

City Council Chamber, City Hall, Tuesday, October 14, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 14, 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; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson absent on personal business.

At 2:00 p.m. Mayor Brown stated that Council would begin with presentations and invited Ms. Kym King, Director of the Mayor's Office for People with Disabilities, to the podium and stated that each year two are recognized who made significant contributions to improving the quality of life for Houstonians with disabilities. Ms. King stated the City received nine nominations this year, which were all impressive and wanted to recognize those who did not win, called each up and presented them with Certificates of Recognition; Ms. King further stated that the Disability Advocate of the Year Award recognized contributions which effectively represented those unable to represent themselves and called each up and presented them with their award. Council Members Goldberg, Edwards, Sekula-Gibbs and Berry absent.

Mayor Brown invited all representatives of Alpha Kappa Alpha Sorority to the podium for a special presentation and stated that they were celebrating their 75th anniversary and had contributed much during their years and presented them a Proclamation commending their valuable service, for being the first Greek Letter Organization founded by and for Black women and proclaimed October 17, 2003, as "Alpha Kappa Omega Chapter of Alpha Kappa Alpha Sorority Independence Day", in Houston, Texas. Council Members Sekula-Gibbs and Berry absent.

Council Member Quan stated that one of the great celebrations in the Hispanic culture was The Day of the Dead or Dia de Los Muertos, invited those present regarding the celebration to the podium and stated that he was presenting a Proclamation as Museo Guadalupe Aztlan was a product of the cultural reclamation fostering the Chicano, Latino rights movement of the '60's and '70's; that celebrations would be held in different areas of the city and the City of Houston commended them on this occasion, extended best wishes to all for continued success and proclaimed November 1, 2-003, as the "12th Annual Dia de Los Muertos Day", in Houston, Texas. Mr. Lopez stated that Dia de Los Muertos had one goal, which was to show respect for deceased family and friends; that it was a Mexican tradition; and invited all to share in the activities at the City Hall Annex, 6:00 p.m. to 9:30 p.m. on Friday, October 17, 2003. Council Members Sekula-Gibbs and Berry absent.

Council Member Quan stated that another group was celebrating the culture of Korea, Seoul Texas Day was scheduled for October 18th and introduced Mr. Eric Foley with the group. Mr. Foley stated that on behalf of 20,000 Koreans who called Houston home they were celebrating the 100th anniversary of Korean immigration to the United States; that their purpose was to share culture and those with him were performers participating in Century of the Tiger which would take place Saturday, 7:30 p.m. at the Hobby Center. Council Members Keller, Vasquez, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that today she wanted to recognize a 5th grade student at Garden Villas Elementary who was the grand prize winner of the Harris County Fire Prevention Poster Contest and invited Gerardo Villanueva, his teacher and parents to the podium and presented him a Certificate of Recognition. Council Members Keller, Vasquez, Sekula-Gibbs and Berry absent.

At 2:23 p.m. Mayor Brown called the meeting to order and Council Member Keller led all in the prayer and Pledge of Allegiance. Council Member Berry absent.

At 2:24 p.m. the City Secretary called the roll. Council Member Robinson out of the city on personal business. Council Member Berry absent.

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

Council Member Galloway moved that the rules be suspended for the purpose of hearing Ms. Beneva Nyamu and Mr. Otis Jordan after Ms. Mary White, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Vasquez and Berry absent. MOTION 2003-1206 ADOPTED.

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

Ms. Mary White, P. O. Box 91474, Houston, Texas 77291 (281-876-9658) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Vasquez and Berry absent.

Ms. Beneva Nyamu, 3617 Providence Lane, Houston, Texas 77002 (713-225-4501) appeared and stated that she had health problems and had complained about lots for years; that she was promised it would be taken care of and it had not; and HIV was all over and everyone needed to make sure it was eliminated. Council Members Wiseman, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that Mr. Cantu would meet with her at this time, coordinate a response to her concerns and follow-up and let Council know what was accomplished. Council Members Wiseman, Vasquez, Alvarado and Berry absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Rev. Emmit Square out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Wiseman, Vasquez, Alvarado and Berry absent. MOTION 2003-1207 ADOPTED.

Mr. Otis Jordan, 7663 S. Glen Willow, Missouri City, Texas 77489 (281-438-4124) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Vasquez, Alvarado and Berry absent.

Rev. Emmit Square, 8019 Record, Houston, Texas 77028 (713-734-0116) appeared and stated that he was present because healthcare benefits had been taken away from children of the community by the way the legislators handled their insurance program and it was not the children's fault if they had poor parents; that they were not denied education and should not be denied healthcare; that everyone needed to be concerned and he was asking that Council Members go with him to meet with Governor Perry and asked that Mayor Brown join with them. Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that he shared his concern 100% and would work with him. Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that she did applaud him for the work he had done and he was absolutely right, the cuts in CHIP and Medicaid were devastating and were particularly damaging in Houston and Harris County; that she had pled with the state to not make such cuts and would do so again and was asking Mayor Brown to write to the Governor and readdress the issue and see if reallocation of funds might be made with new federal money; that she did support him completely and if he was having an initiative to go to Austin she would

certainly like to know when it was; and Rev. Square stated that they would be happy to have her present. Council Members Tatro, Wiseman, Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mayor Brown stated that he would certainly be delighted to write the letter; that the cause was worth everyone's support. Council Members Tatro, Wiseman, Vasquez and Berry absent.

Upon questions by Council Member Edwards, Rev. Square stated that he would be asking the Governor to call a Special Session to deal with the children's insurance; that they needed to prioritize a child's health no matter what else did not take place. Council Member Edwards stated that she would join him in calling for a Special Session and did applaud him for being able to move the Council as a body to try and influence another legislative body. Council Members Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Otis Jordan, 7663 S. Glen Willow, Missouri City, Texas 77489 (281-438-4124), was now present and his name was recalled. Mr. Jordan stated that he was present addressing an item on the November 4 ballot, collective bargaining, they would love better wages, but their issues had not been addressed by the sole bargaining agent which was the Local; that the fire training academy problems, recruiting, fast track classes with mostly Anglo, promotions with one district chief out of 100, etc., they could not let the Local represent them and they were asking citizens of Houston and the Council Members and Mayor to vote no even though they would be hurt. Council Members Wiseman, Vasquez, Alvarado and Berry absent.

Mayor Brown asked that Mr. Jordan explain to others what the ballot item called for; and Mr. Jordan stated that it was collective bargaining and he believed if they came to an impasse which was pretty much where they were now and then they went to the third party, arbitration, it would put the City in a very serious position for finances if the third party said the City had to give them what they wanted; that they were Black firefighters but they also lived in this City of Houston, many firefighters just worked here and left the city to go home and did not care if burdens were placed on the City; and upon questions by Mayor Brown, Mr. Jordan stated that meant Council would not have the final say-so; that no matter what the cost was if they said give the firefighters a raise then they had to do so. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Council Member Quan stated that it was a bold statement Mr. Jordan made to say he did not support the bargaining agreement because he stood to potentially gain financially from it; and upon questions, Mr. Jordan stated that about 12% of the firefighters were Black and they made up about 3% of upper management; that 341 was the sole bargaining agent whether he was a member of that organization or not; that firefighters were divided, there was no camaraderie. Council Members Wiseman, Ellis, Vasquez and Berry absent.

Council Member Parker stated that there was no question the Fire Department had an absolutely embarrassing record in promoting minorities and women and it should be a priority for the Firefighter Union and obviously it had not been; and upon questions, Mr. Jordan stated that the problem was they were not represented and 341 wanted to pick who represented Black firefighters but they wanted someone to address the issues; that other minorities had the same problems they had and he did not know why they did not step-up and say so. Council Members Wiseman, Ellis, Vasquez, Quan and Berry absent.

Council Member Sekula-Gibbs stated that Mr. Jordan had repeatedly brought to Council Members attention the issue of poor performance in hiring practices and recruitment and promotion practices and she would think that if they did go to collective bargaining their visits to Council would be even less productive because at that point all they could do would be nod their heads, they would have no say; that she also thought people should know pension rates were not set at Council but in Austin and then they were told to pay for it. Council Members Wiseman, Ellis, Vasquez and Quan absent.

Upon questions by Council Member Galloway, Mr. Jordan stated that all officers were in the union; that this Fire Chief was the first not in the union; that the Chief before him was the president for 17 years and in other states when you became an officer you had to get out of the union; that even if collective bargaining passed that would be the same. Council Members Wiseman, Ellis and Quan absent.

Council Member Edwards stated that it seemed they just had different variations of the same conversation over and over; and upon questions, Mr. Jordan stated that they suggested on promotions to raise the score and then all above it passed; and if they were having fast track classes they should go to recruiting and even the numbers up. Council Members Wiseman and Ellis absent.

Mayor Brown stated that at the next Public Safety Committee Meeting they could make that the topic and also consider the proposition that would be on the ballot and see what that would mean. Council Members Wiseman and Ellis absent.

Ms. Sherry Dieckmann, 3003 S. Braeswood, Houston, Texas 77025 (713-726-0922) appeared, presented information and stated that she was president of the Linkwood Park Advisory Council; that PAC was asked to make a list of what was wrong with the Park and they made a list and presented it and they were advised of when things should be fixed; that mold was now growing in the brand new building of which cost \$1.3 million; that a couple of things were fixed, but her main concern was the problems were still not resolved, they had over 100 complaints and wanted to get to helping the children with a safe facility and she hoped Council would look at her presentation and please help in resolving the problems. Council Members Galloway, Wiseman and Ellis absent.

Mayor Brown stated that a couple of different departments were involved and he would ask Mr. Tinnermon, his Chief of Staff, to come sit with her, get to the bottom of it and solve the problem. Council Members Galloway, Wiseman, Ellis and Keller absent.

Council Member Goldberg stated that a picture said a 1,000 words and asked that they look at the new sidewalk flooded, the train that was like a big bath tub collecting rain, the hole in the roof that was meant to be; that it was \$1.3 million for a brand new community center and some made no sense at all and there were serious problems; that it was time to take a look at it and go after those responsible; and asked those who came today with Ms. Dieckmann to stand to be recognized. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Keller and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that they had received letters from the Linkwood Association and did inquiries with the Parks Department and understood they would have an RCA come to Council soon to address the problems, but he felt the Building Services Department did need to be moving forward on the contractor as there were problems which needed to be addressed; that it was Council's responsibility to hold people responsible when they designed things to make sure they were designed properly and he would be speaking with that department also; and Ms. Dieckmann stated that they were told by Building Services they had done that before, but Council stopped contracts from going through, but in talking with Council Member Goldberg no contract was ever presented to Council. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Parker stated that there seemed to be contractor and design issues and both should be moved on; and upon questions Council Member Goldberg stated it was Times Construction and design was Bricker and Cannady. Council Members Tatro, Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Dieckmann stated that the

architect, the designer, explained they cut the hole in the roof so decorative light could shine through. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez and Berry absent. (NO QUORUM PRESENT)

Ms. Whitney Anderson, 3702 Murworth, Houston, Texas 77025 (713-664-8453) appeared and stated that she was also with the Linkwood Community Center and the only other issue she would bring up was she believed Times Construction was walking away from the entire project and their final payment due them because it would cost more to fix it; and Mayor Brown stated that they would follow-up on that as well. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Tatro stated that if the contractor constructed it as to the design it seemed they were caught in the middle. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Sekula-Gibbs and Berry absent. (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. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Arun Ghosh, 1002 Saulnier, Houston, Texas 77019 (713-571-1161) appeared and stated that he was present regarding facing difficulties at a housing project which was at 1002 Saulnier, that a carport was constructed hurriedly and the Housing Opportunities of Houston was to act as a watchdog for the project but failed, it was to rickety and no lighting. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that he understood the issue and Ms. Hargrove with Planning was present and would meet with him to address the problem and then follow-up. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Kimberly Mitchell, 4019 Oakside, Houston, Texas (713-433-5955) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, Parnham Parc 7, Houston, Texas 77063 (832-287-8237) appeared and stated that he was in the Third Ward and constituents of Council Member Edwards and those along Foster Elementary said for many years they had gone to Council requesting work be done to the school and they were told it would be taken care of, but it had not; that a sign was there stating approximately \$250,000 was allocated to fix the problem and he would say after thousands of inspections he did himself it would not be enough money; and Council Members were either a help or a hindrance. Council Members Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had worked on Foster Elementary since she had been in office; that there was a change order because of what was found, but it would be fixed; and she did not know what his problem was; and Mayor Brown stated that they were about three quarters of the way through and his information was not accurate. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent.

Mr. C. P. Schen, 1611 Luthe Lane, Houston, Texas 77032 (281-443-3454) appeared, presented information for Coouncil to read and expressed his personal opinions relating to METRO until his time expired. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent.

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. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado and Sekula-Gibbs absent.

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (281-639-2723) appeared and stated that he was present asking that Council adopt an Ordinance which would require business managers to report missing employees after a first degree felony of robbery by firearms had been committed; and there was a similar crime as the one he was involved in at Overnight Transportation located at 2525 Cavalcade on December 15, 2002 where four suspects forced a security officer at gunpoint into a trailer and removed articles from the warehouse and read from a list he had of a couple of more similar incidents; that the reason he was given for not allowing Crime Stoppers to put out a flyer on his crime was because he could not positively identify them, but at times Crime Stoppers had put out flyers even with little or no recognition of the persons. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Chief Storemski was present and would meet with him and get an answer to his questions and if he had no answer would follow-up and get back with him. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

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

At 3:30 p.m. City Council recessed until 9:00 a.m., Wednesday, October 15, 2003. Council Member Robinson out of the city on personal business. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 15, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 15, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D. and Michael Berry; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Ms. Marty Stein, Agenda Director, present. Council Member Carroll Robinson out of the city on personal business.

At 8:33 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated that for the Mayor's Report they would have a presentation from representatives of the Houston Community College and invited Mr. James R. Murphy, Chairman of the Board, and Dr. Bruce Leslie, Chancellor, to the podium. Council Members Tatro, Galloway, Goldberg and Wiseman absent.

MAYOR'S REPORT - Briefing by of Houston Community College System on proposed Capital Improvement Plan

Mr. Murphy and Dr. Leslie appeared and reviewed a Houston Community College slide

presentation entitled "We Make Houston Work". Mr. Murphy and Dr. Leslie were questioned at length by Council Members and a copy of the audio tape and the presentation are available in the City Secretary's Office for review. Council Member Wiseman absent.

Council Member Goldberg stated that he wanted to introduce to Council and the audience some class members of Harmony Science Academy, a school in District C, that they were the Student Council representatives and were present with their History Teacher, who handled the Student Council, Mr. Scott Mathews and asked them to stand and be recognized.

Mayor Brown stated that they welcomed them to City Hall and the City Council meeting and were very pleased that they were present and encouraged them to continue their education, they were the future leaders and they had a lot invested in them and wanted them to do a good job.

Council Member Edwards moved to suspend the rules to consider Item Numbers 52, 53, 61, 62, 16, 15, 45, 46 and 47 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1208 ADOPTED.

52. ORDINANCE appropriating the sum of \$190,230.00 out of Harris County Construction Fund, \$642,901.00 out of the Street and Bridge Consolidated Construction Fund and approving and authorizing a Professional Program Management Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWMAN, INC** for Spur 527 Traffic Mitigation Improvements Plan and other traffic projects as assigned by the Director of Public Works and Engineering GFS N-0668-08-2, (SB9167) - **DISTRICTS - C - GOLDBERG; D - EDWARDS; G - KELLER and I - ALVARADO** – was presented.

Council Member Edwards stated that she was going to vote on the item, that she understood they need to move ahead because TXDOT was not going to stop at the madness but thought that once again she had to speak for the constituents of the area, they were very displeased with what was going ahead but also understood the need for them to do some work so that they could mitigate as much of the madness as they could, that she intended to vote no, that she did not know who had any influence with TXDOT on the Council but if they did she would really like for them to use it if they could.

A vote was called on Item No. 52. Council Member Edwards voting no, balance voting aye. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0940 ADOPTED.

53. ORDINANCE appropriating \$217,780.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Professional Engineering Services Contract between the City and **PATE ENGINEERS, INC** for rehabilitation of the Alameda Road Interceptor CIP R-0019-27-2 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0941 ADOPTED.

61. SELECT and confirm the appointment of either **MS. KATHERINE YOUNG MCGHEE** or **MS. CASSANDRA HILL** to Position 22 of the **HOUSTON READ COMMISSION**, with a three year term to expire January 1, 2006 – was presented.

Council Member Sekula-Gibbs moved to remove Ms. Cassandra Hill from nomination for Position 22 of the Houston Read Commission, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1209 ADOPTED.

Council Member Sekula-Gibbs moved to confirm the appointment of Ms. Katherine Young

McGhee to Position 22 of the Houston Read Commission, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1210 ADOPTED.

Council Member Keller stated that he wanted to applaud Council Member Sekula-Gibbs in her efforts, that he thought it was the right way to accomplish it, and also wanted to congratulate Ms. McGhee, who certainly earned it and deserved it, that it was a worthwhile group and he looked forward to seeing a lot of good work product from her on that board.

62. RECEIVE nominations for Positions 4 and 5 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for terms to expire March 1, 2004 and March 1, 2005, respectively – was presented.

Council Member Sekula-Gibbs stated that she wanted to nominate Mr. John E. Mclean, Jr., for reappointment to Position 4 of the Wastewater Capacity Reservation Review Board.

Council Member Quan moved to close nominations for Position 4 of the Wastewater Capacity Reservation Review Board, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1211 ADOPTED.

Council Member Tatro moved to postpone nominations for Position 5 of the Wastewater Capacity Reservation Review Board, seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1212 ADOPTED.

16. ORDINANCE **AMENDING SECTION 40-10.1 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Sidewalk Cafes – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0942 ADOPTED.

Council Member Alvarado stated that she wanted to thank the Administration, Legal Department, Public Works and the Mayor's Office, specifically Ms. Annette Guajardo, who worked with her staff and others on the item, and wanted to thank the downtown stake holders who submitted letters of support, that she thought it was going to be a tremendous help to the downtown businesses, specifically the ones on Main Street who had kind of weathered the economic storm down there.

Mayor Brown, Council Members Ellis, Keller, Goldberg and Tatro also commended Council Member Alvarado for her hard work and leadership on Item No. 15, and Ms. Sara Culbreth and Ms. Annette Guajardo who worked on the ordinance and the hard work they had put into it.

15. ORDINANCE **AMENDING SECTION 16-13 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Municipal Courts Technology Fee – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0943 ADOPTED.

45. ORDINANCE appropriating \$284,000.00 out of Public Health Consolidated Construction Fund for Labor Costs and other expenses related to **IN-HOUSE CAPITAL IMPROVEMENT PROJECTS** for the Houston Department of Health and Human Services (The "Department") CIP H-0062; declaring the departments intent to reimburse the general fund for expenditures relating to construction of facilities financed by the Consolidated Public Health Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0944 ADOPTED.

46. ORDINANCE approving and authorizing contract between the City, **CLAY POPE** and **CLIFF JOHNSON** for Assistance on Water and Wastewater related issues in the Texas Legislature and Various State Agencies; providing a maximum contract amount - 3 Years plus one option year - \$720,000.00 - Enterprise Fund – was presented, and tagged by Council Members Sekula-Gibbs, Keller and Tatro.

Council Member Sekula-Gibbs stated that she wanted to request the Legal Department to supply her with some information on the total amount of money that the City paid for lobbyists in the budget year, and would also like to see the total amount of money that they were projecting to spend in the current year and what they spent last year on outside Legal counsel and also the total compared to what they spent on their in house Legal counsel, that they probably had that, the expenses for the lobby teams broken down by teams, the expenses for outside Legal counsel and then the expense for in house Legal team, that she did not want the whole budget of the Legal Department, just what they paid for lawyers, Mayor Brown stated that they would get that information for her.

Council Member Keller stated that specifically he was interested in hearing from the group if they were directly or indirectly involved in the Legislation that Senator Armbruster passed which outlawed their doing DBO's, Design, Build and Operates, anymore, that he thought it was bad long term and thought they were going to lose money long term, for example the HAWC that they did with the Northeast Treatment Plant they would not be allowed to do any more and he thought that some of his friends focused on a lot of things that got into the paper that were conservative, and then all of a sudden some of the work product came out and it was actually not that, that he was not blaming their lawyers, he was trying to get a report from them as to how it got through the Legislature, that he was going to do it by the end of the meeting but since it was tagged he would put his tag on the item as well, and Mr. Hall stated that he thought they were present today, that they agreed with him and they could come and talk to him about what happened in process, and Council Member Keller stated that he wanted to find out some of the inside game on that and possibly if there was a way that they could revisit that at the Legislature.

47. ORDINANCE approving and authorizing one (1) Year Renewal Term for contract between the City and **PATTON BOGGS LLP**, Contract No. 53319 for Federal Representation - \$316,000.00 General Fund – was presented, and tagged by Council Members Sekula-Gibbs and Wiseman.

CONSENT AGENDA NUMBERS 1 through 60

MISCELLANEOUS - NUMBERS 1 through 6

1. CONFIRMATION of the appointment of **MR. ALAMDAR HAMDANI** to Position 19 of the **HOUSTON READ COMMISSION**, with a three year term to expire January 1, 2006 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1213 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MS. LARAMIE HICKEY-FRIEDMAN** to Position Two of the **CIVIC ART COMMITTEE BOARD OF DIRECTORS**, for a term to expire January 1, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1214 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of the following to the

COASTAL WATER AUTHORITY, for terms to expire March 31, 2005:

Position Three - **MR. DIONEL E. AVILES**

Position Four - **MR. KURT F. METYKO**

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1215 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS**, for terms expiring August 1, 2005:

Position Two - **MR. BINH HO**

Position Six - **MS. CLAUDIA WILLIAMSON**

Position Seven - **MS. YAVA SCOTT**

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1216 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointments or reappointments to the **HOUSTON COMMISSION ON DISABILITIES**:

Position One - **MS. ROBBIE MARIE ARRINGTON**, reappointment, for a term to expire 7/26/2005

Position Two - **MS. VERNITTA G. LENOR**, reappointment, for a term to expire 7/26/2004

Position Three - **MS. MICHELLE COLVARD**, appointment, for a term to expire 7/26/2005

Position Four - **MS. LINDA E. PICKLE**, reappointment, for a term to expire 7/26/2004

Position Five - **MR. ROBERT BARTLETT**, reappointment, and as Chair, for a term to expire 7/26/2005

Position Six - **MR. RICHARD PEREZ**, reappointment, for a term to expire 7/26/2004

Position Seven - **MR. LUIS SOTO, II**, appointment, for a term to expire 7/26/2005

Position Eight - **MR. AUTURO JACKSON**, appointment, for a term to expire 7/26/2004

Position Nine - **MR. ROY MOORE**, reappointment, for a term to expire 7/26/2005

Position Ten - **MS. THELMA SCOTT**, appointment, for a term to expire 7/26/2004

Position Eleven - **MR. JUAN RODRIGUEZ**, appointment, for a term to expire 7/26/2005

Position Twelve - **MR. MICHAEL CHOU**, appointment, for a term to expire 7/26/2004

Alternate Position One - **MS. IRENE DELEON**, appointment, for a term to expire 7/26/2005

Alternate Position Two - **MS. DIANNE FOUTCH**, appointment, for a term to expire 7/26/2004

Alternate Position Three - **MR. ROGELIO MORALES, JR.**, appointment, for a term to expire 7/26/2005

Alternate Position Four - **MR. JAMES VOKOUN**, appointment, for a term to expire 7/26/2004

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1217 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following to the

HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS, for terms to expire August 31, 2005:

MR. WILLIAM F. BURGE, III as Chair of the Authority
Position Four - **MR. GROVER G. JACKSON**
Position Five - **MS. CELINA GARZA RIDGE**
Position Eleven - **MR. ALBERT LUNA, III**

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1218 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 and 11

10. **AMEND MOTION #2000-1367, 11/8/00, TO EXTEND** expiration date from November 8, 2003 to November 7, 2004, for Chemical, Liquid Ferrous Iron Solution for Department of Public Works & Engineering, awarded to **KEMIRON NORTH AMERICA CORP.** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1219 ADOPTED.
11. **AMEND MOTION #2000-1336, 11/1/00, TO EXTEND** expiration date from November 6, 2003 to November 5, 2004, for Industrial, Medical and Specialty Gases for Various Departments, awarded to **AIRGAS SOUTHWEST, INC** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1220 ADOPTED.

RESOLUTION AND ORDINANCES - NUMBERS 13 through 60

13. RESOLUTION supporting and authorizing the request to place a segment of Old Westheimer Road from 0.07 miles north of Alief-Clodine Road to 0.02 miles south of Brays Bayou on the Harris County Road Log – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. RESOLUTION 2003-0029 ADOPTED.
17. ORDINANCE relating to the Regulation of Industrial Wastes Disposed in the City's Sanitary Sewer System; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0945 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide waterline easement containing 3,286.4 square feet of land, more or less and two flushing valve easements containing an aggregate of 400 square feet of land, more or less, vacating and abandoning said tracts of land to Dillard Texas Operating Limited Partnership, abutting owner, in consideration of the owner's dedication of (I) a 10-foot wide easement for waterline purposes containing 3,375.7 square feet of land, more or less, (II) two easements for flushing valve purposes containing an aggregate of 750 square feet of land, more or less, (III) an easement for water meter purposes containing 1,200 square feet of land, more or less, all easements being located in Reserve "A" Tom Brown Subdivision, Harris County, Texas, and (IV) owner's payment of \$900.00 and other consideration to the City **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0946 ADOPTED.

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) Piccadilly Drive, from Dillon Street North to its dead-end (Parcel SY0-059A), (ii) a Sanitary Sewer Easement (Parcel SY0-059B), (iii-iv) Two utility easements (Parcels SY0-059C and 059D), (v-vii) Three aerial easements (Parcels SY0-059E through 059G), (viii – ix) Two guy easements (Parcels SY0-059H and SY1-015), and (x) a Water Main Easement (Parcel SY0-058), all located in the J. R. Harris Survey; vacating and abandoning Nine (9) Easements (i-viii and x, being Parcels SY0-059A through 059H and SY0-058) to Houston Independent School District (“HISD”), the abutting owner, in consideration of its payment of 69,464.00 and other consideration to the City; and vacation and abandoning one easement (1) (ix, being parcel SY1-015) to Marcia Powell, the abutting owner, in consideration of HISD’S payment on her behalf of \$300.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0947 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Freestar Street, O Street and Freecroft Street containing an aggregate of 67,200 square feet of land, more or less, Parcels SY1-012, SY1-016, Parcel SY1-017 and SY1-020, all four parcels being located in the Juan Sutton Survey, A-751, Harris County, Texas; vacating and abandoning (i) Parcel SY1-012 to Pasadena Independent School District, abutting owner, and (ii) Parcel SY1-016 to Gerald Yates, abutting owner, (iii) Parcel SY1-017 to Charles R. Colvin and Frances S. Colvin, abutting owners, and (iv) Parcel SY1-020 to Christ Church Apostolic, Inc of Houston, Texas, abutting owner in consideration of the owners’ payment of \$97,205.00 and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0948 ADOPTED.
21. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Municipal Utility District No. 63; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0949 ADOPTED.
22. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Chelford City Municipal Utility District, in Harris County, Texas and in Fort Bend County, Texas; providing for the publication of notice of such hearings – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Edwards absent.
23. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** to enter into an amendment to the Strategic Partnership Agreement between the City of Houston and Memorial Hills Utility District and on a proposal by the City of Houston to annex for limited purposes certain territory within Memorial Hills Utility District in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0950 ADOPTED.
24. ORDINANCE calling Public Hearings at which interested persons will be given the

opportunity to be heard on a proposal for the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** to enter into an amendment to the Strategic Partnership Agreement between the City of Houston and Malcomson Road Utility District and on a proposal by the City of Houston to annex for limited purposes certain territory within Malcomson Road Utility District, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0951 ADOPTED.

25. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 51** to enter into a amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Fresh Water Supply District No. 51 and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Fresh Water Supply District No. 51, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0952 ADOPTED.
26. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1** to enter into an amendment to the Strategic Partnership Agreement between the City of Houston and Cypress Hill Municipal Utility District No. 1 and on a proposal by the City of Houston to annex for limited purposes certain territory within Cypress Hill Municipal Utility District No. 1, in Harris County, Texas; providing for the publication of notice of such hearings had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Edwards absent.
27. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY, TEXAS** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fountainhead Municipal Utility District and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0953 ADOPTED.
28. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GREEN TRAILS MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Green Trails Municipal Utility District and certain territory located in the vicinity of Green Trails Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0954 ADOPTED.
29. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 8 and certain territory located in the vicinity of Harris County Municipal Utility District No. 8, in Harris County, Texas; providing

for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0955 ADOPTED.

31. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 200 and certain territory located in the vicinity of Harris County Municipal Utility District No. 200, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0956 ADOPTED.
32. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 257** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 257 and certain territory located in the vicinity of Harris County Municipal Utility District No. 257, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0957 ADOPTED.
33. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 58** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 58 and certain territory located in the vicinity of Harris County Municipal Utility District No. 58, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0958 ADOPTED.
34. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control and Improvement District No. 109 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 109, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0959 ADOPTED.
35. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTH FOREST MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within North Forest Municipal Utility District and certain territory located in the vicinity of North Forest Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0960 ADOPTED.
42. ORDINANCE approving and authorizing the City of Houston to enter into contracts with

each of three (3) **INDEPENDENT SCHOOL DISTRICTS** [ALDINE ISD, ALIEF ISD, and NORTH FOREST IDS] and **EACH TWENTY-FIVE (25) NON-PROFIT ORGANIZATIONS** [BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, BREAD OF LIFE, INC, CHANCELLORS FAMILY CENTER, CHINESE COMMUNITY CENTER, THE DRAW ACADEMY, INC ECAP ENTERPRISES, INC, G. C. COMMUNITY DEVELOPMENT CORPORATION, THE GIVING INSTRUCTION FOR TOMORROW ACADEMY, GREATER ST. PAUL MISSIONARY BAPTIST CHURCH, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, THE IMANI SCHOOL, JULIA C. HESTER HOUSE, INC, KIPP, INC, MARTIN LUTHER KING, JR. COMMUNITY CENTER, MULTI-CULTURAL EDUCATION AND COUNSELING THROUGH THE ARTS, MOUNTAIN TOP LEARNING CENTER, INC, NEW MOUNT CALVARY MINISTRIES, INC, PHOENIX OUTREACH YOUTH CENTER MISSION, INC, PRO VISION MINISTRIES, INC, SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION, THE SALVATION ARMY, ST. JAMES SCHOOL, WESLEY COMMUNITY CENTER, INC OF HOUSTON, TEXAS, YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA and YOUTH CAMP OF EXCELLENCE, INC] to administer an After School Achievement Program ("ASAP") General, Grant and Housing Special Revenue Funds – had been pulled from the Agenda by the Administration, and was not considered. Council Member Edwards absent.

44. ORDINANCE approving and authorizing contract between the City and **LEEMAN LABS, INC** for Maintenance and Repair Services for environmental chemistry laboratory equipment used by the Health and Human Services Department; providing a maximum contract amount - 5 Years \$51,405.00 General Fund – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0961 ADOPTED.
48. ORDINANCE approving and authorizing the second amendment to contract (Ordinance No. 98-0600), approved July 28, 1998) between the City and **HEWLETT-PACKARD COMPANY** for equipment maintenance and leasing services – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0962 ADOPTED.
50. ORDINANCE approving and authorizing first amendment to interlocal agreement between and among the Trinity River Authority of Texas, the Tarrant Regional Water District, the North Texas Municipal Water District, the City of Dallas, and the City of Houston - \$165,600.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0963 ADOPTED.
51. Omitted
55. ORDINANCE appropriating \$83,062.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to the professional services contract (approved by Ordinance No. 02-0233) between the City of Houston and **C/E CONSULTANTS, INC** for the Design of Water Line Replacements in the Heights Subdivision CIP S-0035-94-2 (WA10733); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0964 ADOPTED.
57. ORDINANCE appropriating \$3,796,925.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-A2-3 (WW4257-44); providing funding for engineering testing

service and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0965 ADOPTED.

58. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO. INC** for Construction of Water, Sanitary Sewer and Storm Sewer lines for Section Two of the Southway Subdivision; approving and authorizing an assignment of the construction contract to Southway Business Park, Ltd. CIP S-0800-74-3 and R-0800-74-3 (DPC-21) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0966 ADOPTED.
59. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO. INC** for Construction of Water, Sanitary Sewer and Storm Sewer lines for Section Three of the Southway Subdivision; approving and authorizing an assignment of the construction contract to Southway Business Park, Ltd. CIP S-0800-75-3 and R-0800-75-3 (DPC-22) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0967 ADOPTED.
60. ORDINANCE No. 2003-924, passed second reading October 8, 2003
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. ORDINANCE 2003-0924 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

7. RECOMMENDATION from Director Finance & Administration Department and the City Controller for approval of a purchaser term sheet for the sale of Tax and Revenue Anticipation Notes, Series 2003A (the “Series 2003A Notes”), and awarding the sale of the notes – was presented, the City Secretary stated that the recommendation was to award the sale to TAX FREE INVESTMENT COMPANY on behalf of its Portfolio Cash Reserve Portfolio in accordance with their term sheet and was moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. MOTION 2003-1221 ADOPTED.

ACCEPT WORK

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,443,456.41 and acceptance of work on contract with **WESTERN-SUMMIT CONSTRUCTORS, INC** for Construction of East Water Purification Plant Expansion and Improvements, GFS S-0056-27-3 (10565) - 02.63% under the original contract amount **DISTRICT E - WISEMAN** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Edwards absent. MOTION 2003-1222 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **PHILPOTT MOTORS LTD.** for Hybrid-Electric Compact Automobiles from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Planning & Development Department - \$439,024.00 - Building Inspection Fund – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Member Edwards absent.

12. **VEHICLE MAINTENANCE PROGRAM, INC (Bid No. 5)** for Automotive Wiper Blades for Various Departments - \$60,223.29, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$1,806.70 for a net award amount not to exceed \$58,416.59 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan. Seconded by Council Member Vasquez, and tagged by Council Member Tatro. Council Member Edwards absent.

RESOLUTION AND ORDINANCES

14. **ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and the **FIRE CODE** relating to Fire Alarm Systems and Various Fees; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Members Wiseman and Keller. Council Member Edwards absent.

Council Member Keller stated that he was most interested in finding out what their definition would be as far as earned and unearned and how they would determine those proportions, and Mayor Brown stated that they would get an answer for him. Council Member Edwards absent.

Council Member Quan stated that Item 14 was an ordinance to return or to discontinue the residential fire alarm fee and those that were in process would be returned to the individuals and the monies that were already collected would they just keep or what would they do, would they not give them any credit, and Mayor Brown stated that it was his understanding that they could not legally give money back.

Mr. Hall stated that he thought earlier they had circulated a memo to all the Council Members, that those that had not been processed, he thought, were in the process of being returned or had been returned already, that those that actually got the permits, there had to be an audit based on when they were paid, to make certain that the City did not violate the Constitution, so they were proposing that it not be a high intensity audit, that they not spend a bunch of money on it, that they have somebody review basically the time and send them that portion back that was not “been earned”, that there was supposed to be a cost for processing the thing, that was what they were supposed to be paying for, that those who did pay and they processed they may give them a refund on the unused portion. Council Member Edwards absent.

Upon questions by Council Members, Mr. Hall stated that he understood Council's concern and the potential for confusion because at least some Council Members were articulating that at the time it was passed it was not intended and that sort of thing, but unfortunately the record of all of it was abundantly clear and not ambiguous, Council actually established a residential alarm fee, that it was a question of the State Constitution saying they could not give it away once they had legally instituted the fee and they had performed the service, that it was an interpretation based on the State Constitution and they could not force someone to violate the Constitution, that he had not found any lawyer who had indicated any different interpretation, the only issue seemed to be that Council now stated that they intended to do something different, that the service they provided was to issue the permit, that was what

the fee was for, that they hired a company to go issue the permits. Council Member Edwards absent.

Council Member Sekula-Gibbs requested that Mr. Hall send a letter of inquiry to the Attorney General and see if it was something that they would render an opinion, and Mr. Hall stated that the larger problem was that they did not interpret essentially questions that propounded by cities, and Council Member Sekula-Gibbs stated that she would like to know how they could get an outside opinion of how much of the fee was for the service, the service being the issuance of the paper versus the service of actually providing protection, and Mr. Hall stated that they did not think there was a “precise legal definition for that”, that the issue was a principal one and that was all they had opined on and that was whatever that proportion was that the City could not refund and that was the reason for the memo that they sent to the Council Members saying that there would be some kind of re-audit of that so they could determine how much of it was earned and how much of it was not. Council Member Alvarado absent.

After further questions by Council Members, Mr. Hall stated that issue was that the Council passed a regulatory ordinance, set it in place, directed that a company be hired to develop a system and the forms to receive applications to issue permits, the people got them, that the difference was that the Council was saying that they really did not intend for that happened and that was a different question all together, they got what they made the applications for, that they had tried to make it as painless as possible which was why they had suggested that there be an analysis of how much of that or how little of that could be attributed to the processing process, they could run into some other legal issues because then it would make the fee illegal because it was supposed for the service, so they had some limitations, that they were not talking about enormous amounts of money which was why they were suggesting that they not spend a lot to make that determination.

30. ORDINANCE calling Public Hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** to enter into an amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Municipal Utility District No. 191 and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 191 and certain territory located in the vicinity of Harris County Municipal Utility District No. 191, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0968 ADOPTED.
36. ORDINANCE issuing permit to **ENTERPRISE PRODUCTS COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0969 ADOPTED.
37. ORDINANCE issuing permit to **EOTT ENERGY LIQUIDS, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0970 ADOPTED.
38. ORDINANCE issuing permit to **GENESIS PIPELINE TEXAS, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under

which said permit is issued - **DISTRICTS A - TATRO; C - GOLDBERG; D - EDWARDS; E - WISEMAN and G - KELLER** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0971 ADOPTED.

39. ORDINANCE issuing permit to **RANCHO PIPELINE HOLDINGS, L.P.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0972 ADOPTED.
40. ORDINANCE issuing permit to **SEMINOLE CREEK, LTD.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0973 ADOPTED.
41. ORDINANCE issuing permit to **SUN PIPE LINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0974 ADOPTED.
43. ORDINANCE approving and authorizing the submission of an application for Grant Assistance to the Texas Attorney General's Office for funding for **HISPANIC VICTIMS OUTREACH PROJECT**; declaring the City's eligibility for such grants; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Drug Policy for the City of Houston to accept such grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0975 ADOPTED.
49. ORDINANCE approving an amended Groundwater Reduction Plan for the City of Houston; amending Ordinance No. 2002-390; making various findings and provisions relating to the subject – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0976 ADOPTED.
54. ORDINANCE appropriating \$6,750,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing fourth amendment to engineering services contract between the City of Houston and **MWH AMERICAS, INC** for Neighborhood Sewer System Improvements – was presented, and tagged by Council Member Tatro.

Council Member Keller stated that he was going to tag it because he expected it to come back with a \$500,000 reduction but he had time to do the calculations and get pretty happy and was not opposed to the week delay, but the fact of the matter was that they were going to be getting about \$500,000 more of work out of the contractor on the effort and the multipliers were lowered on it and what they had done was increase the term to justify some of that and he would want to see how their checkpoints were in place and safeguards, to monitor those hours that the program management portion did really benefit in that amount of hours, but he did applaud them and the industry in working with the City on lowering the multipliers to what he felt was more of a market price.

56. ORDINANCE appropriating \$44,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for engineering services associated with Katy-Addicks Surface Water Pump Station under professional engineering services contract with **CAMP DRESSER & MCKEE, INC** (approved by Ordinance No. 98-899), CIP S-1002-00-2 (WA10502); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0977 ADOPTED.

NON CONSENT AGENDA - NUMBERS 61 through 66

MISCELLANEOUS

63. RECEIVE nominations for Positions 4, 5 and 8 to the board of **REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE)**, and to name the Chair, for a term to expire December 31, 2003 – was presented.

Council Member Goldberg stated that he wanted to nominate for Position 5, Ms. Arielle Lawson and for Position 8, Mr. Walter S. Goff to the board of Reinvestment Zone Number One (St. George Place), that their resumes had been distributed to the Council Members.

Council Member Ellis moved to close nominations for Positions 5 and 8 to the board of Reinvestment Zone Number One (St. George Place), seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1223 ADOPTED.

Council Member Goldberg moved to postpone nominations for Position 4 to the board of Reinvestment Zone Number One (St. George Place) for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1224 ADOPTED.

Council Member Goldberg stated that he wanted to rename Mr. Don Clark for Chair to the board of Reinvestment Zone Number One (St. George Place).

Council Member Goldberg moved to close nominations for Chair to the board of Reinvestment Zone Number One (St. George Place), seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1225 ADOPTED.

64. RECEIVE nominations for Positions One, Two and Three of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, with two year terms expiring August 21, 2005 – was presented.

Council Members Parker stated that she wanted to name Dr. Barry Bishop for Position One, Mr. Jim Hundemer for Position Two and Ms. Brenda Tirrell for Position Three of the Houston Area Library Automated Network Board of Directors, that they were all three library professionals and their resumes had been distributed.

Council Member Parker moved to close nominations for Positions One, Two and Three of the Houston Area Library Automated Network Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1226 ADOPTED.

65. RECEIVE nominations for Positions 12 and 14, for terms to expire December 31, 2003 and Positions 11, 13 and 15 for terms to expire December 31, 2004 to the **CITY HALL**

PRESERVATION COMMITTEE

Council Members Parker stated that she wanted to name Ms. Joellyn Champagne for Position 11, Ms. Anita Garten for Position 12, Mr. W. M. Akalou for Position 13, Mr. John Nixon Wheat for Position 14 and Mr. Michael K. Brown for Position 15 for the City Hall Preservation Committee and their resumes had been distributed.

Council Member Quan moved to close nominations for Positions 11, 12, 13, 14 and 15 to the City Hall Preservation Committee, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1227 ADOPTED.

PROPERTY

66. RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2003-507, 5/21/03**, which authorized the abandonment and sale of Lamar Street, from Milby Street to St. Joseph Street, in exchange for the conveyance to the City of a 10-by 10-foot fire hydrant easement, between Blocks 2 and 3, Woodleigh Addition, Parcels SY3-043 and KY3-126, **TO APPOINT** two replacement independent real estate appraisers - **APPRAISERS DISTRICT I - ALVARADO** – was presented.

Council Member Alvarado stated that she wanted to name Mr. George Coleman Jr. and Mr. Frank Flores as appraisers and moved approval of the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1228 ADOPTED.

MATTERS HELD - NUMBERS 67 through 73

67. MOTION by Council Member Tatro/Seconded by Council Member Keller to adopt recommendation from Finance & Administration Department to award to **AMERICAN PLANT PRODUCTS & SERVICES** to Furnish and Deliver One Greenhouse for Houston Airport System \$53,460.00 - Enterprise Fund – **(This was Item 4 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and PARKER)** – was presented.

Council Member Wiseman moved to postpone Item No. 67 for two Council meetings (3 weeks), seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1229 ADOPTED.

68. MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration Department to award to **CENTRAL TURF FARMS, INC** for St. Augustine Sod Blocks Contract for Department of Public Works & Engineering - \$439,508.70 - General, Enterprise and Storm Water Utilities Funds – **(This was Item 6 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1230 ADOPTED.

69. ORDINANCE appropriating \$200,000.00 out of Houston Airport System Consolidated Construction 2000 AMT Construction Fund, and approving and authorizing amendment No. 1 to construction contract No. 53613 between the City of Houston and **R. H. TONETTI CONSTRUCTION COMPANY** for Central Concourse Interiors at William P. Hobby Airport; Project 417J, CIP A-0141 - **DISTRICT I – ALVARADO** – **(This was Item 12 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0978 ADOPTED.

70. ORDINANCE appropriating \$500,000.00 out of Houston Airport System Special Facilities Tax Revenue Bond Fund, and approving and authorizing amendment No. 1 to construction contract No. 52691 between the City of Houston and **THE MORGANTI GROUP, INC** for Consolidated Rental Car Facility at George Bush Intercontinental Airport/Houston; Project 444B, CIP A-0026 **DISTRICT B – GALLOWAY – (This was Item 13 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and KELLER)** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0979 ADOPTED.
71. ORDINANCE appropriating \$240,000.00 out of Houston Airport System Subordinate Lien Revenue Bond Series 2000B NON-AMT Construction Fund, and approving and authorizing amendment No. 1 to construction contract No. 53571 between the City of Houston and **STEWART-MATL, LTD.** for HAS Administration Building Renovation and Addition at George Bush Intercontinental Airport/Houston; Proj. 562B, CIP A-0390 - **DISTRICT B – GALLOWAY – (This was Item 15 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Robinson out of the city on personal business. ORDINANCE 2003-0980 ADOPTED.
72. ORDINANCE appropriating \$264,323.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to agreement for Professional Architectural/Engineering Services between the City of Houston and **STOA INTERNATIONAL ARCHITECTS, INC d/b/a STOA/GOLEMON/BOLULLO ARCHITECTS** at George Bush Intercontinental Airport/Houston, Project No. 562, CIP A-0390 and A-0425 - **DISTRICT B – GALLOWAY – (This was Item 16 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and GOLDBERG)** – was presented.

Council Member Goldberg moved to postpone Item No. 67 for two Council meetings (3 weeks), seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1231 ADOPTED.

Council Member Galloway asked if the postponement would have any effect on any other projects that the airport had, and Mayor Brown stated that they had checked and there was no problem with the delay.

73. ORDINANCE approving and authorizing contracts between the City and the **FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK TEXAS, CITY OF SAN JACINTO, CITY OF LAPORTE, INTERFAITH MINISTRIES FOR GREATER HOUSTON and YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for the provision of Nutrition and Transportation Services for the elderly; providing a maximum contract amount - \$18,537,300.00 - Grant Fund – **(This was Item 19 on Agenda of October 8, 2003, TAGGED BY COUNCIL MEMBERS ELLIS, SEKULA-GIBBS, QUAN, KELLER, VASQUEZ, TATRO and EDWARDS)** – was presented.

Council Member Quan stated that he knew there was a lot of concern that Council Members had on Item No. 73 and he was still continuing to meet with Interfaith Ministries and the YWCA, that he was hoping that they could resolve it, there were questions of criteria used, issues of how the budget was scored and how the presentation was scored, the care in delivering the meals, the personal service.

Council Member Quan moved to postpone Item No. 67 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson out of the city on personal business. MOTION 2003-1232 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that they heard from Houston Community College and he wanted to get together with the administration and propose a resolution for next weeks agenda supporting it.

Council Member Goldberg stated that a neighborhood had fought to get speed humps and they did get them and it worked out very well and the traffic had slowed down and the neighborhood was a lot safer, but the road was reconstructed and the reconstruction did not include replacing the speed humps, it was a separate department or division, that he was told that there was no guarantee that they would get the speed humps or even if they did what period of time it would take, that he was wondering what the policy was, that if they reconstructed a road why they would not place it back in the same condition that they found it in, that he wanted some help from Public Works to try and rectify that problem, and Mayor Brown stated that he agreed, that it made sense that if they took them out they should put them back and would have Public Works take care of it.

Council Member Goldberg asked if they could get a Legal opinion regarding the Park Advisory Council, that there had been some question of whether or not they were allowed to do some of the activities that they were actually pursuing, things like fund raising and there was a legality question, he was wondering if they could get an opinion on whether the PAC's and their liaisons were acting in the correct legal capacity from the City and Mayor Brown stated that they would have someone from Legal get the answer for him.

Council Member Wiseman stated that she had spoken with the County Attorney, Mr. Mike Stafford and he had agreed to seek a State Attorney General Opinion on the issue of the fire alarm permit fees.

Council Member Wiseman stated that they received information that they prevailed in court on the San Jacinto Rail case that involved condemnation of City property, that she wanted to thank the City attorneys that were involved in that, Ms. Debra McAbee and Mr. Randy Porteau worked very hard on that and the community prevailed, and thanked Mr. Hall for doing a tremendous job.

Council Member Wiseman stated that she wanted to bring up a situation they had been having with police response in the community, she received a call from a constituent whose Chihuahua was run over by a young man, who admitted to running over the dog, who was speeding on the residential street when he did so and proceeded to brag about it and described in detail how it was that he ran over the dog, that when the constituents called HPD for assistance they had the license plate number, the individual had been identified and there were witnesses and yet what HPD had told the constituents was because they did not catch him in the act they could not do anything about it, that made no sense at all, that she wanted to visit with HPD on the matter and wanted to find out if that truly was the law that they could not do anything unless they were there catching them in the act, that they had to do something about that. Council Member Tatro absent.

Council Member Wiseman stated that they had some problems with response dealing with the HEC center, that police protection had to be their prime responsibility and something that they put above everything else, that she had been contacted by many constituents about problems with the HEC center, that she had talked to a constituent about an accident that occurred in his front yard, a teenager drove off the road and hit a tree and was hurt, they called 911 and it took a great deal of time for 911 to arrive, that she got the information after she had viewed a public service program on the Municipal Channel that detailed some of the things they should do if they arrived at the scene of an accident and how to render aid to provide assistance until emergency response arrived, that they needed to fix the problems that they had with the HEC center, that she was getting calls from constituents throughout the district saying that they were resorted to calling constables and asking them to call out because HPD or HFD was not coming out and that was because they were not getting the information, the people that were

there to respond to the calls were not getting the information that they needed to be able to do that, that they could not continue to have the problem, that something had to be done, that she wanted to visit with someone to discuss the specific calls that they had problems with because it could not go on. Council Members Tatro and Goldbergh absent.

Council Member Galloway stated that she was out touring the Groverland Terrace Subdivision and the constituents in the community brought to her attention a lift station that had been constructed by the City on the corner of Beaver and Ferguson and they left the area in deplorable condition, that what happened was that they tore up the street and it had been over three or four months ago, that there was gravel, all of the asphalt was gone, that they did not even go out and overlay or correct the problem that they initiated, that she was requesting that the whole community in that subdivision, which consisted of about 5 or 6 streets, very short, to have a overlay project there because it was badly needed, that they had not had an overlay since about 1980 or so, that since the City did tear up their streets she felt as if though they should repair the entire community. Council Members Tatro, Goldberg and Sekula-Gibbs absent.

Council Member Galloway stated that she was also requesting a traffic signal at Victory and Carver, that was where the school was located, that several young people had been hit by cars and one was killed, that she did check with Public Works and it was on the last quarter of this budget year and she was requesting that they expedite it right away because she had put in the request approximately a year and a half ago as well as the Aldine Independent School District and she was sure they should be able to get a contract to get the signal light put in place before next month because it was well overdue, that she had requested another traffic signal light at Bertwood by another school where there was major congestion in the morning and afternoon when school lets out, that was at Bertwood and Tidwell, that she had been requesting a signal light there for the last two years and did not know why they could not put in traffic signals and allocate funds especially near the school areas where there was heavy traffic and cross streets, that she would like the administration to help expedite those two signals. Council Members Tatro, Goldberg and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to thank the Public Works Department and the leadership of Mr. Vanden Bosch, that they had several major projects that were going on in District D, from the Cambridge Bertner Bridge to US 59 Spur 527, the completion of the Alameda sink hole ahead of schedule, and also working on the every day mundane things that were going on in District D, that they had always been very responsive to the community and to their office and wanted to thank them for that. Council Members Tatro, Goldberg and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to thank her colleagues for voting for Item No. 53 in that same issue, that with the Alameda sink hole they found a lot of area along that line that were suspect and would probably become a sink hole if they did not do some proactive work, so in passing Item No. 53 it would give them a heads up or probably not having another sink hole like they had on Alameda. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Edwards stated that one of the problems they had with those type of major projects were that a lot of the businesses, especially the Mom and Pop businesses, the little community businesses got into a real tight bind because they did not have insurance and did have those type of amenities that businesses had and for some reason felt that since it was the City's problem with the infrastructure that the City should be able to provide some type of relief, that she understood their frustration but was not clear if they had any real clear information as to Capitalism 101 for their businesses to say that they could help them with small loans or low interest loans but could not give them City funds, to that effect, or if they did have City funds that they could give them then she needed to know about those because they had looked everywhere and had not been able to find City monies that they could give to for profit

businesses that were affected very seriously by those problems, but she would say today that she thought that the Affirmative Action Office and the Small Business situation that Mr. Mitchell at the Palm Center had been very responsive to those businesses and she commended them as well, if they did not continue on the proactive mode they would have more businesses suffer because of failing infrastructure. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Keller stated that he was honored in his first two years in Council to co-chair a celebrity softball game and golf tournament with Mr. Nick Van Eksel and that was to raise money for the Houston Area Woman's Center and the Mayor's Inner City Youth Sports Program, and they needed their help again, that Council Members Quan, Alvarado, Ellis, Parker and he worked to raise the money, that in 2002 they had 21 female residents in the City of Houston killed by their boyfriends or husbands and that was up 40% from the previous year which was 15, that they needed their help and as community leaders they had to recommit themselves by acknowledging the need, that this month was Domestic Violence Awareness Month, but as important the Houston Area Woman's Center was hosting an annual Halloween Party for hundreds of young clients on October 30, 2003 and they needed costumes, gently used costumes, masks, candy and small items for trick or treat bags and Polaroid film, that the donations could and would be accepted at the Houston Area Woman's Center offices at 1010 Waugh Drive through October 20, 2003. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to mention to Council Member Keller that their law firm's softball team won the Houston Area Woman's Center Softball Tournament two weeks ago to raise money to help the center but they would be glad to also chip in to. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that they were having the Housing Initiatives Committee meeting on Thursday and there were several items on the agenda and knew that as people went out campaigning they talked about the LARA Program and there would be a report on LARA, and Visitability and also their LUDAD, which were their building strategies program, so he would encourage Council Members on the committee and those interested in housing issues to come to the meeting on Thursday morning at 10:00 a.m. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to commend the Association of Building Contractors, that he was out at their Row Home Project on the weekend where they were building four homes to help women in the Third Ward area, he was disturbed though because the day when they packed the goods up the roofing materials were stolen and the air conditioning was stolen, that they were having a lot of problems with theft, the organization was trying to do a lot of good deeds for the neighborhood, so he asked that they try to provide as much safety for them as possible on the materials, and Mayor Brown stated that maybe if he coordinates it with the police and let them know when they were doing that and get extra patrols out there. Council Members Tatro, Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that on Friday afternoon they would have a reception at the Council area in the City Hall Annex for Dia De Los Muertos with the Museo De Atlan celebrating a very important holiday for the Hispanic Community and then on Saturday night, Soul Texas would have their celebration at the Hobby Center, and on Sunday the Aga Kahn Foundation would have its charity walk at the University of Houston starting at 10:00 a.m., that yesterday they dedicated the Mohandas Gandhi statue area in Hermann Park and had a Minister from the Parliament of India to come for that and the Indian Community in Houston was very grateful for that opportunity. Council Members Tatro, Galloway, Goldberg, Vasquez and Sekula-Gibbs absent.

Council Member Alvarado stated that she too wanted to join Council Member Wiseman in

thanking and commending the Legal Department for their work during the BNSF case, that Mr. Hall had a great staff, Ms. McAbee and Mr. Porteau and Ms. Hope Hammel Ray. Council Members Tatro, Galloway, Vasquez and Sekula-Gibbs absent.

Council Member Alvarado stated that she wanted to commend the HPD's Truck Enforcement Operation, that she was out with Sergeant C. J. Klausner last week and they did a two hour inspection between 8:00 a.m. and 10:00 a.m. on the East Freeway at Uvalde and she wanted to share some of the reports filed and findings, that during that two hour period 28 truck tractor trailers were placed out of service for serious federal safety infractions, that 17 citations were issued, 113 computer generated warnings were issued, that 9 Commercial Vehicle Safety Alliance Safety stickers were placed on commercial vehicles for having passed the 57 item level one truck safety inspection and then two open arrest warrants were cleared with the arrest of several commercial truck drivers; that they were doing a great job and she hoped it could be expanded throughout the city; and commended Sergeant Klausner and his team. Council Members Tatro, Galloway, Ellis, Vasquez and Sekula-Gibbs absent.

Mayor Brown stated that he would pass the message on to Sergeant Klausner and his team. Council Members Tatro, Galloway, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Berry stated that he too wanted to commend Sergeant Klausner as he was doing a great job. Council Members Tatro, Galloway, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Berry stated that he was asking for help with Neighborhood Protection; that at the corner of Hiram Clarke and Tiffany, in District D, was the entrance to a neighborhood which desperately needed help, there was a vacant lot and his office had been working for months trying to get assistance, but with the passage of time more and more junk was being dropped on the lot and the weeds were so high a child could get lost; that they were finally told it would be abated in January and that seemed unacceptable and again was asking for any help he could get. Council Members Tatro, Galloway, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Berry stated that along with some others he had not supported the increase in security presence at City Hall but it was there and the individuals were incredibly professional and he wanted to say they were doing a great job. Council Members Tatro, Galloway, Ellis, Vasquez and Sekula-Gibbs absent.

Council Member Berry stated that last week Council voted against a new furniture purchase and it was a savings of \$5,500 from the general fund and there was supposed to be a loss of grant money; that he and Council Member Tatro's office had asked for the grant terms because they wanted to verify the funds would have to go back to the federal government and they could not get that agreement and it seemed disturbing and again was asking for that information for the Health Department. Council Members Tatro, Galloway, Vasquez and Sekula-Gibbs absent.

Council Member Berry read from a letter giving kudos to the Clear Lake Substation including Sergeant Short, Sergeant Gillespie and Officer Durr who went beyond their call of duty to bring dignity to their neighborhood; and he was asking Chief Storemski to let them know they were appreciated. Council Members Tatro, Galloway, Vasquez and Sekula-Gibbs absent.

Council Member Berry yielded to Council Member Alvarado who stated that she was inviting all to the Project Row House Festival, which was an arts and crafts festival to be held Saturday and Sunday on the corner of Holman and Live Oak. Council Members Tatro, Galloway, Vasquez and Sekula-Gibbs absent.

There being no further business before Council, the City Council adjourned at 10:51 a.m. upon MOTION by Council Member Quan, seconded by Council Member Parker. Council

Member Robinson out of the city on personal business. Council Members Tatro, Galloway, Vasquez and Sekula-Gibbs absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary