

City Council Chamber, City Hall, Tuesday, September 30, 2003

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

At 2:06 p.m. Mayor Brown stated that Council would begin their presentations. Council Members Goldberg, Ellis, Keller, Vasquez, Alvarado and Robinson absent.

Council Member Quan stated that he was pleased to recognize an organization which had done good work in Houston for many years and that was the Catholic Charities of the Diocese of Galveston-Houston and invited Ms. Anna Babin, the president, to the podium and presented her a Proclamation for the organization serving social needs for 60 years, for their creating hope, congratulating and commending them and proclaimed October 25, 2003, as "Catholic Charities of the Diocese of Galveston-Houston Day" in Houston, Texas. Council Members Goldberg, Ellis, Keller, Alvarado and Robinson absent.

Council Member Edwards invited the family of Mr. Henry Jolivet, Jr., to the podium and stated that it was the everyday person who made changes in the community and kept it going and such a man was Mr. Henry Jolivet; that he passed away in February 2003, but had dedicated his life to those around him; and presented a Proclamation to his family celebrating his life, mourning his passing and extending deepest sympathies to his family and friends. Council Members Goldberg, Keller and Robinson absent.

At 2:12 p.m. Mayor Brown called the meeting to order and called on Council Member Tatro who led all in the prayer and in the Pledge of Allegiance. Council Members Goldberg, Keller and Robinson absent.

At 2:13 p.m. the City Secretary called the roll. Council Members Goldberg, Keller and Robinson absent.

Council Members Quan and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION ADOPTED.

Council Member Berry moved that the rules be suspended to hear from Mr. Craig Bohn, Ms. Kulla Markantonis and Ms. Diane Biegel first on the speakers list and hear from Mr. Barry Klein and Mr. Thomas Webb after Mr. Bill Carpenter, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Keller. MOTION 2003-1154 ADOPTED.

Mr. Craig Bohn, 2134 Brandard, Houston, Texas 77098 appeared, presented information to Council Members and spoke against the West Alabama infrastructure stating that he was present asking Council to reject Agenda Items 29 and 35; that the items supported an ill-advised plan which would dump commuter traffic into a neighborhood already congested; thanked Council Member Berry for trying to explore alternatives and thanked other Council Members for trying to resolve the issue he presented. Council Members Keller, Vasquez and Alvarado absent.

Upon questions by Mayor Brown, Mr. Bohn stated that the consequences of not proceeding with the project would be a different project being used to mitigate traffic flow for reconstruction of 59 and if they were going to reconstruct Spur 527 do an engineering study that would look at keeping commuter traffic in the commuter corridor; that the current plan was not

workable. Mayor Brown stated that TXDOT was moving on with the plan and if the city did not do something the problem would be much worse than their doing nothing. Council Members Keller and Vasquez absent.

Council Member Edwards stated that Council had been working on this about two years; that she voted no on this last week and would vote no again, but there were issues and one thing problematic was they sent representatives to the state who supported TXDOT in this and the message to her was that was what the community wanted; that Mr. Blackburn had also filed a lawsuit; that Mr. Vanden Bosch stated clearly the plan TXDOT had was out of date and would not work, but TXDOT was still determined to do it; that if Council did not do something to mitigate then what would they do with the extra 4,000 cars; and she would like to meet with him. Council Members Keller and Vasquez absent.

Council Member Goldberg stated that if the City did not do something to mitigate it that was not going to stop TXDOT, but what would happen was the situation would be worse. Council Members Keller and Vasquez absent.

Ms. Kulla Markantonis, 7718 Eichler, Houston, Texas 77036 (713-981-4424) appeared and spoke against the West Alabama infrastructure, stating that she inherited a business in the West Alabama area and was very concerned with the effect it would have on her business; that now her co-workers took two hours on the bus to get to the job from Sugarland; that when accidents happened how would emergency vehicles get through, there would be 40 buses an hour and thousands of cars and no one would be able to turn in any direction. Council Members Tatro, Keller, Vasquez, Quan and Robinson absent.

Ms. Diane Biegel, 1748 Kipling, Houston, Texas 77098 (713-521-3977) appeared and spoke against the West Alabama infrastructure, stating that the improvements were to support the Spur 527 project and it was a project whose time had not come; that making West Alabama part of a traffic mitigation plan was very dangerous and they needed to wait until the Southwest Houston commuters had better choices of getting downtown; that Alabama was not a thoroughfare, it was a two lane road painted with three lanes and thousands of vehicles would not fit and there would be massive gridlock and the small neighborhoods and business there would be destroyed. Council Members Tatro, Vasquez and Quan absent.

Council Member Parker stated that she lived in the Montrose and knew the streets were at their capacity, but the State of Texas had said basically here we come and if you want to mitigate it's up to you; that it was not in the budget and they had to scrape to do what those present were asking Council to reject, but the fear was if they did not at least do that it was going to be that much worse and logistically they had to do something to connect 59 and 527 back up again; that they knew it would probably not work, but they had to do something. Council Members Tatro and Vasquez absent.

Council Member Goldberg stated that he agreed 100% with Ms. Biegel, he drove that same stretch of West Alabama weekly and thought the lanes would have to be reconfigured and hoped it would be re-striped. Council Member Vasquez absent.

Council Member Edwards stated that Council knew it was a bad plan and Mr. Vanden Bosch had been a very strong advocate in trying to change the plan, but not successfully; that now they were trying to do something to help the suffering go peacefully, they were talking about an extra 4,000 additional cars per hour and if they did not do something to help mitigate the madness they would be in worse shape. Council Members Ellis and Vasquez absent.

Mayor Brown stated there was no disagreement on Council with her, the decisions were made by the state and if they did not do what they were proposing the problems she was concerned with would be much greater. Council Members Ellis and Vasquez absent.

Mr. Darturo DeLeon, 1912 Norfolk, Houston, Texas 77098 (713-398-4330) appeared and stated that he was the current board president of MECA (Multicultural Education and Council to the Arts) and for four years they had worked with Council Member Vasquez and others to realize the purchase and transfer of the Dow School building from HISD to MECA and today he was requesting the approval of Council on the building transfer contracts to ensure the building would continue to stand for education, community, cultural diversity and greater opportunity. Council Members Tatro, Goldberg, Ellis, Vasquez, Quan and Robinson absent.

Council Member Parker thanked Mr. DeLeon for coming and speaking in support of the item; that she had been working to move it forward a long time; that it was finally on the Agenda and she trusted her colleagues would support it. Council Members Tataro, Goldberg, Ellis, Vasquez, Quan, Berry and Robinson absent.

Mayor Brown stated that there was a lot of support for the project and he wanted to single out Council Member Parker who had really been pushing to get the project done. Council Members Tatro, Goldberg, Ellis, Vasquez, Quan, Berry and Robinson absent.

Ms. Rita Foretich, 12751 Zavalla, Houston, Texas 77085 (713-729-9826) appeared and spoke against Agenda Item 36, stating that she was president of the Fondren Civic Club and was present as they did not want the extra \$2.00 on their water bills, they were already overloaded with sewer charges; that they would also like the 501C3 Internal Revenue tax exempt credits for building apartments denied, the Housing Authority of the City of Houston was the owner and they received no tax revenue and they were broke and the schools were full; that Mayor Brown should place a moratorium for at least six months on some of the City's spending as there were enough stadiums, etc., and on the drainage fee there should be a vote and let the people decide, it was a huge amount of money and there was plenty of empty housing that could be used and they would appreciate them using it. Council Members Ellis, Vasquez, Quan, Berry and Robinson absent.

Mayor Brown stated that she did know the sports venues were paid for by fees on car rentals and hotel/motel taxes; and Ms. Foretich stated that Mayor Brown had made special tax abatements, special deals, but it really did not matter; that they were trying to find a way to protect the tax base and enough was done and he did not need to do anymore; that he should let the new Mayor and Council deal with the drainage and have a referendum. Council Members Ellis, Vasquez, Quan, Berry and Robinson absent.

Council Member Edwards stated that she did not think a referendum would get District D the work needed, but she applauded her stand and the work that she did. Council Members Ellis, Vasquez, Quan, Berry and Robinson absent.

Mr. Frank Fitzgerald, 7714 Timberway Lane, Houston, Texas 77072 (281-477-4382) appeared and spoke against Agenda Item 36, stating that he was a commercial realtor in Houston and had served on the Citizens Advisory Committee on Storm Water Maintenance Program and realtors did support storm water management, but they did have a problem with another fee on property owners of the City of Houston, this came at a time when the City had received record ad valorem tax revenues and insurance premiums had gone up substantially; that developers when developing property already had to pay for detention, retention and filtering water going out into bayous, etc., and the cost was passed on to homeowners so they were already paying for it; that the water set aside for storm water maintenance should never have been taken out of the budget and to now replace it with a fee was not fair; that there was also imbalance with the way the program was designed, a high-rise office building with a tax value of \$70,000,000 paid \$511.00 a year based on being on one and a half acres of real estate, a shopping center or light industrial project on twelve acres had a tax value of \$15,000,000 and paid about \$4,100 a year; that there should also be no exemptions, universities, City of Houston, everyone should pay; and encouraged all to vote no for another fee being placed on Houston property owners. Council Members Edwards, Ellis, Vasquez,

Parker, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Quan, Mr. Fitzgerald stated that insurance rates were going up because of liability issues, mold, etc., but it was going up across the board. Council Member Quan stated that there had been a lot of flooding in the area and now they were paying with the inconvenience and loss of lives and he did not want the fee either but the issue had to be addressed; and Mr. Fitzgerald stated that the issue was the funding and it was the charge of Council to look at the spending side; that they had also taken \$50,000,000 for storm water management out of the budget which was used every year and placed somewhere else, it had been a line item in the budget placed somewhere else and now they wanted to replace it with a fee; and they should do no program which allowed the state to allow exemptions it should be placed for everyone. Council Members Edwards, Ellis, Parker, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman stated that with respect to the issue of homeowners and property insurance when the proposal was presented she looked into the issue of flooding and consulted with representatives from the insurance industry and they indicated to her whether or not the City implemented a fee it would in no way impact or alter their rate. Council Members Edwards, Ellis, Parker, Sekula, Berry and Robinson absent.

Mr. Jack Irvin, 24403 E. Lake Houston Parkway, Houston, Texas (281-324-2425) appeared and spoke against Agenda Item 36, stating that he was from a small school district in Northeast Harris County and had three schools inside the City of Houston annexed area; that they too dealt with federal and state mandates with one being a cap on M and O rates of \$1.50 and many school districts in Texas were at that cap and could not exceed the \$1.50 on their maintenance and operation; that approximately 80% of the expense in their school district was a direct result of teachers salaries, benefits and employees; that \$33,600. was the approximate cost the drainage fee would be for their district and that was really close to a first year teacher's salary and would have a serious impact to their school district and community; that school districts were just as tapped as city government and he urged they keep that issue in mind when making their decision for a drainage fee. Council Members Edwards, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent.

Council Member Wiseman thanked Mr. Irvin for coming and sharing the information; that sometimes it was forgotten they were in the City limits and she knew it would impact them a great deal. Council Members Edwards, Keller, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Tatro, Mr. Irvin stated that he was not aware of other municipality or jurisdiction which imposed a tax of such significance on the school district; that Harris County had fees, more in construction, but things were passed onto them with no funding mechanisms. Council Members Galloway, Goldberg, Edwards, Keller, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Member Vasquez, Mr. Irvin stated that their accountability ratings he believed were excellent at high school and elementary levels, but he was in district operations not the superintendent for instruction, but could get the accurate information for him; that the surrounding areas of the schools did flood and he believed it was caused by the absence of City maintenance services; that he would like to see the drainage improved and believed maintaining it would improve it and did not understand why those things were neglected for the last 15 years he was associated with it; that he believed they now were dealing with aftermath from that neglect. Council Members Tatro, Galloway, Goldberg, Edwards, Keller and Berry absent.

Council Member Wiseman stated that she appreciated Council Member Vasquez asking that a line of questioning because it brought an issue she did not address which was under this proposal they would be paying a fee but they were not included in any drainage studies, they

were not included in the Thompson Study, Huffman was not included and they would see no improvements. Council Member Vasquez stated that he would support her efforts to take care of that; and Council Member Wiseman stated that as a District Council Member that was why she was saying there was an injustice here, when an area was annexed solely to annex the Lake Houston water supply and was ignored and overlooked for over 30 years and again being overlooked she was standing with them in their opposition to this. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of adding Reverend Willie Davis to the speakers list, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado and Berry absent. MOTION 2003-1155 ADOPTED.

Mr. Bill Carpenter, 3830 Richmond, Houston, Texas 77027 (713-892-6532) appeared and spoke against Agenda Item 36, stating that he was an assistant superintendent in HISD and speaking on behalf of the superintendent Dr. Kaye Stripling; that their school district had grown by about 3,500 over the last two years with their budget being about \$100,000,000 less than two years ago and it came to their attention last week Council was considering levying a drainage fee on properties in the City of Houston and he was advocating for exemption for public schools; that the category they were placed in gave an estimate of about \$300,000 per year for HISD and it was their feeling since they were a public supported entity the taxpayers paid for the services and it was actually an indirect tax on them and they would appreciate the exemption. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado and Berry absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77099 (713-224-4144) appeared and spoke against Agenda Item 36, stating that he was president of the Houston Property Rights Association; that earlier they sent a letter to over 1,000 organizations asking them to adopt a resolution opposing the new tax, drainage fee, and calling for a referendum and was present to give copies of the response of 80 organizations to Council Members which said they were opposing the new fee because it had unclear benefits and they would like a referendum on any new proposal coming up; that all with credentials including Mr. Vanden Bosch, the current and past directors of the Flood Control District, and Mr. Al Haines all said that money would not solve flooding in Houston. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Klein stated that the agency of The Flood Control District which as far as he knew was not limited and could go into the City of Houston and do work there. Council Member Sekula-Gibbs stated that they were limited to the bayous; and Mr. Klein stated that may be their preference but they were not limited by law. Council Member Sekula-Gibbs stated that they did not put in the city's drainage; and Mr. Klein stated what would prevent them from doing that, if Council said to them the bulk of your money comes from the City of Houston and they wanted them to spend more inside the city working with them how could they say they were prohibited, if other bodies such as this one said they had obligations in all levels of the flooding problem he thought they would have to respond and he did not think Council should let them get away with saying they did not have to focus their attention except on the bayous. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Berry and Robinson absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-2728) appeared and stated that he was present on behalf of ASCME and they had a serious concern with the proposal to cut city taxes, if taxes were cut services would be cut and if services were cut jobs would be lost and they were back to the concern they always had which was jobs and laying off employees; that the acceptance of the burden had to be upon everyone and taxes were inevitable and he would ask that be taken off the table; and the drainage fee, he would suppose there had to be one. Council Members Tatro, Galloway, Goldberg, Keller, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Quan, Mr. Webb stated that there was already a freeze on hiring and they were working with a skeleton crew, if they removed more they were creating a problem for a city moving forward and urged Council to find another way. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he shared his viewpoint, they had already laid off and reduced the workforce by some 1,400 people and they were seeing a reduction in services and any other reduction in taxes would cause more of a reduction in those services. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Reverend Willie Davis, previously added to the Speakers List, appeared and stated that he was president of the Minister Advisory Board and they had a deep concern regarding the issue Mr. Webb so adequately spoke of; that they wanted to be on record with the concerns of cutting the tax, they could not swallow that at this moment and hoped the City would look at it in depth. Council Members Tatro, Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Mayor Brown stated was his message that Council should not rollback the tax rate as proposed; and Rev. Davis stated that was correct and it was the consensus of other ministers. Council Members Tatro, Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Upon questions by Council Member Edwards, Rev. Davis stated that if each of his congregation received \$8.00 back a year with the tax rollback he did not think it would do much for them and thought lack of services would have a greater effect on them. Mayor Brown, Council Members Tatro, Galloway, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Wiseman, Rev. Davis stated that most nonprofit property was 501C3 tax exempt and his church would not be affected, but the congregates would. Mayor Brown, Council Members Tatro, Galloway, Edwards, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Stewart Robinson, 707 Storywood, Houston, Texas 77024 (713-224-0816) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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, Galloway, Edwards, Keller, 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, Galloway, Edwards, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Bellem Gonzalez, 2529 Terry, Houston, Texas 77009 (713-227-0754) appeared, presented information and stated that she belonged to (BOND) Blocks Organization Depends On Neighbors and in one square mile they had 15 cantinas, 4 schools and 3 churches and needed help; that there were too many cantinas and way too much trash around the neighborhood; that the pictures she presented for Council Members to view showed how much trash in just four or five blocks; that principal streets like Hardy and Elysian was filled with trash

for months and there were cars on property that did not run; that they needed and deserved service and attention. Mayor Brown, Council Members Tatro, Galloway, Edwards, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan thanked Ms. Gonzalez for coming and stated that he looked at the photos and they were not doing a good job in her area at all; that there were also political signs he understood she wanted removed when the election was over; that Ms. Matti Terrell with Neighborhood Protection was present and could speak with her at this time. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Marisa Ramirez, 3217 Montrose, Houston, Texas 77006 (713-533-4973) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Johnny McFarland, 1900 N. Loop W. #540, Houston, Texas 77018 (713-864-2925) appeared and stated that he wanted to thank the Public Safety Committee for meeting and the Council Members for being there to address the issue; that he was asking that the people who did the work on the system not be forgotten, it was important they have a say and let the technicians know what worked and what didn't; that the officers also had a say and he wanted the people in Houston and the officers to have confidence and the people working there to be able to do the job; that they were more confident the problems would be resolved and there would be a good system for all. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he believed the more input they had the better off they would be. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Parker stated they had software and hardware problems, but they should not have people problems as they were the critical link; that there seemed to be resistance at the top in going to those who actually work with the screens and do the dispatching and anything she could do to help she would be glad to do. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (281-639-2723) appeared and stated that as a victim of an aggravated armed robbery and attempted murder of being trapped in a cargo trailer for eight hours, four hours after Officer H. Tran, as he understood his name, and National Freight Terminal manager, Janice Rollin, made the scene and left him trapped to die he had questions about HPD Case 182356902J; and Mayor Pro Tem Quan stated that if Mr. George was going to make complaints against an officer he would need to be sworn in; and the City Secretary administered the oath. Mr. George further stated that he wanted to know if they still refused to do a perimeter check to make sure no hijacker was still in the area, did they have a policy to not ask who was on duty when 12 to 15 loaded cargo trailers had seals torn off and burglarized, did they still not tape the crime scene off in reference to the same, did they still not sign a chain of custody for clothing worn to be tested for DNA just because there was no blood spots; that he, himself, had the clothing tested costing him \$1,050.00, did they still not file criminal negligence charges against a trucking terminal manager for not reporting the only employee on duty during an aggravated robbery to police as missing until he was rescued later. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he understood his situation occurred during December 2002 and he was locked in the trailer eight hours; that he had filed a complaint with IAD to be investigated; that it was out of line with what the policies should be and he would like him to meet with Chief Stewart with HPD at this time to see how his concerns could be addressed. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James W. Garrett, 12114 Sandrock, Houston, Texas 77048 (713-991-4615) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

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

Mr. Roger Aguy, 308 Main #200, Houston, Texas 77002 (713-222-2244) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

At 3:49 p.m. City Council recessed until 9:00 a.m., Wednesday, October 1, 2003. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Edwards, Wiseman, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 1, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 1, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Ms. Sarah Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Mr. Paul Bibler, Assistant City Attorney and Ms. Marty Stein, Agenda Director, present. Council Member Gordon Quan out of the city.

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

At 9:19 Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg, Vasquez, Alvarado and Robinson absent.

MAYOR'S REPORT

Council Member Parker moved to suspend the rules to consider Item Numbers 37, 37a, 37b, 36, 36a, 36b, 34, 30, 32 and 33 out of order, seconded by Council Member Vasquez.

Council Member Keller asked if Council Member Parker would mind if Item No. 32 was moved before Item No. 34 since HUD funding was depended on closing today and Council Member Parker indicated she would accept that.

Mayor Brown stated that they would move to the report from the City Controller and the Director of Finance and Administration. Council Member Keller absent.

A vote was called on Council Member Parker's motion to consider Item Numbers 37, 37a, 37b, 36, 36a, 36b, 32, 34, 30 and 33 out of order. All voting aye. Nays none. Council Member Quan out of the city. Council Member Robinson absent. MOTION 2003-1156 ADOPTED.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Judy Gray Johnson stated that she was pleased to present the Monthly Financial Report for the period ending August 31, 2003, that her wearing red was not a coincidence, it had some other suggestions, primarily because the University of Houston won their game last night, that unfortunately their estimate of the amount that was needed to balance the budget this month was not moving in the right direction, it was moving in the wrong direction, they were now projecting a shortfall of \$26.2 million, that was about \$3 million more than they projected a month ago for July, that the main reason for the change was lower than expected Telephone Franchise Revenues, the August check was quite a bit disappointing and upon further review they unfortunately did not think it was just a blip, they thought it was probably more of a trend, as a result they had lowered their estimate for Telephone Franchise Revenues for Fiscal 2004, that when they looked at their Sales Tax figures that had come in for the last couple of months, they had been essentially flat with the prior year, in some ways it was good news, that it was really better than what they thought it might be, because they were projecting that Revenues and Sales Tax would actually be below the prior year for the first part of the fiscal year, however considering that the Consumer Confidence Figures released yesterday were disappointing to say the least, far worse than expectations, so much so that the stock market dropped yesterday and economists attributed that to the declining consumer confidence and failure of the economy to recover, as a result they were not changing their Sales Tax Revenue estimates and would not increase their estimate unless they saw an actual revenue at some month higher than the prior year, that with that in mind they thought the City should definitely put together a plan to cover the shortfall now, not wait longer, that she understood there was going to be more discussion on that today and going forward in the future, that she did want to remind the Council Members that the Controllers office estimate were not conservative or pessimistic and were not the kind of figures that they needed to say they would probably do better than that, that if they looked at the record they were not projecting numbers that they thought were overly conservative at all, it was not something that they thought were padded in any way, that they were the figures that they thought were most likely to happen, that the economy could pick up and things could get better but there was really no reason for the City to count on it, they should not look at their budget in terms of banking on things getting better, that they needed to deal with it in the way that the economy was today, that they had not made any other significant changes in the monthly report, and that concluded her report. Council Member Keller absent.

Dr. Philip Scheps stated that their report included really only two significant changes, the Telephone Franchise Revenue down, as Judy mentioned, and they had also reduced their estimate by about \$3 million for the current year and Municipal Court Revenue, in two different categories, really reflecting a more realistic revenue where they expected to be, so overall they were now showing they were about \$5.7 million below the adopted budget, that they had a discussion in Fiscal Affairs yesterday on several items, and one was a detailed briefing on the pension plans, for those of them who did not get to Fiscal Affairs yesterday there was a memo out earlier in the week and a detailed briefing, if they did not pick it up he would be glad to provide it, it was a problem they would be facing in FY05 and was a substantial problem that would be worked through with two Meet and

Confer processes that were already underway, the net result of the report was that they were recommending to the Mayor that at least a \$10 million contingency plan, a plan to take \$10 million in expenditures out be produced to the extent that there was a reduced tax rate below the sixty five and a half that they produced the budget on they would add another \$10 million to that, if for example the Council would adopt a tax rate that was less than the tax rate that was planned when the budget was put into place, that yesterday's Fiscal Affairs meeting also featured a discussion of the consequences, that the Mayor asked each department head to look at a \$10 million/\$20 million/\$30 million scenario, not because he intended to do anything across the board because they had to have a starting point for their planning to take a look at what they would do in the event that they had one of three levels of reductions, that plan was in process and would assume it would be out by the end of the week, that they also put together some long term forecasts and they did not get a chance to talk about it yesterday because the meeting ran long, but it should have been provided to each Council Member, if they needed to talk about it, that was basically the FY05 and FY06 situation with their big problems, their pension plan problems, their salary increases for the police officers, which was a matter of contract or taking a large bump up in the next fiscal year; that Debt Service, which would have to go up presumably, depending somewhat on the drainage fee, but they took balance out of the Debt Service Fund in the current year to assist with the FY04 Budget and then the Health Insurance Plan, which had been running large increases every year, so they put those four major items together with some revenue estimates that had shown some long term projections and if they did not get them probably at some future Fiscal Affairs meeting they ought to talk about it in more detail, and that concluded his report. Council Member Alvarado absent.

Council Member Sekula-Gibbs stated that the news from the Controller as well as Dr. Scheps in F&A was not good, obviously, she thought that people should take serious note of the fact that their estimates, even though only two months into the budget, were down and they could choose whether it was \$10 million or \$30 million but it was not good, that their sore point seemed to be Municipal Courts and they needed to address that in terms of whether people were being dismissed unnecessarily, that she thought the police had shown clearly that they were working hard to keep the streets safe but the amount of dismissal was always in question, that she thought it was incumbent upon the administration to talk with Municipal Courts, that they had tried to do that at the Council but there were a lot of excuses, that she encouraged the Mayor to talk with the Municipal Courts Director and with Judge Mejia and indicate to them how important it was for the City's budget, that on a good note, and they did not mention, the ambulance revenues were up and they should definitely give some credit to Mr. Gary Gray in the F&A Department for helping to introduce a new component of the ambulance service which was the Electronic Connectivity with the area hospitals that enabled them to share information electronically with the emergency rooms and verify patient data and collectively bill on the appropriate patients who had insurance and it had increased their collections by over \$100,000 per day.

Council Member Parker moved to accept the Financial Report, seconded by Council Member Tatro. Council Member Quan out of the city. MOTION 2003-1157 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item No. 32 out of order first, seconded by Council Member Keller. Council Member Quan out of the city. MOTION 2003-1158 ADOPTED.

32. 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 – (This was Item 15 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, and tagged by Council Member Galloway.

Mayor Brown stated that it was his understanding that there was an issue of timeliness and asked Ms. Sarah Culbreth, Deputy Chief Administrative Office, Mayor's Office, to address that and Ms. Culbreth stated that there was a time issue on it and the deadline was today to get

the information into HUD, otherwise there was the risk of losing the funding, they needed to move forward with it.

Council Member Keller moved to override the tag and also would commit to work with the community to get a mutually agreed upon resolution, that he understood the concerns but felt if they started to stop affordable housing projects that had gone completely through the process and had paid their dues, and came all the way to the end, they might hurt more projects in other districts and citywide and lose credibility with the federal funding, seconded by Council Member Robinson.

Mr. Hall stated that he thought the Mayor had ruled that it was moot, if it was moot there was no need for a motion to override the tag, and Mayor Brown stated that with all due respect to Council Member Galloway he was going to rule as recommended by the City Attorney so there was no vote necessary on overriding the tag.

A roll call vote was called on Item No. 32.

ROLL CALL VOTE:

Mayor Brown voting yes	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan out of the city.
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	RESOLUTION 2003-0027 ADOPTED.

37. MOTION by Council Member Berry/Seconded by Council Member Tatro to amend Item 37B below, to reduce the 2003 property tax for Maintenance and Operation to \$.485/\$100 assessed value. – **(TAGGED BY COUNCIL MEMBERS ELLIS, VASQUEZ, ROBINSON, WISEMAN and SEKULA-GIBBS)** – was presented, and tagged by Council Member Galloway.
- 37a. MOTION by Council Member Keller/Seconded by Council Member Ellis to amend Item 37B below, to provide a tax rate of \$.635/\$100 of assessed value to be apportioned at a rate of \$.48452/\$100 for Maintenance and Operations and a rate of \$.15048/\$100 for Interest and Sinking Fund – **(TAGGED BY COUNCIL MEMBERS ELLIS, VASQUEZ, ROBINSON and WISEMAN)** – was presented, and tagged by Council Member Galloway.
- 37b. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2003 – **(This was Item 44 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON, WISEMAN, TATRO and SEKULA-GIBBS)** – was presented, and tagged by Council Member Galloway.
36. WRITTEN Motion presented by Council Member Goldberg to amend Item 36B below 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. **(TAGGED BY COUNCIL MEMBERS ROBINSON, WISEMAN, PARKER and VASQUEZ)** – was presented, and tagged by Council Member Galloway.
- 36a. MOTION by Council Member Keller/Seconded by Council Member Ellis to amend Item 36B below, to provide a fee equal to the estimated amount of one cent of property tax **(TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented, and tagged by Council

Member Galloway.

- 36b. 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 (**This was Item 43 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, ROBINSON, TATRO, VASQUEZ, SEKULA-GIBBS, QUAN, PARKER, BERRY, ELLIS and KELLER**) – was presented, and tagged by Council Member Galloway.

Council Member Robinson stated that he had four amendments he would like to lay out and requested that Council Member Galloway lift her tag on Item No. 36b so he could lay them out, and Council Member Galloway stated that she would lift her tag.

Council Member Robinson offered the following written motion to amend Item No. 36b:

- “ (1) Amend Sec. 47-762 (a) to set the “charge” at 1cent per ERU per month.
(2) Amend Sec. 47-762 (c) to make it clear that the “report evaluating the appropriateness of the rate for drainage services” can recommend a reduction in the drainage charge (fee).
(3) Amend Sec. 47-763 (c) to require proof of compliance with Amend Sec. 47-7 (a) (1) for the prior two year before a refund can be granted.
(4) Amend Attachment A Drainage Charges (a) (2) to read as follows: The number of ERUs for each multifamily residential properties is the acreage of the parcel times 14.2 ERUs per acre.”

Council Member Robinson stated that Council Member Goldberg also had the same amendment as number (4) rewording the definition of how the fee would be applied to multifamily residential units, and Council Member Goldberg stated that he would join Council Member Robinson on his forth amendment, that his wording was identical to Council Member Robinson. Council Member Robinson’s motion was tagged by Council Members Robinson and Galloway.

Council Member Vasquez offered the following written motion to amend Item No. 36b:
“The City of Houston shall coordinate the scope of service for drainage projects with the Harris County Flood Control District. Said coordination shall make recommendations to reduce the scope of projects as appropriate.” Council Member Vasquez’s motion was tagged by Council Member Vasquez.

Mayor Brown stated that Item No. 36b had been tagged by Council Member Galloway.

34. 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 – (**This was Item 37 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, VASQUEZ, ROBINSON and KELLER**) – was presented.

Council Member Keller stated that the item was the money to expand Phase II of the plant, that he had been working on it and wanted to compliment Mr. Gary Ordat and Mr. Vanden Bosch and Mr. Jeff Taylor who had been working over the last couple of weeks with him on it, that if they did not approve the item today they would lose the incentive, that his problem was that there had been substitution of equipment on the plant that had been legal, people knew about it, but above standard equipment was substituted for inferior equipment and not all of those change orders had been credited back to the City, the client. Council Members Goldberg,

Parker and Robinson absent.

Mayor Brown stated that he would ask Mr. Vanden Bosch to be responsive to Council Member Keller concerns. Council Members Goldberg and Robinson absent.

After further discussion a vote was called on Item No. 34. Council Member Keller voting no, balance voting aye. Council Members Goldberg and Robinson absent. ORDINANCE 2003-0902 ADOPTED.

30. **J. TYLER SERVICES, INC** for Office Furniture for Various Departments - \$51,582.22 - General, Grant and Enterprise Funds – **(This was Item 11 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. Council Member Robinson absent.

Council Member Wiseman stated that the item was requesting that they approve expenditures for office furniture, that it was an issue that she had brought up in the past and given what they had been dealing with when they had been receiving the doom and gloom projections of their financial situation if they rolled back the tax rate or did not impose a drainage fee she was stunned that they still had items before them where they were being asked to spend the taxpayers money on furniture for City employees, that she thought City employees would rather keep their jobs than have brand new furniture that they had to say goodbye to as they walked out the door, it made absolutely no sense, that what made it even more insulting were some of the funds that were going to be used to pay for the furniture, that they were spending federal grant money that should go to TB control, for the AIDS Program, air pollution, the aging, that \$23,000 right there that rather than going directly to service those areas the money was going to office furniture that was old, that she had her staff go to the offices of Property Disposal Management, to see what they had in surplus and there was an abundance of office furniture, that she thought it was insulting to tell the people they were going to cut back on police and other services and at the same time approve purchasing brand new furniture for City employees, that she did not support it at all, that yes some of them were grant funds but as she said the grant funding should go directly for the services they were intended for, that with respect to the Enterprise Funds, as she said before, they did not have a fund fairy, someone ended up paying for it, that there was General Fund money used in it also, that she would be voting no on the item and urged her colleagues to do the same. Council Member Robinson absent.

Mayor Brown stated that what the item did was grant spending authority, some of the monies would go to the new administration building in the Aviation Department, obviously it was a new building and there was no furniture there to begin with, the Health Department Grant build into it the furniture necessary to carry out that function, that was part of the grant, and the replacement furniture was for furniture that needed to be replaced because of its use and tear and age. Council Member Robinson absent.

Council Member Berry stated when they proposed as one of the budget cuts implementing a freeze on furniture and fixtures the administration's response from the Matrix was that there were no furniture purchases budgeted in the General Fund, well later \$44,000 were budgeted in the General Fund, so somebody lied to them, that he was curious why the furniture purchases were being listed under miscellaneous office supplies, if they went to the back up under 23.25 almost all of it was coming out of Miscellaneous Office Supplies, that it was furniture and fixtures, it could have been very clearly claimed as furniture and fixtures so they would know what it was, that was the problem with hiding all of the purchases under miscellaneous because nobody knew what they were, and number three, it was not furniture vital to the core mission of the City of Houston, they started checking and some of the furniture was for break rooms, that they were told there would be no furniture purchases out of the General Fund and thought the administration should live up to that, that he was going to vote against it. Council Member Robinson absent.

Mayor Brown stated that he wanted to correct what Council Member Berry had just stated, that

if they read the Request for Council Action there was about \$5,000 in the General Fund and the rest of the money would come from the grant funds and enterprise funds.

Council Member Alvarado asked if the grant funding could be used for other things or was it specifically for those particular items, were there stipulations in the grant, and Mayor Brown stated that they had to get someone to give her an answer, that his sense was when they write a grant proposal they write into the proposal what they needed to carry out the function and they write in the furniture as well because it was a new function.

After further discussion a roll call vote was called on Item No. 30.

ROLL CALL VOTE:

Mayor Brown voting yes	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan out of the city.
Council Member Edwards voting yes	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson absent
Council Member Keller voting no	MOTION 2003-1159 FAILED.

Council Member Galloway asked if the vote meant they were going to lose part of their grant funding since it was already put in there stipulating furniture, and Mayor Brown stated that his observation would be when they received a grant they write into the grant what they needed to carry out the function and that would include the furniture and if they said they did not want to spent the money for the furniture then the money went back to the granting agency so it did not make a lot of sense to him. Council Member Robinson absent.

After further discussion by Council, Ms. Culbreth stated that the grant funding would most likely be lost, that half of it was coming from grant funds and the other portion would be paid for out of an enterprise fund, Mayor Brown stated that at best it saved \$5,000 from the General Fund and lost \$22,000 that the City would have gotten from the grant funds, that it was kind of unprecedented in the history of American Government, that he did not know of any other time that he had seen a governing body turn down money that was given to it to carry out a function. Council Members Berry and Robinson absent.

33. ORDINANCE approving and authorizing contract between the City **ACTUARIAL SERVICE COMPANY, P.C.** for Actuarial Consulting Services - \$35,000.00 - General Fund – **(This was Item 36 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Members Berry and Robinson absent.

Council Member Vasquez stated that he had submitted a written motion to amend to the Council Members and offered the following:

“The City shall name a banking team to work with Actuarial Service Company to, (1) examine pension obligation bonds as a possible solution for the un-funded liability, (2) develop a plan to manage risk and exposure, and (3) propose a timeline for implementation of a solution.” Council Members Berry and Robinson absent.

Mayor Brown requested Ms. Culbreth to respond to the amendment, and Ms. Culbreth stated that they had reviewed the amendment and were okay in supporting it, they would not have a problem in doing that. Council Members Berry and Robinson absent.

Council Member Tatro asked if Council Member Vasquez would accept a friendly amendment, that his concern was that they had asked for pension numbers for the last three or four months from the administration and had been unable to get them and, “if they were going to

go out and hire an actuarial to look at the pension he would like for that report to be simultaneously given to Council at the same time it was given to the administration”, and Council Member Vasquez stated that he would accept that. Council Members Berry and Robinson absent.

Council Member Ellis stated that he did not really want a banking team to be named at this time because he wanted the solutions to be brought to the City Council and wanted them to be independent of an investment banking firm, that he believed it was necessary in this approach and would request that Council Member Vasquez group two and three together, if they did not separate question, he would vote against the complete item.

Council Member Ellis moved to divide the questions, seconded by Council Member Parker.

After further discussion by Council Members, a vote was called on Council Member Ellis motion to divide the question. All voting aye. Nays none. Council Member Quan out of the city. Council Members Wiseman and Berry absent. MOTION TO DIVIDE THE QUESTION CARRIED

Number one of Council Member Vasquez’s motion was before Council. The City shall name a banking team to work with Actuarial Service Company.

After further discussion, Mayor Brown asked Dr. Scheps if he saw any problem with the amendment to name a banking team, and Dr. Scheps stated that he did not, that naming a banking team did not do anything in terms of prejudging whether or not they would do a bond deal, so they would be back to the Council with a description, that getting the banking team, for him, was just ending the hunt for investment bankers. Council Members Wiseman and Berry absent. Council Members Galloway, Wiseman, Ellis, Alvarado and Berry absent.

After further discussion, Ms. Culbreth stated that in terms of ending hunts for the solution, they would come back to Council with solutions that they believed, based on the information they received from the actuarial reports that they had in conjunction with the actuarial information that they would get from the consultant as well as expertise that may be gained from the investment banking team, as she saw the investment banking team part and how it played in this, there were a number of firms out there and some investment banking firms had particular expertise in certain areas, apparently there were some investment banking firms out there that had some expertise in pension obligation bonds, particularly because it was just recently passed in the Texas Legislature to allow pension obligation bonds in Texas, so they could bring some expertise to the table to help the City determine whether or not issuing pension obligation bonds was an effective management tool to manage that un-funded liability out there, that she believed that was where they could come to the table, but as far as policy decisions, those solutions would be developed among the administration, the financing working group and brought to Council for their consideration and should include structural changes to the pension as well as something like, let’s pay our debt now with issuing bonds, compared to the un-funded liability that was out there, that was the way they saw the amendment. Council Members Goldberg, Wiseman, Alvarado and Berry absent.

After further discussion, Mayor Brown stated that Dr. Scheps had asked that they approve Item No. 33 and that would assume that he did not have the expertise on his staff, and Dr. Scheps stated that was correct, and Mayor Brown asked that he explain the reason that he wanted it done, and Dr. Scheps stated that it was a consultant firm, the City was involved in two different negotiations with the Municipal Plan and with the Police Plan right now and they were experts that could advise them on those matters, they could look at the Towers and Perrin results and ask questions about their assumptions, that at the meeting the actuarial liability of the Municipal Plan had changed dramatically in two years, something changed from the analysis that they did when they all supported the Legislation that increased benefits to two

weeks ago, that something went from \$400 million to \$1 billion, something changed and they did not have on their staff the expertise to understand all the factors that went into an actuarial evaluation, he would like to have somebody he could talk to, to give them that sort of expertise, it would help in the negotiations, they were going to get fairly complicated requests from the pension funds to change plan design, for example, they may want more benefits, he did not know, they just needed somebody on their side to say, perhaps, that was to rich, they did not need to do that, other Police Pension Funds did not have that kind of benefit, they needed someone with national expertise to tell them what the norm was. Council Members Wiseman and Berry absent.

After further discussion a vote was called on Number 1 of Council Member Vasquez's motion.

ROLL CALL VOTE:

Mayor Brown voting yes	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan out of the city.
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry absent
Council Member Ellis voting no	Council Member Robinson aye
Council Member Keller voting aye	MOTION 2003-1160 ON NUMBER 1
	FAILED.

Mayor Brown announced that the remaining questions contained in the motion were moot inasmuch as Number 1 failed.

Council Member Sekula-Gibbs moved to approve the actuarial consulting services but amend to have the pension board pay for that amount.

Mayor Brown stated that they could not do that, they did not have the authority to tell them what to do.

Council Member Sekula-Gibbs moved to postpone Item No. 33 for 1 week to meet with the pension board and ask them if they would be willing to take on the obligation.

Mr. Hall stated that the pension board was actually who they were negotiating with, that was the whole issue, so they would not ask the person they were negotiating with to pay for the consultant.

After further discussion, Mayor Brown asked Dr. Scheps if there was any timeliness in getting the item passed and Dr. Scheps stated absolutely, they were in the Meet and Confer negotiations and in his opinion it did not make any sense to delay it.

Mayor Brown asked for a second to Council Member Sekula-Gibbs's motion to delay, after hearing no second Mayor Brown stated the motion died for lack of a second. MOTION 2003-1161.

A vote was called on Item No. 33. Council Members Tatro, Sekula-Gibbs and Wiseman voting no, balance voting aye. Council Member Quan out of the city. ORDINANCE 2003-0903 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 24-14

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,425,977.16 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES LTD.** for Construction of Street Overlay Generic Project (Package IV), GFS N-1037-34-3 (OL2034) - 08.56% under the original contract amount **DISTRICT E – WISEMAN** – was presented, moved by Council Member Parker, seconded by Council Member Wiseman. Council Member Quan out of the city. MOTION 2003-1162 ADOPTED.

ORDINANCES - NUMBERS 5 through 24-14

5. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide waterline easement containing 4,998 square feet of land, more or less; being located in Unrestricted Reserve A, Block 1, Willowbrook Mall Subdivision, G. W. Childress Survey A-217, Harris County, Texas; vacating and abandoning said tract of land to Dillard Texas Operating Limited Partnership, abutting owner, in consideration of the owner's dedication of a 10-foot-wide easement for waterline purposes containing 6,357 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT A – TATRO** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0904 ADOPTED.
6. ORDINANCE consenting to the addition of 107.83 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0905 ADOPTED.
17. ORDINANCE awarding contract to **HOLMES RD. RECYCLING CO., INC** for Sale of Scrap Metal Materials Services for Various Departments; providing a maximum contract amount - Revenue – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0906 ADOPTED.
- 18-1. ORDINANCE appropriating \$3,635,000.00 out of Airport System Consolidated 2001 NON-AMT Construction Bond Fund and approving the purchase of approximately 34.61 acres of land out of the J. Skorupski Survey, A-720, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024-108, and approving purchase and sale agreement with **BONNER FOXWOOD, LTD.** to acquire the land for a purchase price, including closing costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0907 ADOPTED.
22. ORDINANCE appropriating \$807,389.00 out of Public Library Consolidated Construction Fund, awarding construction contract to **COMEX CORPORATION** for Mancuso Branch Library Renovation; GFS E-0059-01-3; providing funding for engineering testing services, funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and Community Development Block Grant Funds \$93,244.00 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0908 ADOPTED.
23. ORDINANCE No. 2003-898, passed first reading September 24, 2003
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 - **SECOND READING** – was presented. All voting aye.

Nays none. Council Member Quan out of the city. ORDINANCE 2003-0898 PASSED SECOND READING IN FULL.

24. ORDINANCE Nos. 2003-853 through 2003-866, passed second reading September 24, 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 - **THIRD AND FINAL READING**:

Item No. 24-1 - 2003-853 - AARON OIL COMPANY, INC, D/B/A AARON ENVIRONMENTAL COMPANY, an Alabama Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-853 ADOPTED THIRD AND FINAL READING.

Item No. 24-2 - 2003-854 - ATLANTIC WASTE, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-854 ADOPTED THIRD AND FINAL READING.

Item No. 24-3 - 2003-855 - BERKELEY OUTSIDE SERVICES, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-855 ADOPTED THIRD AND FINAL READING.

Item No. 24-4 - 2003-856 - CUT RATE VACUUM SERVICES, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-856 ADOPTED THIRD AND FINAL READING.

Item No. 24-5 - 2003-857 - ENVIRO-VAC, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-857 ADOPTED THIRD AND FINAL READING.

Item No. 24-6 -2003-858 - HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, a Sole Proprietorship – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-858 ADOPTED THIRD AND FINAL READING.

Item No. 24-7 - 2003-859 - KWS COMMERCIAL HAULERS, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-859 ADOPTED THIRD AND FINAL READING.

Item No. 24-8 - 2003-860 - LIQUID ENVIRONMENTAL SOLUTION L.P., a Texas Limited Partnership – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-860 ADOPTED THIRD AND FINAL READING.

Item No. 24-9 - 2003-861 - MIDNI BLUE TRUCKING, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-861 ADOPTED THIRD AND FINAL READING.

Item No. 24-10 - 2003-862 - NEXUS DISPOSAL, L.L.C., a Texas Limited Liability Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-862 ADOPTED THIRD AND FINAL READING.

Item No. 24-11 - 2003-863 - NORTHSTAR ENVIRONMENTAL GROUP, INC, a Tennessee Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-863 ADOPTED THIRD AND FINAL READING.

Item No. 24-12 - 2003-864 - PIT STOP PORTA POTS, a Texas Sole Proprietorship – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-864 ADOPTED THIRD AND FINAL READING.

Item No. 24-13 - 2003-865 - R. M. WOODS, INC, D/B/A DRANE RANGER, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-865 ADOPTED THIRD AND FINAL READING.

Item No. 24-14 - 2003-866 - RECOVERY CONTRACTORS, INC, a Texas Corporation – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-866 ADOPTED THIRD AND FINAL READING.

END OF CONSENT AGENDA

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2004 – was presented, moved by Council Member Parker, seconded by Council Member Galloway. Council Member Quan out of the city. MOTION 2003-1163 ADOPTED.

ACCEPT WORK - NUMBERS 2 and 3

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,321,106.01 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES LTD.** for Construction of Generic Overlay Project - (Package III), GFS N-1037-28-3 (OL2028) - 00.97% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Parker, seconded by Council Member Tatro. Council Member Quan out of the city. MOTION 2003-1164 ADOPTED.

ORDINANCES - NUMBERS 4 through 24-14

4. ORDINANCE amending amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a first amendment to substitute Credit Agreement, a second amended and restated Dealer Agreement, a second amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; and declaring an emergency – was presented, and tagged by Council Member Robinson.
7. ORDINANCE establishing the north and south sides of the 800 and 900 blocks of Highland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0909 ADOPTED.
8. ORDINANCE establishing the north side of the 1000 and 1100 blocks of Le Green Avenue, the east side of the 1400 block of Studewood Street, and the east and west sides of the 4600 block of Oakridge Street and Norhill Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **DISTRICT H - VASQUEZ** – was presented. All voting aye.

Nays none. Council Member Quan out of the city. ORDINANCE 2003-0910 ADOPTED.

9. ORDINANCE approving and authorizing an interlocal agreement among the City of Houston, Texas, **HOUSTON INDEPENDENT SCHOOL DISTRICT**, and **THE OLD SIXTH WARD REDEVELOPMENT AUTHORITY** for the City to acquire the Dow School Property, Lots 1 through 12, Block 428, North Side Buffalo Bayou, W.R. Baker Addition, as per map or plat of said addition appearing in Volume Y at Page 351 of the Map Records of Harris County, Texas, in the John Austin Survey, A-1, Harris County, Texas (the "Land"), and the improvements thereon, approving and authorizing a special warranty deed from the City of Houston conveying the improvements and 44,440 square feet of the land to Multi Cultural Education and Counseling through the Arts (MECA); approving and authorizing a declaration of conditions and restrictions; approving and authorizing an enforcement agreement among the City of Houston, Reinvestment Zone Number Thirteen, City of Houston, Texas, and the Old Sixth Ward Redevelopment Authority; and dedicating 15,560 square feet of the land as City Park property and naming said park - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0911 ADOPTED.
10. ORDINANCE suspending the effective date of Revised Rate Schedules filed by **CENTERPOINT ENERGY ENTEX** for all customers within the City of Houston Texas – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0912 ADOPTED.
11. ORDINANCE approving and authorizing contract between the City of Houston and **COMMEMORATIVE AIR FORCE** for Conducting Air Shows at Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0913 ADOPTED.
12. ORDINANCE approving and authorizing contract between the City of Houston and **TRINITY GARDENS INTEGRAL FORCES, INCORPORATED** providing up to \$340,000.00 in Housing Opportunities for Persons with AIDS ("HOPWA") Funds for the Administration and Operation of a Short-term Rent, Mortgage and Utility Assistance Program, along with Supportive Services **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0914 ADOPTED.
13. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$800,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for a Tenant-Based Rental Assistance Program, along with Supportive Services – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0915 ADOPTED.
14. ORDINANCE appropriating \$400,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Plastic Meter Box Installation under contract with **SOUTHEAST KELLER CORPORATION** (approved by Ordinance No. 2001-672), CIP S-0960-02-05 – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0916 ADOPTED.
15. ORDINANCE appropriating \$4,000,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to Contract No. 52533 (approved by Ordinance No. 2001-0259) between the City and **RATNALA & BAHL, INC** for Professional Engineering Services, CIP R-0543-02-2 – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0917 ADOPTED.
16. ORDINANCE appropriating \$165,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for Consulting Services, CIP F-0509-02-5, under professional

consulting services contract with **ENVIRONMENTAL CONSULTING SERVICES, INC** (approved by Ordinance No. 99-1036); providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund – was presented, and tagged by Council Member Keller.

18. ORDINANCE awarding contract to **DIGITAL CONSULTING & SOFTWARE SERVICES, INC** for Support and Maintenance of the 3-1-1 Houston Helpline Services Call Center for the Information Technology Department; providing a maximum contract amount – 3 Years - \$3,339,000.00 Central Service Revolving Fund – was presented, and tagged by Council Members Wiseman, Tatro and Sekula-Gibbs.
19. ORDINANCE appropriating \$1,500,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 2000B NON-AMT Construction Fund, and approving and authorizing amendment No. 1 to contract No. 52816 between the City and **W. W. WEBBER, INC (formerly known as CHAMPAGNE-WEBBER, INC, TEXAS)**, Proj. 558A for Taxiway “SD” Bridge at George Bush Intercontinental Airport/Houston, CIP A-0392 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0918 ADOPTED.
20. ORDINANCE appropriating \$13,736,685.32 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0063, awarding construction contract to **W. W. WEBBER, INC** for Miscellaneous Paving and Drainage Improvements at George Bush Intercontinental Airport/Houston (IAH), Project No. 542; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0919 ADOPTED.
21. ORDINANCE appropriating \$308,094.00 out of Houston Airports Renewal & Replacement Fund, CIP A-0411, awarding construction contract to **JACKSON CONSTRUCTION SERVICES, INC** for Reroof ARFF Station 81 at William P. Hobby Airport (HOU); Project No. 585; providing funding for contingencies relating to construction of facilities financed by the such funds - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan out of the city. ORDINANCE 2003-0920 ADOPTED.

NON CONSENT AGENDA - NUMBER 25

MISCELLANEOUS

25. MOTION to set a date not less than seven (7) days from October 1, 2003 to receive nominations for Positions 19 and 22 of **HOUSTON READ COMMISSION**, with three year terms to expire January 1, 2006 – was presented.

Council Member Robinson moved to set next Wednesday, October 8, 2003, to receive nominations for Positions 19 and 22 of Houston Read Commission, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city. MOTION 2003-1165 ADOPTED.

MATTERS HELD - NUMBERS 26 through 39

26. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **THE HEITMAN COMPANY, INC** for Auto, Heavy-Duty Brake Lining and Blocks for Various Departments \$110,359.35, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,310.78 for a net award amount not to exceed \$107,048.57 - General, Enterprise and Fleet Management Funds – **(This was Item 19 on Agenda of September 17, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council

Member Tatro voting no, balance voting aye. Council Member Quan out of the city.
MOTION 2003-1166 ADOPTED.

27. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 6 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and QUAN)** – was presented. All voting aye. Nays none. Council Member Quan out of the city. Council Member Vasquez absent. MOTION 2003-1167 ADOPTED.
28. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 8 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS QUAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Quan out of the city. Council Member Vasquez absent. MOTION 2003-1168 ADOPTED.
29. ORDINANCE appropriating \$362,760.00 out of Harris County Construction Fund for Purchase of Vehicle Video Imaging Detection Systems for Public Works & Engineering Department – **(This was Item 9 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS BERRY and KELLER)** – was presented. Council Members Edwards and Berry voting no, balance voting aye. Council Member Quan out of the city. Council Member Vasquez absent. ORDINANCE 2003-0921 ADOPTED. (Note: Council Member Edwards requested that her vote be recorded as “no” later in the meeting)
- 29a. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration to award to **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 – **(This was Item 9 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBERS BERRY and KELLER)** – was presented. Council Members Edwards and Berry voting no, balance voting aye. Council Member Quan out of the city. Council Member Vasquez absent. MOTION 2003-1169 ADOPTED. (Note: Council Member Edwards requested that her vote be recorded as “no” later in the meeting)
31. 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** – **(This was Item 14 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Quan out of the city. Council Member Vasquez absent. RESOLUTION 2003-0028 ADOPTED.
35. 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** – **(This was Item 41 on Agenda of September 24, 2003, TAGGED BY COUNCIL MEMBER BERRY)** – was presented. All voting aye. Nays none. Council Member Quan out of the city. Council

Member Vasquez absent. ORDINANCE 2003-0922 ADOPTED.

38. 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 45 on Agenda of September 24, 2003, POSTPONED BY MOTION #2003-1148)** – was presented. Council Member Robinson voting no, balance voting aye. Council Member Quan out of the city. Council Member Vasquez absent. ORDINANCE 2003-0923 ADOPTED.
39. 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 49 on Agenda of September 24, 2003, POSTPONED BY MOTION #2003-1150)** – was presented. All voting aye. Nays none. Council Member Quan out of the city. Council Member Vasquez absent. ORDINANCE 2003-0924 PASSED FIRST READING IN FULL.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Ellis stated that on Monday night he spent some time with a homeowners association in the Alief area, Braewood Glen, while there were a number of issues that they addressed and talked about one came to mind that he really had not thought of and was not sure that the Planning Department and administration had thought of, that they were doing responsible development in Alief, were building retention ponds and if they looked on the flood maps they would notice that District F really did not flood a lot, sometimes there may be a few streets that flooded and there was a little inconvenience, but what was happening with the retention ponds was that they were becoming eyesores for the community, that the developers developed the area and build the retention ponds and sell the houses and walk away, that he had some pictures of what was happening to the retention ponds and they had kind of become like a little garbage dump for everybody to go and chunk all their trash in, but while developers were being responsible who was going to be responsible for maintaining the retention ponds, that he did not know the answer and did not want to throw it on the backs of the taxpayers, that he thought the developer needed to incorporate something into their deed restrictions that said the homeowners association would take care of it but did not believe it to be the issue, that while it was necessary that they build the retention ponds for flooding issues and so forth, it was also a burden on the individuals that had lived out in that community for the last 20 years, so it was an issue that all of them had to take a look at. Council Member Vasquez absent.

Mayor Brown stated that he would have the Planning Department follow up on it and take the lead on the issue. Council Member Vasquez absent.

Council Member Goldberg stated that there was a large amount of development going on in the Medical Center where they were building huge amounts of parking spaces and parking garages and unfortunately they did not have a City policy or ordinance that said they needed to do a traffic study if they were going to have 1,500 cars leave a certain area at the same time, they needed to do a traffic study to figure out if the streets had the capacity to handle it, that he had spoken with Mr. Vanden Bosch and he was in agreement with him and said they needed a policy ASAP, there was a possible solution, but not a great solution, and that was the fact that the City had to authorize a development to do a street cut and they would say if there was no capacity in the streets for the parking lot or garage they would not authorize them to do a street cut, that was not a great solution for a development company to build a \$40 million building with a parking garage and then not let them have cars go in or out after they had built the building because the street cuts were usually applied for after the development had gone up, that it was a delaying tactic and knew it made developers very nervous if all of a sudden they were going to

deny them the right to do a curb cut, so it was really important that they got the project under way before the continued development in the Medical Center. Council Members Vasquez and Berry absent.

Council Member Goldberg stated that he wanted to congratulate the people who worked with the CMC, Ms. Cindy Saks, they completed their online auction and raised over \$14,500 and wanted to thank the Council Members who submitted auction items, all of that was added in, Council Members Parker, Quan and Alvarado, that they reached their goal of over \$14,000 and all of that money went to good causes and good charities that were supported by the Combined Municipal Campaign. Council Member Berry absent.

Mayor Brown stated that they would have Public Works work on the parking issue that he brought up. Council Member Berry absent.

Council Member Wiseman stated that a couple of weeks ago she had brought up a situation with regard to audible crossing signals for people with visual disabilities in the Clear Lake area and the problems they were having and at that she had announced that she was going to attempt to cross the intersection with a blindfold on, she did not do it, that it was dangerous, there was no way of being able to figure out what the signals meant, they were not working properly and people pulled into the intersections all the way into the crosswalks so if they did figure out the signal and walked into the crosswalk they would walk right into a car, that it was a very dangerous situation, they were trying to get it addressed, apparently there was technology out there that was much more beneficial and helpful, they had been trying to set a meeting with the Mayor's Office of Disabilities and they had it set for October 16, 2003 and she was looking forward to it, that it was a problem throughout the City, crosswalks and school crossings were all problems. Council Member Berry absent.

Council Member Wiseman stated that she had a constituent asking her daily to bring up the issue of people speeding in school zones, that the constituent was 11 years old and rode his bike to school every day and witnessed people speeding in the school zones and asked her as his representative to make mention of it at the Council table, that he was her favorite constituent, her son, if the public would please follow the signals and control the speed they would appreciate it. Council Members Keller, Berry and Robinson absent.

Council Member Galloway stated that she knew many of her colleagues had worked with an inspector who was a dedicated fireman who passed away, Mr. Elmo Delasbour, who worked with the Smoke Detector Program and made sure that seniors and low income residents were able to get smoke detectors for their homes, and asked for a moment of silence in remembrance of Mr. Delasbour. Council Members Berry and Robinson absent.

Council Member Edwards asked the indulgence of the Council and stated that she had meant to vote "no" on Item No. 29 and No. 29a, and asked if it was too late to record her "no" vote, and Mayor Brown stated that if there was no opposition from Council and a unanimous consent they would allow her to change it and asked if there was any opposition and hearing none stated that they would allow her to record a "no" vote. Council Members Berry and Robinson absent.

Council Member Edwards stated that it was a symbolic vote but she had to register the vote because symbolically that neighborhood and the City were being disrespected, that she appreciated the help of Mr. Vanden Bosch and the community groups who had been working on it over the last two years, that she had never seen such an awesome display of arrogance by a department that was funded by taxpayers and a complete disrespect and discourtesy towards those taxpayers. Council Members Berry and Robinson absent.

Council Member Edwards stated that she would like to remind the listeners and viewers that it was the last week of voter registration, that October 4, 2003 was the last day to register to

vote. Council Members Galloway, Berry and Robinson absent.

Council Member Edwards stated that they really needed to make sure for those Council Members who were leaving office that there was a formal turnover of work in progress, projects and what was going on in those offices to the new Council Members and not just leave it up to the individual Council Member to do that. Council Members Galloway, Berry and Robinson absent.

Council Member Edwards stated that the community was being disrespected by TXDOT and the State of Texas and its leadership. Council Members Galloway, Berry and Robinson absent.

Council Member Goldberg stated that Mr. Johnson won the Super Bowl tickets at auction, and would be going to the Super Bowl with his wife, Controller Judy Johnson. Council Members Galloway, Berry and Robinson absent.

Council Member Keller stated that he had a constituent who was disabled and had to use an electric wheelchair and traveled by sidewalks near the Galleria area to run a lot of her errands and in some places there were no sidewalks and in some places there was construction, that in some places she had to get on the street and was stopped by a police officer who said if he saw her doing it again he would give her a ticket, that he needed a clarification if she was breaking the law, and Mr. Paul Bibler, Assistant City Attorney, stated that those type of questions were very fact specific like whether the person was in a crosswalk or elsewhere, that it was very difficult to make a general statement about it, but if they could get to the specifics of exactly where the person was then they could give him an answer as to what was going on. Council Members Galloway, Goldberg, Berry and Robinson absent.

Council Member Wiseman stated that with the respect to the crosswalk and the visually impaired individuals, they had asked that HPD enforce the law that prohibited pulling up into the crosswalk area and HPD responded that it really was not worth their time, that it really would not do any good, so she was concerned when she heard that the disabled were being threatened with getting tickets, that she wanted to address that with HPD and would like a meeting set up. Council Members Galloway, Goldberg, Edwards, Berry and Robinson absent.

Council Member Parker stated that two weeks ago at the Neighborhood Protection Quality of Life Committee meeting they had an update on changes to deed restrictions, the available deed restrictions that the City could enforce and asked Council Members to come back with suggested changes, that there was no interest in adopting wholesale the new Legislation, the City would get to pick which additional deed restrictions they would enforce, there was some good discussion and knew there were some Council Members who were interested in seeing them move to enforcement of 18 wheelers in residential neighborhoods, commercial vehicles parked in driveway, that she knew that Council Member Alvarado's district had a problem with illegal carports, that they were all more fact situations and thought they could consider them but Council Members needed to come up with their suggestions, that she would probably be posting it at the next committee meeting so they could move forward with it. Council Members Galloway, Goldberg, Edwards, Berry and Robinson absent.

Council Member Parker stated that Council Member Goldberg talked about the issue of traffic impacts of development and one of the problems with turnover every year was that they lost institutional memory, that she knew they dealt with it extensively in her first term on Council when they redid Chapter 42 and knew there was a great deal of discussion on requiring a traffic study and requiring traffic mitigations, the development community weighed in very heavily on that and she was happy to raise the issue again because she wanted to see those mitigations, the issue of whether they were treading too far into the issue of zoning came up repeatedly during those discussions and Council Members needed to be aware of that and would be glad to post it so that they could discuss it again. Council Members Galloway, Goldberg, Edwards,

Vasquez, Berry and Robinson absent.

Council Member Parker stated that they had also previously dealt with the issue of ongoing maintenance of the detention and retention ponds and it was actually a Public Works issue, there may be Neighborhood Protection issues with cleanup but it was not just the fact that people dumped trash in them, it was that they built them and got credit for them and then the developer goes away and then they silt up and were no longer useful in any way and when they were working on their MPDES Plan there was extensive discussion in Council of how to deal with that and in fact the Public Works Director at the time wanted to impose a fee for on going maintenance and what they ended up with was that it was their responsibility, it was the burden of the taxpayers to take care of it, that she was glad to have that discussion in committee or if Council Member Robinson wanted to bring it into infrastructure, but the issue had come up repeatedly in the past so she would like to address it. Council Members Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent.

Council Member Parker stated that they delayed the drainage fee discussion for another week, but when the issue of a drainage fee first came up months and months ago she asked for certain things to accompany a drainage fee and was sure some of her colleagues did as well, but discussions of immediate use of new flood plain maps, more detention and retention requirements, greater capacity in storm sewer infrastructure, more permeable surface, which they worked on in Chapter 42, which was coming up again, and then the issue of ongoing maintenance of detention and retention sites, none of that had come back from the administration with the drainage fee or the bond refinancing to create the drainage utility and she was disturbed that they may be moving toward the new combined utility, which may be a good thing, a drainage fee, which may be a good thing, but no plan to change the way they were doing business, so she had a mental image of a pot hole filling up with water and they were bailing it with a bucket, but it just kept filling up with water because they had not done anything to either fill the pot hole or cut the water flow into it, so she would strongly ask the administration to come up with some recommendations to change the way they did business in addition to the drainage program fee, and Mayor Brown stated that they would address that. Council Members Galloway, Goldberg, Edwards, Vasquez, Berry and Robinson absent.

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

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary