approving and authorizing submittal of a grant application to the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for a Lead Hazard Reduction Demonstration Grant Program (which application includes a cash match of \$750,000.00 that is contingent upon future funding); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and the grant funds if awarded and to apply for and accept all subsequent awards, if any, pertaining to the grant - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0891 ADOPTED.
34. ORDINANCE appropriating \$300,000.00 out of Homeless and Housing Consolidated Bond Fund; deappropriating \$585,892.01 out of Low Income Housing Fund 876; deappropriating \$1,344,107.99 out of Low Income Housing Fund 162 and reappropriating \$490,000.00 out of said fund; providing \$1,406,400.00 of Federal "HOME" Program Funds; providing a maximum contract amount; approving and authorizing contract with **HOUSING OPPORTUNITIES OF HOUSTON, INC** to administer a Homebuyer Assistance Program - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0892 ADOPTED.
35. ORDINANCE appropriating \$500,000.00 out of Homeless and Housing Consolidated Bond Fund; providing \$3,728,199.54 of Federal "HOME" Program Funds; providing a maximum contract amount; approving and authorizing contract with **HOUSTON HOUSING FINANCE CORPORATION** to administer a Homebuyer Assistance Program for New Homes - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0893 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City **ACTUARIAL SERVICE COMPANY, P.C.** for Actuarial Consulting Services - \$35,000.00 - General Fund - was presented, and tagged by Council Member Tatro.

Council Member Ellis stated that he was in favor of the item and was just curious as to how many years they had been rolling along without any actuarial services that were representing the taxpayers, that was how they looked at the vote, that they were hiring a

company that represented the taxpayers to look at the three pension systems to find out how they were going to be able to fund it and so forth, that he thought it was a good thing and wished they had done it ten years ago and did not think they would be in the mess they were presently in, that he applauded the administration for moving forward with the contract.

Council Member Tatro stated that what concerned him was that they were hiring an independent actuarial consulting service when the pension funds, he thought, should be pretty much staffed out and should be running the actuarial pretty regularly so he was not sure why they would want a third party, and Council Member Ellis stated that they represented the pensions, they did not represent the taxpayers and the City, it was a company that was going to come in and evaluate it and thought there was a conflict of interest if they used their actuarial service.

37. ORDINANCE appropriating \$42,000,000.00 out of Water & Sewer Contributed Capital Fund and approving and authorizing funding agreement between the City of Houston and **HOUSTON AREA WATER CORPORATION** for Phase Two Expansion of the Northeast Water Purification Plant – was presented, and tagged by Council Members Ellis, Vasquez, Robinson and Keller.

Council Member Keller stated that he appreciated some of the meetings that he had and was going to have another meeting with Mr. Vanden Bosch and a few of his colleagues on Friday, that one thing he wanted to note was that he thought it was ironic that the State of Texas could just change their pensions without asking them, that put strain on their budget, that he thought it was ironic that they could exempt themselves from fees by cutting services to the City and thought it was ironic that a lot of it was done under being very conservative and then also putting a lot of pressure on supposedly conservative colleagues at the City level where they just uniformly exempt themselves from some of the problems, that with Item No. 37 there was a statute that he thought the State of Texas had made it illegal to do design, build, operate, that was the most un-conservative thing he had ever seen, that the Southeast and the Northeast plant were the ones that were working, that if it was true they had their hands tied and they had to figure out ways to move forward and make the best of it, that he was asking a lot of questions about the transmission lines that were going out for the first \$40 million and why was it the best price to do it this way and how did they plan on achieving the customers, that one thing he was worried about was why was the City fronting the money, they fronted the money for the first 40MGD, why could they not get some of the customers in the MUD's and the Counties to maybe help share the load.

Mayor Brown stated that their hands were not tied by the State, they had already built the plant and was approved by Council, what they were doing was going to the second phase and the money came from the users, they had the money in the bank and would have additional money in the bank once they spent that \$42 million. Council Member Tatro absent.

Council Member Vasquez stated that he would like to request a meeting with Montgomery Watson and Public Works, that he was concerned about the progress on the first phase and any discussions in terms of how they were working with their subcontractors on getting the work done and getting things paid on time. Council Member Tatro absent.

Council Member Robinson stated that he had some of the same concerns expressed by Council Member Vasquez and hoped those would be dispensed with, but he thought the other thing relative to what Council Member Keller was talking about was long term, that during the committee meeting yesterday they were advised that essentially by the time they brought the new 40MGD on the plant would be obsolete in the sense that they would have more demand and would need to go out and expand the plant and the State law only said they could do 80MGD so he thought that what they were asking for was that the administration look towards Austin, since they were in special session, and see if they could get something done to expand the statutory ability to go beyond 80MGD under the current process.

40. ORDINANCE approving and authorizing interlocal agreement between the City and **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** for Development of Park Land around HCFCD's Willow Waterhole Detention Basin - \$750,000.00 - Grant Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0894 ADOPTED.

Council Member Goldberg stated that he wanted to thank Mayor Brown for getting it through and having the Interlocal agreement with the Harris County Flood Control District developed and also with Mr. Oliver Spellman for working with him to make sure the City of Houston was a part of it, that it was to get more federal money to offset their cost, that all \$750,000 that they were allocating today 100% of it was federal funds that the City was getting and they were going to put it into land and later on it would be a City park, that it was a great partnership with the Flood Control District.

Council Member Sekula-Gibbs stated she wanted to congratulate Mayor Brown and his staff and Council Member Goldberg for doing an excellent job.

42. ORDINANCE appropriating \$450,000.00 out of Fire Consolidated Construction Fund for Purchase of Equipment for New Fire Station No. 83 - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0895 ADOPTED.

MATTERS HELD - NUMBERS 45 through 56

45. ORDINANCE **AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to sick and vacation leave benefits for certain city employees; authorizing the creation of a plan under 26 U.S.C. § 401(a) for unused sick leave and vacation pay – **(This was Item 13 on Agenda of September 10, 2003, POSTPONED BY MOTION #2003-1096)** – was presented.

Council Member Tatro moved to postpone Item No. 45 for one week, seconded by Council Member Wiseman.

Council Member Vasquez asked Council Member Tatro if there was specific comment or issue he was hearing about, and Council Member Tatro stated that every email they had gotten had been a qualified email meaning they like the plan if they took this or that out, that they had the representative from ASCME who had literally no opinion about what the employee groups had to say about it and then the method by which information was disseminated, it was only disseminated in meetings, not in flyers or website or fax sheets.

Council Member Edwards stated that she was getting concerns about the specifics of the vacation piece and did not know if anyone was going to have a hearing, and Council Member Parker stated that it may be a long Fiscal Affairs agenda, but it had come to Fiscal Affairs before and they could delay it a week and bring it back and discuss it one more time.

A vote was called on the motion to postpone Item No. 45. All voting aye. Nays none. Council Member Galloway absent on personal business. MOTION 2003-1148 ADOPTED.

46. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 6 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. Council Member Goldberg absent.

Council Member Keller stated that it was a very important venture and they would gain a lot, that it was an investment in their entire enterprise, but was a little alarmed that they were the fourth largest City in the county and were the largest consumer per capita of ground water and they probably were the water capital of the Country and did not have a representative on it, he understood, at this time and for paying that much money they ought to have a representative on the Board of Directors of the American Water Works Association Research Foundation, that he thought they should make it a priority soon to get representation on that board. Council Member Goldberg absent.

A vote was called on item No. 46. All voting aye. Nays none. Council Member Robinson absent. Council Member Galloway absent on personal business. MOTION 2003-1149 ADOPTED.

47. 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 - (This was Item 30 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Member Goldberg absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0896 ADOPTED.
48. 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 - **(This was Item 32 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, TATRO, KELLER and WISEMAN)** - was presented. All voting aye. Nays none. Council Member Goldberg absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0897 ADOPTED.
49. ORDINANCE granting to **EARTHAMERICA OF TEXAS L.P., A Texas Limited Partnership**, 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 - (This was Item 45-5 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented.

Council Member Ellis moved to postpone Item No. 49 for one week, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Goldberg absent. Council Member Galloway absent on personal business. MOTION 2003-1150 ADOPTED.

50. ORDINANCE granting to **WASTE TRANSPORTATION, INC D/B/A UNIVERSAL WASTE, A Texas Corporation**, 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 - (This was Item 45-16 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Member Goldberg absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0898 PASSED FIRST READING IN FULL.

51. 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 – (**This was Item 47 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY, PARKER, ELLIS and VASQUEZ**) – was presented.

Council Member Quan stated that he met with Mr. Walker the other day and he was going to present the plans that he had and they had not had a chance to meet about those, that he said he had letters from the Historical Commission as to why the plans complied with the requirements for the Gregory School and he was interested in seeing that and being able to share that with other Council Members. Council Member Goldberg absent.

Council Member Quan moved to postpone Item No. 51 for one week, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent. Council Member Galloway absent on personal business. MOTION 2003-1151 ADOPTED. (Note: MOTION 2003-1151 was reconsidered and rescinded later in the meeting.)

52. 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** – (**This was Item 48 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0899 ADOPTED.
54. 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** – (**This was Item 51 on Agenda of September 17, 2003, TAGGED BY COUNCILS GOLDBERG and PARKER**) – was presented. All voting aye. Nays none. Council Member Galloway absent on personal business. ORDINANCE 2003-0900 ADOPTED.
56. 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 58 on Agenda of September 17, 2003, **POSTPONED BY MOTION #2003-1132**) – was presented.

Council Member Keller stated that was supplemental funding to an existing contract, if it were an amendment to the contract, he understood from the City Attorney's office, that they could accomplish it at the table, but his effort was to amend it and the only way to do it was to refer it back to the administration and for it to come back reflective of the new multipliers that Mr. Vanden Bosch had put in reference to construction management and construction inspection, even though it was program management he had a sincere effort to try and get the body of the contract to amend the multiplier, that in his estimation it would produce a savings on the contract amount of somewhere in between of \$600,000 or \$700,000. Council Members Ellis and Quan absent.

Council Member Keller moved to refer Item No. 56 back to the administration seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Ellis and Quan

absent. Council Member Galloway absent on personal business. MOTION 2003-1152 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Parker stated that as they knew Council Members had been concerned about progress at the HEC, the Houston Emergency Center, and understood that it was up and almost functioning, that she thought that all of Council would like a complete presentation by Mr. Bales and a number of concerns had been aired in the media, but also from constituents and they needed a briefing as soon as possible, and Mayor Brown stated they would make sure it happened. Council Members Ellis and Quan absent.

Council Member Goldberg stated that he was still getting calls and emails regarding people who sent in money for fire alarm permits and were told they were not getting the fire alarm permit, they would like to get their money back and he was just wondering what the progress was on that, did it take a Council action to initiate, and Mayor Brown stated that it should be happening momentarily, that they would get him an update. Council Members Ellis, Parker and Quan absent.

Council Member Goldberg stated that he wanted to remind everyone that the Combined Municipal Campaign Silent Auction was now on, that he thought the Super Bowl tickets had a high bid of \$3,000 and they could do better than that, for everyone to look at the website. Council Members Ellis, Parker and Quan absent.

Council Member Vasquez stated that he wanted to congratulate and thank Mr. Haines for his many years of service with the City and school district and just many administrations, that he thought he had done a great job, that he knew he was leaving a democracy for a dictatorship, but thought he would be okay, that he wanted to recognize his many years of service and many contributions to the City. Council Member Quan absent.

Mayor Brown stated that it was Mr. Haines last meeting with the City Council, he was going on to a project that would be helpful not only to other countries but to their Country as well, that they extended their best wishes and expressed sincere thanks for his contributions to their government, that he had served them well and they did appreciate it. Council Members Wiseman and Quan absent.

Council Member Keller stated that they were very lucky to have him over there and to be careful, that he had enjoyed becoming friends with him and hoped when he was back in town he would come and find him. Council Member Quan absent.

Council Member Keller stated that many at the table may remember that they had such a controversy in District G at T.H. Rodgers regarding the baseball fields and taking away some of the green space from T. H. Rodgers, that today they had a groundbreaking that he could not attend, but had been very actively involved with the school board and the league on the issue, that of course a cooperative solution was reached and as of today they were groundbreaking for Physical Education facilities, a soccer field, a 400 meter track, an elementary school playground and the baseball fields do stay, that he wanted to applaud Post Oak and HISD and the parents for coming to the agreement and for the Little League to pony up and help them out in the financial time. Council Member Quan absent.

Council Member Sekula-Gibbs stated good luck to Mr. Haines and for him to keep his head down. Council Members Vasquez, Parker, Quan and Robinson absent.

Council Member Quan stated that he had an opportunity to meet with Mr. Walker on Item No. 51 and would withdraw his request for a one week delay.

Mayor Brown asked Mr. Hall what the parliamentary procedure for doing that, and Mr. Hall stated that it had been a long held opinion that procedural matters, which included delays and postponements and that kind of thing could be reconsidered in that they were not a final addressing on the principal issue, it would be a motion to reconsider the vote by which they delayed it.

Council Member Quan moved to suspend the rules for the purpose of reconsidering Motion 2003-1151, which postponed Item No. 51 for one week, and Motion No. 2003-1151 be rescinded and the matter be brought back for consideration, seconded by Council Member Parker. All voting aye. Nays none. Council Members Vasquez and Robinson absent. Council Member Galloway absent on personal business. MOTION 2003-1153 ADOPTED.

51. 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 – **(This was Item 47 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBERS GALLOWAY, PARKER, ELLIS and VASQUEZ)** – was again before Council. All voting aye. Nays none. Council Members Vasquez and Robinson absent. Council Member Galloway absent on personal business. ORDINANCE 2003-0901 ADOPTED.

There being no further business before Council, the City Council adjourned at 10:26 a.m. upon MOTION by Council Member Ellis, seconded by Council Member Parker. Council Members Vasquez and Robinson absent. Council Member Galloway absent on personal business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary