

City Council Chamber, City Hall, Tuesday, November 12, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 12, 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, 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. Council Member Gordon Quan out of the city on personal business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 a.m. Mayor Brown called the meeting to order and Council Member Parker led everyone in prayer and the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Quan out of the city on personal business.

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

MAYOR'S REPORTS

The City Secretary stated that there were 15 hearings listed and no one had reserved time to speak at the hearings and Ms. Margaret Wallace would make comments on each hearing.

HEARINGS

1. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an Amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Municipal Utility District No. 63 – was presented. Council Member Edwards absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Harris County MUD 63, which was located on the north side of the Katy Freeway, on either side of Peek Road, that the area included in the agreement included commercial property only, there were no residences, that the amendment changed the timing of the City's ability to annex for full purposes to the end of the contract, instead of making it contingent on a percentage of development, that it brought the contract consistent with other Strategic Partnership Agreements in the area. Council Member Edwards absent.

Council Member Vasquez moved to close the hearing on Harris County Municipal Utility District No. 63, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Edwards absent. MOTION 2003-1317 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item No. 37 at this time and Mayor Brown stated that the item had not been received. Council Member Edwards absent.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Chelford City Municipal Utility District, in Harris County, Texas and in Fort Bend County, Texas – was presented.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Chelford City Municipal Utility District, which was located along Bellaire Blvd, west of Highway 6, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it will divide evenly with the MUD, that the City would not provide any public services within the area annexed for limited purposes. Council Member Galloway absent.

Council Member Vasquez moved to close the hearing on Chelford City Municipal Utility District, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Galloway absent. MOTION 2003-1318 ADOPTED.

3. **PUBLIC HEARING** on a proposal for the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** to enter into an Amendment to the Strategic Partnership Agreement between the City of Houston and Memorial Hills Utility District and on a proposal for the City of Houston to annex for limited purposes certain territory located within Memorial Hills Utility District, in Harris County, Texas – was presented. Council Members Tatro and Galloway absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Memorial Hills Utility District, which was located east of the Hardy Toll Road, at FM 1960, that the purpose of this amendment was to expand the area annexed for limited purposes, that the area included in the amendment included commercial property only, there were no residences, that the City will levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services within the area annexed for limited purposes. Council Members Tatro and Galloway absent.

Council Member Vasquez moved to close the hearing on Memorial Hills Utility District, seconded by Council Member Keller. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Tatro and Galloway absent. MOTION 2003-1319 ADOPTED.

4. **PUBLIC HEARING** on a proposal for the City of Houston and **MALCOMSON ROAD UTILITY DISTRICT** to enter into an Amendment to the Strategic Partnership Agreement between the City of Houston and Malcomson Road Utility District and on a proposal for the City of Houston to annex for limited purposes certain territory located within Malcomson Road Utility District, in Harris County, Texas – Council Members Tatro and Alvarado absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Malcomson Road Utility District, which was located on the west side at Highway 249 (the Tomball Parkway) between Louetta Road and Spring Cypress, that the purpose of the amendment was to expand the area annexed for limited purposes, that the area included in the amendment included commercial property only, that there were no residences, that the City will levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services within the area annexed for limited purposes. Council Members Tatro and Alvarado absent.

Council Member Parker moved to close the hearing on Malcomson Road Utility District, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Tatro and Alvarado absent. MOTION 2003-1320 ADOPTED.

5. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY FRESH**

WATER SUPPLY DISTRICT NO. 51 to enter into an Amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Fresh Water Supply District No. 51 and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Fresh Water Supply District No. 51, in Harris County, Texas – was presented. Council Members Tatro and Alvarado absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Harris County Fresh Water Supply District 51, which was located east of Houston along Uvalde, north of Wallisville Road, that the purpose of the amendment was to expand the area annexed for limited purposes, that the area included in the amendment included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it will divide evenly with the MUD, that the City would provide no public services within the area annexed for limited purposes.

Council Member Vasquez moved to close the hearing on Harris County Fresh Water Supply District 51, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Tatro and Alvarado absent. MOTION 2003-1321 ADOPTED.

6. **PUBLIC HEARING** on a proposal for the City of Houston and **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Cypress Hill Municipal Utility District No. 1 and certain territory located in the vicinity of Cypress Hill Municipal Utility District No. 1, in Harris County, Texas – was presented. Council Members Goldberg and Alvarado absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Cypress Hill Municipal Utility District No. 1, which was located on the east side at Highway 290 (the Hempstead Highway) near Cypress Rosehill Road, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it will divide evenly with the MUD, that the City would provide no public services to areas within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD.

Council Member Ellis moved to close the hearing on Cypress Hill Municipal Utility District No. 1, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Tatro and Alvarado absent. MOTION 2003-1322 ADOPTED.

7. **PUBLIC HEARING** on a proposal for the City of Houston and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Fountainhead Municipal Utility District and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas – was presented. Council Member Alvarado absent.

Ms. Wallace stated that Fountainhead Municipal Utility District of Harris County was located on the south side of FM 1960 at Stuebner Airline Road, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it will divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Member Alvarado absent.

Council Member Vasquez moved to close the hearing on Fountainhead Hill Municipal Utility District of Harris County, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Alvarado absent.

MOTION 2003-1323 ADOPTED.

8. **PUBLIC HEARING** on a proposal for the City of Houston and **GREEN TRAILS MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Green Trails Municipal Utility District and certain territory located in the vicinity of Green Trails Municipal Utility District, in Harris County, Texas – was presented. Council Member Alvarado absent.

Ms. Wallace stated that Green Trails Municipal Utility District was located along South Fry Road, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it will divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Member Alvarado absent.

Council Member Ellis moved to close the hearing on Green Trails Hill Municipal Utility District, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Alvarado absent. MOTION 2003-1324 ADOPTED.

9. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 8 and certain territory located in the vicinity of Harris County Municipal Utility District No. 8, in Harris County, Texas – was presented. Council Members Tatro and Alvarado absent.

Ms. Wallace stated that Harris County Municipal Utility District No 8 was located along Normandy Road, north of the East Freeway, that the area included in the agreement included commercial property only; there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Members Tatro and Alvarado absent.

Council Member Vasquez moved to close the hearing on Harris County Municipal Utility District No. 8, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Tatro and Alvarado absent. MOTION 2003-1325 ADOPTED.

10. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** to enter into an Amendment to the Strategic Partnership Agreement between the City of Houston and Harris County Municipal Utility District No. 191 and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 191 and certain territory located in the vicinity of Harris County Municipal Utility District No. 191, in Harris County, Texas

Ms. Wallace stated that the hearing was for an amendment to the existing Strategic Partnership Agreement with Harris County Municipal Utility District 191, which was located along Cutten Road at FM 1960, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide street lighting and police services in the area annexed, that the City estimated that the street lighting would cost the City a few thousand dollars per year, and the Police Department had ascertained that the additional police service could occur with minimal additional expenses, that in addition, the city would enforce

the fireworks ban on roadways to be annexed that were not part of the MUD. Council Members Alvarado and Robinson absent.

Council Member Vasquez moved to close the hearing on Harris County Municipal Utility District No. 191, seconded by Council Member Parker. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Alvarado and Robinson absent. MOTION 2003-1326 ADOPTED.

11. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 200 and certain territory located in the vicinity of Harris County Municipal Utility District No. 200, in Harris County, Texas

Ms. Wallace stated that Harris County Municipal Utility District No 200 was located on the west side of Interstate 45, at Airtex and Kuykendahl, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Members Alvarado and Robinson absent.

Council Member Parker moved to close the hearing on Harris County Municipal Utility District No. 200, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Alvarado and Robinson absent. MOTION 2003-1327 ADOPTED.

12. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 257** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 257 and certain territory located in the vicinity of Harris County Municipal Utility District No. 257, in Harris County, Texas – was presented. Council Member Robinson absent.

Ms. Wallace stated that Harris County Municipal Utility District No 257 was located along Highway 6 at FM 529, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Member Robinson absent.

Council Member Parker moved to close the hearing on Harris County Municipal Utility District No. 257, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Robinson absent. MOTION 2003-1328 ADOPTED.

13. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 58** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 58 and certain territory located in the vicinity of Harris County Municipal Utility District No. 58, in Harris County, Texas – Council Member Robinson absent.

Ms. Wallace stated that Harris County Municipal Utility District No 58 was located along FM 1960 at Kuykendahl, that the area included in the agreement included commercial property only; there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the

MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Member Robinson absent.

Council Member Vasquez moved to close the hearing on Harris County Municipal Utility District No. 58, seconded by Council Member Parker. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Robinson absent. MOTION 2003-1329 ADOPTED.

14. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Water Control and Improvement District No. 109 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 109, in Harris County, Texas – was presented.

Ms. Wallace stated that Harris County Water Control and Improvement District No 109 was located along FM 1960 at Veterans Memorial, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD.

Council Member Parker moved to close the hearing on Harris County Municipal Utility District No. 109, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1330 ADOPTED.

15. **PUBLIC HEARING** on a proposal for the City of Houston and **NORTH FOREST MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal for the City of Houston to annex for limited purposes certain territory located within North Forest Municipal Utility District and certain territory located in the vicinity of North Forest Municipal Utility District, in Harris County, Texas

Ms. Wallace stated that North Forest Municipal Utility District was located on the west side of Interstate 45 at North Forest Boulevard, north of the Richey Road, that the area included in the agreement included commercial property only, there were no residences, that the City would levy a one cent sales tax, which it would divide evenly with the MUD, that the City would provide no public services to the area within the MUD, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Member Berry absent.

Council Member Vasquez moved to close the hearing on North Forest Municipal Utility District, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Berry absent. MOTION 2003-1331 ADOPTED.

Ms. Susan Cobb, 2369 Bolsover, Houston, Texas 77005 (713-524-3138) appeared and stated that she was the cofounder and market manager of the new Farmers Market which operated every Saturday from 8:00 to noon at the Onion Creek Cafe on White Oak in the Heights; that the Houston Farmers Market was a nonprofit organization as well as a Texas Department of Agriculture Certified Farmers Market and their market brought in between 200 to 500 people each Saturday; that the amendment to the ordinance, Agenda Item 32, would allow people to generate income by also selling prepared foods along with their produce and urged a vote in their favor. Council Member Berry absent.

Council Members Vasquez and Parker thanked Ms. Cobb for coming and for her work.

Council Member Berry absent.

Mr. Edward McGowen, 2646 South Loop West #630, Houston, Texas 77054 (713-666-8491) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Mr. Van Weldon, 270 Pine Valley Road, Cleveland, Texas 77328 (281-593-3642) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Mr. Norman Adams, 427 West 20th, Houston, Texas 77008 (713-869-8346) appeared and stated that he believed he was a messenger today; that he had with him a petition against the storm drainage fee, Agenda Item 84, with 37,177 verified signatures and more continued to pour into his office; that he should have more than 40,000 signatures by tomorrow's deadline and they were all asking for a delay on the drainage vote until Anna Russell, the City Secretary, had opportunity to verify the signatures; and he was asking that he be able to present them to the City Secretary at this time; and the City Secretary agreed. Council Member Berry absent.

Council Member Tatro thanked Mr. Adams for taking such a huge step and personal commitment for the rate payers and upon questions, Mr. Adams stated that it was a petition asking Council to withdraw the Ordinance which was assessing what amounted to approximately \$240.00 an acre fee on churches and schools and \$340.00 an acre on businesses and various other rates on residences, etc.; that if they had to have the revenue to control flooding in the area it needed to be a property tax and churches and schools should keep their exemption; that legally they needed 28,000 plus signatures and he was presenting 37,177 and he expected another 4,000 plus by tomorrow.

Council Member Ellis thanked Mr. Adams for all he had done; and upon questions, the City Secretary stated that some petitions were easier to check than others and if they were on the preprinted format they were easier; that it usually took two days to identify what they had in the petition, how many pages and how many signatures, and then they began checking it and it could take from two weeks to thirty days. Council Member Ellis stated that some Council Members were concerned that petitions had been collected in Clear Lake and that area would not be affected because they did not receive water and sewer from the city; and upon questions, Mr. Adams stated that they had over 40,000 signatures but they had eliminated those who were not City of Houston in their count. Council Members Tatro and Parker absent.

Council Member Vasquez thanked Mr. Adams for coming and stated that he was a supporter of the drainage fee; and upon questions, Mr. Adams stated that this fee amounted to \$91,000,000 a year and that was the largest single tax increase on the citizens of the City of Houston and he would support a tax if they had to have the funds if what they were getting now was not adequate but that needed to be proved as he thought they were getting what was needed and taxes were as high as they needed to be. Council Member Tatro absent.

Upon questions by Council Member Edwards, Mr. Adams stated that he assumed there were signatures from District D but he did not know where that district was; that the signatures were from all over the City of Houston. Council Member Tatro absent.

Council Member Keller stated that he undertook a monumental task and Council could not deny a process where 37,000 signatures were taken; and upon questions, Mr. Adams stated that the City Charter was very clear in the fact the citizens had a right to referendum and the ordinance passed...; and Mayor Brown stated that he would get an answer to the question; that he was advised by the Legal Department the issue was not petitionable. Council Member Ellis absent.

Council Member Keller stated that assuming the signatures were verified and legit did that

undo what Council did; and Mr. Hall stated that he assumed what the petitions represented was what was circulated in the newspaper and discussed as he had not seen them, but in the process regularly used and in their discussion their preliminary opinion in the Legal Department was that a challenge to the rate ordinance was not subject to petition; that there were two issues, Finance & Administration said a jillion times there were steps to go through in creating the process and significant among those was to create the joint utility and the time was passed for that and that could not be repealed so all that would be left within the timeframe for petition would be the ordinance which set the rate and it was their belief at this point it was not subject to referendum process, but they did want to examine all the issue and do it in the regular organized fashion; have the City Secretary look at and examine it and let Legal examine it and then they would give their opinion. Council Member Ellis absent.

Mr. Adams stated that he spent a great deal of time between Charter amendments and referendum and the action was overturnable and he believed Mr. Hall would agree. Council Member Ellis absent.

Council Member Wiseman thanked Mr. Adams for his work and stated it was difficult to get people involved and with respect to the issue of Clear Lake she was their District Council Member and was grateful for those signatures that came from the area; that those residents receiving their service from the Clear Lake Water Authority would not be compelled to pay the drainage fee, however, the referendum process did not exclude them from signing the petition just as petition drives had been held with respect to all actions dealing with city benefits the petitions were not limited to city employees so they did have the right to sign and she would ask that when Mr. Hall had the signatures reviewed.; Mr. Hall stated that would clearly be one issue examined. Council Member Wiseman stated that their school district would be subject to the fee because they had property outside the Clear Lake City Water Authority area and her concern was there would be an effort to try and eliminate their signatures because they were not subject to the fee and that she wanted to make it clear they should also have a voice; that she felt the law was clear on that and she hoped that would be what was concluded.

Council Member Robinson stated that if the signatures were valid and the issue was not subject to referendum was there a way to repeal the drainage ordinance; and Mr. Hall stated that his general response would be Council had general authority to change the ordinances on anything it did. Upon further questions by Council Member Robinson, Mr. Hall stated that their strong position and advise was that the petition process not interrupt plans put in place; that if the Items 84 through 84c passed on the Agenda today it was conceivable bond covenants would prohibit Council from voting to overturn the drainage fee.

Council Member Galloway stated that those affected by the storm in her district were willing to pay; that the City of Houston had one of the lowest tax rates of any major city; and upon questions, Mr. Adams stated that the taxes on his home were about \$10,000 a year and that was on a home flooded out and he could not get a permit to rebuild and when he did he had to raise it eight feet. Council Member Galloway stated that he evidently lived in an \$800,000 house and he chose to and paid accordingly, but those in her district needed corrections made and were willing to pay. Council Members Edwards, Alvarado and Robinson absent.

Council Member Sekula-Gibbs stated that they were not talking about \$99.00 in tax at all it was a fee levied on concrete, it was really devoted to bringing in resources from those who had laid a lot of concrete because that caused more stress on the drainage system; that they had to take action and because of low interest rates they had opportunity to refinance the \$3.6 billion mortgage they had on the water sewer system and they wanted to refinance part of that and capture \$50,000,000; that she was working on an amendment which would allow credit to be given to those who developed in a way which caused less strain on the drainage system. Council Members Vasquez and Alvarado absent.

Council Member Robinson stated that it could not just be a fee but there needed to also be comprehensive solutions and he looked forward to working on those also. Council Members Vasquez and Alvarado absent.

Mayor Brown stated that Mr. Lemon in the City Secretary's Office was waiting in the hall to help transport the petitions to the office of the City Secretary. Council Members Vasquez and Alvarado absent.

Father Troy Gately, 1700 San Jacinto, Houston, Texas 77002 (713-659-5461) appeared and stated that the Diocese of the Galveston Houston wanted to address the drainage and flooding issues which affected the City, however, they also supported the efforts to rescind the drainage fee as it now existed, the fee was faulty and failed in three areas and was essentially a tax and it failed in its exemption of property by inclusion of government, religious, educational and hospital properties and hindered their needed work; that it also represented double taxation of citizens in that they paid for their property and through the schools and churches; and this was punitive in that churches and schools traditionally exempt were charged at a higher rate than other residences and institutions; and they asked Council's consideration in exempting those properties that were tax exempt from the drainage fee. Council Members Tatro, Vasquez and Robinson absent.

Upon further discussion with Father Gately by Council Members, Father Gately stated that they saw this as a tax and not a fee; that he assumed the drainage fees were supposed to come through the water and sewer fees already in the property tax; and they had tremendous flooding. Mayor Brown stated that something needed to be done as it was a serious problem and by doing this it could lower their water bill; that their water bill would go up if they did not do what they were doing and he felt they would come out ahead; and he did invite him to talk with someone on staff with Finance and Administration to get a more realistic figure on their properties. Council Member Tatro absent.

Council Member Goldberg stated that he thought Council was prohibited by state law from exempting churches, and upon questions, Mr. Hall stated that under the statute that created the joint utility they did not have the authority to exempt churches. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

The City Secretary stated that Mr. Edward McGowen was now present and his name was recalled. Mr. McGowen appeared, presented information to Council Members and stated that he was present in support of the Farmers Market in the Heights; that he worked with the Texas Department of Agriculture and they had certified over 63 farmers markets around the State of Texas, hopefully Council would be in support of the one in the Heights and his information was stating other things they would like to do around the city and if they had any questions he would be glad to answer. Council Members Galloway, Edwards, Ellis, Sekula-Gibbs and Berry absent.

The City Secretary stated that Mr. Van Weldon was now present and his name was recalled. Mr. Weldon appeared and stated that he was in support of the Farmers Market in the Heights; that they had a family farm and in May he was called to join the market and since had sold thousands of tomatoes, squash, etc., that they discovered small farms no longer needed a million dollar balance sheet to make a good living and could generate income through un-seasonal times as well and that was why a few had come in support of the ordinance. Council Members Galloway, Edwards, Wiseman, Ellis, Sekula-Gibbs and Berry absent.

Mr. Rene Cantu, 7758 Waterpark, Houston, Texas 77086 (281-893-2290) appeared, presented information to Council and stated that he was a landlord for a city contractor, The Life Center, and he believed they received grants from the City and with those moneys they were supposed to pay bills; that he had a judgment against the company and his reason for being present was to see if they could screen companies better as they did not pay him. Council Members Galloway, Edwards, Wiseman, Ellis, Sekula-Gibbs and Berry absent.

Mayor Brown stated that they would take a look at it and thanked Mr. Cantu for coming. Council Members Galloway, Wiseman, Ellis, Vasquez, Sekula-Gibbs and Berry absent.

Ms. Arlene Carter, 1001 Pinemount Dr., Houston, Texas 77018 (713-290-9853) appeared and stated that she was a previous City of Houston employee and was present because of the unjust way her job was taken away, because of disability she was retaliated against and harassed and denied benefits under the American Disability Act; that she went through the hearing process but they did not care and did not ask any questions or hear what she had to say; that they just dismissed her and cut her time because the prior hearing took so long; that if Mayor Brown had all the facts before him and knew she had served faithfully for 23 years she did not think he would have signed off on her termination; that she contacted the EEOC and they had issued an order. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent.

Mayor Brown stated that he had a report on her case and knew she had gone through a number of steps and at her disposal now would be litigation and the only advise he could give would be to get an attorney; and Ms. Carter stated that she was single and had no job since February so she had no money to obtain an attorney and that was why she was present, asking for City officials help. Mayor Brown stated that Mr. Cantu would meet with her at this time and explain options they were aware of which were at her disposal. Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Youngheng Wang, 4454 S. MacGregor, Houston, Texas 77021 (713-539-5609) appeared and spoke on Falun Gong, stating that innocent people were being tortured for their practice and he was asking Council's permission to place a banner on a frame as it was in Council's power to permit it and it was a way to show moral support toward their efforts in peacefully ending violence and avoiding persuction. Council Members Tatro and Sekula-Gibbs absent. Council Members Tatro and Sekula-Gibbs absent.

Ms. Paulette Denney, 1920 Swift, Houston, Texas 77030 (713-951-5626) appeared and stated that she was present to speak on the Southgate Street closure; that she thanked Council Members for all they had done in protecting them from encroaching traffic from the Texas Medical Center and encouraged them to not stop until they had a comprehensive plan and made all the interior streets inaccessible to cut through traffic. Council Members Tatro and Sekula-Gibbs absent.

Council Member Goldberg stated that he was to meet with their civic club November 18th and they would discuss the temporary closures for Southgate; that it was hard to put a permanent plan in place within a couple of months, but they had an idea of how to make it permanent and the it would require the City to purchase property; that he visited with Mr. Vanden Bosch and Mr. Litke about changing the ordinance in the Medical Center requiring them to have a minimum amount of parking spaces to requiring a maximum amount of spaces and it would be low enough to not add to the traffic problem. Council Member Tatro absent.

Ms. Connie Barnaba, 5060 FM 1960 West, Houston, Texas 77069 (281-444-9107) had reserved time to speak but was not present when her name was called. Council Member Tatro absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Mr. Jim Elliott, 3629 N. MacGregor #13, Houston, Texas 77004 (713-528-3934) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter 77020 had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Ms. Dorothy Hubbard, 2701 Mansfield Rd., Houston, Texas 77091 (713-691-4882) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Ms. Kay Gibbons, 4019 Broadway #50, Houston, Texas 77087 (713-454-1876) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Mr. Reginald Mahadeo, 7605 Loma Vista, Houston, Texas 77085 (713-721-8330) appeared and stated that he had a piece of property in Missouri City and he was not aware the City had come and cut the grass on August 23rd until the attorney started sending him letters; that certified letters had been sent to a vacant lot for payment, but if he did not know he owed he could not pay; that he owned several pieces of property and they could have found where he lived; that he was being charged a lot of fees and it seemed they could have let him know without him going through this; that a lien was placed on a piece of property on Fallbrook and he did not know who owned it or where it was but he brought it to Council to see if it could be brought to resolution. Council Member Alvarado absent.

Mayor Brown stated that Ms. Suzy Hartgrove with Neighborhood Protection was present and would meet with him at this time to resolve it. Council Member Alvarado absent.

Mr. Nyhia Ta, 9325 Interval, Houston, Texas 77075 (no phone) had reserved time to speak but was not present when his name was called. Council Member Alvarado absent.

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (281-458-8732) had reserved time to speak but was not present when his name was called. Council Member Alvarado absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Alvarado absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Member Alvarado 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 Member Alvarado absent.

At 10:58 Mayor Brown stated they would move to the agenda.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 31, 32, 36, 37, 94, 96, 84, 84a, 84b, 84c, 79 and 79a, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1332 ADOPTED.

31. ORDINANCE **AMENDING CHAPTERS 1 and 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Regulation of Passenger Vehicles for Hire – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1046 ADOPTED.
32. ORDINANCE **AMENDING SECTION 20-161 OF THE CODE OF ORDINANCES,**

HOUSTON, TEXAS, relating to sale of processed foods at certified Farmers Markets – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1047 ADOPTED.

Council Member Edwards moved to suspend the rules to add Item No. 86 to the items to be considered out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1333 ADOPTED.

36. ORDINANCE canvassing the returns of the City of Houston General Election held on November 4, 2003, and making various findings and provisions related to the subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1048 ADOPTED AT 11:01 A.M.
37. ORDINANCE canvassing the returns of the City of Houston Special Election held on November 4, 2003, for the purpose of submitting to the qualified voters of the City of Houston, Texas a proposition for the adoption of Chapter 174, Texas Local Government Code, to provide collective bargaining for City of Houston Fire Fighters; and making various findings and provisions related to the subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1049 ADOPTED AT 11:01 A.M.
94. 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 113TH 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 – **(This was Item 66 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS VASQUEZ and GOLDBERG)** – was presented.

Council Member Goldberg stated that he had a chance to go through the settlement agreement and found one mistake which was to be corrected, it was just an address change, that the point he would like to make was that throughout the settlement agreement they were not settling with CA One, Harlon Brooks and Percy Creuzot because they sued the City and Council, there were some material breeches and damages that they suffered as a result of CA One having a contract at Intercontinental Airport and the delay with the construction was so extensive that they did lose a lot of business and on top of that with Terminal E opening up they lost even more business away from Terminal C since Continental Airlines moved a lot of passengers to Terminal E where they had no contract at all so he thought, in fairness, what they bargained for they did not receive when they were awarded the contract, they were extending the contract for four years, that Harlon Brooks and Percy Creuzot were going to get everything they deserved, they were being settled for \$100 each, that he thought that was what their lawsuit was worth, that on top of that it did do a lot of housekeeping changes regarding the

contract that Council Member Tatro tried to negotiate, that they now had a new contract and also had the correct name of the entity that was actually going to contract with the City of Houston at Hobby Airport, that all of that was involved in the settlement agreement, that he thought it worked well for the City but wanted to make it clear to other unhappy proposers of RFP's that did not get their way, it was not going to do them to sue the City, that they were not going to settle just because they sued the City, that was not what the settlement agreement was all about, that he wanted to thank Ms. Malinda Crouch for all of her work in preparing the settlement agreement, along with the other law firms that worked for it on the outside for all of their hard work, that he appreciated their work.

Council Member Parker stated that what she gathered from what Council Member Goldberg stated was that it had nothing to do with the lawsuit that they filed over the contract award to Four Families over CA One and asked Mr. Hall if he would say it was a correct characterization of the settlement offer, and Mr. Hall stated that it was an effort after much work on the part of several employees in the Legal Department and led by the Aviation Department to try and reach a settlement of a number of issues, that they were all interrelated, it was difficult to say it was a tit for tat, one for the other, because it involved a host of outstanding issues at the airport and with the entities that were represented in the settlement, that they believed that there were legitimate issues like the ones that had been mentioned by Council Member Goldberg and they were very legitimate, there were also legitimate issues on the other side which was why the parties were agreeing to the settlement, if there were not they would not be able to get all of the parties to agree, and Council Member Parker stated that rather than Council Member Goldberg summation she would say that it resolved some unfairness for those parties and their original contract out at the airport, but it also cleaned up a mess that Council Member Tatro and certain Council Members visited upon Council and she certainly urged them to accept it. Council Member Galloway absent.

A vote was called on Item No. 94. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Galloway absent. ORDINANCE 2003-1050 ADOPTED.

Mayor Brown asked Mr. Hall how much it cost the City to handle the lawsuit, and Mr. Hall stated that it was difficult to say because Mr. Porteau had two lawyers who worked almost fulltime on the matter, that they had engaged outside counsel and it was difficult to put a number on it and Mayor Brown asked how much they paid the outside counsel, and Mr. Hall stated \$75,000 to them and would guess that probably at least that much time had been spent internally and the Aviation Department had a good many of its people working on the matter for some time, that it was probably fair to say they spent at least a quarter of a million dollars on the matter over the last year, that the federal judge had frankly ruled against the City on a couple of issues that were critical in the matter which was why they thought it was advantageous to pursue the settlement, they already had some adverse rulings on the matter. Council Member Galloway absent.

96. 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 86 on Agenda of November 5, 2003, POSTPONED BY MOTION #2003-1312)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1051 ADOPTED.

84. 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 – (**This was Item 41 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, ELLIS and TATRO**) – was presented.

Council Member Ellis moved to postpone Item No. 84 for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1334 ADOPTED.

- 84a. 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 – (**This was Item 41A on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, ELLIS and TATRO**) – was presented.

Council Member Ellis moved to postpone Item No. 84a for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1335 ADOPTED.

- 84b. 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 – (**This was Item 41B on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS TATRO, WISEMAN and ELLIS**) – was presented.

Council Member Ellis moved to postpone Item No. 84b for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1336 ADOPTED.

- 84c. 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 – (**This was Item 41C on**

Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS TATRO, WISEMAN, ELLIS and KELLER) – was presented.

Council Member Ellis moved to postpone Item No. 84c for one week, seconded by Council Member Keller. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1337 ADOPTED.

79. 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 – (This was Item 16 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and BERRY)** – was presented. Council Member Robinson absent.

Council Member Berry moved to postpone Item No. 79 and 79a for one week seconded by Council Member Alvarado. Council Member Robinson absent.

Council Member Vasquez stated that he had spoken with Council Member Berry regarding the contractor and the issue was with the contractor and not so much with the project, that he respected the concerns that were being brought up by Council Members Berry and Keller and others, however they should not have to penalize the citizens of District H for concerns with the contractor in a different part of the City so he hoped that Public Works would work diligently over the next week and Council Member Berry's input would be valued as well to clear up whatever the issue was with the contractor because they did have a severe flooding problem in District H regarding Item 79 and 79a and would like to point out that it was monies that were internal to District H in the CIP and he had to reassign and reorganize in order to solve the problem so he did view it as a district issue but did respect the concerns being expressed by Council Members regarding the contractor. Council Member Robinson absent.

- 79a. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt 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 – (This was Item 16 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and BERRY)** – was presented. Council Member Robinson absent.

Mayor Brown stated that the vote before them was to postpone Item Numbers 79 and 79a for one week. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Robinson absent. MOTION 2003-1338 ADOPTED.

86. 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 – **(This was Item 51 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Robinson absent. ORDINANCE 2003-1052 ADOPTED.

MISCELLANEOUS - NUMBERS 16 through 19A

16. CONFIRMATION of the appointment of **MS. ANH HUNTER** to Position 5 of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for a term to expire March 1, 2005 – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1339 ADOPTED.
17. RECOMMENDATION from Director Human Resources to approve a tenth 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1340 ADOPTED.
18. RECOMMENDATION from Chief of Police for Extension of Injured on Duty Status for Police Officer **ENRIQUE DUHARTE-TUR** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1341 ADOPTED.
19. ORDINANCE appropriating \$110,792.67 out of Street & Bridge Consolidated Construction Fund as additional funding for contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Safe Sidewalk Program, GFS N-0610A-G8-3 (SB9007-3), approved by Ordinance No. 02-0446 **DISTRICTS A - TATRO and B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1053 ADOPTED.
- 19a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$145,695.96 on contract with **DOLSON SIERRA CONSTRUCTION GROUP, INC** for Safe Sidewalk Program, GFS N-0610A-G8-3 (SB9007-3), approved by Ordinance No. 02-0446 - **DISTRICTS A - TATRO and B - GALLOWAY** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1342 ADOPTED.

PROPERTY - NUMBER 23

23. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels CY3-005 and VY4-003, located west of the southwest corner of Chessington Drive and West Belfort, owned by Sun NLF Limited Partnership, a Delaware limited partnership, Stephen E. Rennekar, Vice President, for the **WEST BELLFORT NO. 3 LIFT STATION REPLACEMENT PROJECT**, CIP R-2011-19-2 - \$34,323.00 - Enterprise Fund - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Vasquez, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1343 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 24 through 29

24. **GOMEZ FLOOR COVERING, INC** for Ceramic Tile Project for Two Fire Stations for Building Services Department - \$29,711.00 and contingencies for a total amount not to exceed \$31,196.55 - Fire Department Revolving Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1344 ADOPTED.
27. **VARIAN, INC** for One Mass Spectrometry System 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 - \$125,000.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1345 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 38 through 77

38. ORDINANCE consenting to the addition of 310.7309 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1054 ADOPTED.
39. ORDINANCE consenting to the addition of 1.1900 acres of land to **GRANT ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1055 ADOPTED.
40. ORDINANCE consenting to the addition of 110.6064 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 282**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1056 ADOPTED.
41. ORDINANCE consenting to the addition of 25.773 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 92**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1057 ADOPTED.
42. ORDINANCE consenting to the addition of 0.4998 acres of land to **HEATHERLOCH MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1058 ADOPTED.
43. ORDINANCE consenting to the addition of 13.1658 acres of land to **KLEINWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1059 ADOPTED.
44. ORDINANCE consenting to the addition of 201.899 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1060 ADOPTED.
45. ORDINANCE consenting to the addition of 2.7035 acres of land to **TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1061 ADOPTED.
46. ORDINANCE finding no special benefit to the abutting owner of property described as Lots 4 and 5, Block 6, Stude's First Addition, and authorizing refund for certain assessment liens and apparent liens created by Ordinance No. 92-814 passed June 17, 1992, for the initiation of Topping Project 420 for permanent improvement portions of Adele, Arlington and various other streets in the City of Houston, Texas; authorizing a refund to the abutting owner - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1062 ADOPTED.

47. ORDINANCE approving and authorizing sale to Harris County Flood Control District of Drainage easements in and to two parcels of land containing an aggregate of 0.7790 acre, more or less, Parcels SY3-064A and SY3-064B, being out of the Almeda Sims Bayou Wastewater Treatment Plant Site, J. W. Moody Survey, A-548, Harris County, Texas; in consideration of Harris County Flood Control District's payment of \$13,496.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1063 ADOPTED.
48. ORDINANCE appropriating \$565,000.00 out of Airport System Consolidated 2000B NON-AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One, Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-05-1; approving purchase and sale agreements with the owners of the land (David Lynn; Robert Dale Maxwell and Charlotte Nadine Maxwell; David E. McCall and Carlyne Y. McCall; Adella Miksch; and Jerry W. Young and Gloria W. Young) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1064 ADOPTED.
51. ORDINANCE appropriating \$81,600.00 out of Parks Special Fund No. 491 and approving and authorizing purchase of the remaining 30.1388% undivided interest in a 5.641 acre tract of land in the James Hamilton Survey, Abstract No. 884, Houston, Harris County, Texas, and the improvements located thereon, for the development of E. R. and Ann Taylor Park, and approving purchase and sale agreements with each of (1) W. Ervin James II and Gail Rustin James; (2) Judy James Bute; (3) Pamela G. James; and (4) Mary Elizabeth Ramsey to acquire the land and improvements thereon for a purchase price, including Title Insurance and closing costs, which does not exceed the sum hereby appropriated - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1065 ADOPTED.
54. ORDINANCE approving and authorizing the Houston Police Department to accept Video Equipment from the **TEXAS DEPARTMENT OF PUBLIC SAFETY** pursuant to Senate Bill 1074 and a letter awarding the Video Equipment Grant - \$448,350.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1066 ADOPTED.
55. ORDINANCE approving and authorizing application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the 2003 Local Law Enforcement Block Grants Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1067 ADOPTED.
59. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ASHBROOK CORPORATION** for Belt Filter Press Assembly Repair Services for the Public Works & Engineering Department (as approved by Ordinance No. 99-254) – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1068 ADOPTED.
60. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CAPT. KIRK'S MARINE, INC** for Repair Services on Boats for Various

Departments (as approved by Ordinance No. 99-270) – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1069 ADOPTED.

61. ORDINANCE amending Ordinance No. 98-723 to increase the maximum contract amount to contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE, INC** for Window Cleaning Services for Various Departments - \$75,069.69 - General Fund – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1070 ADOPTED.
62. ORDINANCE approving and authorizing sponsorship agreement between the City and **UNIVERSITY ARMS TOWN HOUSES COUNCIL OF CO-OWNERS** for Garbage Collection Service for the respective Civic Association - 10 Months - \$1,200.00 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1071 ADOPTED.
64. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for purchase of Employee Transit Passes; providing a maximum contract amount – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1072 ADOPTED.
65. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS (METRO)** for Purchase and Installation of Materials for Pedestrian Components on Main Street from Blodgett to Binz as part of the Main Street Corridor Revitalization Project – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
66. ORDINANCE issuing permit to **MARATHON ASHLAND PIPE LINE, LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portion of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1073 ADOPTED.
67. ORDINANCE issuing permit to **MOBILE VANDERBILT-BEAUMONT PIPELINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portion of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1074 ADOPTED.
68. ORDINANCE issuing permit to **PRAXAIR, INC.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portion of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1075 ADOPTED.
71. ORDINANCE appropriating \$3,827,474.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods GFS R-0266-A5-3 (WW4257-47); 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. Council Member Quan out of the city on personal business. ORDINANCE 2003-1076 ADOPTED.

72. ORDINANCE appropriating \$2,966,985.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods GFS R-0294-01-3 (WW4257-42); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1077 ADOPTED.
74. ORDINANCE appropriating \$1,590,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston (Project No. 603; CIP A-0451) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1078 ADOPTED.
75. ORDINANCE approving and authorizing contract for Seasonal Interior Design Services for the Houston Airport System between the City of Houston and **ALWAYS IN SEASON DECORATING SERVICES, INC** - 5 Years - \$155,400.00 - Enterprise Funds – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1079 ADOPTED.
77. ORDINANCE appropriating \$2,300,000.00 out of Water & Sewer System Consolidated Construction Fund, (\$800,000.00, Number R-0019-RE-1 and \$1,500,000.00, Number S-0019-RE-1); approving and authorizing purchase of easements and other interests in real property and the payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees for and in connection with and finding a public necessity for the Wastewater and Water Capital Improvement Projects Identified in the body of this ordinance – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1080 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

20. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,631,139.33 and acceptance of work on contract with **COLT UTILITIES, INC** for Construction of NSR 434-02 and NSR 432A, Phase IV - Ford Street, GFS N-0366-02-3 (N-0366-02 and N-0364-04) - 03.12% under the original contract amount **DISTRICTS A - TATRO; B - GALLOWAY and I - ALVARADO** – was presented, moved by Council Member Vasquez, seconded by Council Member Wiseman. Council Member Edwards voting no, balance voting aye. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1346 ADOPTED.
21. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,354,714.65 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION COMPANY** for Construction of Generic Overlay Project (Package II), GFS N-1037-26-3 (OL2026) - 03.27% over the original

contract amount **DISTRICTS F - ELLIS and G – KELLER** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro, and tagged by Council Member Keller. Council Member Parker absent.

22. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,302,116.04 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Rehabilitation of the 54-inch Sims Bayou Trunk Sewer from Scott Street No. 1 Lift Station to Old Spanish Trail, GFS R-2011-28-3 (4831) - 04.31% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Vasquez, seconded by Council Member Wiseman, and tagged by Council Member Goldberg. Council Member Parker absent.

PURCHASING AND TABULATION OF BIDS

25. **EMERGENCY VEHICLES OF TEXAS, INC (Bid #3)** - \$58,200.00 and **PEARLAND ALTERNATOR CO., INC (Bid #2)** - \$92,344.00 for Ambulance, Pumper and Ladder Truck Replacement Parts for Fire Department - \$155,200.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$4,656.00 for a net award amount not to exceed \$150,544.00 - General Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Sekula-Gibbs. Council Member Parker absent.

Council Member Sekula-Gibbs stated that the item was somewhat related to Item No. 29 and would like an opportunity to talk to Mr. Wells and moved to suspend the rules to hear from Mr. Calvin Wells, seconded by Council Member Ellis.

Mayor Brown stated that he did not see Mr. Wells in the Council Chamber.

Council Member Sekula-Gibbs moved to postpone Item No. 25 to the end of the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1347 ADOPTED.

26. **GBS ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$60,300.00 and contingencies for a total amount not to exceed \$63,315.00 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1348 ADOPTED.
28. **NATIONAL ENVELOPE - TEXAS LLC (Bid No. 7)** for Envelopes, Utility Customer Service for Various Departments - \$592,298.21, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$17,768.95 for a net award amount not to exceed \$574,529.26 General and Enterprise Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. Council Member Tatro voting no, balance voting aye. Council Member Quan out of the city on personal business. MOTION 2003-1349 ADOPTED.
29. **DAVIS CHEVROLET, INC (Bid #6)** for Auto GM Car/Truck, OEM Replacement Parts and Repair Contract for Various Departments - \$2,747,155.94 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$82,414.68 for a net award amount not to exceed \$2,664,741.26 and **DECLARE BECK AND MASTEN PONTIAC-GMC, INC** non-responsible for a period of 12-months - General and Enterprise Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Tatro.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Calvin Wells,

Purchasing Agent, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1350 ADOPTED.

Upon questions by Council Members, Mr. Wells stated that Item Numbers 25 and 29 were two separate items because they had two major separate ratios of commodities, the pumper trucks were unique in themselves, totally different from the regular parts for the Chevrolets, Fords, etc., that those particular items were bid that way for that reason and as a result of their bidding them in that fashion Item No. 25 they saw 28.87% savings on those items over market price, that as to releases of the inventory they would be released as needed, the department would request as needed, that it was spending authority, they would not warehouse the items because it would be a healthy expense in itself, that once they put it in place those prices would be held firm for 12 months, that he did not create the need, that he bought from the need and it was his understanding from the user department that they were experiencing excessive number of breaks, that they were not buying all of the parts and stocking them up just for someone to use when they needed them, they had a contract in place so that as needed they would draw on it every time. Council Members Wiseman, Keller and Robinson absent.

Mayor Brown stated that Item No. 29 was tagged. Council Members Wiseman, Keller and Robinson absent.

RESOLUTIONS AND ORDINANCES

30. RESOLUTION designating certain property located at 1919 Houston Avenue in the City of Houston as a Historic Landmark - **DISTRICT H – VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Wiseman, Keller and Robinson absent. RESOLUTION 2003-0033 ADOPTED.
33. ORDINANCE authorizing the creation of the General Obligation Series E Commercial Paper METRO Projects Fund and authorizing the funding of certain Street and Traffic Control Projects from the General Obligation Series E Commercial Paper Program – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Members Keller and Robinson absent. ORDINANCE 2003-1081 ADOPTED.
34. ORDINANCE amending prior ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of an amended and restated Credit Agreement, an amended and restated Dealer Agreement, an amended and restated issuance Paying Agency Agreement and an updated Offering Memorandum – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1082 ADOPTED.
35. ORDINANCE approving City of Houston Master Swap Policy; authorizing an Interest Rate Swap Agreement with respect to certain City of Houston, Texas, Public Improvement Bonds; authorizing the Mayor and City Controller to enter into such Swap Agreement with **RFPC, LLC** as Counterparty; making other provisions regarding such Swap Agreement and incident thereto; authorizing a Bond Counsel Agreement – was presented, and tagged by Council Members Sekula-Gibbs, Tatro, Ellis and Keller.
49. ORDINANCE appropriating \$405,000.00 out of Airport System Consolidated 2000B NON-AMT Construction Bond Fund and approving purchase of approximately 5.26 acres of land out of the W.C.R.R. Company Section 4, Block 5, Survey, A-1423, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0024-110, and approving purchase and sale agreement with June T. M. Wang, Trustee to acquire the land for a purchase price, including closing costs, which does not exceed the sum hereby

appropriated - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1083 ADOPTED.

50. ORDINANCE appropriating \$205,000.00 out of Airport System Consolidated 1998B AMT Construction Bond Fund and approving purchase of approximately 4.522 acres of land out of the Jacob Armstrong Survey, A-89, and A. R. Bodman Survey, A-141, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport; CIP A-0082-13; approving purchase and sale agreement with Harris County Municipal Utility District No. 26 to acquire the land for a purchase price, including closing costs, which does not exceed the sum hereby appropriated **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1084 ADOPTED.
52. ORDINANCE approving the purchase of approximately 9.121 acres of land out of Restricted Reserve “B”, Kingwood Town Center Section Three Subdivision, J. W. Asbury Survey, A-91, Houston, Harris County, Texas, for the Kingwood Park Project, CIP C-0504C-15-1, and approving purchase and sale agreement with C. H. Wilkinson Physician Network to acquire the land for a purchase price, including closing costs, not to exceed \$1,161,383.00 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1085 ADOPTED.
53. ORDINANCE approving and authorizing contract between the City and **HOUSTON WORKS USA** for Counselors to provide Gang Intervention and Prevention Services to participants of its Youth Offender Project; authorizing two full time Counselor positions to be funded by Houston Works USA - \$178,188.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1086 ADOPTED.
56. ORDINANCE approving and authorizing Restatement of contract between the City and **RCC CONSULTANTS, INC**, (#C54916) for Strategic Wireless Infrastructure System for Various Departments – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1087 ADOPTED.
57. ORDINANCE approving and authorizing contract between the City and the **HOUSTON CLEAN COMMISSION D/B/A KEEP HOUSTON BEAUTIFUL** for Volunteer Weed Mowing and Debris Removal Services - \$187,592.00 - General Fund – was presented, and tagged by Council Member Tatro.
58. ORDINANCE approving and authorizing amendment No. 2 to the agreement for Radio Communications Systems Services between the City of Houston and **BLISS COMMUNICATION, INC** for the Houston Airport System - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1088 ADOPTED.
63. ORDINANCE approving and authorizing Advance Funding Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Expansion of State Highway 6 North of IH-10 to South of IH-10 under TXDOT's Unified Transportation Program, N-0611-48-2 (SB9144-03) - **DISTRICTS A - TATRO and G – KELLER** – was presented, and tagged by Council Member Goldberg.
69. ORDINANCE appropriating \$97,007.04 out of Water & Sewer System Consolidated Construction Fund and appropriating \$93,000.00 out of TIRZ Affordable Housing Midtown Fund approving and authorizing Developer Participation contract between the City of Houston and **BRENTWOOD WAY DEVELOPERS, L.P.** for Construction of Water,

Sanitary Sewer and Storm Sewer Lines to serve the Brentwood Park Subdivision - Phase One, CIP S-0800-A3-03 and R-0800-A3-03 **DISTRICT D – EDWARDS** – was presented, and tagged by Council Members Edwards and Keller.

70. ORDINANCE appropriating \$232,206.87 out of Water & Sewer System Consolidated Construction Fund and appropriating \$189,000.00 out of TIRZ Affordable Housing Midtown Fund approving and authorizing Developer Participation contract between the City of Houston and **BRENTWOOD WAY DEVELOPERS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Brentwood Park Subdivision - Phase Two, CIP S-0800-A4-03 and R-0800-A4-03 - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Members Edwards and Keller.
73. ORDINANCE appropriating \$2,534,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LAYNE-TEXAS; A DIVISION OF LAYNE CHRISTENSEN CO.** for Rehabilitation of existing Water Wells, GFS S-0200-14-3 (WA 10562-3); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1089 ADOPTED.
76. ORDINANCE appropriating \$3,830,050.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0463, awarding construction contract to **CONSTRUCTION, LTD.** for Air Cargo Inspection Facilities at George Bush Intercontinental Airport/Houston (IAH), (Project No. 605C); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2003-1090 ADOPTED.

NON CONSENT AGENDA - NUMBER 78

MISCELLANEOUS

78. RECEIVE nominations for Positions A through I on the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004 – was presented.

Council Member Galloway stated that she wanted to nominate Mr. R. C. Jones for reappointment for the Houston Clean City Commission Position B and had distributed his resume.

Council Member Goldberg stated that he wanted to nominate Ms. Ruth Hurst for reappointment for the Houston Clean City Commission Position C and her resume had been passed out to all Council Members.

Council Member Edwards stated that she wanted to nominate Ms. Sherry Sterling for reappointment to the Houston Clean City Commission Position D and her resume was on file.

Council Member Wiseman stated that she wanted to nominate Mr. Paul Kevin Dick for reappointment to the Houston Clean City Commission Position E and his resume had been circulated.

Council Member Ellis stated that he wanted to re-nominate Ms. Karen North for the Houston Clean City Commission Position F and had circulated her resume as well. Council Member Parker absent.

Council Member Alvarado stated that she wanted to nominate for reappointment Mr.

Ramiro Fonseca for the Houston Clean City Commission Position I and his resume was distributed. Council Member Parker absent.

Council Member Sekula-Gibbs moved to close nominations for the Houston Clean City Commission Positions B, C, D, E, F & I, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1351 ADOPTED.

Council Member Vasquez moved to postpone receipt of nominations for Positions A, H and G for the Houston Clean City Commission for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1352 ADOPTED.

MATTERS HELD - NUMBERS 80 through 97

80. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **ALTIVIA CORPORATION** for Emergency Purchase of Sodium Hypochlorite for Department of Public Works & Engineering - \$41,313.56 - Enterprise Fund – **(This was Item 33 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1353 ADOPTED.
81. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to **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 – **(This was Item 36 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1354 ADOPTED.
82. MOTION by Council Member Ellis/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **CITY SUPPLY CO., INC** for Plumbing Supplies for Various Departments - \$772,651.00 - General and Enterprise Funds – **(This was Item 38 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1355 ADOPTED.
83. MOTION by Council Member Vasquez/Seconded by Council Member Ellis adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 39 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Quan out of the city on personal business. Council Member Parker absent. MOTION 2003-1356 ADOPTED.
85. 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** – **(This was Item 49 on Agenda of November 5, 2003, TAGGED BY**

COUNCIL MEMBER GOLDBERG) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Parker absent. ORDINANCE 2003-1091 ADOPTED.

87. 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 – (**This was Item 52 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER TATRO**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Parker absent. ORDINANCE 2003-1092 ADOPTED.
88. 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 – (**This was Item 54 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER TATRO**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Parker absent. ORDINANCE 2003-1093 ADOPTED.
89. 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** – (**This was Item 57 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS KELLER and QUAN**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1094 ADOPTED.
90. 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** – (**This was Item 59 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1095 ADOPTED.
- 90a. 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** – (**This was Item 59a on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1096 ADOPTED.
91. 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** – (**This was Item 60 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER**) – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1097 ADOPTED.
92. ORDINANCE approving and authorizing third amended and restated interlocal cooperation agreement with the **HOUSING AUTHORITY OF THE CITY OF HOUSTON** – (**This was**

Item 63 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER ELLIS – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1098 ADOPTED.

93. 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 – **(This was Item 65 on Agenda of November 5, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1099 ADOPTED.
95. 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 75 on Agenda of November 5, 2003, POSTPONED BY MOTION #2003-1308)** – was presented.

Council Member Goldberg stated that he was still waiting on Swinnerton Builders, that the question was why did Swinnerton back out of their original bid, that it was close to a million dollars less than what they were paying now, that if they were not going to go through with their bid then why did they release them from their bid bond, and Mayor Brown stated they would make sure someone would visit with him on it.

A vote was called on Item No. 95. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1100 ADOPTED.

97. 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 87 on Agenda of November 5, 2003, POSTPONED BY MOTION #2003-1313)** – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1101 ADOPTED.

Items received during meeting.

65. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS (METRO)** for Purchase and Installation of Materials for Pedestrian Components on Main Street from Blodgett to Binz as part of the Main Street Corridor Revitalization Project – was presented. All voting aye. Nays none. Council Member Quan out of the city on city business. ORDINANCE 2003-1102 ADOPTED.
25. **EMERGENCY VEHICLES OF TEXAS, INC (Bid #3)** - \$58,200.00 and **PEARLAND ALTERNATOR CO., INC (Bid #2)** - \$92,344.00 for Ambulance, Pumper and Ladder Truck Replacement Parts for Fire Department - \$155,200.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$4,656.00 for a net award amount not to exceed \$150,544.00 - General Fund – was again before Council. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2003-1357 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that the Northeast Multi Purpose Service Center had

been on the books for quite some time and she heard that it was going to take approximately six months to purchase the land for the building to be constructed and thought it was way over due and would like for the Mayor to look into it and get it corrected right away so they could proceed because the people in the community had been waiting on the center for over four years.

Council Member Galloway stated that Benson Street had been on the books since Ms. Bingham was with the City, they had the monies allocated in the block grant fund to reconstruct that street along with a Interlocal agreement with Harris County, where they were going to work with the City on the reconstruction, that it was approximately five blocks and she had been speaking about the matter for some time and was now at her wits end on the two projects because she did not know why it took so long for things to happen in District B and urged the Mayor to look into the matter.

Council Member Galloway stated that she talked about the newspapers and when they misquoted and now wanted to stress about some of their own newspapers in their own community that she was very disappointed about, that they had an article on their front page which stated that people endorsed certain people for Mayor when it was totally untrue, that a post card came out with quite a few leaders on the front and it was from the HPLU and they misinterpreted it and stated that it was an endorsement from those people and who they endorsed, that she wanted to let her constituents know that they could not always believe what they read in the newspaper and then they did not even call to verify the story before they put them in, that she was going to name the newspaper, the African American News and Issue, that she felt offended by the matter, that she did not mind people writing about her but hoped they wrote the truth and that was what she was concerned about. Council Member Vasquez absent.

Council Member Robinson stated that last week they raised the issue of a Lower Third Ward Tax Increment Financing Zone and hoped somebody in the Planning Department would take the time to do some evaluation and let him and Council Members Edwards and Alvarado know. Council Member Vasquez absent.

Council Member Robinson stated that he noticed in Saturday's newspaper that Metro would be having public hearings on November 24, 2003 about their trolley service, interestingly none of the trolley services went east of Highway 59 and 288, which was the Lower Third Ward or though the Third Ward and they were talking about the purpose of the trolley was to connect to the Main Street Rail Line, that he was hoping that somebody in the Planning Department would take the opportunity, in light of the request for a Third Ward TIRZ, to look at what kind of revitalization and economic development impact was possible out there. Council Member Wiseman absent.

Council Member Edwards stated that she would like to meet with someone from administration regarding the CENTER lease agreement and where they were with that as soon as possible because they had some deadlines they had to meet, that it was an organization that dealt with disabilities at Allen Parkway, and Mayor Brown stated that he would find out what was going on. Council Member Wiseman absent.

Council Member Edwards stated that she would like to meet with someone from Houston Works to talk about Agenda Item No. 53 that they voted on today, that she wanted to speak with them about how they targeted the youth and their gang intervention process, that she wanted to get further information regarding that particular issue. Council Member Wiseman absent.

Council Member Edwards stated that they had all talked about the U.S. 59 Spur 527 chaos that was going on and there was a meeting that they had been able to pull together with Metro and the people from Quality of Life to talk about bus riding and so forth, that she wanted to thank those folks for stepping up to the plate and listening to the community regarding their concerns about the issue. Council Member Wiseman absent.

Council Member Edwards stated they had a very successful meeting with the folks from TSU regarding the aging services that were going to be provided and wanted to thank them for a very productive meeting, they had some strong issues that they needed to work out, concerns in the community regarding that and thought it was workable. Council Member Robinson absent.

Council Member Edwards stated that regarding the article that Council Member Galloway spoke about her only concern was that one, it was a lie, and two, they knew it was a lie and they published it anyway and the integrity thing was problematic for her. Council Member Robinson absent.

Council Member Vasquez stated that he wanted to thank the Mayor for the Veterans Day activities that took place yesterday and the dedication of Houston's Veterans Memorial Park, that it was a very nice ceremony and the park was really beautiful and the Veterans were very proud of it and was also a neighborhood park and the kids were real happy about it as well, that he encouraged Council Members to go out and take a look at the park, that he wanted to thank Council Members Parker and Wiseman for attending. Council Member Robinson absent.

Council Member Sekula-Gibbs stated that continuing with the thought of veterans and how important it was to secure the Nation she wanted to bring something up that was very serious, think back on what happened on September 11 when Washington, D. C. and New York City were attacked, that they watched on television planes attacking those two cities, that it came to her later on a PBS Show that those planes were actually attacking the cities and their own planes were no where to be seen for a long time, that they had to ask themselves why were there no American planes coming in quickly, that the PBS special made the point of saying that for New York the closest air base that would have been able to provide security was in Cape Cod, over 100 miles away, and in Washington, D. C. the closest facility was Langley Air Base, which was over 100 miles away and that caused them to have a delay in their ability to clear the skies, that in Houston they were very blessed, they had an airbase that was actually located on the property of the City of Houston and they had probably been taking it for granted for a long period of time and they should not do that, that it was called Ellington Field, that it housed the 147 Fighter Wing of the International Guard and probably everybody had heard about BRAC, Base Reallocation and Closing and it was taking a hard look at the 147 and were considering removing it which would be devastating to the security of the City and would also cause a trickle down to the City's economy, that she wanted to call to their attention that they could lose the 24 hour per day, 7 day a week FAA tower that was currently manned at Ellington, if that happened then Continental might be forced, because of economic considerations, to pull out of Ellington and if that happened then the City would no longer have the revenues that Continental paid to the City and if that happened then their tax base would also diminish, that Johnson Space Center used Ellington Field as a base and a training facility, that they really could not afford to let Johnson Space Center to suffer if the 147 was pulled out, and in terms of security they right now could have planes in the sky within 7 minutes, but if that base was closed then the next closest one would either be Corpus Christi or San Antonio and would be 30 minutes before they could clear the skies and asked the Mayor to act together to make sure that BRAC did not hit Ellington and take their security away, and Mayor Brown stated that they would start working on it immediately. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate Ms. Anh Hunter on her new position in the Wastewater Management Service. Council Members Tatro, Vasquez and Robinson absent.

Council Member Ellis stated they received an email from a gentleman who was outraged from the standpoint that there was a light out at Wilcrest and Bellaire, a rather large intersection, which he said was out since November 6, 2003 and was still out, that he claimed that there were several accidents that had occurred over the weekend, that he would urge Public Works to please give him some feedback on what was going on out there and why they had not been

able to improve the light and take care of the situation, that it was a major boulevard and the light needed to be taken care of, and Mayor Brown stated that they would have somebody address that immediately. Council Members Vasquez and Robinson absent.

Council Member Goldberg stated that he agreed with Council Member Sekula-Gibbs, that was a very pressing point and was glad that she brought it up. Council Members Vasquez, Parker and Robinson absent.

Council Member Goldberg stated that he wanted an update on a budget amendment that he had, that he was looking for the administration to create a policy for less than market leases and for the naming policy of different streets or buildings, that he knew F&A or Parks was working on it and would like to get a status report on it, and Mayor Brown requested that Ms. Sara Culbreath to update him on it. Council Members Galloway, Ellis, Vasquez, Parker and Robinson absent.

Council Member Goldberg stated that they spent good money relocating some historic buildings on a street adjacent to Minute Maid Park and hoped it would be kind of a historic preservation center and education center and now he thought would be a good time to do an RFP and see what kind of groups would be willing to go there and how much money they would spend and how much time they would donate, since it was a lease and incredibly valuable City property, and Mayor Brown stated they would work on that. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:48 a.m. upon MOTION by Council Member Tatro, seconded by Council Member Goldberg. Council Members Galloway, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker and Robinson absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary