

City Council Chamber, City Hall, Tuesday, November 5, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 5, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

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

At 9:34 a.m. Mayor Pro Tem Quan called the meeting to order; and Council Member Sekula-Gibbs invited Father Dominic T. Pistone from Saint Claire of Assisi Catholic Church to lead everyone in prayer and Council Member Sekula-Gibbs led everyone in the pledge of allegiance. Mayor Brown and Council Member Galloway absent.

Mayor Pro Tem Quan requested the City Secretary to call the roll. Mayor Brown and Council Member Galloway absent.

Council Members Keller and Vasquez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Brown and Council Member Galloway absent. MOTION ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Paula Parshall, Mr. Buddy Bailey, Mr. Al Russell, Ms. Jackie Mayhorn and Bessie Stratton out of order and to add to the speakers list Ms. Catherine Barchfield, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1264 ADOPTED.

Mayor Pro Tem Quan stated that the City Secretary would begin to call the speakers. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Ms. Paula Parshall, 11316 Glaser Dr., Houston, Texas 77076 (713-329-9955 ext. 212) appeared and spoke in support of Agenda Item 80, stating that she was president of the Northside Northline Super Neighborhood; that the program was a great tool; and urged passage of the ordinance. Council Member Robinson absent.

Council Member Vasquez thanked Ms. Parshall for her work and stated that the Northline Civic Club was an excellent example of benefits of the Super Neighborhood Program; they impacted the whole city making the whole system change. Council Members Keller and Robinson absent.

Council Member Sekula-Gibbs congratulated Ms. Parshall for the leadership developed and on the issue of the anti prostitution ordinance. Council Members Keller and Robinson absent.

Mr. Buddy Bailey, 2718 Sackett, Houston, Texas 77098 (713-528-0606) appeared and spoke in favor of Agenda Item 80, stating that he was co chair of Combined Super Neighborhoods 87 and 23, the Upper Kirby area and Afton Oaks and River Oaks area, and encouraged passage of the ordinance so they could continue the good work they had started. Council Members Keller and Berry absent.

Mr. Al Russell, 2022 Shadow Bend, Houston, Texas 77043 (713-827-7474) appeared and spoke in favor of Agenda Item 80, thanked Council for approving the loan for the Westview Forest Apartments; and urged passage of the ordinance. Council Members Keller, Berry and

Robinson absent.

Council Member Quan thanked Mr. Russell for his work and stated that communication was the key and Super Neighborhoods was the sounding board. Council Members Tatro, Keller, Berry and Robinson absent.

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (281-987-9362) appeared and spoke in favor of Agenda Item 80, stating that she was President of Super Neighborhood 47, East Little York and Homestead, that there was a new probationers program in their Super Neighborhood and November 8th everyone was invited to First Missionary Baptist Church at 8:00 a.m. where they would begin cleaning up; and urged passage of the Ordinance. Council Members Wiseman, Ellis, Keller, Vasquez and Berry absent.

Council Member Galloway complimented Ms. Mayhorn for all her hard work and stated they really worked together in that Super Neighborhood and she would be there. Council Members Wiseman, Ellis, Keller, Vasquez and Berry absent.

Council Member Quan stated that it was unfortunate the city could not do a lot of what he felt it should and he commended the associations such as hers. Council Member Ellis absent.

Ms. Kathy Barchfield who was previously added to the speaker's list appeared and spoke in favor of Agenda Item 80, stating that she was president of the Spring Branch Central Neighborhood; that they had many accomplishments and urged passage of the ordinance. Council Member Ellis absent.

Ms. Bessie Stratton, P. O. Box 66751, Houston, Texas 77266 (713-781-9242) appeared and spoke in favor of Agenda Item 80, stating that she was chair of the Super Neighborhood Alliance and the Washington Avenue Memorial Super Neighborhood; that it was a great program and thanked Mayor Brown for bringing it to the City; and urged passage of the ordinance. Council Member Ellis absent.

Mr. Jarvis Johnson, 2606 Gregg, Houston, Texas 77026 (713-225-2221) appeared and congratulated Council Members who won their races and thanked all outgoing Council Members for their work over the years; stated that he was in support of the Phoenix Outreach Center which had done tremendous work with children; thanked Mayor Brown for continuing to support the After School Program; and urged passage of Agenda Item 81. Council Members Ellis and Robinson absent.

Ms. Ann Tillis, 2118 Staples, Houston, Texas 77026 (713-754-8596) appeared and congratulated Council Members on their election win stated that she was president of Mothers for Clean Air, Fifth Ward Chapter, and secretary of their Super Neighborhood Council and was present to ask that they please keep their center, Phoenix Outreach, open. Council Member Ellis absent.

Council Member Quan stated that he toured the Phoenix Outreach Center and was impressed with the program they had; that he fully supported it and hoped other Council Members did as well. Council Members Ellis and Vasquez absent.

Ms. Norma Benzon, 3231 Lazybrook, Sugarland, Texas 77479 (713-868-9922) appeared and stated that she was chief executive officer of the YWCA of Houston; thanked Council Members for listening to her and others over the last three weeks; and urged Council Members as they voted for Agenda Item 81 to consider that the YWCA rendered services for the last 28 years with the Area Agency on Aging, was identified as starting a senior citizen safety program, was awarded a National Certificate Award of Recognition by JP Morgan and Chase; that CD money needed to be spent as seniors needed; and urged a vote on Agenda Item 89 so they could continue in home and congregate meals in Areas 2, 3, 5 and 7. Council

Members Ellis and Vasquez absent.

Council Member Quan stated that he reviewed the McConnell, Jones, Lanier and Murphy report eluded to by Interfaith Ministries and it indicated that home delivery could make money and congregate sites all lost money; that in the past if you took a congregate site you took home deliveries also and it balanced, but now they were proposing all home deliveries go to Interfaith and it would leave the YWCA with only congregate sites; and upon questions, Ms. Benzon stated that the report did say Interfaith Ministries did not apply for congregate sites because it was very expensive and not money making; that the YWCA balanced their congregate sites with home deliveries and if they did not give them home deliveries they would be put out of business in terms of offering services to their cliental. Council Members Tatro, Edwards and Vasquez absent.

Council Member Quan moved that the rules be suspended for the purpose of hearing Ms. Mary Mayfield at this time, seconded by Council Member Berry. All voting aye. Nays none. Council Members Tatro, Edwards and Vasquez absent. MOTION 2003-1265 ADOPTED.

Ms. Mary Mayfield, 3621 Willia, Houston, Texas 77007 (713-868-9922) appeared and stated that she was director of senior services for the YWCA; that Agenda Item 89 was two suppliers both wanting to supply a service; that they took care of them in ways others could not because others did not have adequate time to do it; that their employees also picked up prescriptions, changed light bulbs, etc., and they did not think other providers could do as good a job as they did. Council Members Tatro, Edwards, Wiseman, Vasquez and Robinson absent.

Council Member Quan stated that some seniors came to Council complaining about Interfaith Ministries delivering; and upon questions, Ms. Mayfield stated that the YWCA did not ask anyone to go before Council. Council Members Tatro, Edwards, Wiseman, Vasquez and Robinson absent.

Mr. J. W. Maseh, P. O. Box 742713, Houston, Texas 77036 (713-776-8108) appeared and stated that he was president of the Independent Cab Association and was present protesting the Super Bowl Zone Rate Council was trying to place on cab drivers; that the City was making them criminals; and they were asking that the City allow them to use their meters as they did now. Council Members Edwards, Vasquez and Robinson absent.

Council Member Ellis stated that they were not calling them criminals; that they did background checks; and upon questions, Mr. Maseh stated that with the zone rate they would not be getting the small rate increase allowed them and he did not believe cab drivers would be getting more money during the Super Bowl because there would be buses lined up, etc.; and Council Member Ellis stated that the zones they were wanting to put into place was so some cab drivers would not do price gouging and with zones the visiting public could look at where they were going and know how much it would cost; and Mr. Maseh stated that in that case they should have zones with price ranges, not set price. Mr. Maseh presented Council Member Ellis with information which he said he would evaluate. Council Members Galloway, Wiseman, Vasquez and Robinson absent.

Mr. Scott Tillinghast, 5005 Georgie Lane #88, Ho9uston, Texas (713-686-8331) appeared and stated that he spent six years on the board of the ACLU and was present speaking on the expansion in the criminal justice industry and how to cut it back; that Texas had one of the two largest prison systems in the union and he saw a staggering volume of complaints from Texas prisoners and where there was smoke there was fire; that it needed to be downsized and they should start by weeding out unnecessary criminal laws such as those against private possession, use and cultivation of a plant by consenting adults; that the burden of proof should be on criminalizing something and consider taking laws off books, could anyone prove marijuana really needed to be illegal, the legal drug alcohol presented greater hazards; that Seattle recently voted to give bottom priority to enforcement of marijuana laws and he was

asking the same of Council Members. Council Members Galloway, Wiseman, Vasquez, Quan and Robinson absent.

Ms. Debora Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) appeared and expressed her personal opinions relating to God, Satan, right and wrong until her time expired. Council Members Galloway, Wiseman, Vasquez, Quan and Robinson absent.

Mr. Peter Ejerika, 6701 Cullen Blvd., Houston, Texas 77021 (713-748-4228) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez, Quan and Robinson absent.

Ms. Rochelle Jenkins, 6701 Cullen Blvd., Houston, Texas 77021 (713-748-4228) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Vasquez, Quan and Robinson absent.

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 Tatro, Galloway, Goldberg, Wiseman, Vasquez, Quan and Robinson absent.

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

Ms. Sherry Alex-Butler, 1066 South Lane, Houston, Texas 77088 (832-607-4684) appeared and stated that she was present as she received a letter from Council's committee regarding health issues in the neighborhood, District 18B, and the excessive drug activity; that she received a letter but expected a proper response; that in return she was being threatened and harassed. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis and Vasquez absent.

Mayor Brown stated that Ms. Alex-Butler should share the letter with Ms. Dillard who was present and they would be able to follow-up and see what needed to be done. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis and Vasquez absent.

Mr. Thomas Birmingham, 384 Litchfield Lane, Houston, Texas 77024 (713-465-7415) appeared and stated that he would like to know where the revenue went for the parking lot at Tranquility, Theater, etc., and instead of city employees they had contract and those employees had no insurance and did an excellent job and he would like to know if they could get the insurance. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Mayor Brown stated that the revenue went to the department of Convention and Facilities who operated the lots for the Enterprise Fund and they used the funds to operate those operations; that the City did contract with private vendors for the services; that regarding insurance they would follow-up. Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller and Vasquez absent.

Council Member Parker stated that he raised a valid point, generally those type of contracts were awarded on a low bid basis but it would certainly be in their ability to review the benefits offered by the company to their employees; that she knew other Council Members were concerned and she was glad it was brought up. Mr. Birmingham stated that on his last time before Council he brought up someone installing high voltage power and not a citizen of the US; that he had no electrical license to practice here and never received a response back and he felt the City had an obligation to make sure anyone doing work for the City was properly paid and properly trained for their activity. Council Members Tatro, Galloway, Wiseman, Ellis, Keller and Vasquez absent.

Mayor Brown stated that he would get an answer for him right now; that Mr. Lewis with that department was present and would meet with him at this time. Council Members Tatro, Galloway, Wiseman, Ellis and Vasquez absent.

Ms. Carolyn Davis, 5903 Quail Village, Houston, Texas 77053 (281-437-8157) appeared and stated that she was a disabled veteran with eight years in the military as a nurse and recently refinanced with Washington Mutual who had now messed up her credit rating; that she had been given copies of paperwork which showed she had made payments and they were taken back off and she found out it was not just her it was being done to other veterans also; that she and the others served this country and she needed help for all as none wanted to lose their homes. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. Mark Kmiec, 6401 Deihl #1302, Houston, Texas 77092 (832-573-5874) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016-5103 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

Minister Joe Angel Lopez, Parnham Parc 7, Houston, Texas 77063 (832-287-8237) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Members Ellis, Vasquez, Sekula-Gibbs and Robinson absent.

At 10:33 Mayor Brown stated they would move to the agenda and the first order of business would be the report from the City Controller and Director of Finance and Administration. Council Members Ellis and Vasquez absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 40, 50, 51, 83, 82, 81, 89, 61, 46 and 18 out of order, seconded by Council Member Galloway.

Council Member Vasquez asked Council Member Robinson if they could do Item No. 82 before Item No. 83 and asked if he would accept that as a friendly amendment and Council Member Robinson stated no.

Council Member Vasquez moved to suspend the rules to consider Item No. 82 before Item No. 83.

Mayor Brown stated that what was before them were Item Numbers 40, 50, 51, 83, 82, 81, 89, 61, 46 and 18 out of order.

Council Member Keller asked Council Member Robinson if he would accept a friendly amendment to consider Item No. 79 before Item No. 40 and Council Member Robinson stated that he did not have a problem with that.

A vote was called on the motion to consider Item Numbers 79, 40, 50, 51, 83, 82, 81, 89,

61, 46 and 18 out of order. All voting aye. Nays none. MOTION 2003-1266 ADOPTED.

Council Member Parker moved to suspend the rules to consider Item Numbers 1 through 10 out of order first, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2003-1267 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 82 before Item No. 83, seconded by Council Member Parker.

A roll call vote was called on Council Member Vasquez motion.

**ROLL CALL VOTE:**

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-1268 FAILED

**MAYOR'S REPORTS**

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Judy Johnson, Controller, stated that she was pleased to present the Monthly Financial Report for period ending September 30, 2003, that they had a small amount of good news to report, that their projection of total revenues for the General Fund had increased by about \$2 million compared to that of a month ago, that put their projection of the amount needed to balance the budget, or the shortfall, at only \$24.4 million, not quite as bad as the \$26 million they were estimating to be in the hole last month, that the adjustments were due to changes in the projections for sales taxes and franchise fees, there continued to be reasons to believe that the economy was on the verge of improvements, they saw lots of indications that their sales tax receipts may go up in the future, that as of now they had yet to go up, they were holding pretty flat with the prior year and as a result their overall estimate was exactly flat to the total collected in 2003, that increase in franchise fees was based on an estimate of increased gas franchise, which was based entirely on the natural gas prices continuing to be very high, that they made some minor changes in estimates of expenditures but none of those were significant, there was very little change, they had some considerable discussion about alternative ways of balancing the budget gap yesterday and she would encourage the Mayor and the Council to try to get together, if possible, and agree on an approach to take; that as to the Quarterly Investment Report, they had \$2.3 billion invested by the City in 8 different investment pools, it was not significantly different from the expected amounts that they expected to have on hand for investment, that it was worth noting that the water and sewer system were in the R Fund as \$350 million, that was expected to be contributed to the refinancing of the water and sewer system to the combined utility system, they expected to use \$300 million of that money that was on hand and available in investments that would mature in time to make that payment without sales, without selling any assets that they should not sell, overall they were looking at interest rate forecast continuing to be at 2.5% for the fiscal year, that last week the Open Market Committee met and made a commitment that interest rates would remain low for a considerable period and as a result they were continuing to be very conservative in their investment policy, and that concluded her report. Mayor Brown and Council Member Wiseman absent.

Dr. Scheps stated that the September Monthly Report basically had very little change from the prior month, it had changes that net out to a \$200,000 decrease from the prior report, basically offsetting changes with Municipal Courts Revenue projected to be lower and ambulance revenues projected to be higher, that as to Municipal Courts Revenue they had now brought their projection down very close to the Controller's projection, ticket issuance was down somewhat and there was always hope that it would come back up, but they did not see reason to not decrease that based on the first quarter's results, that ambulance revenues was the good news, they now had 11 of the lap tops that they allowed them to purchase in 11 ambulances with 90 more to go, they were installing them at a rate of about 6 per week and those installations were going well, that plus the hospital electronic connections had raised the revenue estimates; that City staff continued to drop, as shown by his letter, they were now down to 7,097 civilian staff, that the net result of the report showed a budget gap that they were about \$6.2 million away from a balance, that they did have, however, in that number some management improvements that had not been identified yet, so on that basis they urged the Mayor and he had responded by putting out a proposal to cut roughly \$10 million out of the budget and that was discussed by Sara Culbreth at their Monday meeting and those decisions were in place and the City Council asked to take a look at some of those areas and he presumed they would be doing that and getting back to them, but they were on track to remove that \$10 million from the budget, which would get it back into balance posture as far as their numbers were concerned and that concluded his report. Council Members Goldberg, Wiseman and Robinson absent.

Council Member Parker moved to accept the Financial Reports, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Wiseman and Robinson absent. MOTION 2003-1269 ADOPTED.

Mayor Brown stated that Council would now consider Item Numbers 1 through 11.

1. CONFIRMATION of the appointment of the **MR. TIM L. MYERS** to Position 4 of the Board of **REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE)**, for a term to expire December 31, 2003 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1270 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following as full-time **MUNICIPAL COURT JUDGES**:
  - JUDGE BERTA MEJIA**, reappointment as Presiding Judge, for a term to expire May 29, 2005
  - JUDGE MARIA E. CASANOVA**, reappointment, for a term to expire January 23, 2005;
  - JUDGE JOHN PAUL BARNICH**, reappointment, for a term to expire January 23, 2005;
  - JUDGE RHODA CATO**, reappointment, for a term to expire January 23, 2005;
  - JUDGE ANTONIA INGVERSEN**, reappointment, for a term to expire January 23, 2005;
  - JUDGE NANCY BAILEY**, reappointment, for a term to expire January 23, 2005;
  - JUDGE DANIEL PEREZ, JR.**, reappointment, for a term to expire January 23, 2005;
  - JUDGE DANIEL SIMMS**, reappointment, for a term to expire January 23, 2005;
  - JUDGE W. E. BLACKMON**, reappointment, for a term to expire January 23, 2005;
  - JUDGE LEIGH F. SAINT GERMAIN**, reappointment, for a term to expire July 1, 2005;
  - JUDGE ELAINE TIMBERLAKE**, reappointment, for a term to expire July 1, 2005;
  - JUDGE FAD WILSON, JR.**, reappointment, for a term to expire July 1, 2005;
  - JUDGE GORDON MARCUM**, reappointment, for a term to expire November 15, 2005;
  - JUDGE FRANCELIA TOTTY**, appointment, for a term to expire two years from date

of appointment;  
**JUDGE ADAM SILVERMAN**, appointment, for a term to expire two years from the date of appointment.

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1271 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following as **SUBSTITUTE MUNICIPAL COURT JUDGES:**

**JUDGE MARGARET MUNOZ HARKINS**, for a term to expire January 23, 2005;  
**JUDGE SHERRY APPLEWHITE**, for a term to expire January 23, 2005;  
**JUDGE CHERYL A. SMITH**, for a term to expire January 23, 2005;  
**JUDGE JOELLEN SNOW**, for a term to expire January 23, 2005;  
**JUDGE JOSEPH VARELA**, for a term to expire January 23, 2005;  
**JUDGE PATRICE BARRON**, for a term to expire January 23, 2005;  
**JUDGE JOSEFINA M. RENDON**, for a term to expire January 23, 2005;  
**JUDGE LYDIA JOHNSON**, for a term to expire January 23, 2005;  
**JUDGE ANA OTERO**, for a term to expire January 23, 2005;  
**JUDGE WILLIAM A. ALLEN**, for a term to expire January 23, 2005;  
**JUDGE JOHNNIE ABERCIA**, for a term to expire July 1, 2005;  
**JUDGE WALTER SCHROEDER**, for a term to expire July 1, 2005;  
**JUDGE DON R. BYRNES**, for a term to expire July 1, 2005;  
**JUDGE ELIZABETH ASHER**, for a term to expire July 1, 2005;  
**JUDGE G. HARLAN COLEMAN**, for a term to expire July 1, 2005;  
**JUDGE YVONNE Q TAYLOR**, for a term to expire July 1, 2005;  
**JUDGE A. ROBERT HINOJOSA**, for a term to expire July 1, 2005;  
**JUDGE VICTORIA C. DAWSON**, for a term to expire July 1, 2005;  
**JUDGE JAY D. HIRSCH**, for a term to expire July 1, 2005;  
**JUDGE ANN C. ELLIS**, for a term to expire July 1, 2005;  
**JUDGE JACK P. LEE**, for a term to expire July 1, 2005;  
**JUDGE GARY B. MADDOX**, for a term to expire July 1, 2005;  
**JUDGE OSWALD J. SCOTT, JR.**, for a term to expire July 1, 2005;  
**JUDGE JO NELSON**, for a term to expire July 1, 2005;  
**JUDGE BRIAN WICE**, for a term to expire July 1, 2005;  
**JUDGE DAVID O. FRAGA**, for a term to expire July 1, 2005;  
**JUDGE NIKITA HARMON**, for a term to expire July 1, 2005;  
**JUDGE THOMAS M. WHITWORTH**, for a term to expire July 1, 2005;  
**JUDGE TIMOTHY K. SEO**, for a term to expire July 1, 2005; and  
**JUDGE MIN LEE**, for a term to expire September 1, 2005.

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1272 ADOPTED.

Mayor Brown stated that they had the head judge present and invited Judge Mejia to the podium, that he wanted to recognize that it was Municipal Courts Week and presented a proclamation that stated that Mayor Lee P. Brown, Mayor of the City of Houston hereby proclaimed November 3 through 7, 2003 as Municipal Courts Week in Houston, Texas. Council Member Quan absent.

Judge Mejia invited Ms. Barbara Sudhoff to the podium to accept the resolution, that as they knew they both represented the courts and they really appreciated the resolution that they now were honoring the courts with, that it was Municipal Courts Week throughout the State and they were the largest Municipal Court in Texas and they had very hard working people at the Municipal Courts and would like to thank them on their behalf. Council Member Quan absent.



Ms. Barbara Sudhoff stated that Municipal Courts was compiled of three interdependent departments, that they wanted to recognize the Prosecutor's Office, who was not able to be present, that she concurred with Judge Mejia, they did have staff that were doing an excellent job and not only did she want to thank the Mayor and Council for the proclamation but also for their continued support and investment in the court, that they were committed to make measurable improvements throughout the courts, especially in light of the implementation of the new ICMS System. Council Member Quan absent.

Council Member Alvarado stated that she wanted to congratulate everyone and hoped that the prosecutors could get to work on the dismissal rates. Council Member Quan absent.

Council Member Sekula-Gibbs stated that they were doing an excellent job in some areas, but had to also remind them that the City was very concerned about the revenues that came from the Municipal Courts, that primarily justice must be served, but if cases were dismissed at an excessive rate then she did not believe that justice was served because the City was being harmed, and she requested that they do what ever was necessary and let them know if the issue was staffing and they needed more judges to let them know, that Ms. Sudhoff had come to them with specific requests for improvements and they had addressed those and given her the resources and tools to make the administrative side work, and Judge Mejia stated that she appreciated Council Member Sekula-Gibbs's comments and would visit with her, that with their new case management system they were going to see many improvements in the Courts, it was still a year away and they expected to come before the Technology Committee in December and give them an update and they would see how much progress they had made but they still had a long way to go. Council Members Wiseman and Robinson absent.

Mayor Brown requested that the new judges stand and be recognized, and Judge Mejia stated that she wanted to thank them on behalf of all of the judges, the fulltime and associate judges that they confirmed, that she wanted to recognize two new judges who had served the City as associate judges and now moved on to fulltime judges, the Honorable Francelia Totty, who graduated from Southern University in Illinois and Law School at TSU and had been a fulltime judge for six years prior and had been an associate judge since 1999, and the Honorable Adam Silverman who graduated from UT Undergrad and received his Law Degree also from UT and had been with the City as an associate judge since 1994. Council Members Wiseman and Robinson absent.

Council Member Quan moved to suspend the rules to consider Item No. 80 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1273 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**, for terms to expire September 30, 2005:
  - Position Two - **MR. RICHARD RICE**
  - Position Three - **MR. JAMES JARD**
  - Position Seven - **MR. DAVID COLLINS**
  - Position Eight - **MR. JOHN CHIANG**
  - Position Fourteen - **MR. SAMIR J. FOTEH**
  - Position Nineteen - **MR. JON STRANGE**

– was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1274 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ZOO DEVELOPMENT CORPORATION BOARD OF DIRECTORS**:
  - Position 1 - **MR. TONY CHASE**, for a term to expire June 30, 2006 and to serve as Chair, for a term ending June 30, 2004

Position 4 - **MS. BETTYE LEWIS**, for a term to expire June 30, 2006  
Position 8 - **MR. WILLIAM E. BARNETT**, for a term to expire June 30, 2006

– was presented, moved by Council Member Galloway, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1275 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREATER EAST END MANAGEMENT DISTRICT BOARD OF DIRECTORS**:

- Position 3 - **MR. ROBERT P. RODRIGUEZ**, appointment, to complete an unexpired term ending June 1, 2005
- Position 5 - **MS. IRMA GALVAN**, appointment, to complete an unexpired term ending June 1, 2005
- Position 6 - **MR. MARK TRUSKEY**, appointment, to complete an unexpired term ending June 1, 2005
- Position 8 - **MS. MARGARET LINCOLN**, reappointment, for a term ending June 1, 2007
- Position 9 - **MR. DONALD ROZUM**, reappointment, for a term ending June 1, 2007
- Position 10 - **MR. DOMINIC QUIJANO**, appointment, for a term ending June 1, 2007
- Position 11 - **MR. GRADY WALKER**, reappointment, for a term ending June 1, 2007
- Position 12 - **MR. D. V. FLORES**, reappointment, for a term ending June 1, 2007
- Position 13 - **MR. PAUL MEZA**, appointment, for a term ending June 1, 2007
- Position 14 - **MS. ALICIA TAYLOR**, appointment, for a term ending June 1, 2007
- Position 15 - **MR. ED WULFE**, reappointment, for a term ending June 1, 2007

– was presented, moved by Council Member Ellis, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1276 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2007:

- Position 1 - **MS. REGINA BYNOTE JONES**, appointment
- Position 2 - **MR. MARCUS DAVIS**, appointment
- Position 3 - **MR. DANIEL BARNUM**, appointment
- Position 4 - **MS. GAYLE FORTSON**, reappointment
- Position 6 - **MR. DOUG WILLIAMS**, reappointment
- Position 7 - **MR. TRANG TRAN**, reappointment
- Position 8 - **MR. IAN ROSENBERG**, appointment
- Position 9 - **MS. JULIE ANNE MCCLURE**, appointment

- was presented, moved by Council Member Galloway, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1277 ADOPTED.

8. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **NEAR NORTHWEST MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2007:

- Position 6 - **MR. JAMES KILPATRICK**, appointment
- Position 7 - **MS. VIOLA M. GARCIA**, reappointment

Position 8 - **MR. DONNY DARVILLE**, appointment

Position 9 - **MR. ROBERT R. BURCHFIELD**, reappointment

- was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1278 ADOPTED.

9. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS, UPTOWN ZONE:**

Position Three - **MR. MARTIN DEBROVNER**, reappointment, for a term to expire July 6, 2005, and as Chair, for a term to expire December 31, 2003

Position Four- **MR. JUDSON ROBINSON, III**, reappointment, for a term to expire July 6, 2005

Position Five - **MS. JANICE HARRIS**, appointment, for a term to expire July 6, 2005

- was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1279 ADOPTED.

10. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **UPTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**

**MR. MARTIN DEBROVNER**, reappointment, as Chair, for a term to expire December 31, 2003

Position One - **SENATOR JON LINDSAY**, representing Texas State Senate District 7, appointment, for a term to expire December 31, 2004

Position Two - **MR. KENDALL MILLER**, representing Texas House of Representatives District 136, appointment, for a term to expire December 31, 2004

- was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1280 ADOPTED.

11. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **WESTCHASE AREA MANAGEMENT DISTRICT BOARD OF DIRECTORS:**

Position Two - **MR. MARTIN WILTSHIRE**, appointment, to complete an unexpired term ending 7/1/2005

Position Four - **MR. JOHN HOLLAND**, appointment, to complete an unexpired term ending 7/1/2005

Position Seven - **MR. DOUG ELLIOT**, appointment, to complete an unexpired term ending 7/1/2005

Position Nine - **MR. MARK SMITH**, appointment, to complete an unexpired term ending 7/1/2005

Position Ten - **MR. MARK D. TAYLOR**, reappointment, for a term expiring 6/1/2007

Position Eleven - **MR. WILLIAM SENGELMANN**, reappointment, for a term expiring 6/1/2007

Position Thirteen - **MR. DAVID LEE**, reappointment, for a term expiring 6/1/2007

Position Fourteen - **MR. PHILIP SCHNEIDAU**, appointment, for a term expiring 6/1/2007

Position Fifteen - **MS. SUZANNE ANDERSON**, reappointment, for a term expiring 6/1/2007

Position Sixteen - **MR. LLOYD LAULAND, JR.**, appointment, for a term expiring 6/1/2007

Position Seventeen- **MR. ANDREW LEAR**, appointment, for a term expiring

- was presented, moved by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2003-1281 ADOPTED.

79. RESOLUTION approving proposal for the Harris County Appraisal District to acquire certain real property located at 13013 Northwest Freeway in Houston, Texas – (**This was Item 21 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBERS PARKER and KELLER**) – was presented.

Council Member Keller stated that he handed out some information that he ran on the item, that it was an item approving the Harris County Appraisal District going into a lease purchase with 3 years remaining on their existing lease, that it was a way to solve a short term problem, space needs, by leveraging a lot of debt, they had \$11 million on their lease requirements for the next 3 years and were getting another building to assume that debt, \$11 million, that the proposed lease purchase was a building that was already 27 years old, that they were assuming \$18 million in debt to maybe save \$1 million and that was not good or in the best interest of the taxpayers.

Council Member Keller moved to refer Item No. 79 back to the administration, seconded by Council Member Vasquez. Council Member Tatro voting no, balance voting aye. MOTION 2003-1282 ADOPTED.

40. RESOLUTION establishing a date for a public hearing on the creation of proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Area); authorizing and directing other actions preliminary to the creation of the proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas - **DISTRICT H – VASQUEZ SUGGESTED HEARING DATE - 9:00 A.M. - 2 WEEKS FROM DATE OF PASSAGE** – was presented.

Council Member Robinson stated that he had distributed a written amendment and had a chance to speak with the folks in the Legal Department, Mr. Litke and several stake holders interested, that back in 1995 they did a Greater Third Ward Redevelopment Plan and included in the plan was a recommendation that they create a tax increment financing zone, that he did not want to interfere with Item No. 40 and had a separate and distinct questions on it and had been advised that the better approach to trying to move forward on the Greater Third Ward TIF would be to ask that it be reposted in two weeks and what he intended to do at that time was to ask that they delay setting a public hearing until March, that he would be gone from Council but it would insure that the item would come up and gave the Planning Department appropriate time to work with the technical folks and get the notice requirements in place, but the stake holders in the Greater Third Ward Management District and several community based organizations were asking that they move forward with implementation of the TIF, that he would like to tag Item No. 40 and would ask the Mayor if they could post a notice relative to the Third Ward item in two weeks that he would move to postpone to a definite date.

Council Member Robinson offered the following motion to amend Item No. 40:

- 1) Amend Item 40 to include a public hearing on the creation of a “Lower Third Ward” TIRZ and to authorize and direct other actions preliminary to the creation of the proposed Reinvestment Zone. The boundaries of the “Lower Third Ward” TIRZ would be Pierce Street/I-45 on the north, Chartes Street/Hwys 288/59 on the west, Leck Street on the east and Elgin Street on the South.
- 2) Amend No. 40 to set the date of the public hearing for December 3, 2003 at 9:00 a.m.

Council Member Alvarado stated that she wanted to thank Council Member Robinson for

bringing it forward, that she did support it and knew that they had support from various organizations in the Third Ward and would ask her colleagues to support Council Member Robinson's motion, and Council Member Robinson stated that he would like to work with her once he left Council, the Planning Department at the Barbara Jordan/Mickey Leeland School of Public Affairs was amenable to donating some of their faculties technical time to help develop the plan, so that was why he would delay the item once it was posted to March so that it would be on her watch.

Mayor Brown stated that they would work on it but there was no commitment to be able to do it in the timeframe that Council Member Robinson had suggested, that he knew it was much more complicated than that but they would start addressing it immediately.

Council Member Sekula-Gibbs stated that she understood that there were some issues of environmental contamination with the land that originated from the former owner, Union Pacific, that she would like to express her concerns about that environmental contamination and to support a delay.

Mayor Brown stated that Item No. 40 had been tagged by Council Member Robinson.

50. ORDINANCE amending Resolution No. 1999-59; repealing Ordinance No. 2002-911; approving and authorizing an Urban Redevelopment Interlocal Agreement between the City of Houston, the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY, HOUSTON INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HOUSTON COMMUNITY COLLEGE SYSTEM, PORT OF HOUSTON AUTHORITY, HARRIS COUNTY DEPARTMENT OF EDUCATION** and the **HARRIS COUNTY HOSPITAL DISTRICT** to promote the development of certain tax-delinquent properties; authorizing articles of amendment and new bylaws for the Land Assemblage Redevelopment Authority – was presented. All voting aye. Nays none. ORDINANCE 2003-1018 ADOPTED.
51. ORDINANCE approving and authorizing contracts between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**, the **CITY OF SOUTH HOUSTON, ROBERT C. GOHLKE, DDS, INC., HEIGHTS HEARING AIDS, LLC**, and **TEXAS SOUTHERN UNIVERSITY** for Various Vendor, Support and Nutrition Services for the Elderly; providing a maximum contract amount - \$3,406,105.00 - Grant Fund – was presented, and tagged by Council Member Edwards. Council Member Robinson absent.
83. ORDINANCE approving and authorizing agreement for a News, Gift and Specialty Retail Concession at George Bush Intercontinental Airport/Houston by and between the City of Houston and **HOST INTERNATIONAL, INC – (This was Item 43 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2003-1019 ADOPTED.
82. ORDINANCE approving and authorizing agreement for a News, Gift and Specialty Retail Concession at George Bush Intercontinental Airport/Houston by and between the City of Houston and **PARADIES-IAH, L.L.C. – (This was Item 42 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting no

Council Member Ellis voting no  
Council Member Keller voting no

Council Member Robinson voting aye  
ORDINANCE 2003-1020 ADOPTED

81. ORDINANCE approving and authorizing the City of Houston to enter into contracts with **BREAD OF LIFE, INC** and **PHOENIX OUTREACH YOUTH CENTER MISSION, INC** to administer an After School Achievement Program ("ASAP") - General, Grant and Housing Special Revenue Funds – (This was a portion of Item 40 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER ELLIS) – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2003-1021 ADOPTED.
89. ORDINANCE approving and authorizing contracts between the City and **INTERFAITH MINISTRIES FOR GREATER HOUSTON** and contract between the City 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 a portion of Item 68 on Agenda of October 22, 2003, POSTPONED BY MOTION #2003-1237) – was presented. Council Member Goldberg absent.

Council Member Quan stated that there had been substantial discussion regarding the issue and questions raised as to processing with Interfaith Ministries and moved to refer Item No. 89 back to the administration, seconded by Council Member Tatro. Council Member Robinson absent.

Council Member Edwards stated that they had done it in committee and had individual meetings and asked why Council Member Quan was asking to refer Item No. 89 back, and Council Member Quan stated that he still felt that there were questions he had regarding the viability of the YWCA to continue its meals program if they took away those sites as far as home delivery, that the McDonald Jones Report showed that if they did not have home delivery along with congregate then they lose money totally and as stated the YWCA felt that their program on serving seniors would be jeopardized if they could not do home delivery as well as congregate. Council Member Robinson absent.

Council Member Parker stated that she had concerns on some timelines and moved to suspend the rules to hear from Ms. Gloria Moreno, Health and Human Services Department, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Berry and Robinson absent. MOTION 2003-1283 ADOPTED.

Upon questions by Council Member Parker, Ms. Moreno stated that their budget was due to the Texas Department on Aging on November 10, 2003 at 8:00 a.m., that they were submitting a budget and the numbers they were including were based on the 15 contracts that Council had approved thus far, that there were items up for vote today and they were hoping to include those as well, that any numbers that they could not submit they were explaining to the State that they were not at the point to give them numbers for some of those contracts, but their budget had to be submitted, that as they knew they had been operating on a month to month extension thus far and until they got new contracts approved their hands were being tied by the State, that the program was being put in jeopardy now to the extent that what their request to the State was based on what Council had already approved, that they had 3 RFP's and 3 RFQ's and were at the end of the process, and Mayor Brown stated that the prudent thing to do was to vote the motion to refer the item back to the administration down.

A roll call vote was called on Council Member Quan's motion to refer Item No. 89 back to the administration.

ROLL CALL VOTE:

Mayor Brown voting no  
Council Member Tatro voting aye

Council Member Vasquez voting no  
Council Member Alvarado voting aye

Council Member Galloway voting no  
Council Member Goldberg voting no  
Council Member Edwards voting no  
Council Member Wiseman voting no  
Council Member Ellis voting no  
Council Member Keller voting no

Council Member Parker voting no  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting aye  
Council Member Berry voting no  
Council Member Robinson absent.  
MOTION 2003-1284 FAILED

A vote was called on Item No. 89. Council Members Quan, Tatro and Sekula-Gibbs voting no, balance voting aye. Council Members Goldberg and Robinson absent. ORDINANCE 2003-1022 ADOPTED.

61. ORDINANCE appropriating \$4,700,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0263, \$10,000,000.00 out of Airports Improvement Fund CIP A-0263, and \$19,551,569.00 out of Houston Airport System Consolidated 2004 NON-AMT Construction Fund, awarding construction contract to **W. W. WEBBER, INC** for Rehabilitation of Runway 8R-26L at George Bush Intercontinental Airport/Houston IAH, Project No. 491B; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Goldberg, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1023 ADOPTED.
46. ORDINANCE approving and authorizing lease agreement between the City of Houston and **FRIEDKIN REALTY - HOBBY, LTD** at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown, Council Members Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1024 ADOPTED.
18. RECOMMENDATION from Acting Director Building Services Department for approval of Change Order No. 12 in the amount of \$87,193.41, and final contract amount of \$8,653,224.80 and acceptance of work on contract with **CONSTRUCTION LTD., INC** for Denver Harbor Multi-Service Center, GFS D-0077-02-3 - 12.31% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Keller, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor Brown, Council Members Tatro, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1285 ADOPTED.
80. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Article VIII to Chapter 33, relating to the Super Neighborhood Initiative – **(This was Item 24 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Mayor Brown, Council Members Tatro and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that he had passed out an amendment to Item No. 80 as follows:

Amend Item No. 80 as follows:

Sec. 33-304. Assistance by city departments and employees.

Delete paragraphs (a) and (b) and add the following:

The Mayor shall appoint city employees to serve as the city's general liaison to each recognized super neighborhood council as appropriate and necessary and as the budget allows, seconded by Council Member Alvarado.

A vote was called on Council Member Goldberg's motion to amend Item No. 80. All voting aye. Nays none. Mayor Brown, Council Members Tatro and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2003-1286 ADOPTED.

A vote was called on Item No. 80 as amended. All voting aye. Nays none. Mayor Brown, Council Members Tatro and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1025 ADOPTED.

### CONSENT AGENDA NUMBERS 1 through 72

#### MISCELLANEOUS - NUMBERS 12 and 14

12. RECOMMENDATION from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR INTERSTATE 69 TEXAS** - \$30,000.00 - General Fund – was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1287 ADOPTED.
14. RECOMMENDATION from Chief of Police for Injured on Duty Status for Police Officer **PETER RAZO** – was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1288 ADOPTED.
17. RECOMMENDATION from Director Department of Solid Waste Management authorizing transfer of the remaining \$279,000.00 from Fund #233 - the Solid Waste Special Revenue Fund to the General Fund – had been pulled from the Agenda by the Administration, and was not considered. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he would release his tag on Item No. 40. Mayor Brown absent. Mayor Pro Tem Quan presiding.

#### ACCEPT WORK - NUMBERS 21 through 23

21. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$987,854.50 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Main Replacement in Camden Woods East Subdivision, GFS S-0035-83-3 (WA10669) - 02.82% under the original contract amount **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1289 ADOPTED.
22. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$873,288.33 and acceptance of work on contract with the Surety, **CUMBERLAND CASUALTY & SURETY COMPANY** for Rehabilitation of Four Ground Storage Tanks and Demolition of One Elevated Storage Tank, GFS S-0600-17-3 (10521-17) - 02.69% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; D - EDWARDS and E - WISEMAN** – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1290 ADOPTED.
23. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,190,037.99 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Water Main Extensions on McHard, O.S.T. (Ardmore), O.S.T. (Pitzlin), Simsbrook, Spears and LaBranch, GFS S-0700-05-3 (10550) 24.12% under the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS and I - ALVARADO** – was presented, moved by Council Member Ellis,



seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1291 ADOPTED.

**PROPERTY - NUMBERS 24**

24. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ernest Roth of Terra Surveying Company, Inc., on behalf of Omni-Tidwell 03, L.P. (Dale Ladner, general partner), for abandonment and sale of a 10-foot-wide easement, located between Lots 266 through 269 and Lots 298 through 301, in exchange for the conveyance to the City of a 10-foot wide utility easement out of Lot 298, all within Block 10, Barclay Place Addition, Section 1, Parcels SY4-009 and VY4-004 - **STAFF APPRAISERS - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1292 ADOPTED.

**PURCHASING AND TABULATION OF BIDS - NUMBERS 31 through 35**

31. **AMEND MOTION #2001-43, 1/17/01, TO EXTEND** expiration date from February 1, 2004 to January 31, 2005, for Apparel, Holsters-Handguns for Police Department, awarded to **G. T. DISTRIBUTORS, INC** – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1293 ADOPTED.
32. **AMEND MOTION #2000-190, 2/9/00 and #2003-19, 1/8/03, TO EXTEND** expiration date from February 9, 2004 to February 8, 2005, for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **NATIONAL WATERWORKS, INC (formerly U. S. FILTER CORPORATION)** – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1294 ADOPTED.
34. **CLEANOLOGY SERVICE & SUPPLY** for Traffic Paint from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$142,429.65 - General Fund – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1295 ADOPTED.
35. **AMEND MOTION #2002-1252, 10/23/02,** for Change Order to **AAA FLEXIBLE PIPE CLEANING CO., INC** to provide four Sewer Cleaning Units and to **AB CLEAN, INC** to provide three Sewer Cleaning Units for Department of Public Works & Engineering - \$352,500.00 - Enterprise Fund – was presented, moved by Council Member Ellis, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1296 ADOPTED.

**RESOLUTIONS AND ORDINANCES - NUMBERS 44 through 72**

44. ORDINANCE ordering and setting public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed taking and use of a 3.3530 acre permanent easement out of Townwood Park by Harris County Flood Control District for Flood Control and Drainage purposes; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other

matters generally relating thereto **DISTRICT D – EDWARDS HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 10, 2003** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1026 ADOPTED.

45. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley, from Durham Drive to Shepherd Drive, located in Block 25, Brunner Addition; vacating and abandoning said alley to Mora Welch Partners, Inc, the abutting owner, in consideration of the owner's payment of \$94,500.00 and other consideration to the City; Parcel Number SY3-003 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1027 ADOPTED.
58. ORDINANCE approving and authorizing third amendment to Contract No. C39243 between the City of Houston and **HEWLETT PACKARD** for Maintenance Services and Lease of equipment – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1028 ADOPTED.
62. ORDINANCE appropriating \$63,000.00 out of George R. Brown Consolidated Construction Fund and approving and authorizing professional Fine Art Restoration Service Agreement between the City of Houston and **BEN WOITENA d/b/a METAL ARTS** for Restoration of the Artwork “Seven Wonders” located in Sesquicentennial Park - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1029 ADOPTED.
68. ORDINANCE appropriating \$3,846,803.00 out of the Water & Sewer System Consolidated Construction Fund, awarding construction contract to **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Busting Method GFS R-0266-A4-3 (WW4257-46); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1030 ADOPTED.
69. ORDINANCE appropriating \$3,040,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, LTD.** for 20-inch water line along Elgin Boulevard and Calhoun Road from Adair Street to Wheeler Street, GFS S-0035-88-3 (WA10722); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - Fund No. 755 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1031 ADOPTED.
71. ORDINANCE appropriating \$2,340,000.00 out of Fire Consolidated Construction Fund for Renovation/Reconstruction of Various Fire Department Facilities; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1032 ADOPTED.
72. ORDINANCE approving and authorizing contract between the City and **ASPEN CIVIL DESIGN, LLC** for Smith Branch Public Library Parking Lot Expansion, CIP E-0078-02-2 - \$40,366.00 CDBG Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1033 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

## MISCELLANEOUS

13. RECOMMENDATION from Director Department of Health and Human Services for Leave of Absence Without Pay for **CAROL Y. AMMAR**, Public Health Nurse, II – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1297 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** for 1 Year Utility Subscription Program Fee for 2003 - \$84,968.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1298 ADOPTED.

Mayor Pro Tem Quan stated that they some visitors from Aspiring Youths in the audience and asked that they stand and be recognized. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

16. ORDINANCE appropriating \$577,793.85 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to construction contract (approved by Ord. No. 2002-0224) between the City of Houston and **TEXAS STERLING, L.P.** for Construction of an 84-inch water line along West 24th Street from Durham Drive to Airline Drive, CIP S-0900-65-3 (WA10638); providing funding for engineering testing services relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – VASQUEZ** – was presented, and tagged by Council Members Goldberg and Berry. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
- 16a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$732,186.00 on contract with **TEXAS STERLING, L.P.** for Construction of an 84-inch water line along West 24th Street from Durham Drive to Airline Drive, CIP S-0900-65-3 (WA10638) - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Members Goldberg and Berry. Mayor Brown and Council Member Robinson absent.

## ACCEPT WORK

19. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,174,953.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Maintenance Facility - Memorial Park Golf Course, GFS F-0464-01-3 07.01% over the original contract amount - **DISTRICT G – KELLER** – was presented, moved by Council Member Tatro, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1299 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,277,876.54 and acceptance of work on contract with **CALCO CONTRACTING, INC** for Sanitary Sewer Improvements East Lake Houston Unserved Areas Project Package 1; GFS R-0801-07-3 (4744-1) - 00.42% over the original contract amount **DISTRICT E – WISEMAN** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Members Edwards and Keller voting no, balance voting aye. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1300 ADOPTED.

## PROPERTY

25. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jerry Scott, Jr. of Cobourn Linseisen & Ratcliff, Inc., on behalf of Houston Independent School District (HISD), for abandonment and sale of Burdine Street, from Gasmer Road to Dryad Drive, in exchange for the conveyance to the City of a 60-foot-wide storm sewer easement, located in the Replat of New Westbury Village, Section 3, and the construction of a ±150-foot- section of West Airport Boulevard connecting to Chimney Rock Road, and a conditional right of entry for Houston Independent School District, Parcels SY3-052 and LY3-005 - **STAFF APPRAISERS - DISTRICT C - GOLDBERG** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1301 ADOPTED.

## PURCHASING AND TABULATION OF BIDS

26. **U. S. BANK VOYAGER FLEET SYSTEMS, INC** for spending authority to purchase Retail Fuel Card Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department \$900,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1302 ADOPTED.
27. **NORTH AMERICAN TRADE CORP.** for Treadmills and Heart Rate Monitors for Houston Fire Department - \$213,095.00 - Grant and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Edwards. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Edwards released her tag later in the meeting.)
28. **PROMAXIMA MFG., LTD** for Physical Fitness Equipment for Houston Fire Department \$121,045.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,631.35 for a net award amount of \$117,413.65 - Grant and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Keller, and tagged by Council Member Edwards. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Edwards released her tag later in the meeting.)
29. **MERCHANTS, INC** for Perennial Rye Grass Seeds for Parks & Recreation Department \$57,770.00 - Parks Special Revenue Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1303 ADOPTED.
30. **MOTION #1999-2038, 12/1/99 and #2002-1318, 11/6/2002, TO EXTEND** expiration date from December 1, 2003 to November 30, 2004, for Sports Lighting and Controls for the Parks and Recreation Department, awarded to **TURTLE & HUGHES, INC** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1304 ADOPTED.
33. **ALTIVIA CORPORATION** for Emergency Purchase of Sodium Hypochlorite for Department of Public Works & Engineering - \$41,313.56 - Enterprise Fund – was

presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Goldberg. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

36. **AMEND MOTION #2000-1326, 11/1/00 and #2003-637, 6/18/03, TO INCREASE** spending authority from \$3,220,300.00 to \$4,025,375.00 for Ford Motor Car/Light Truck Replacement Parts and Service for Various Departments, awarded to **TOMMIE VAUGHN MOTORS** - General Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Sekula-Gibbs. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
37. **AMEND MOTION #2000-1505, 12/13/00, TO EXTEND** expiration date from December 13, 2003 to December 12, 2005, for Concrete, Hot Mix Asphaltic for Various Departments, awarded to **MARTIN MARIETTA MATERIALS** and **AMERICAN MATERIALS, INC** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1305 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to congratulate the department director, Mr. Calvin Wells, who had done an excellent job in trying to find a way to save money for the City, that he had suggested that they extend the contract for asphalt and had been able to help them save \$2 million. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that Mr. Wells had done a good job. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

38. **CITY SUPPLY CO., INC** for Plumbing Supplies for Various Departments - \$772,651.00 - General and Enterprise Funds – was presented, moved by Council Member Ellis, seconded by Council Member Tatro, and tagged by Council Member Sekula-Gibbs. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
39. **TURF EQUIPMENT & SUPPLIES, INC** for Lawnmower and Edger Replacement Parts and Repair for Various Departments - \$96,700.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$2,901.00 for a net award amount not to exceed \$93,799.00 - General and Enterprise Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Ellis, and tagged by Council Member Tatro. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

## **RESOLUTIONS AND ORDINANCES**

41. ORDINANCE authorizing and providing for certain amendments to the City of Houston, Texas, Water and Sewer System Bond Ordinance; making other provisions regarding such amendments and matters incident thereto; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Ellis and Tatro. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
- 41a. ORDINANCE providing for issuance of City of Houston, Texas, combined Utility System Revenue Obligations, providing for the payment thereof; making other provisions regarding such obligations and matters incident thereto, including covenants and agreements relating to the Operation and Management of the Water, Sewer and Drainage System, the Revenues derived from its operation and ownership, the establishment and maintenance of funds and accounts for the payment of such obligations, specifying the terms and conditions for the issuance of such obligations and other matters incident and related to their issuance and security; ratifying, confirming, authorizing and adopting

Drainage Utility Service Charges; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Ellis and Tatro. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

- 41b. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, combined Utility System First Lien Revenue Refunding Bonds in several series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Water and Sewer System Commercial Paper Notes and certain Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain escrowed securities; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; authorizing qualified hedge agreements with respect to the bonds; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement, Supplemental Financial Advisor Agreement, Swap Advisor Agreement, and agreements with respect to payment of Bond Counsel and Financial Advisor Fees of the Texas Water Development Board; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented, and tagged by Council Members Tatro, Wiseman and Ellis. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
- 41c. ORDINANCE authorizing the issuance of “City of Houston, Texas, Revenue Anticipation Notes, Series 2003”; specifying the terms and features of said notes; pledging drainage revenues for the payment of the principal of and interest on said Notes; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; resolving other matters in connection therewith; and declaring an emergency – was presented, and tagged by Council Members Tatro, Wiseman, Ellis and Keller. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
42. ORDINANCE relating to Ground Transportation Services for the 2004 Super Bowl, suspending certain provisions of the Code of Ordinances, Houston, Texas; containing findings and other provision relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability – was presented, and tagged by Council Member Vasquez. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Vasquez released his tag later in the meeting.)

Council Member Vasquez stated that he knew the Texans Super Shuttle situation had been hanging in the balance for a number of months and would tag the item until he got an update on what was going on, that he knew that they were supposed to have a hearing with F&A and some changes in the ordinance and it just did not seem to be making any progress. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

43. ORDINANCE relating to Special Event Temporary Information Signs – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1034 ADOPTED.

Council Member Berry stated that he wanted to thank Mr. Robert Norris for his work on the issue and for being a pleasure to work with in his office. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

47. ORDINANCE approving and authorizing City of Houston to enter into contacts with one (1)

Independent School District [Houston ISD] and each of six (6) non-profit organizations [**BOYS & GIRLS CLUB OF GREATER HOUSTON, INC, ECAP ENTERPRISES, INC, G. C. COMMUNITY DEVELOPMENT CORPORATION, THE GIVING INSTRUCTION FOR TOMORROW ACADEMY, HOUSTON ALL-STARS CHILDREN'S DEVELOPMENT PROGRAM, and PIONEERS FOR CHANGE C. D. O. INC**] to Administer an After School Achievement Program ("ASAP") – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1035 ADOPTED.

48. ORDINANCE approving and authorizing first amendment to contract between the City and **BFI WASTE SYSTEMS OF NORTH AMERICA, INC** (#39164) for a cost adjustment to reduce the rate of increase and other matters – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1036 ADOPTED.
49. ORDINANCE appropriating \$213,000.00 out of Solid Waste Consolidated Construction Fund for Repairs and Modifications at the Southwest Transfer Station to be performed by **REPUBLIC WASTE SERVICES OF TEXAS** pursuant to Contract #51076 - **DISTRICT C – GOLDBERG** – was presented and tagged by Council Member Goldberg. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated that she wanted to release her tag on Item Numbers 27 and 28. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

52. ORDINANCE approving and authorizing eleventh contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$940,000.00 from the Community Development Block Grant Program for the Administration of a Child Care Program – was presented and tagged by Council Member Tatro. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro requested that someone get in touch with his office, that they had a list of about 5 questions they would like to get some updated information on, and Mayor Pro Tem Quan stated they would have someone speak with him on it. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

53. ORDINANCE approving and authorizing eleventh contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$1,930,000.00 (\$1,230,000.00 in Emergency Shelter Grants Program Funds and \$70,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1037 ADOPTED.
54. ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$815,000.00 from the Community Development Block Grant Program for the Administration of a Juvenile Delinquency Prevention Program – was presented, and tagged by Council Member Tatro. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that it was the same issue, that they had a series of questions they would like to have some information on. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

55. ORDINANCE approving and authorizing amendment No. 1 to contract for Elevator,

Escalator and Moving Sidewalk Systems Maintenance Services between the City of Houston and **THYSSENKRUPP ELEVATOR CORPORATION** for the Houston Airport System - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1038 ADOPTED.

56. ORDINANCE approving and authorizing amendment No. 1 to agreement for Computer Maintenance Services between the City of Houston and **STRATUS TECHNOLOGIES, INC**, successor to **STRATUS COMPUTER, INC** for Houston Airport System - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1039 ADOPTED.
57. ORDINANCE approving and authorizing first amendment to professional services contract between the City of Houston and **WATKINS HAMILTON ROSS ARCHITECTS, INC** for Southwest Multi-Service Center, CIP D-0072-02-2 - **DISTRICT F - ELLIS** – was presented, and tagged by Council Member Keller and Mayor Pro Tem Quan. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1037 ADOPTED.
59. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Relocation of the City's Water Main along the IH-10 Corridor, CIP S-0900-AS-2 (WA10624) - **DISTRICTS A - TATRO and G - KELLER** – was presented, and tagged by Council Member Vasquez. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated he wanted to request a meeting with TXDOT that they had been waiting on Studewood to be completed for a number of years and they had not made any progress whatsoever. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

- 59a. ORDINANCE appropriating \$2,942,500.00 out of Water & Sewer Contributed Capital Fund and approving and authorizing second amendment to professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Accelerated Surface Water Transmission Program, CIP S-0900-AS-02 (WA10624); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund - **DISTRICTS A - TATRO and G - KELLER** – was presented, and tagged by Council Member Vasquez. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
60. ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund as temporary funding for contract with **RICONDO & ASSOCIATES, INC** for Master Plan Study at William P. Hobby Airport, Project 583A, CIP A-0442 - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Members Goldberg and Keller. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
63. ORDINANCE approving and authorizing third amended and restated interlocal cooperation agreement with the **HOUSING AUTHORITY OF THE CITY OF HOUSTON** – was presented.

Council Member Edwards stated that she wanted to have somebody from the groups to come and visit with her, that she was really concerned about the leadership that the boards were showing, that she would like to meet with some of the boards of the organizations and find out what was going on and what was their commitment to affordable housing in the City, and Mayor Pro Tem Quan stated that the Housing and Community Development and HATCH would set that up with her. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem



Quan presiding.

Council Member Ellis stated that he would tag Item No. 63. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he was concerned about the concentration of low income housing in the City and strongly believed there needed to be a concentration policy similar to what the State level had but more tailored to the City and their situation. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she shared the sentiments of both of her colleagues and she had some general concerns with the Housing Authority and would like to visit with them. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he could not agree more with Council Member Vasquez as far as the concentration of low income housing. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that she concurred as well because she knew in the northeast area there were many low income housing being constructed in the area and wished they would really look into that and have some sort of ordinance. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that if need be the Housing Initiatives Committee was willing to also host a discussion with HATCH as to their overall policies and philosophy regarding development of areas so they would be glad to facilitate any meeting or bring them forward to their committee to have that discussion. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

64. ORDINANCE approving and authorizing second contract amendment between the City of Houston and **ESPEY, HUSTON and ASSOCIATES, INC d/b/a PBS&J** for Professional Services relating to preparation of Wastewater Permit Applications, Biomonitoring and Toxicity Reduction Evaluations; providing a maximum contract amount - \$1,500,000.00 - Enterprise Fund – was presented, and tagged by Council Member Sekula-Gibbs. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. (Note: Council Member Sekula-Gibbs released her tag later in the meeting.)
65. ORDINANCE approving and authorizing contract between the City and **EBSCO INDUSTRIES, INC** for Subscription Services for the Houston Public Library; providing a maximum contract amount - 5 Years - \$2,875,000.00 - General Fund – was presented, and tagged by Council Member Wiseman. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.
66. ORDINANCE approving and authorizing the execution of a Compromise and Settlement Agreement relating to disputes arising out of the award of a contract to 4 Families of Houston, Joint Venture, for Food and Beverage Services at William P. Hobby Airport; settling claims between the City of Houston, **CA ONE SERVICES, INC., CONCESSIONS OF HOUSTON, A JOINT VENTURE, HARLON BROOKS, PERCY CREUZOT, III, 4 FAMILIES OF HOUSTON, JOINT VENTURE**, and **4 FAMILIES OF HOUSTON, L.L.C.**, settling two lawsuits styled Civil Action No. H-02-4512, CA One Services, Inc. v. the City of Houston and the City Council of the City of Houston, in the United States District Court for the Southern District of Texas, and Cause No. 2003-08665, Harlon Brooks and Percy Creuzot, III v. the City of Houston and the City Council of the City of Houston in the 113<sup>TH</sup> Judicial District Court of Harris County, Texas, awarding amendment No. 1 to contract No. C39167 to concessions of Houston, a Joint Venture, for services at George Bush Intercontinental Airport/Houston, terminating contract No. C54661, awarded to 4 Families

of Houston, Joint Venture by Ordinance No. 02-0929, awarding a new contract to 4 Families of Houston, Joint Venture, authorizing an assignment of that contract to 4 Families of Houston, L.L.C. and containing other provisions relating to the foregoing subject, and declaring an emergency – was presented, and tagged by Council Members Vasquez and Goldberg. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

67. ORDINANCE appropriating \$1,148,100.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **F. W. WALTON, INC** for Construction of Roof Replacement for City Hall and City Hall Annex, GFS D-0113-02-3; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1040 ADOPTED.
70. ORDINANCE appropriating \$1,076,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Richmond Plaza Subdivision, GFS S-0035-92-3 (WA10731); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1041 ADOPTED.

### **NON CONSENT AGENDA** - NUMBER 73

#### **MISCELLANEOUS**

73. MOTION to set a date not less than seven (7) days from November 5, 2003 to receive nominations for Positions A through I on the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004 – was presented. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Ellis moved to set Wednesday, November 12, 2003 to receive nominations for Positions A through I on the HOUSTON CLEAN CITY COMMISSION, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1306 ADOPTED.

#### **MATTERS HELD** - NUMBERS 74 through 89

74. 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 67 on Agenda of October 15, 2003, POSTPONED BY MOTION #2003-1229**) – was presented. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs moved to refer Item No. 74 back to the administration, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1307 ADOPTED.

75. 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 72 on Agenda of October 15, 2003, POSTPONED BY MOTION #2003-1231)** – was presented. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved to postpone Item No. 75 for one week, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1308 ADOPTED.

76. MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from City Attorney for settlement of lawsuit styled **MEADOWBRIAR HOME FOR CHILDREN vs. Gunn**; Civil Action No. H-91-3398; in the United States District Court, Southern District of Texas-Houston Division - \$117,647.06 - Property and Casualty Fund – **(This was Item 11 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1309 ADOPTED.
77. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **PENCCO, INC (Bid No. 7)** for Chemical, Hydrofluosilicic Acid for Department of Public Works & Engineering \$619,080.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$18,572.40 for a net award amount not to exceed \$600,507.60 - Enterprise Fund – **(This was Item 18 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Member Tatro voting no, balance voting aye. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Quan presiding. MOTION 2003-1310 ADOPTED.
78. **AMEND MOTION #2000-571, 4/26/00 and #2003-376, 4/16/03, TO INCREASE** spending authority from \$3,200,294.27 to \$4,018,172.29 for Two-Way Radios, Parts & Accessories for Various Departments, awarded to **BEARCOM** by \$87,666.00 from \$219,165.00 to \$306,831.00 and **HOUSTON COMMUNICATIONS** by \$730,212.02 from \$2,920,848.07 to \$3,651,060.09 General, Enterprise and 911 Emergency Network Funds – **(This was Item 20 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBERS QUAN and PARKER)** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1311 ADOPTED.
84. ORDINANCE awarding contract to **PRIME TREES, INCORPORATED** for Tree Removal Services for Parks & Recreation Department; providing a maximum contract amount - 1 Year with two one-year options - \$749,981.25 - General Fund – **(This was Item 44 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1042 ADOPTED.
85. ORDINANCE appropriating \$575,880.00 out of General Improvement Consolidated Construction Fund and \$33,000.00 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Replacement of Multi-Use Pavilions at Clinton Park and Gutierrez Park, GFS F-0466-01-3; providing funding for engineering testing services and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund and Parks Consolidated Construction Fund - \$250,000.00 CDBG Grant Fund - **DISTRICTS C - GOLDBERG; H - VASQUEZ and I – ALVARADO – (This was Item 58 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that he had passed out a sheet titled Linkwood Park,

that he would support the item but wanted to point out that out of the appropriation of money, \$575,000, only \$25,000 actually went to Linkwood Park, that it had so many problems that it should not have for a \$1.3 million building, that as they could see from the list the problems were so bad that the people who did the design and construction were willing to spend their own money to fix it, which was a rarity, but they also had to kick in some money from the Parks Department CIP which was questionable whether or not it was fair, that he thought they needed to take a closer look at holding accountable the design and construction team and if they did not do it to go after their bonds, that they just did too little of that, that he wanted to thank Mr. Issa Dadoush for working on it. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 85. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1043 ADOPTED.

86. ORDINANCE appropriating \$285,142.00 out of General Improvements Consolidated Construction Fund and approving and authorizing first amendment to the professional architectural services contract (approved by Ordinance No. 02-0239) between the City of Houston and **PROZIGN, INC D/B/A PROZIGN ARCHITECTS** for Design Improvements and Renovations to Jesse H. Jones Library, Carnegie Branch Library, Library Resource Center, and Julia Ideson Building CIP E-0011-01-2, E-0142-01-02, E-0076-01-2 and E-0049-01-2; providing funding for the Civic Art Program and contingencies relating to Design Improvements and Renovations of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS I - ALVARADO and H - VASQUEZ** – (**This was Item 59 on Agenda of October 22, 2003, TAGGED BY COUNCIL MEMBER KELLER**) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller moved to postpone Item No. 86 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003- ADOPTED.

87. 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 – (**This was Item 62 on Agenda of October 22, 2003, POSTPONED BY MOTION #2003-1257**) – was presented. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After discussion, Council Member Sekula-Gibbs moved to postpone Item No. 87 for one week, seconded by Council Member Tatro. Mayor Brown and Council Members Wiseman and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan requested that Mr. Hall respond to Council Member Sekula-Gibbs, and Mr. Hall stated that they had responded at nauseum on the issue and thought the lesson was misplaced, that Council had, obviously, the opportunity, subject to Council rules, to repeal any ordinance it passed, not just this one, and that was what Council did, that was what happened, Council passed a legitimate ordinance, regular in every regard and decided to repeal it, that was within the Council's power and they could that it on any of them. Mayor Brown and Council Members Goldberg, Wiseman and Berry absent. Mayor Pro Tem Quan presiding.

After further discussion by Council Members, Ms. Sara Culbreth, stated that it was her understanding that Council had also requested a review of the payments they had received to determine what amount could and should be refunded based on the Legal Department's opinion, it was also her understanding that they could not make those refunds until the item was passed until the item was passed, they had conducted the review and her staff had made the recommendation to her, she reviewed it and prepared to move forward with the refunds pending approval of the action, that if they passed the item they would begin refunding to those that they did not process, that all of the payments that they had received they had reviewed, that the

review included everyone who submitted a payment, that they would get a portion of the money received, that it would be greater than half. Mayor Brown and Council Members Parker and Berry absent. Mayor Pro Tem Quan presiding.

After further discussion a vote was called on the motion to postpone Item No. 87. Council Members Galloway and Edwards voting no, balance voting aye. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1313 ADOPTED.

88. RECEIVE nominations for Position 5 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for terms to expire March 1, 2004 and March 1, 2005, respectively – (This was Item 66 on Agenda of October 22, 2003, POSTPONED BY MOTION #2003-258) – was presented. Mayor Brown and Council Members Wiseman, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she wanted to nominate Ms. Anh Hunter for Position 5 of Wastewater Capacity Reservation Review Board. Mayor Brown and Council Members Wiseman, Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs moved to close nominations for Position 5 of Wastewater Capacity Reservation Review Board, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Members Wiseman, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1314 ADOPTED.

Mayor Pro Tem Quan stated that Council Member Robinson had removed his tag on Item No. 40. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

40. RESOLUTION establishing a date for a public hearing on the creation of proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Area); authorizing and directing other actions preliminary to the creation of the proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas - DISTRICT H – VASQUEZ SUGGESTED HEARING DATE - 9:00 A.M. - 2 WEEKS FROM DATE OF PASSAGE – was again before Council. All voting aye. Nays none. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding. RESOLUTION 2003-0032 ADOPTED.

Council Member Sekula-Gibbs stated that she would release her tag on Item No. 64. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

64. ORDINANCE approving and authorizing second contract amendment between the City of Houston and **ESPEY, HUSTON and ASSOCIATES, INC d/b/a PBS&J** for Professional Services relating to preparation of Wastewater Permit Applications, Biomonitoring and Toxicity Reduction Evaluations; providing a maximum contract amount - \$1,500,000.00 - Enterprise Fund – was again before Council. All voting aye. Nays none. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1044 ADOPTED.

Council Member Edwards stated that she would release her tag on Item Numbers 27 and 28. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

27. **NORTH AMERICAN TRADE CORP.** for Treadmills and Heart Rate Monitors for Houston Fire Department - \$213,095.00 - Grant and Equipment Acquisition Consolidated Funds – was again before Council. All voting aye. Nays none. Mayor Brown and Council

Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1315 ADOPTED.

28. **PROMAXIMA MFG., LTD** for Physical Fitness Equipment for Houston Fire Department \$121,045.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,631.35 for a net award amount of \$117,413.65 - Grant and Equipment Acquisition Consolidated Funds – was again before Council. Council Members Tatro and Goldberg voting no, balance voting aye. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-1316 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Wiseman stated that every year the White House had an open house during Christmas where they invited people to go in and see all of the decorations in the White House and invited different groups to entertain, that the Kingwood High School Madrigals, a choir group composed of 23 members applied to be a participant and two weeks ago they received a phone call honoring them to participate in the activities in Washington, that the choir would sing at the White House on Saturday, December 6, 2003 at 5:30 p.m. in the east wing, that Choir Director, Mr. J. D. Burnett, should be commended as well as the singers of the choir, that they were very proud of them, that of course like any other high school group that had such an honor bestowed upon them they would have to do all they could to raise the funds to make the trip and was sure they would be doing that in the next few weeks and she would be very supportive of their efforts and wanted the community to rally around and support Kingwood High School as they go the White House. Mayor Brown and Council Members Tatro, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Galloway stated that there was some very disturbing news broadcasted last week and she was very disturbed about it and also many persons in her community and thought they needed to address the item in the Quality of Life Committee meetings, that it had to do with pedophiles and persons being released from prison that were housed in halfway houses, that the majority of them were in District B, 113 were reported in zip code 77026 alone, which covered District B and the others were in the northwest Acres Home area, that she thought that it was quite disturbing, that she did not think that those persons should be dumped in one location and one area of the City, that she wanted them to seriously look at it and do something about it, that if they had to have State laws changed to address it and hoped they had it in their next Legislative agenda, and Council Member Alvarado stated that she believed they did have Legislation and thought it was sponsored maybe two sessions ago by Senator Gallegos and knew that homeless shelters and halfway houses were included, that she would double check on it and if not they would work on it in the next session. Mayor Brown and Council Members Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that the voters spoke on a number of items and wanted to thank them for voting for the Collective Bargaining Referendum and hoped they would take it into consideration. Mayor Brown and Council Members Galloway, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he wanted to thank the voters for voting for the Metro Solutions, that the public had spoken loudly and thought they ought to put the divisiveness behind them and ought to fulfill the public will and ought to get not just the rail component but the buses, the HOV's, the Park N Rides and would encourage Metro to move quickly and swiftly on congestion pricing the HOV lanes. Mayor Brown and Council Members Galloway, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he wanted to congratulate all of the folks who were on the ballot, that it was good to see people out there running. Mayor Brown and Council Members Galloway, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he ran into somebody who went out on an emergency demolition and they called him out in the middle of the night and it had taken several months for that person to get paid, that the representation that was made to him was that the City continued to ask his company for paperwork that they had to have submitted to have gotten the original underlying contract that they called him against to do the emergency work, but it was just reflective of the concern of the need for the City to be much more efficient in house so they did not break the spirit of the small business owners in the City. Mayor Brown and Council Members Galloway and Ellis absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he hoped they would have some more discussion about what they would do about the DNA Laboratory and that whole issue in the Police Department, that he thought something needed to be done because it was eating away at the confidence in the criminal justice system via the Police Department. Mayor Brown and Council Members Galloway and Ellis absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he did not know what the legal ramifications were but they had seen the series of news stories about off duty police officers working in bars, that he thought they had to look at a better way to try to police that. Mayor Brown and Council Members Galloway and Ellis absent. Mayor Pro Tem Quan presiding.

Council Member Edwards stated they had a town hall meeting regarding a sexual predator in the District D area, that with her staff and the help of the media they pulled together a group of about 250 people for a meeting, that the meeting was attended very well by the Police Department, Crime Stoppers and community leaders and people, that out of that meeting some very salient points were raised and with the help they were making movement and had two communities that would be doing neighborhood watch groups that would be started up and starting to look at how to develop safe houses in certain communities, that they were also looking at the development of different types of programs where they could have mail outs to their residents as to how they could better protect their children and how to have alerts as to what was going on in the community regarding sexual predators or any types of crimes that were going on in the area, some type of network alert, that they were working on a pilot program that would see how they could get information to the community on a more rapid basis and a more decentralized basis, that one of the issues that was brought to the forefront was that it happened on a Sunday afternoon at 2:40 p.m. for the latest victim of that person, in a weeded lot, that most of the incidents had happened in weeded lots in the District D area, that she would like to applaud the Mayor's office for getting those lots dealt with now, but they had to find the money and resources to have a clean safe environment for their children and stop giving refuge to predators in the community that used weeded lots and wooded areas to prey upon their children and the seniors; Council Member Edwards stated that on Saturday about 30 men in the community distributed over 2,000 fliers to businesses and went door to door to the community in the immediate Yellowstone area to make sure that people had the information of what they thought the predator may look like. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he wanted to thank Council Member Edwards for her leadership in that area and wanted to commend her for all her efforts. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that they were going to make a request of the Police Department regarding the Nuisance Abatement Ordinance, that out in Second Ward they were having problems in the area of Guadalupe Plaza Park with transients basically trespassing, lying on private property, public intoxication, loitering, aggressive panhandling and public indecency, that they had received a lot of complaints from schools in the area and also community leaders, that he was asking Acting Police Chief Breshears if he would conduct an investigation as it related to the Nuisance Abatement Ordinance and to give him a report on the criminal activities

and anything that could be done to improve that area and if they could apply the Nuisance Abatement Ordinance, he thought it would solve the problem, and Mayor Pro Tem Quan stated that he would have the Chief follow up on that. Mayor Brown and Council Members Galloway, Ellis and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that last week they also had a townhall meeting with hotel and motel owners and operators, following up on the issue that Council Member Vasquez had also talked about dealing with the Nuisance Ordinance, that the City Attorney, Mr. Hall, was personally there along with Ms. Debra McAbee, Ms. Sevita Rye, who headed up the FAST Team as well as several members of the Houston Police Department, that it was a very successful meeting with over 100 motel and hotel owner/operators present to discuss how they could be a part of the process to weed out prostitution and illegal use of narcotics, that they agreed from that meeting that they would have a regular dialog with the hotel/motel owner/operator and the FAST Unit as well as the Legal Department in general, that he thought it was a very outstanding meeting and wanted to commend all those who participated. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that as Council Member Robinson talked about the Police Force, they had gotten a lot of criticism but he also wanted to mention that Officer Siddiqui of the Houston Police Department was recently selected as one of the top ten police officers in the United States, so they had a lot to be proud about in HPD as well. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that on the weekend Waste Management would be out working with the Mayor's Office of Immigration and Refugee Affairs on a cleanup on the corner of North Gessner and Tanner, where there was a Day Labor Site, that it was a truly community effort working with the merchants in that area as well in making a safe area. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he wanted to release his tag on Item No. 42. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding.

42. ORDINANCE relating to Ground Transportation Services for the 2004 Super Bowl, suspending certain provisions of the Code of Ordinances, Houston, Texas; containing findings and other provision relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability – was again before Council. All voting aye. Nays none. Mayor Brown and Council Members Galloway, Ellis, Keller and Robinson absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1045 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to congratulate Ms. Daisy Stiner in the Housing Department and also the entire City because today was a great day for passing the Land Assemblage Redevelopment Authority, and also the different taxing entities. Mayor Brown and Council Members Galloway, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she authored and passed two amendments to the Drainage Fee Ordinance, of which the second amendment dealt with the creation of low impact development, which she considered also environmentally friendly development, that there was a 45 day window on completing the language of that amendment and would like to ask Ms. Culbreth for an update on where they stood on that, and Ms. Culbreth stated that they were about two weeks away from completing it, they had conducted the research and held several meetings and discussions with the original stake holders group as well as organizations, particularly some trail associations in the Kingwood area on the impact and advantage to the



low impact development credit that could be granted relative to that, so they should be coming forward within the 45 days with that language. Mayor Brown and Council Members Galloway, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that last week they kicked off the Main Event downtown and she wanted to give thanks to a few people, specifically Mr. Jordy Tollett, who was kind of the brainchild behind the idea of creating an entertainment district along Main Street, that her office worked on it along with the Mayor's office and various departments, they certainly wanted to congratulate the many different downtown associations, that they also kicked off the bike cabs two weeks ago and they already had the Sidewalk Café Ordinance in place, so last week was a great week for downtown businesses. Mayor Brown and Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Alvarado stated that she wanted to thank Sergeant C. J. Klausner with HPD for going out to El Dorado with her staff, they had a townhall meeting on truck safety issues, that he and his unit had done a phenomenal job in addressing those issues. Mayor Brown and Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan asked if Main Street would be closed every Friday and Saturday evening, and Council Member Alvarado stated Friday and Saturday evening, that they were looking to see how it worked on those two days and it may be extended to include Thursday and Sunday. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mayor Pro Tem Quan stated that he would also second what she had said about Sergeant Klausner, that he was with the truck detail last week at Delmar Stadium and they picked up a number of trucks that had bad brakes and were in violation of various ordinances as well as people who had outstanding warrants for their arrest, that they were doing a wonderful job. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that he wanted to recognize some students from Jackson Middle School who were spending the day at City Hall, that he wanted to thank Mr. Carl Davis of his office for putting that together, that they were with the Aspiring Youth Program. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Berry stated that Mr. Robert Norris in the Sign Permit Program had been very nice to work with over the last couple of weeks, and they had another opportunity to work with Mr. Roy Wilson in the Parks Department and wanted to thank him, Gaston and their entire wonderful team. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 12:28 p.m. upon MOTION by Council Member Tatro, seconded by Council Member Berry. Mayor Brown and Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT  
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary