

City Council Chamber, City Hall, Tuesday, November 18, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 18, 2003, Mayor Lee P. Brown presiding and with Council Members Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Bruce Tatro absent on personal business.

At 2:04 p.m. Mayor Brown stated that Council would begin their presentations and invited those present with HISD Office of Special Education Services to the podium. Mayor Brown stated that they were participating in the Third Annual National Inclusive School Week which was being celebrated December 3 through December 5, 2003, and was designed to highlight inclusive services for students with disabilities and presented a Proclamation to them recognizing children as the future of the city, extended best wishes and proclaimed December 1st through December 5th as "Inclusive School Week", in Houston, Texas. Council Members Galloway, Goldberg, Ellis, Keller, Berry and Robinson absent.

Council Member Quan stated that he was pleased to invite Ms. Sherry Browning-Abuga to the podium; that Ms. Abuga had made many contributions to the betterment of the City of Houston through her dedication and commitment to the community and had highlighted talents of many young people and presented her a Proclamation saluting her in recognition of her many accomplishments and contributions, wished her continued success and proclaimed November 18, 2003, as "Sherry Browning-Abuga Day", in Houston, Texas. Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent.

Council Member Alvarado stated that she was pleased to introduce Mr. Roger Wood, a literature and writing instructor at HCC's main campus and invited Mr. Wood and those with him to the podium. Council Member Alvarado stated that he had written a book entitled Down In Houston Bayou City Blues and it was about the vibrant blues music in the Third and Fifth Ward and presented him a Certificate for bringing to light that history. Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent.

At 2:17 p.m. Mayor Brown called the meeting to order; and Council Member Alvarado invited Pastor Eliza Solomon, Pastor of Refugee Vision Ministry, to lead everyone in prayer and Council Member Alvarado led all in the pledge of allegiance. Council Members Vasquez, Berry and Robinson absent.

At 2:19 p.m. the City Secretary called the roll. Council Member Tatro absent on personal business. Council Members Vasquez, Berry and Robinson absent.

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

Council Member Keller moved that the rules be suspended for the purpose of adding the following to the list of speakers; Mr. Jack Jones, Dr. Ross Cullins, Sr., Mrs. Jackie Mayhorn, Mrs. Andrea Cooksey, Ms. Robin German Curtis and to hear Mr. John Osborn out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Tatro absent on personal business. Council Members Vasquez, Berry and Robinson absent. MOTION 2003-1358 ADOPTED.

Ms. Susan Young, 2408 Bartlett, Houston, Texas 77098 (713-790-1020) appeared and stated that she was president of the South Main Center Association and spoke in favor of the drainage fee, Agenda Items 60a,b and c, stating their board identified improvement to drainage as top priority; that everyone was at risk and they were willing to pay their share to address it.

Council Members Vasquez, Alvarado, Berry and Robinson absent.

Mr. Dave Welch, P. O. Box 2606, Houston, Texas 77252 (713-980-3274) had reserved time to speak but was not present when his name was called. Council Members Vasquez, Alvarado, Berry and Robinson absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was president of the Houston Property Rights Association and spoke against the drainage fee, Agenda Items 60a,b and c, stating that their organization was opposed to the fee as it suggested flooding would be eliminated when in fact all technical people at the city and county level agreed it would not eliminate the flooding; that it was the view of his organization such pricey proposals should be submitted to a cost benefit analysis and they were asking Council to stop until such was done. Council Members Vasquez, Alvarado and Berry absent.

Mayor Brown stated that Mr. Klein had appeared on several occasions and he had never heard him speak in favor of anything; and upon questions, Mr. Klein stated that they liked freedom and prosperity; that he did not flood yesterday. Mayor Brown stated that anyone with rational judgment about what this city needed to do and saw what happened yesterday would think it was logical to do something. Council Members Ellis, Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Quan, Mr. Klein stated that people could elevate their home or buy flood insurance; that the City's own experts said they could not solve flooding. Council Member Quan stated that he did not think flooding would be eliminated altogether but a great deal could be done to minimize it. Council Members Ellis, Vasquez, Alvarado and Berry absent.

Council Member Wiseman stated that she respected Mr. Klein's views; that the city did experience street flooding, but when addressing the drainage fee the first time she was told the streets were designed to carry the flood waters so they were designed to flood to keep the water away from the structures and she could not believe that people would say with the drainage fee they would not have the flooding. Council Members Ellis, Vasquez, Alvarado and Berry absent.

Council Member Edwards stated that her conversations with Mr. Vanden Bosch was this would not stop flooding but their efforts were to mitigate flooding; that the streets were designed to take the water and be the conduit but at some point someone was going to have to address the neglect of infrastructure in Houston; and Mr. Klein stated that if someone was going to address it they could buy property and have detention ponds and that should hold enough water to avoid some flooding, but it still needed testing. Council Members Galloway, Ellis, Vasquez and Alvarado absent.

Council Member Robinson stated that his concern was the same as Council Member Edwards which was that a new fee did not guarantee those most in need would see repairs. Mayor Brown, Council Members Galloway, Edwards, Ellis, Vasquez and Alvarado absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman stated that she appreciated he did address the drainage fee; that he was opposed to the option and she too was opposed. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Alvarado absent. Mayor Pro Tem Quan presiding.

Mr. Jack Jones, 10240 Briar Forest, Houston, Texas 77042 (713-266-0778) appeared and stated that he was opposed to the drainage fee being levied against nonprofits; that he agreed drainage was needed but taking from them was taking from the needy and he felt Council Members could figure a better way; and urged a no vote. Mayor Brown, Council Members Galloway, Ellis and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that city government wanted to rush and would ship money from the general fund to the school district for After School Programs and then at the same time ask for money back for drainage instead of each keeping their money to use as needed; and thanked Mr. Jones for appearing. Mayor Brown, Council Members Galloway, Ellis and Vasquez absent. Mayor Pro Tem Quan presiding.

Mr. John Osborn, 9310 Oakford Court, Houston, Texas 77024 (713-557-3650) appeared and stated that he was a home builder in Houston and was remodeling his personal home and had a bad experience with inspectors and was asking for Council's assistance; that he was threatened on his own property and then spoke with the person over them and was told they could do what they wanted to, they had the power of the police and that disturbed him; that it was all over a plumbing permit he did not know was needed and it snowballed; that they sat in front of his home for hours and called police on him. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that certainly when such happened Council wanted to hear about it and would look into it as such conduct should not be tolerated. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Keller, Mr. Osborn stated that two inspectors sat in front of his home about two hours and on the second occasion they called police on him. Council Member Keller stated that one of the best he worked with and the one in charge was Mr. Gary Bridges and he usually took quick and swift action to rectify it; and upon questions, Mr. Osborn stated that he believed it was Gary Bridges he spoke with. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Mr. Osborn stated that he never knew you needed a permit to pull your own personal sink; that he believed the trouble started from a personal conflict and now had risen to a "we'll show you" and he was asking for Council Member's assistance. Council Member Berry stated that he was hoping what Mr. Bridges said was they were operating within a police power which was true; and Mr. Osborn stated that he was upset and maybe did misunderstand him. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that inspectors were running months behind and was under pressure and Mr. Bridges was working to outsource inspectors; and upon questions, Mr. Osborn stated that he thought it would be a good idea to outsource and take some of the strain off. Mayor Brown, Council Members Galloway, Ellis, Vasquez and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he would get in touch and follow-up with a response. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Keller stated that he would like to know if it was required to have a permit when pulling a sink; and Mayor Pro Tem Quan stated that they would follow-up. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Dr. Ross Cullins, previously added to the Speakers List, appeared and stated that he was pastor of Solid Rock Baptist Church and chairman of their community development corporation; that he was present on a dual capacity; first that they were opposed to the drainage fee as they had weekly struggles with finances and second that the people of the northeast Houston area needed services, they seemed to be the last to ever receive them. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that one of his concerns was to address the greatest needs first; that he would be glad to go over the plans for the drainage program with him and he would like projects in his area to get due attention. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mrs. Jackie Mayhorn, previously added to the Speakers List, appeared and stated that she was the East Little York Homestead president and was present to speak on the concentration and saturation of low income projects in their area; that they did not want any more and could not take any more; that they were partnering with Public Works and Parks Departments to get better services, they had priorities and wanted Council Members to listen. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Ms. Mayhorn was on the mailing list for the Housing Initiatives Committee and he looked forward to seeing her at the meeting on Thursday; that he wanted to make sure the community did have input and looked forward to her input. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Andrea Cooksey, previously added to the Speakers List, appeared and stated that she was a member of the Northeast Economic Development Council and was also speaking on the over saturation of multifamily units capped at 60% of medium income; that developers were constantly saying what they needed in housing and she would like City leaders to work with those in Northeast Houston with a Sugarland development mentality to increase their quality of life. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he was more than willing to speak with them about their plans and invited her to meet with him and the Housing Initiatives Committee to see that she received the support needed; that Thursday they would begin their plan for the next fiscal year and the sooner she was involved the better off her community would be. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Ms. Cooksey for her work and stated that she had her support and encouraged her to attend the meeting Thursday. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Robin German Curtis, previously added to the Speakers List, appeared, presented information and stated that most Council Members knew the work they were doing in Northeast Houston and the proliferation and over concentration of low income housing projects in low income neighborhoods was not just their problem, however, they were bombarded with them and they were asking Council Members to look at the information being shared today and give their support on the completion of their plans. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he was having a follow-up meeting regarding Mr. Fogerty's project and he looked forward to her input. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez stated that he was aware of the problem as well and it did affect other areas also; that he asked that they develop a concentration policy to mirror the state's policy where it would not allow for the concentration and all districts would get their fair share; and encouraged Ms. Curtis to speak with Ms. Stiner; and Ms. Curtis suggested while they look

at the State's policy they have a provision where such low income neighborhoods would not necessarily have to adhere. Council Member Vasquez stated that the committee could take that up as well. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Ms. Curtis stated that they needed assistance in putting their pieces together into a final document; that Planning worked with them to create their vision and they had a housing study done in partnership with Fannie Mae and LIFT and a social economic report done by Planning so they had pieces to their plan but they needed it together; that their organization was nonprofit and they requested a grant a couple of years ago through Greater Houston but the Administration changed and she did not know what happened. Council Member Edwards stated that once they did some work she would lend their support by writing a letter. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Michon Benson, 2416 Arbor, Houston, Texas 77004 (832-643-5685) appeared, presented information and stated that she was present to invite the Council Members to participate in a citywide arts initiative that Athletes for Art was coordinating for the Super Bowl; that 70 athletes and celebrities would be painting and embellishing footballs along with other local artists, schools, etc., and displayed in 300 displays Home Depot donated in local businesses and restaurants; that the goal of the project was to call attention to local businesses that may not generate additional income with the Super Bowl; that HEB was sponsoring a football hunt and the balls would be placed around and then people who visited the businesses would get a stamp on a hunt card, fill it, mail it in and enter a drawing to win a package; and she was asking Council to participate by either creating their own art ball or giving a ball to a school. Mayor Brown, Council Members Galloway, Ellis, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Mayor Pro Tem Quan, Ms. Benson stated that she would give them a football to either give to a school or organization or design it himself and when the ball was auctioned 40% of the proceeds would go to the arts organization or school which created the ball and the rest would go to the arts program on their one page project description. Mayor Pro Tem Quan stated that his office would be more than happy to disseminate information and encourage Council Members to participate. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards encouraged Ms Benson to contact her office to let them know how they could help support the program. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Nyhia Ta, 9325 Interval, Houston, Texas 77075 (no phone) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Roland Curry, 5519 Caplin, Houston, Texas 77026 (713-545-3324) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Ellis, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Adrienne Crispin, 10910 Gulf Freeway #119, Houston, Texas 77034 (713-944-6415) appeared and stated that she was a former City of Houston employee having worked in the Legal Department as a legal assistant and then transferred to Parks Department as a contract administrator two months ago; that she was present to bring to Council's attention the

management in that department, specifically the deputy director Maggie Mottesheard and the abuse of her management authority; that in November she was retaliated against by her, Eric Denton and Diane Deaton when they tried to demote her from her position, from a pay grade 22 to a pay grade 12 by using as a pretext incompetence in performing her job duties when she was demanded to perform duties against city policy and held to a different standard than her predecessors; that they wanted her to draft contracts without being under supervision of a licensed attorney and to delete standard mandatory provisions from the Glenbrook Golf Course concessionaire contract; that she visited with Greg Matthews in the Legal Department Contract Division and he advised she was not authorized to draft contracts and she voiced her concern to her immediate supervisor Eric Denton she was relieved to hear from him and Diane Deaton that her drafting of the contract was legitimate because she would not be the one to sign off on it and assured her the drafted version would first be reviewed by Legal before a third party would see it, however, afterward she was told to delete the mandatory provision which could affect the City of Houston so she consulted with Greg Matthews about the deletions and she was advised not to delete one provision; that she told her supervisor and he still wanted her to make the deletion and she was given numerous job threats; that she was called to Diane Deaton's office and told the same thing. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that Ms. Crispin was making serious charges; and upon questions, Ms. Crispin stated that she was asked to remove a standard provision in the contract. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Berry, Ms. Crispin stated that she was at Parks two weeks when this happened; that she left Legal as a promotion, but when she was called to Ms. Mottesheard's office and told she would be demoted she said she had no justification she walked out and gave a letter of resignation, then last Thursday she received a certified letter saying she was terminated for walking out of the meeting, but she had already given them a letter of resignation; that she wanted the City to investigate Ms. Mottesheard's behavior and management style and would also like her job back. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mayor Pro Tem Quan stated the item was on tomorrow's Agenda. Upon further questions by Council Member Edwards, Ms. Crispin stated that she was advised to delete a standard mandatory provision from the Glenbrook contract. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that Legal had a program ongoing with various departments, particularly with Public Works, though he could not speak to the one in the Parks Department where they let some of their professional assistants prepare contracts from forms provided and then they were reviewed by Legal. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that she would like to visit with someone from the Parks Department see a copy of the contract now and previously. Upon further questions by Council Member Wiseman, Mr. Bibler stated that from what he was told about this contract the gentleman was putting several hundred thousand dollars worth of improvements on the property and his initial reaction would be that such a clause would be inappropriate unless they wanted to buy him out; that terms of negotiation needed to be looked at. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that information was being requested from Parks and they

would follow-up; that he would try and respond to her within a week. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Curtis Jefferson, 13526 Creek Springs Drive, Houston, Texas 77083 (281-983-5631) appeared and stated that his son Jamar would speak. Mr. Jamar Jefferson stated that he was pulled over a couple of weeks ago by two undercover officers and then two or three police cars came; that he was pulled out by his left arm when he was telling them he had a prosthesis and was just getting over surgery; that he was told he was pulled over because of running stop signs and he did not know how because he was between both police cars and undercover cars; that he was never ticketed for that but he was asked to sign an affidavit to be released and refused then he was arrested and taken to the station. Mayor Pro Tem Quan requested the City Secretary to administer the oath to Mr. Jamar Jefferson

Mr. Jamar Jefferson stated that the first officers were Sgt. Uanhuis and Sgt. Givens; that later he was told his car was suspected of being used in a robbery when the car they were looking for was a gold Buick Century and his was a silver Park Avenue; that he was placed in a lineup and then told it was not him and he was to be released, but then before he was released he was told a controlled substance was found in his car and he was being charged for that. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Jamar. Jefferson stated that he was not ticket for the stop signs and he was not told what the affidavit was just to sign it but he refused; that he was not asked if his car could be searched and he had filed a complaint with Internal Affairs. Council Member Edwards stated that she would like to meet with them after the meeting. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Jamar Jefferson stated that first he was with two undercover police and then other police came; that they had no dogs there and he never saw the car searched; that he was stopped right after leaving his house while exiting his neighborhood; that he was in city jail two days and then at the county one and a half days; that he did not see a judge because there was no bond he was being held; that later he had a bond of \$5,000 and he was told it was because of a controlled substance and that was his charges pending to be in felony court. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Assistant Chief McClelland was present and he would like them to meet on police procedure and see what needed to be done. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Tony Jones, 6625 DeSoto, Unit 6110, Houston, Texas 77091 (713-680-9280) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Allen Garms, 3550 W. Dallas, Houston, Texas 77019 (713-525-8401) appeared and stated that he was executive director of the Center Serving Persons With Mental Retardation, it

was a private United Way agency which had been serving Houston since 1950, currently serving over 800 children and adults everyday; that the Center was located at 3550 West Dallas and was leased from the City of Houston since 1961 and in return provided millions of dollars in charity service to citizens with mental retardation; that in 2002 they submitted their lease for renewal but to date it had not yet been renewed and the center was under a month to month lease; that in July they requested a water/wastewater permit to build a bakery and were turned down because of the month to month lease, but the bakery would allow the center to continue a very successful project providing paid employment to those with disabilities and contributed more than \$250,000 in revenue; that at this time they had a commitment of \$250,000 from the Houston Endowment to construct the bakery but the grant was time limited and if construction was not begun by November 30th they could lose the dollars; and urged Council to review and approve the lease. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Garms stated that in checking with Real Estate he was told leases for not for profit were put on hold. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Garms for the work of the center and upon questions, Mr. Garms stated that the operating budget for the center was \$12,500,000 and at least \$1,500,000 each year must be funded through fund raising efforts; that 9% went to the Administration and the rest to programs; that they were one of the most efficient operations in the city with 91% going to persons with disabilities; that to his knowledge the city had no agency which served persons with mental retardation and there was over 2,000 on a waiting list in the area for residential services; that if they had no center there would be no place to live for those persons and the City could increase their homeless population and people sitting at home and vegetating; that he absolutely did not believe the City could operate the program at their cost which was about \$22,000 per person per year and the cost in a state institution was about \$92,000. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the city was reviewing their policy on below market leases and hoped to have something developed soon; that he understood the city's chief operating officer, Ms. Sara Culbreth, was assigned to speak with and work with him on the issue but was out today. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-545-8511) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

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

Mr. Steven Williams, no address (no phone) appeared and stated that in 1991 he was injured in an armed robbery and continued expressing his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)



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

At 4:07 p.m. City Council recessed until 9:00 a.m., Wednesday, November 19, 2003. Council Member Tatro absent on personal business. Mayor Brown, Council Members Galloway, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, November 19, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 19, 2003, with Mayor Lee P. Brown presiding and Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Ms. Susan Taylor, Assistant City Attorney and Ms. Marty Stein, Agenda Director, present.

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

At 9:22 Mayor Brown reconvened the meeting of the City Council and stated that the first item of business would be a public hearing. Council Members Tatro, Goldberg and Robinson absent.

## **MAYOR'S REPORT**

### **HEARINGS - 9:00A.M.**

1. **PUBLIC HEARING** on the creation of proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Area); authorizing and directing other actions preliminary to the creation of the proposed Reinvestment Zone Number Twenty-One, City of Houston, Texas **DISTRICT H - VASQUEZ**

The City Secretary stated that Mr. Robert Litke, Director, Planning and Development, would make remarks concerning the hearing, that they had no one who had reserved time to appear. Council Member Tatro absent.

Mr. Litke stated that he would very briefly walk them through the basic elements of the proposed Tax Increment Reinvestment Zone, which by the way would be the twenty first zone for the City of Houston if it was in fact created, that they referred to it as the Hardy Near Northside Tax Increment Reinvestment Zone, that the proposed zone, as they could see on the board, which he provided, the yellow was the boundaries of the area, the big yellow in the center was the old Hardy Rail Yards, that the total area proposed for consideration was 242 acres, predominately commercial and industrial, with a considerable amount of blight and deterioration and lack of utility infrastructure and was definitely a Brownfields area, the centerpiece of the proposal would be the former Hardy Yard rail yard, which was a 43 acre site and the plan for the 43 acre site contemplated approximately 1,400 housing units, a bit less than 300,000 square feet of office and retail office space, parks and new infrastructure connecting the Near Northside via an extension of Fulton Street under the rail tracks that would remain and connecting the downtown via San Jacinto, conceptually they would have town homes on the northern border of the zone connecting the fabric of the Northside area into the zone area and they would work to achieve redevelopment of the remaining portions of the zone to offer grand opportunities theoretically for the northern expansion of the CBD over the next 20 to 25 years and to make sure that there were connections and viability between the zone area

and the Near Northside, that they had worked long and with the Near Northside Community on their revitalization goals and wanted to make sure that the two areas were compatible, that the projected value of redevelopment within the 242 area zone was close to \$1 billion of new investment based on the analysis they made and the report of CDS, the marketing consultant, that they projected a tax increment revenue stream over the 30 year life of the zone of approximately \$84 million, that he would note that in the materials submitted to them previously they indicated based on the tax year 2002 that the taxable value of the area was about \$29 million, that they recently got the 2003 assessed valuation data and it now looked to be close to a \$49 million base value for the entire zone, the Union Pacific Railroad sold the site, the 42 acre tract in the center, to a group of developers and the City had been working with them and their consultants to come up with a revitalization plan via the Tax Increment Reinvestment Zone, that would do justice to the location or potential of the area, that the area had some considerable Brownfields problems, there was ground water contamination, which was being tested, treated and dealt with today, there was some degree of soil contamination based on the past utilization of the rail yards and other areas, the developers had entered into an agreement with the State on seeking to improve the area to the highest residential environmental standards so there would be no restrictions on the reuse of the land, that the entire redevelopment plan, again based on the analysis they had made, and the market study prepared by CDS Market Research, contemplated approximately 4,000 residential units in the area, single family town homes and multi family and approximately 1.3 million square feet of office retail and industrial space as well as parking, the developers had agreed and the City would require that approximately 17% of the area that they controlled or 7.5 acres would be set aside and developed for affordable home ownership opportunities and they would all be working with various local housing providers to make sure that it was in fact achieved, that they saw the opportunity to create a very significant development opportunity north of downtown and south of the Near Northside area that would truly become a real urban center for the area, that they had several letters of support from the community, property owners and from the local Community Development Corporation, which he placed in front of each Council Member, that he would attempt to answer any questions they had.

Council Member Vasquez stated that he wanted to thank Mr. Litke for all of his work on the project, that he thought it was a prime example of what a TIRZ was supposed to do and how a TIRZ was supposed to be utilized to revitalize neighborhoods, but also to create partnerships with the various stake holders in the area, that it was a key component to revitalizing the Northside, it was also a key component in the sense of contributing to downtown, that he had always believed that downtown was broader than the artificial boundaries of Highway 59 and 45 and I-10 and the project took it to that step, that it also gave the Northside and the neighborhoods and the civic clubs a tool to work with the developers to improve the quality of life and to revitalize the area, that he wanted to thank the developers also for seeing opportunity where there was blight and also for being a community partner and a good neighbor in terms of working with the civic clubs, that he wanted to point out to Council Members that they had several letters of endorsement, one from County Commissioner Silvia Garcia, one from Ed Reyes the President of the Super Neighborhood Council for that area, which was comprised of a little over 8 civic clubs, that they also had the Greater Northside Management District, that was supportive as well, that they had really done a lot of due diligence to get it to the point of building support and revitalizing an area that was very important to the future of downtown, and asked Mr. Litke about what were his thoughts on the time line for bringing it to the table, was he looking to do it before the beginning of the year or was he looking to do it afterward, and Mr. Litke stated that he wanted to obviously get through the public hearing and see what they learned, positive or negative, there may be some tweaking that they had to do to satisfy some issues that surface, he did not know that for certain, and they had been working closely with the Legal Department so they could move it depending on what they heard today, and Council Member Vasquez stated that he would like to offer the support of his office to work with Mr. Litke and other Council offices to get the questions answered and to identify any issues that were coming from Council Members or from the community so that they could try and get it on the agenda and move it forward hopefully before the end of the year and before the end of the

administration, that he knew they had worked on it for a number of years.

Council Member Vasquez moved to suspend the rules to hear Mr. Ed Reyes, President of the Super Neighborhood Council and Ms. Jeanette Rash, Director, Management District, at this time, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2003-1359 ADOPTED.

Mr. Ed Reyes appeared and stated that he was President of the Super Neighborhood Council 51, that their members had put together a number of town hall meetings throughout the community on the topic of the TIRZ, that they were excited to be part of the TIRZ and looked forward to bring it to their community and what it would bring to their community, that they looked forward to working with the businesses, the Management District and the community, that he was present to tell them that they were in full support of the TIRZ for the Northside Village area, that they also wanted to thank Council Member Vasquez for all of his support and also Mr. Litke for his support.

Ms. Rash appeared and stated that she was present as Chairperson of the Greater Northside Management District and they were excited about the TIRZ because they felt like it would help jump start the work that was going to be done in the Near Northside, specifically the environmental cleanup there, it would take one thing off of the Management District's plate that they were seriously concerned about because it was their eyes to downtown because it was so close to downtown, that they wanted to thank Council Member Vasquez for his support and also Mr. Litke for making sure that the document was so pinpointed to know that the things that the developers had promised that they would follow through on.

Council Member Sekula-Gibbs stated that she too wanted to thank the communities, Mr. Litke and the Planning Department for working very hard to do the best that they could to bring the blighted land that was polluted and polluted by a single polluter, Union Pacific, that they had to hold them responsible and she saw it as an excellent way of letting them off the hook, that she did not like the idea of having them sell land to a private developer who then came to the City and said to help them fix the problem because they wanted to restore the land to useable conditions and let the taxpayers pay the burden and let the polluter off the hook, that everything that they did going forward was sound in terms of bringing the land back into condition and restoring it to usable nature, that was sound, that the problem was that Union Pacific once again slides away and quietly leaves the City to cleanup their mess, that she had a problem with that, that she did not think that they should transfer the problem of the Brownfield from Union Pacific to the citizens of Houston. Council Member Wiseman absent.

Mr. Litke stated that Union Pacific Railroad entered into an agreement with the Texas Commission of Environmental Quality through their voluntary cleanup program in 1998 and they sought to cleanup the site to a commercial level, which would have facilitated more industrial warehousing and that kind of thing, that they entered into an agreement and began studies to determine the nature of the contamination, then they decided to sell the land through a public auction process as is subject to whoever was going to purchase the site assuming the obligation to clean it to commercial standards, the developers, the Hardy Yard partners, who acquired the site, determined that the best thing they could do with the site and maximize its potential was to enter into an agreement with the State and agree to work on a cooperative basis to bring the site to the highest standard possible, residential.

Upon further questions by Council Member Sekula-Gibbs, Mr. Litke stated that they were asking the City to participate in order to get the site remediated to the higher standard, that Union Pacific was out of it, that as he understood it the property owners today had assumed the obligations that Union Pacific had, and Council Member Sekula-Gibbs stated that she would like to ask the Legal Department to give them an opinion on whether the Union Pacific no longer had the responsibility for the pollution and would like to know exactly how much money the citizens of Houston were going to be paying to recover the land and mitigate the pollution before

they went forward with the TIRZ, and Mr. Litke stated that the projected cost for environmental remediation throughout the entire area, not just the 42 acre tract was \$7.2 million, the projected cost for remediation in the rail yards area was \$4.5 million based on \$2.5 million for soil remediation and \$2.5 million for groundwater remediation, and Council Member Sekula-Gibbs stated that she would like that in writing and would like to know from the Legal Department if there was anyway that the City could hold Union Pacific responsible and make them pay for the mitigation rather than ask the citizens of Houston to pay for their mess.

Council Member Parker stated that she thought Ms. Deborah McAbee, Legal Department, was present to answer Council Member Sekula-Gibbs's question, and Ms. McAbee stated that as the owner of the property, Union Pacific, was potentially liable for release of contaminants from the property, that she was not aware if the State or Federal Regulatory Agency being able to compel them to do a cleanup, no State or Federal Agency had compelled Union Pacific prior to the time they transferred the property to engage in that cleanup, that she did not know the details of the real estate transaction that occurred, but if the subsequent property owner had taken that property with the expectation of cleaning it up, the subsequent property owner was in the Chain of Title and any regulatory liability would attach to that particular property owner.

Council Member Parker asked if the current owners had the responsibility of remediating to a commercial standard, that they were asking the City to help partner with them in order to remediate to a residential standard which would benefit the entire area, were they in fact going to put sufficient funds in of their own, not for their development, from which they would benefit, but sufficient funds of their own to achieve that commercial remediation standard and the City was doing the higher increment to residential, or was it all going into one pot, or were the citizens of Houston paying for the entire remediation, and Mr. Litke stated that they had not approached it from that perspective and broken it out into those particular increments, that as they had laid it out up to now they were talking about a \$7.2 million budget estimate for remediation throughout the entire 240 odd acres of which, \$4.5 million would be attributable to the rail yards themselves, of which \$2.5 million was groundwater contamination, which was going outside the bounds of a rail yard control, and Council Member Parker stated that she thought they all understood that the remediation had to be done and thought many of them believed it was an appropriate area to do a TIRZ and was a well thought out and well crafted Tax Increment Reinvestment Zone, the question was if there were any other pockets that could be gone to for the remediation that was necessary before they began to contemplate the TIRZ, and Mr. Litke stated that other than the pockets of the developer he was not aware of any.

Upon questions by Council Member Robinson, Mr. Litke stated that the \$7.2 million was part of the estimated project cost for the zone, in fact it would come out of the tax increment as it was generated, that they had not made any conclusions in the direction of federal money, but they had not explored that so they would, that Ms. McAbee had just told him that there was very little federal dollars available for actual cleanup, that they were kind of on their own, and Council Member Robinson stated that he wanted someone to visit with him, and stated that they were getting it to residential standards and asked how many housing units were they talking about, and Mr. Litke stated that they were talking about almost 4,000 housing units throughout the entire zone and about 1,400 within the Hardy Yards area, that the developers had agreed and they had put it in the proposed budget plan that they would allocate 7.5 acres for affordable housing, and Council Member Robinson stated that he would like someone to visit with him on that also for some more details.

Council Member Berry stated that he knew they were under a cap of 15% by the State statute and asked where they were prior to that and where would this project put them, and Mr. Litke stated that he could not give them an exact number but knew they were well below that, less than 10%, as to where would it put them, he would do the arithmetic and get that for him.

Council Member Goldberg stated that for them to make no mistake, the remediation was coming out of the General Fund, it was tax revenue that they should be getting and for the next

30 years they would not be getting the increase in property taxes, and it was only the City of Houston, that Harris County and HISD were not participating in the TIRZ, that it was a strange TIRZ, that the City was the only one participating, and Mr. Litke stated that they had no firm commitment from Harris County or Commissioner Garcia, however there had been extended discussions with Commissioner Garcia as to her willingness and the County's willingness to participate in the construction cost for the extension of Fulton Street under the yards connecting downtown via San Jacinto, that particular project was projected at around \$12 million and for budget purpose projected a \$5 million contribution from the County, \$2.5 million from the developer and the balance through the tax increment.

Council Member Edwards asked if they did not do the TIRZ, in his estimate, how would they revitalize the area and if so was there a Plan B if they did not do the TIRZ, and Mr. Litke stated that there was no Plan B and in his opinion or judgment, what would happen over a long period of time they might see some warehousing or that kind of activity taking place, but nothing of significant value. Council Members Ellis and Parker absent.

Upon further questions by Council Member Sekula-Gibbs, Mr. Litke stated that the value that he said existed, the HCAD value for the TIRZ, the 242 acre area for 2003 was \$49 million, he did not have a separate breakout for the 43 acre Hardy Yard area, that the developers bought the land at an auction system from the railroad and they had not profited anything because all they had now was a parcel of land. Council Member Alvarado absent.

Council Member Galloway stated that she had a Brownfield in her district and was wondering why they were not seeking funds from EPA in order to pay for the cleanup cost, and Ms. McAbee stated that the Federal Government Brownfields Program provided virtually no money for cleanup, the program was for the money that the City had and the money the City had received was for assessment of property and a valuation of property, not for cleaning the property up, that there had been, within the last two years, a program that EPA had started to create a revolving loan fund for the cleanup of Brownfields and that was a competitive grant program and they had applied, they applied last year and were not granted the money, they were not chosen for the grant program and were in the process of applying again now through the Mayor's Office. Council Members Keller, Alvarado and Quan absent.

Council Member Tatro asked what was the budget for the funding and who paid in what to that current budget and then who was capped out at what amount, that he did not need the answer right now, but as it moved forward that was definitely what he would like to see. Council Members Edwards, Alvarado, Quan and Robinson absent.

Council Member Vasquez asked if the long term benefit of the TIRZ to the City outweigh the cost of the mitigation, in his opinion, Mr. Litke stated absolutely, that he was recommending it because he believed it worked, that he believed it was good for the long term health of the City.

Council Member Vasquez moved to close the public hearing, seconded by Council Member Ellis. Council Members Edwards, Alvarado and Quan absent. MOTION 2003-1360 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 60, 60a, 60b and 60c out of order, seconded by Council Member Ellis. Council Member Quan absent.

2. **PUBLIC HEARING**, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the alignment of a proposed 144-inch diameter relief storm sewer system and associated temporary construction easements through Hermann Park by the Public Works Department - **DISTRICT E – EDWARDS** – was presented. Council Members Wiseman, Alvarado and Quan absent.

The City Secretary stated that Ms. Katie Farley, Legal Department, would make the opening comments. Council Members Wiseman, Alvarado and Quan absent.

Ms. Farley stated that it was a public hearing to consider whether or not a planned storm drainage project that the Department of Public Works and Engineering would like to install, whether it would qualify under Chapter 26 of the Texas Parks and Wildlife Code for the taking of some land out of Hermann Park to install the storm drains, that it was the Harris Gulley Drainage Area, trying to move some storm water down into Braes Bayou, that Chapter 26 of the Parks and Wildlife Code required that before they could take the parkland for the drainage project that there be no feasible and prudent alternative to the use of the Hermann Park property for the project and that the project had included all reasonable planning to minimize harm to Hermann Park as a park and recreation area, that she would ask Mr. Gary Ordat, from the Department Public Works and Engineering to further explain the project. Council Members Wiseman, Alvarado and Quan absent.

Mr. Ordat stated that it had been about two and a half years since Tropical Storm Allison impacted their City, primarily the Texas Medical Center area and they were finally at a position where they were ready to advertise and bid the very first project as part of the FEMA funded initiative, that there were three main trunk sewer systems that would be constructed as part of the effort, and displayed a map of the project, that one would be along Kirby Drive and the second one would be along Hermann Drive and the third, which was the subject of the public hearing, was the McGregor outfall, which would go along McGregor Drive from Fannin to an outfall in Braes Bayou, that as part of the planning for the project they inspected several other alternatives and one was to come down Freeman Morrison and that option was thrown out because those were all private streets owned by the Texas Medical Center and would have required getting their concurrence for that route, that they also looked at basically constructing an open channel across parkland, but because of the negative environmental impact that was not deemed to be feasible, but what they were going to do was construct an \$11 million project, it would be a little over 3,000 feet long, 144 inches in diameter and would convey water from basically the general area in the Harris Gulley Watershed down to Braes Bayou, their current timeframe was that they would want to advertise the project within the next three to four weeks, that as they knew they had a press conference last week where FEMA officially awarded the City the grant and there was a two year requirement that the funding under the FEMA Grant be expended, that did not mean project advertised and bid, that meant projects advertised, bid and checks cut to the contractor within two years of that date, so they basically had two years from the past Friday to construct the three systems and they were on pace to achieve that goal and Mr. Thompson was present if they had questions regarding the construction schedule in any more detail, but that basically was a broad overview of the project. Council Members Tatro, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Members, Mr. Ordat stated that the McGregor outfall would be a 144 inch, 12 foot diameter, reinforced concrete pipe, storm sewer outfall, underground, that it would be within the right of way of McGregor, the subject of the hearing was the outfall where pipe came out of the paved section and actually went under open ground within the curb limits of McGregor, that it was proposed that they tunnel it and they would have a shaft at Fannin and would kind of tunnel the entire thing, they may have an intermediate shaft or would have a junction structure where the storm sewer basically crossed an existing 60 inch sanitary sewer, but by and large it would be a tunneled project, there would be very little open cut construction, there would be some open cut for the shaft and would be some cut where they were going to build a junction structure where the storm sewer and existing sanitary sewer crossed, that the tunnel would probably be in depth of 15 to 20 feet, that the modeling for the impact on Braes Bayou had been coordinated with Harris County and the work with FEMA was strictly with getting the project approved for the grant, that the three projects submitted to FEMA were about \$60 million, \$45 million would be coming from FEMA and \$15 million was a local match, and of that \$15 million, \$10 million was from the City of Houston and \$5 million was from Methodist Hospital and Baylor, \$2.5 million each; that they did have a preliminary design done and hoped

to advertise the project the first week of December, that he thought the total length of construction would be right at one year, that as to the Kirby Project they would be replacing pipe or adding pipe in the right of way but would not be lowering the street; that the source of the matching fund was proposed to be the revenue anticipation bonds that were before Council, that the other sources of funding, quite frankly, would either be pulling from other storm sewer projects and they might have to go over into the street CIP to pull those bond funds, so that may delay other CIP projects, that the FEMA money was a reimbursement and the City had to front the money, when they bid and award the job in the next six to eight weeks they would have to front the entire \$11 million, the source of the \$11 million would be the revenue anticipation bonds and some other storm sewer bond funds; that as to the benefit to the residents that lived in the area, they tend to call the project the Medical Center but in reality it benefited the entire Harris Gulley Watershed, what it would do, when they looked at the amount of rainfall that occurred in the Medical Center right at the 100 year flood, he thought it was about 13 inches, that the people would be able to have access to the health care facilities, the level one trauma centers in the Medical Center, that during Tropical Storm Allison those road were flooded, they did not have access, that the new project would allow everyone in the area and citywide to have access to the health care facilities in the Medical Center area, that it would be built in two phases, down to Jackson would be one and then Jackson to the outfall would be another, that they were going to have one traffic engineering firm look at traffic control plans for the entire effort to make sure there was as little impact as possible, that the tunnel was going all the way to Fannin Street and they would have the shaft in an easement that they were getting from Hermann Hospital, it would not be out in the middle of the street, that it would not cross under Fannin Street, it would be on the Hermann Hospital side of Fannin, that they might go into it a little bit because they had to intersect a 114 inch existing storm sewer, but did not believe GMS would actually go out into Fannin itself, that there would be no impact to the light rail, that as a grade separation, they did not have the money to even consider it, that what FEMA had approved was to stop short, that any alteration to any of the projects they would have to go back to FEMA. Council Members Tatro, Galloway, Wiseman, Keller, Vasquez, Berry and Robinson absent.

Council Member Parker moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Galloway, Wiseman, Keller, Vasquez, Berry and Robinson absent. MOTION 2003-1361 ADOPTED.

The City Secretary stated that no one had reserved time to speak at the following 15 hearings and Ms. Wallace would make comments on each one. Council Members Tatro, Galloway, Wiseman, Keller, Vasquez, Berry and Robinson absent.

3. **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 Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson 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 percent of development, that it brought the contract consistent with other Strategic Partnership Agreements in the area. Council Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 63, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson absent. MOTION 2003-1362 ADOPTED.

4. **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. Council Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson absent.

Ms. Wallace stated that Chelford City Municipal Utility District 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 Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson absent.

Council Member Quan moved to close the hearing on Chelford City Municipal Utility District, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Galloway, Ellis, Vasquez, Berry and Robinson absent. MOTION 2003-1363 ADOPTED.

5. **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 Memorial Hills Utility District 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, Galloway, Vasquez, Berry and Robinson absent.

Council Member Quan moved to close the hearing on Memorial Hills Utility District, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent. MOTION 2003-1364 ADOPTED.

6. **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, Galloway, Vasquez, Berry and Robinson absent.

Ms. Wallace stated that Malcomson Road Utility District 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 Galloway, Vasquez, Berry and Robinson absent.

Council Member Quan moved to close the hearing on Malcomson Road Utility District, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Vasquez, Berry and Robinson absent. MOTION 2003-1365 ADOPTED.

7. **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 Galloway, Berry and Robinson absent.

Ms. Wallace stated that Harris County Fresh Water Supply District 51 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 Members Galloway, Berry and Robinson absent.

Council Member Quan moved to close the hearing on Harris County Fresh Water Supply District 51, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Vasquez and Berry absent. MOTION 2003-1366 ADOPTED.

8. **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 Cypress Hill Municipal Utility District No. 1 was located on the east side at Highway 290 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 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 Quan moved to close the hearing on Cypress Hill Municipal Utility District No. 1, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Ellis, Vasquez and Berry absent. MOTION 2003-1367 ADOPTED.

9. **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 Members Galloway, Vasquez and Berry 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 Members Galloway, Vasquez and Berry absent.

Council Member Quan moved to close the hearing on Fountainhead Hill Municipal Utility District of Harris County, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Vasquez and Berry absent. MOTION 2003-1368 ADOPTED.

10. **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 Members Galloway and Berry 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 Members Galloway, Keller and Berry absent.

Council Member Quan moved to close the hearing on Green Trails Hill Municipal Utility District, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Keller and Berry absent. MOTION 2003-1369 ADOPTED.

11. **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 Galloway, Keller and Berry 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 Galloway and Keller absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 8, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Keller absent. MOTION 2003-1370 ADOPTED.

12. **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 – was presented. Council Members Galloway and Keller absent.

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 less than two 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 Galloway and Keller absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 191, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Keller absent. MOTION 2003-1371 ADOPTED.

13. **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 – was presented. Council Members Galloway and Keller absent.

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 was for 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 Galloway, Goldberg and Keller absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 200, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg and Keller absent. MOTION 2003-1372 ADOPTED.

14. **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 Members Galloway, Goldberg and Keller 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 was for 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 Galloway, Goldberg and Keller absent.

Council Member Parker moved to close the hearing on Harris County Municipal Utility District No. 257, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg and Keller absent. MOTION 2003-1373 ADOPTED.

15. **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 Members Galloway, Goldberg and Keller 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 Members Galloway, Goldberg and Keller absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 58, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Keller absent. MOTION 2003-1374 ADOPTED.

16. **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. Council Members Galloway, Goldberg, Wiseman, Keller and Parker absent.

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 Members Galloway, Goldberg, Wiseman, Keller and Parker absent.

Council Member Quan moved to close the hearing on Harris County Municipal Utility District No. 109, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Keller and Parker absent. MOTION 2003-1375 ADOPTED.

17. **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 – was presented. Council Members Galloway, Goldberg, Wiseman, Keller and Parker absent.

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 Members Galloway, Goldberg, Wiseman, Keller and Parker absent.

Council Member Quan moved to close the hearing on North Forest Municipal Utility District, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Keller and Parker absent. MOTION 2003-1376 ADOPTED.

Council Member Ellis stated that this week was designated the SPARK Park Week, that there was going to be 8 new SPARK parks dedications throughout the City, that the SPARK Park Program was something that was created by past Council Member Eleanor Tinsley and it was a joint venture with the private sector and the government local entities, as well as the federal government, that it took in four government entities, the school district, County, City and federal government, that if they would like more information about where the dedications were going to be held they could call SPARK at 713-247-2909, that he wanted to recognize the SPARK Executive Director, Ms. Kathleen Ownby and the SPARK Assistant Director, Ms. Josie Coiner, that they had some information to pass out to everybody and invited Ms. Ownby to the podium. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Ellis moved to suspend the rules to hear from Ms. Ownby at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Sekula-Gibbs absent. MOTION 2003-1377 ADOPTED.

Ms. Ownby stated that she wanted to thank them for their support over the past six years, that she wanted to thank the Council Members who had signed certificates or were coming to one of the events, that they appreciated all of their support also, that she thought they were hitting most of the districts this week in their dedications, that they were passing out their new 2004 SPARK Art Calendar, that was highlighting some of the public art they were doing on school campuses, that she appreciated all of their support throughout the year. Council Members Goldberg, Quan and Sekula-Gibbs absent.

Mayor Brown stated that he wanted to thank them for all of the work that they did. Council Members Goldberg, Quan and Sekula-Gibbs absent.

Council Member Tatro moved to suspend the rules to consider Item Numbers 44, 46, 60, 60a, 60b, 60c and 53. All voting aye. Nays none. Council Members Goldberg, Quan and Sekula-Gibbs absent. MOTION 2003-1378 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City and **LOPEZ MANAGEMENT GROUP, INC** for Concession Services at Glenbrook Park Golfcourse - was presented.

Council Member Quan stated that there was a former employee who came before Council yesterday and expressed great concerns regarding Item No. 44 and he would like to tag the item. Council Member Goldberg absent.

Council Member Alvarado asked Council Member Quan if he would consider moving the item to the end of the agenda if someone could come visit with him during the meeting, and Council Member Quan stated that he would consider but there were a lot of questions he had and did not think he could really resolve them in an hour or two. Council Member Goldberg absent.

46. ORDINANCE approving and authorizing an Indemnity and Maintenance Agreement between the City of Houston and **WASHINGTON ON WESTCOTT ROUNDABOUT INITIATIVE, INC** for the Washington Avenue and Westcott Street Roundabout Landscape and Hardscape Improvements, CIP N-0741-01-2 (SB9092) - **DISTRICTS G - KELLER and H - VASQUEZ** - was presented.

Council Member Keller stated that he wanted to applaud the efforts of the private and public partnership, that the members of WOW had a lot of patience and put a lot of elbow grease into it and it would definitely be a face lift to the Washington Avenue Corridor. Council Member Goldberg absent.

Council Member Vasquez stated that he wanted to echo Council Member Keller's comments, that the members of WOW had worked very hard for a number of years on a community initiated design and securing the resources and the funding and the support for the project, that they were very pleased about the project, that he wanted to thank the Mayor for his support of the project and his commitment to Neighborhood Oriented Government, that was what the project was all about. Council Member Goldberg absent.

A vote was called on Item No. 46. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2003-1103 ADOPTED.

60. 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 84 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1334**) - was presented.

Mayor Brown stated that on Item No. 60, before they proceeded on their discussion of the item he was going to ask the Legal Department to provide them with their assessment of where they were legally, that as they knew they had a petition and certainly wanted to respect the petition process, that there was a requirement if they got the Attorney General's approval of what they were proposing and thought what they would see after hearing from the City Attorney was that the best way to get it expedited from the Attorney General was to approve what they had today, if in fact there was some adverse ruling from the Attorney General's Office that would mean they would shut down the entire process. Council Member Goldberg absent.

Mr. Hall stated that they had a kind of joint presentation from last weeks discussion and Ms. Culbreth had also provided, with Ms. Susan Taylor's assistance, a step by step process explanation and would ask Ms. Taylor to join him because that was part of the presentation they were asked to make to Council regarding what happens, that in the meanwhile attached to the transmittal letter was an opinion that they issued that they indicated to Council last week they were finalizing and rechecking in a number of instances, that he would briefly go through it to have Council have the general framework under which the opinion was issued, that as all of them knew their Charter provided a process for both initiative and referendum, the issue that was specifically addressed by the opinion was whether or not repeal of the rate ordinance that was passed as Council's second step vote in the process was subject to that referendum to that provision, they all recalled and were reminded that in an earlier time Council actually created the joint utility, that what was under question was the question of the rate ordinance itself, that was subsequently passed, that was what they were dealing with, it was their opinion that the Law of the State of Texas did make that ordinance subject to the Charter referendum process or the petition process, as they had been calling it, that the opinion, #2003-024 spoke to that, that he would not read it because obviously all Council Members could or did have an opportunity to read that, that a couple of questions had been raised and he would just touch on them because they were critically important, that number one, recognizing that the process, the initiative referendum process was a matter of the City Charter, they had noticed on page 2 of the opinion, in the second paragraph, specifically what the relationship was between the State Law, under which it was created, and the City Charter provision, they had given them the direct quotes out of the statute so they could read them for themselves, they meant what the words said they meant, that secondly there had been lots of discussion and would be part, he thought, of the process explanation of whether or not the legal issues that related to an opinion by the Attorney General could be obtained through some alternative process, and the answer to that question was no, that he wanted to explain that they had talked a lot, all of the lawyers on City Council had talked a lot about obtaining Attorney General's opinions, they had informed them that they were without authority to request an Attorney General's opinion, that he knew then that it would be confusing for the Legal Department to say that they would get an Attorney General's opinion with regard to the financial instruments, both the paper and the bonds, that it could mount to some confusion for some folks, so what he would want to explain was that the opinion was not an opinion in that traditional process, it was not asking for an Attorney General's opinion per se, part of the statutory process, for any of the political subdivisions in the State, was to have those financial paper issues, submitted to the Attorney General for the Attorney General's determination of whether or not the ordinance that they would pass, itself, complied with all of the legal requirements of the State, that was the opinion that they were talking about and that was what would be obtained here, that was why they were able to get the opinion, they did not get it by asking the question, they got the opinion by submitting to the Attorney General the ordinances they passed with all of the provisions that were attached to them, that what was important also was for him to mention to them that the ordinance that they passed, the rate ordinance, would apply to the extent the State Law allowed it to apply to the entities, so that if in fact it were later determined that churches or schools or somebody else would be exempt, they would be exempt, it was made by its bare language contingent upon the State Law and what the State Law said, they did not pick them out to say that they were or were not exempt, they applied the State statute and the State statute was what determined whether or not they were or were not included.

Mayor Brown asked Mr. Hall if in order to get the Attorney General's opinion on the items that were before them today the Council needed to pass them so that automatically they would go to the Attorney General and Mr. Hall stated that was a required part of the process, the Attorney General would look at the ordinance that Council passed and the documents that would be attached to it and the Attorney General always reviewed those documents and rendered an opinion, he had to, and Mayor Brown asked considering what they were proposing what would happen if the Attorney General ruled adverse to say they could not do it and Mr. Hall stated that it would stop the whole thing, and Mayor Brown asked how long it would take to get

that ruling and Mr. Hall stated probably days.

Ms. Culbreth stated that was correct, normally when they submit it, and they could not submit them, the Mayor was absolutely correct, the Attorney General's Office would not opine on the documents until Council approved them, it was part of the normal process with any debt financing, that documentation submitted to the Attorney General's Office and they were asked to opine on the legality of, in this case, the revenue pledged behind the debt being issued, once they submitted those documents to the Attorney General, in that particular instance, they could have an opinion as early as the end of the week or first part of next week, they had a 10 business day requirement, if she was not mistaken, that they had to opine, and Mayor Brown asked if the process that would be followed would be the one they followed all the time, the one that every jurisdiction in the State would have to follow, and Ms. Culbreth stated that with every debt issuance that the City obligates, once Council approved the sale of that obligation it was submitted to the Attorney General for them to opine on the legality of that debt structure, and Mayor Brown stated that to make sure they were all clear, if the Attorney General ruled they could not do it, their only course of action was just to stop the entire process that they started, and Ms. Culbreth stated that was correct, if they give them an unfavorable opinion on that then they obviously could not close on those notes, they could not issue that obligation, and Ms. Culbreth stated that they could not ask for the Attorney General's opinion until Council approved it.

Council Member Robinson stated that even after the Attorney General rendered an opinion his opinion was subject to challenge in court, essentially the court would be who made the final determination on substantive issues, notwithstanding an Attorney General opinion, and Mr. Hall stated that any issue was subject to challenge in court, so the answer would have to be yes, they could challenge anything. Mayor Brown absent. Mayor Pro Tem Quan presiding.

After further discussion, Council Member Robinson moved to postpone Item No. 60 for three weeks, seconded by Council Member Wiseman. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that it astounded him that the City Attorney would say for them to just move forward and have the Attorney General sort it out and if they ruled no, and they were only going to vote no on the promissory note, they were not going to address the petition issue, then they would come back and figure it all out, that the Attorney General would only rule on the promissory note issue and that was a very small part of it because that was the only thing they were bringing to the Attorney General, that the Attorney General would not rule on the petition because he was not going to be asked to rule on the petition, and the reason the petition was so important was because it went right back to the City Charter, that the City Legal Department had opined that the item was not a petition item, but had they opined differently what they were doing today would be illegal and the City Charter was quite clear, and he had passed it out to the Council Members, "If prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of the same petition, if the petition should be filed with the Secretary protesting against the enactment or enforcement of such ordinance or resolution in that petition", that it was about that specific fee, and once she certified it, it states, "it shall be suspended from taking affect and no action therefore taken under such ordinance or resolution should be legal and valid", that once the City Secretary certified the petition any action on the fee, which the petition sought to over turn, was illegal, it did not say whether the City Attorney opined that it was not relevant or that it was relevant, because had their City Attorney opined that it was relevant and was a petition item, today's actions would be illegal under the City Charter, that it continued to say, "thereupon Council should immediately reconsider such ordinance or resolution, and if it do not entirely repeal the same, should submit it to a popular", that he thought the City Attorney had misconstrued the laws which applied there, that he thought that they would have a hard time finding a law where the City Attorney and Council withdrew a petition from the referendum process, that was what was really at stake, they had a City Attorney and a Mayor unilaterally saying they were not going to bring the petition

to referendum because they had opined that way.

Mayor Brown stated that one of the foremost authorities in the State on the issue was Ms. Susan Taylor, and asked that she respond to Council Member Tatro's comments.

Ms. Taylor stated that essentially the problem with Council Member Tatro's argument was that the City Charter had in that respect overridden by the Texas State Legislature and by the Texas Supreme Court, the Texas Supreme Court had held that an ordinance of the type that was sought to be repealed may not be the subject of a referendum, that the Texas Supreme Court had more than once stated, as well as upheld subsequent cases of court of appeals that a rate setting ordinance of a utility could not be the subject of a referendum, that it was not appropriate, so that issue by the courts had been removed from the Charter process, that in addition to that the Texas Legislature, in adopting Chapter 1502, under which they created the utility system, provided that any conflict between the State Law and a City Charter provision would be resolved in the favor of the State Law and in their circumstances, to allow for a repeal of the rate ordinance would put them in conflict with the State Law because the State Law required that they adopt a rate ordinance and set fees for the utility, so they would be in conflict if they repealed the rate ordinance, so on both of those basis the State courts, as well as the State Legislature, had said that it was not an ordinance that was subject to the referendum process of the Charter and the Charter had been over ruled to that extent.

Council Member Sekula-Gibbs asked Ms. Taylor if it would have been a petition item had the citizens acted at the time the utility was first established, and Ms. Taylor stated that certainly would have been a stronger case, but in that circumstance it was not a rate setting ordinance so the cases were not addressing that and they would not, at that point, have created the utility, and Council Member Sekula-Gibbs asked if the citizens were in a time limited constraint, could they not just say even though they were currently voting on selling bonds they were really petitioning the whole utility, and Ms. Taylor stated that the Charter provided that to the extent there was an ordinance that they wished to petition for referendum that it needed to be filed within 30 days of the publication by the City Secretary of that ordinance, so the original ordinance authorizing the creation of a combined utility and a drainage system, that time frame ran, so under the Charter process that ordinance was not subject to referendum, that the second ordinance, which was the rate setting ordinance was removed from that process, so that one was not available for petition, and the petition that was filed was very expressly stated that it was directed to that ordinance, by ordinance number and by caption, it was not related to anything else, it was clearly to seek the repeal of the ordinance that established rates for a utility.

Council Member Berry asked Ms. Taylor if they had not requested an Attorney General opinion on the process, and Ms. Taylor stated that they had conversation with the Attorney General about the item being on the agenda, about the various issues, to be sure that they were aware of the petition and aware of the lawsuit that was filed yesterday by Harris County, to make sure that they were up to speed on what was going on, but at this point, until they actually had an ordinance of the City Council they could not request it because they reviewed their ordinances otherwise they were essentially giving them an advisory opinion, which they would not do. Council Members Ellis and Quan absent.

After further discussion Council Member Berry moved to call the question on Council Member Robinson's motion to postpone Item No. 60 for three weeks, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Ellis and Quan absent. MOTION 2003-2003-1379 ADOPTED.

A roll call vote was called on Council Member Robinson's motion to postpone Item No. 60 for three weeks.

ROLL CALL VOTE:



Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2003-1380 ADOPTED.

60a. 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 84 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1335)** - was presented.

Council Member Robinson moved to postpone Item No. 60a for three weeks, seconded by Council Member Ellis.

Council Member Edwards asked if in the three week delay was someone going to be looking at a plan B or were they going to come back in three weeks and have the same discussion again, and Mayor Brown stated that it would be the same discussion again.

Council Member Alvarado stated that she was pleased to see that they received a \$45 million grant from FEMA that would help to pay for many drainage projects and asked if continuing to delay the items on the agenda related to the drainage fee, what kind of impact would that have on the grant, and Mayor Brown stated if they would recall Mr. Ordat addressed the time frame in which to respond with construction and all of that, so it did have an impact, but even beyond that it had an impact on the interest rates that they could get and the action they were taking right now was not in the best interest of the City.

A roll call vote was called on Council Member Robinson's motion to postpone Item No. 60a for three weeks.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards absent	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2003-1381 ADOPTED.

60b. 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 84 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1336)** - was presented.

Council Member Robinson moved to postpone Item No. 60b for three weeks, seconded by Council Member Wiseman. Mayor Brown, Council Members Galloway, Edwards, Alvarado and Quan voting no, balance voting aye. MOTION 2003-1382 ADOPTED.

60c. 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 84 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1337)** - was presented.

Council Member Robinson moved to postpone Item No. 60b for three weeks, seconded by Council Member Wiseman. Mayor Brown, Council Members Galloway, Edwards, Alvarado and Quan voting no, balance voting aye. MOTION 2003-1383 ADOPTED.

53. 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 - **(This was Item 35 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS; TATRO; ELLIS and KELLER)** - was presented.

Council Member Ellis moved to postpone Item No. 53 until the next Council meeting, seconded by Council Member Tatro. Council Member Robinson absent.

Council Member Parker stated that the item was discussed at great length at a Fiscal Affairs meeting, on which Council Member Ellis served, it had already been delayed for a week and there were issues of timeliness as well, in fact they had spent a great deal of time going over it in committee and would really like to know if there was some question that could be answered by the end of the meeting because it was not a new matter. Council Members Tatro and Robinson absent.

Council Member Ellis stated that there had been some issues brought up about a swap that was similar to the item in nature that was done out in the San Diego area that had caused some tremendous problems in that area, and also he wanted full disclosure from the financial group as to who their consultants were and who was working with them, that lastly he took objection to the way it had been presented to them, that it came out as their Master Swap Policy, which was a good thing, they had all been asking for it, but at the same time they attached a request for a financial group to go and provide the swap service, which he thought

should be separated without a doubt, that he wanted to spend another week, he wanted to talk to the financial group so they could tell him their story and he did want to evaluate and look some more at the Swap Policy, that as they knew their financial advisor would not sign off on it back in April and then they went out and retained a Financial Swap Expert to bring in and he just had some concerns about it. Council Members Tatro and Robinson absent.

Council Member Parker stated that she was glad that he explained what his concerns were and if the issue came down to a separation of the Swap Policy from the deal, she thought to most Council Members it would make sense, but hoped he got his questions answered about the deal as well, that she believed the Swap Policy was sound and looked forward to discussing it. Council Members Tatro and Robinson absent.

Mayor Brown asked Dr. Scheps to respond to the question about what impact the delay would have, and Dr. Scheps stated that if they passed it next Tuesday then they probably would price it after Thanksgiving so they would have a two week delay in the pricing, it was not advantageous to it but it was impossible to say whether that would absolutely work against them, that he would recommend going ahead today. Council Members Tatro and Robinson absent.

A vote was called on Council Member Ellis motion to postpone Item No. 53 until the next Council meeting. Mayor Brown and Council Member Galloway voting no, balance voting aye. Council Members Tatro and Robinson absent. MOTION 2003-1384 ADOPTED.

#### **CONSENT AGENDA NUMBERS 18 through 48**

#### **MISCELLANEOUS** - NUMBERS 19 and 20

19. RECOMMENDATION from Acting Chief of Police for Extension of Injured on Duty status for Police Officer **DAVID G. JOHNSON** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1385 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) CONSOLIDATED WATER QUALITY (CWQ)** for fees for Fiscal Year 2004 in the amount of \$1,218,288.20 Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1386 ADOPTED.

#### **DAMAGES** - NUMBER 21

21. RECOMMENDATION from City Attorney for settlement of lawsuit styled Victor Avila v. Esequiel Alvarez and City of Houston; in the 61st District Court of Harris County, Texas, Cause No. 2002-35180 - \$16,024.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1387 ADOPTED.

#### **ACCEPT WORK** - NUMBER 22

22. RECOMMENDATION from Acting Director Building Services Department, to **AMEND MOTION #2003-988, 8/13/03, TO CHANGE** the final contract amount from \$352,869.50 to \$364,234.50 for acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Heights Boulevard Landscape Improvements, GFS F-0504-03-3 - 01.72% over the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye.

Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1388 ADOPTED.

**PURCHASING AND TABULATION OF BIDS - NUMBER 23**

23. **AMEND MOTION #99-2039, 12/01/99, 00-961, 7/26/00, 01-148, 2/14/01 and 02-1254, 10/23/02, TO EXTEND** expiration date from November 30, 2003 to November 29, 2004, for Chemical, Inorganic Metal Salt Coagulants Parts I, II and III for Department of Public Works & Engineering, awarded to **SOUTHERN IONICS, INCORPORATED (formerly COASTAL PRODUCTS AND CHEMICALS), GULBRANDSEN TECHNOLOGIES, GENERAL CHEMICAL CORPORATION and KEMIRON NORTH AMERICA CORP.** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1389 ADOPTED.

**RESOLUTIONS AND ORDINANCES - NUMBERS 26 through 40**

26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 20-foot-wide alley, between East Magnolia Street and Manchester Street (Parcel S99-066B), and a ±28-foot-wide portion of the East Magnolia Street right of way, between Lavaca Street and Broadway Street (Parcel S99-006A), both located in the John R. Harris Survey, A-27; vacating and abandoning said easements to Houston Independent School District, the abutting owner, in consideration of owner's payment of \$600 plus its conveyance to the City of a ±28-foot-wide water line easement (Parcel K99-053), located in the John R. Harris Survey, A-27, and two 60-foot-wide easements for the Briar Home Drive and Valedictorian Drive rights of way (Parcels A98-119B and A98-119A, respectively), both located in the Joel Wheaton Survey, A-80, and a \$400,052.00 carryover credit granted to owner for the excess dedication value, to apply only toward the future abandonment and sale of street rights of way and/or easements **DISTRICTS C - GOLDBERG and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1104 ADOPTED.
27. ORDINANCE approving and authorizing the sale of a 30-foot-wide strip of land, Parcel SY2-057, containing 18,143 square feet of land, more or less, located west of Vickery Drive, to Gordonville Corporation, N.V., the abutting owner, in consideration of owner's (i) dedication of a sanitary sewer easement, Parcel DY0-022, containing 3,550 square feet of land, more or less and (ii) a water line easement, Parcel KY0-023, containing 1,424 square feet of land, more or less; all three parcels being within the W.C.R.R. Co. Survey; Abstract 934, Houston, Harris County, Texas, and (iii) owner's payment of \$18,310.00; subject to the terms and conditions of the conveyance by the City - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1105 ADOPTED.
28. ORDINANCE consenting to the addition of 104.6703 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1106 ADOPTED.
29. ORDINANCE consenting to the addition of 74.095 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1107 ADOPTED.
30. ORDINANCE consenting to the addition of 44.587 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106**, for inclusion in its district - was presented. All

voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent.  
ORDINANCE 2003-1108 ADOPTED.

31. ORDINANCE consenting to the addition of 130.4503 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1109 ADOPTED.
32. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 409** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1110 ADOPTED.
33. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1111 ADOPTED.
34. ORDINANCE consenting to the addition of 89.5812 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1112 ADOPTED.
35. ORDINANCE consenting to the addition of 18.5010 acres of land to **LOUETTA NORTH PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1113 ADOPTED.
36. ORDINANCE consenting to the addition of 5.5497 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1114 ADOPTED.
40. ORDINANCE approving and authorizing agreement between the City of Houston and **DR. ESTHER COMPTON COMMUNITY DEVELOPMENT CENTER, INC** a Community Housing Development Organization ("CHDO"), to provide \$50,000.00 in Home Investment Partnerships Program Funds for Operating Expenses associated with building the CHDO's capacity to develop Affordable Housing - Grant Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1115 ADOPTED.
48. ORDINANCE appropriating \$7,018,000.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2004 Information Technology Equipment - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Tatro, Vasquez and Robinson absent.

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

**MISCELLANEOUS**

18. CONFIRMATION of the reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004:
  - Position B - **MR. R. C. JONES**
  - Position C - **MS. RUTH HURST**
  - Position D - **MS. SHERRY STERLING**
  - Position E - **MR. PAUL KEVIN DIX**

Position F - **MS. KAREN NORTH**

Position I - **MR. RAMIRO FONSECA**

- was presented, moved by Council Member Wiseman, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1390 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

24. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2003-594 by adding twenty Engineer/Operator Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1116 ADOPTED.
25. ORDINANCE establishing precincts and designating polling places for the City of Houston, Texas, Runoff Election to be held on December 6, 2003 - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1117 ADOPTED.
37. ORDINANCE amending Ordinance Number 81-2290 as amended by Motion No. 82-2695 to change the name of the permittee and approving the transfer of all rights and obligations under the permit therein issued to **CRESCENT FIVE POST OAK PARK, L.P.** successor in interest to **METROPOLITAN LIFE INSURANCE COMPANY - DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1118 ADOPTED.
38. ORDINANCE correcting Item Number 8 in the Assessment Roll included within Ordinance Number 78-2086, passed October 18, 1978, which ordinance levied certain assessment liens and apparent liens with respect to the permanent improvement of a portion of Airport Boulevard in the City of Houston, Texas - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1119 ADOPTED.
39. ORDINANCE approving and authorizing the submittal of an application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Viral Hepatitis Integration and Intervention Projects (The "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing three (3) new staff positions - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1120 ADOPTED.
41. ORDINANCE appropriating \$106,500.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **PROJECT ROW HOUSES** to provide a grant to develop 8 units of Affordable Rental Housing located at 2411-2417 Division Street, Houston, Texas - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1121 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City and **INFOSOL, INC** for Computer Software and Hardware Maintenance Services; providing a maximum contract amount 1 Year with two one-year options - \$518,700.00 - Storm Water Utility Fund - was presented. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. ORDINANCE 2003-1122 ADOPTED.

43. ORDINANCE appropriating \$335,000.00 out of Equipment Acquisition Fund and approving as additional funding for contract with **GETRONICSWANG L.L.C.** for Network Master Planning - was presented, and tagged by Council Members Wiseman, Keller and Sekula-Gibbs. Council Members Tatro, Vasquez and Robinson absent.
45. ORDINANCE approving Tax Abatement Agreement between **HARRIS COUNTY, WELLS OPERATING PARTNERSHIP, L.P., KERR-McGEE OIL & GAS ONSHORE LLC AND KERR-McGEE OIL & GAS CORPORATION** for certain property located within the Kerr McGee Oil & Gas Reinvestment Zone - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1123 ADOPTED.
47. ORDINANCE approving and authorizing amendment No. 1 to lease agreement between the City of Houston and **DUKE ENERGY BUSINESS SERVICES, L.L.C.** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1124 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 49

**MISCELLANEOUS**

49. MOTION to set a date not less than seven (7) days from November 19, 2003 to receive nominations for the City of Houston's representative on the Board of Directors of the **HARRIS COUNTY APPRAISAL DISTRICT** - was presented. Council Members Tatro and Robinson absent.

Council Member Quan moved to set December 3, 2003 to receive nomination for the City of Houston's representative to the Board of Directors of the Harris County Appraisal District, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1391 ADOPTED.

**MATTERS HELD** - NUMBERS 50 through 60C

50. MOTION by Council Member Vasquez/Seconded by Council Member Tatro to adopt 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 - (This was Item 21 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1392 ADOPTED.
51. MOTION by Council Member Vasquez/Seconded by Council Member Wiseman to adopt 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 - (This was Item 22 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1393 ADOPTED.
52. MOTION by Council Member Vasquez/Seconded by Council Member Sekula-Gibbs to

adopt recommendation from Director Finance & Administration Department to award to **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 - (This was Item 29 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBER TATRO) - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1394 ADOPTED.

54. 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 - (This was Item 57 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBER TATRO) - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1125 ADOPTED.
55. 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** - (This was Item 63 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG) - was presented.

Council Member Goldberg moved to postpone Item No. 55 until the next Council meeting. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1395 ADOPTED.

56. 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** - (This was Item 69 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBERS EDWARDS and KELLER) - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1126 ADOPTED.
57. 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** - (This was Item 70 on Agenda of November 12, 2003, TAGGED BY COUNCIL MEMBERS EDWARDS and KELLER) - was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1127 ADOPTED.
58. RECEIVE nominations for Positions A, H and G on the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004 - (This was a portion of Item 78 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1352) - was presented.

Council Member Wiseman moved to postpone nominations for Position A on the Houston Clean City Commission until the next Council meeting. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1396 ADOPTED.



Council Member Vasquez stated that he wanted to re-nominate Ms. Teresa Taylor for Position H on the Houston Clean City Commission, that her resume was already on file. Council Members Tatro and Robinson absent.

Council Member Keller stated that he wanted to re-nominate Harry Phillips for Position G on the Houston Clean City Commission. Council Members Tatro and Robinson absent.

Council Member Keller moved to close nominations for Position H and G on the Houston Clean City Commission, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-1397 ADOPTED.

59. 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 No. 79 on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1338) - was presented.

Council Member Berry moved to postpone Item No. 59 until the next Council meeting. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-1398 ADOPTED.

- 59a. 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 No. 79a on Agenda of November 12, 2003, POSTPONED BY MOTION #2003-1338) - was presented.

Council Member Berry moved to postpone Item No. 59 until the next Council meeting. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-1398 ADOPTED.

61. ORDINANCE amending Ordinance No. 2002-781 to decrease the amount encumbered for Civic Art Program purposes and appropriating \$8,100,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund as an additional appropriation for professional services contract between the City of Houston and **PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC** for professional architectural, engineering, construction management and program management services in connection with the International Services Expansion Program at George Bush Intercontinental Airport/Houston (IAH), Project No. 500A; CIP A-0203 and A-0422; originally approved and authorized under City of Houston Ordinance No. 99-1267 as amended by City of Houston Ordinance Nos. 2000-1063 and 2002-0781 - **DISTRICT B - GALLOWAY** - was presented.

Council Member Keller stated that he still wanted a meeting, that Ms. Elick and Colonel Potts had done an outstanding job trying to make up for a lot of time during the Council meeting, but he would still like to go over an itemization and a breakout of the item and not stand in the way of it, and would like in the future to please try and see him before the agenda and when it would come up again in February 2004 that they should see a lower number than \$12 million regarding some of the items that they discussed and his office would make a note of that as well. Council Member Robinson absent.

A vote was called on Item No. 61. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2003-1128 ADOPTED.

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

Council Member Edwards stated that she wanted to thank the community for the response that they had regarding the sexual predator and wanted to commend Chief Breshears and his staff for working so diligently with them and in apprehending what seemed to be the correct person, but in particular she wanted to lift up some individuals, Dr. Keeli Graham, who had been working with parents in getting them to be more of children advocates regarding their children's health issues regarding sexual predators, Lieutenant Dorothy Edwards and Officer Virgil Ratliff, who had been working very closely with the community regarding setting up community watches and neighborhood safe houses and more activated action alert with the schools, churches and civic clubs in the community, that there was a group of about 50 men who went out for the last three weeks and distributed flyers in the community and according to Chief Breshears, the period between the town hall meeting and the apprehension of the suspect that there were two attempts and both young men were able to get away because they said they recognized the whole scheme and the person from the flyers and the activity from the media, so she wanted to give the media a very good shout out for carrying the very tragic episodes that had allowed the community to have some victory. Council Members Galloway, Wiseman, Vasquez and Parker absent.

Council Member Edwards stated that she knew everybody had heard about the tornadoes and events of Monday in Third Ward, that they were having a town hall meeting on Thursday night to try to give information and resource identification for victims of the tornado in the Third Ward area, that they were inviting everyone to come out, that she was looking to work with Council Member Alvarado, that some of that area was in District I, that she would like to thank Senator Rodney Ellis and State Representative Garnett Coleman in helping them to pull together some people from the State and Federal level to be at that particular town hall meeting, that it would be at Texas Southern University, thanks to her, Council Member Robinson, at the William E. Terry Library at 7:00 p.m. and they were hopeful that anyone who had an interest would be there, that it was open to the public, that they had a lot of seniors in that area so they were encouraging family members if the seniors could not get there to come and get the information. Council Members Galloway, Wiseman, Vasquez and Parker absent.

Council Member Quan stated that on Thursday morning they would be having their Housing Initiatives Committee meeting and several items were on the agenda that he thought were of interest to Council Members, one was the distribution of public housing in the City of Houston, what their policy should be on that issue, and another was the implementation of the LARA Program, that he would invite all Council Members to attend, that it would be in the Council Chamber on Thursday at 10:00 a.m., that also on Thursday evening the Housing and Community Development Department would be having their first Consolidated Plan Meeting for the next fiscal year, that it would be at 7:30 p.m. at City Hall Annex Chamber and the public was invited to provide their input. Council Members Galloway, Wiseman, Vasquez and Parker absent.

Council Member Alvarado stated that once again she wanted to commend Sergeant Klausner with the HPD's Truck Enforcement, that he had working with her in different parts of her district and held a truck safety inspection out in the Wallisville area and she wanted to commend him for all the good work that he continued to do, that they stopped 30 commercial trucks and of that, 29 drivers were put out of service and 32 citations were issued, that was just in a two hour period, that she knew that it had been one of Council Member Robinson's passions and after he was gone she was going to pick up the torch and carry on. Council Members Galloway, Wiseman, Keller, Vasquez and Parker absent.

Council Member Robinson stated that he wanted to thank Mr. Eric Dargen and Mr. Jim Tar, that he was out in the neighborhood and that crew was out doing cleanup, that he wanted to lift up the Public Works staff for an outstanding job, they were out there immediately after and were still out there doing a great job. Council Members Galloway, Wiseman, Keller, Vasquez and Parker absent.

There being no further business before Council, the City Council adjourned at 11:38 a.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. Council Members Galloway, Wiseman, Keller, Vasquez and Parker absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary