

City Council Chamber, City Hall, Tuesday, November 25, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, November 25, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D. and Michael Berry; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson absent on personal business.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

### **MAYOR'S REPORTS**

At 9:12 a.m. Mayor Brown invited Mr. Ed Wolfe and Mr. Brad White, Chairman of the Houston Symphony Orchestra Committee and Mr. Dave Kirk, the past Chairman and any other Houston Symphony Musicians, who were present, to the podium. Council Members Goldberg, Edwards, Wiseman, Ellis, Keller and Berry absent.

Mr. White stated that he was a trombone player with the Houston Symphony Orchestra and was very proud to be present representing his colleagues to say thanks to Mayor Lee Brown, that in the past the Mayor had shown remarkable commitment to the Houston Symphony and the arts organizations in the City, that two years ago Tropical Storm Allison devastated their rehearsal and office spaces, but thanks to the quick action of the City they were able to reclaim those spaces in a short of time, that last spring it became very obvious that they needed help with their contract dispute and that help came when the Mayor decided to appoint Mr. Wolfe as his special representative and thanks to that intervention they were able to reach an agreement and help insure a world class symphony for the future of the City, so to say thanks they had brought a picture of all the musicians of the Houston Symphony, along with their autographs and asked that the Mayor accept their heartfelt thanks. Council Members Goldberg, Edwards, Wiseman, Ellis, Keller and Berry absent.

Mayor Brown stated that he wanted to thank them very much and that they all appreciated the fact that the arts were very important to the City and their symphony was one of the best in the world and anything they could do to be helpful they would do so. Council Members Ellis and Quan absent.

Mayor Brown called to order the meeting of the City Council and Council Member Berry invited Pastor Reggie Devon to lead everyone in prayer and Council Member Berry led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Robinson absent on personal business.

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

Council Member Alvarado stated that this afternoon many of them would pay respect to their dear friend Mr. Ross Allyn and asked that they keep his family in their prayers, that she wanted to give special condolences to his family who had come in from out of town, his brothers, Mr. Mark Allyn and Mr. Daniel Allyn and his sister, Ms. Mary Lynn Miller, that she also wanted to thank a couple of people who had been very instrumental in putting together the services in Houston since Ross did not have any family in Houston, that she wanted to thank Mr. Scott Grogan, Ms. Lisa Liles and Mr. Nixon Wheat, that Ross would be missed dearly.

Mayor Brown stated that she wanted to join Council Member Alvarado in urging everyone to keep Mr. Allyn in their prayers and his family as well.

Council Member Tatro moved to suspend the rules to consider Item Numbers 63, 67 and 29 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1400 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item No. 67A out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1401 ADOPTED.

63. ORDINANCE approving and authorizing contract between the City and **LOPEZ MANAGEMENT GROUP, INC** for Concession Services at Glenbrook Park Golfcourse – (This was Item 44 on Agenda of November 19, 2003, TAGGED BY COUNCIL MEMBER QUAN) – was presented.

Council Member Quan stated that he had tagged the item last week and had a chance to visit with the Legal Department as well as the Parks Department on it and there still seemed to be concerns, that he knew they all received an email yesterday from Mr. James Goodson about some of the concerns he had and knew he had requested an investigation on the matter as well, that his concern was more of the process, that he knew that Council Member Robinson had many times spoken about how they could maximize a return from their golf courses and that Brock had been a losing course and others had approached him about packaging Brock along with Gus Wortham and Glenbrook together to make it an attractive package to bring in more revenues to the City, that he still had his concerns on the matter and knew that many wanted to move forward on it but he intended to vote no on the matter.

Council Member Parker stated that she just had a briefing from Mr. Bob Bowers and was sure that there were some other folks present who could answer any questions that he may have, and Council Member Quan stated that he had met with Mr. Bowers about Mr. Lopez trying to meet his commitment and there was supposedly an investment that was to be made that had not been made and they were giving him now more time to make that investment, but a twelve year contract was a long period of time without the City having an option to cancel it at its convenience.

Council Member Goldberg stated that he also had a question, that in the RCA it said that some of the capital improvements would be a driving range but he understood that there was not enough room for a driving range and if someone could answer if there was going to be one or not going to be one.

Mayor Brown asked Ms. Sara Culbreth to respond to Council Member Goldberg's concern, and Ms. Culbreth stated that Mr. Bob Bowers was present.

Council Member Ellis moved to suspend the rules to hear from Mr. Bob Bowers, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1402 ADOPTED.

Mayor Brown stated that Mr. Bowers did an assessment of it and asked Mr. Bowers if he could answer the question that was raised, and Mr. Bowers stated that the actual plan, he thought, was to do a driving cage, like they had at the Sharpstown Golf Course and were still leaving it open in the contract so that if they decided there was not adequate space there they could put some alternative capital improvement in there, that they had determined previously that there was no room for an actual driving range.

Council Member Quan asked what were they going to build with the \$300,000 and Mr. Bowers stated that to his knowledge they had not determined, at this point, what improvements

they would have, that there was discussion of having a study done before they determined exactly what they would include, that they had some discussions, he thought, with Mr. Lopez, about some improvements that he recommended go in there, but they had not, at this point, approved any specific improvements, and Council Member Quan asked how they got the \$300,000 number and Mr. Bowers stated that he did not talk to them about it and thought it had to do with an issue of what they thought was a reasonable return that the department would get on that amount of investment over a six year period, only given that the initial term was six years rather than the full twelve, and Council Member Quan asked if it was true that the City did not have the right to cancel for convenience at any time, and Mr. Bowers stated that they could only cancel for cause, not for convenience, that it was the same as they had for their other golf course contracts and typical of a lot of revenue contracts. Council Member Ellis absent.

Council Member Goldberg stated that the RCA had also talked about a change in the concession fee structure but did not lay it out and asked what was the change, and Mr. Bowers stated that he believed that the differences that they were referring to was that in the previous contract there were separate percentages for the food concession, the fees for using the course, for cart rentals and each of those had a different percentage, that in this one there was a flat fee for all of those combined, that was in the agreement that he had looked at. Council Member Ellis absent.

Council Member Parker stated that Council Member Quan referenced an email that many Council Members received about it and there were a number of allegations raised that the current contractor did not fulfill his responsibilities to do capital improvements at the course and it was her understanding that it had to do with apparent destruction of records, that Mr. Bowers had indicated to her that they received from Mr. Lopez's CPA taking full responsibility for the loss of those records and the City actually went out and did a physical inspection of the golf course, and Mr. Bowers stated that the golf course had been inspected several times and all of the capital improvements were completed with exception of the driving range.

A vote was called on Item No. 63. Council Member Quan voting no, balance voting aye. Council Member Robinson absent on personal business. ORDINANCE 2003-1129 ADOPTED.

67. 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 59 on Agenda of November 19, 2003, POSTPONED BY MOTION #2003-1398)** - was presented.

Council Member Berry stated that they had delayed the item several times because of an issue with Texas Sterling and they had met with them and they were very accommodating and very helpful and he wanted to thank Council Member Vasquez for his indulgence in delaying it for a few weeks, that it was all worked out and he would be voting for the item.

A vote was called on Item No. 67. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1130 ADOPTED.

67a. 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 59a on Agenda of November 19, 2003, POSTPONED BY MOTION #2003-1399)** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal

business. MOTION 2003-1403 ADOPTED.

29. RESOLUTION establishing a date for a Public Hearing on the creation of a proposed Reinvestment Zone for Tax Increment Finance purposes pursuant to Chapter 311, Texas Tax Code within a contiguous Geographic Area of the City (Leland Woods Area); authorizing and directing other actions preliminary to the creation of the proposed Reinvestment Zone – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. RESOLUTION 2003-0034 ADOPTED.

At 9:30 a.m. Mayor Brown stated that the City Secretary would begin calling the speakers.

Mr. Craig Dagostini, 8590 W. Tidwell, Houston, Texas 77040 (713-335-3218) appeared and stated that he was manager of franchising for Time Warner Cable and was present regarding Agenda Item 41; that certain amendments were suggested for Grande Communications Cable franchise and Time Warner did not discourage competition, two franchises had been granted besides theirs and the franchise was similar to their own, but they were now asking for theirs to be amended and Warner believed it would be less burdensome than their own; that Warner had met all requirements of their franchise and others should do the same; that they were asking when Council reviewed the amendments they compare and keep a level playing field.

Upon questions by Council Member Tatro, Mr. Dagostini stated that he only knew a few specifics such as the \$1,000,000 reduction, which they would be paying less. Council Member Tatro stated that he would try and get him specifics so he could help him understand; that all should compete at the same level and his concern was they were granting contracts which may tie hands for those here and create a more favorable environment for those coming and he would appreciate his input. Council Members Parker and Berry absent.

Council Member Quan stated that he was curious as to what better terms he thought they would be getting; and moved that the rules be suspended for the purpose of hearing Dr. Scheps at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Parker and Berry absent. MOTION 2003-1404 ADOPTED.

Dr. Scheps stated that one of the key points was the environment had completely changed in the industry since the time they began doing these franchise agreements; that Grande and Wind First were two identical franchises which each gave the City of Houston \$1,000,000 upfront, unearned and Wind First was now in bankruptcy; that they had relieved the last PEG payment and with this agreement they perfected their claim on the \$1,000,000 which had already been given to them and already spent; that they renegotiated and gave them much longer to create their build out and they had lowered their bond but it did rise to the \$1,000,000 at the time of construction, so it was a negotiated settlement for a company recognizing the industry had changed and thought this was a fair compromise. Council Members Keller, Parker and Berry absent.

Upon further questions by Council Member Quan, Mr. Hall stated that they were not at a better advantage because basically there were no operating advantages, this was an effort to try and encourage investment in the City of Houston and he was not aware of any operating conditions. Council Members Keller, Parker and Berry absent.

Upon questions by Council Member Wiseman, Mr. Scheps stated the City was giving a business environment he believed they could succeed in so you could argue it would increase service because it would increase their likelihood of surviving in the market. Council Members Keller, Vasquez, Parker and Berry absent.

Mayor Brown stated that this was the first of three readings and thanked Mr. Dagostini for coming. Council Members Keller, Vasquez, Parker and Berry absent.

Ms. Diane Bossom, 950 Beachcomber, Houston, Texas 77062 (281-280-0534) appeared and spoke against police misconduct, stating that her family had been greatly affected by it, police were killing children with two shot and killed in the last three weeks, they were drawing weapons on unarmed children and children were in fear for their life; that they must have an independent civilian review commission with teeth so powerful that potential criminal officers may think twice before committing their crimes. Council Members Keller, Parker and Berry absent.

Council Member Edwards thanked Ms. Bossom for her work and comments and stated that she spoke with children who were in fear and they had tried to get a civilian review board in Houston to no avail; and upon questions, Ms. Bossom stated that they needed to form better relationships, where they would not just pull guns on children. Council Member Edwards stated that they were looking at a focus group with children to see what their attitudes were toward police; and upon questions, Ms. Bossom stated that her group would work with them. Council Members Keller and Parker absent.

Council Member Alvarado stated that she shared her frustration and joined LULAC in their frustration as well with the killing of the two Hispanic boys in the last two weeks and they would be hosting a townhall meeting next week and HPD would be invited and she hoped Council Member Edwards committee would also be involved in addressing the problem as well. Council Members Tatro, Keller and Parker absent.

Mayor Brown stated that he again would like to express his real sincere sorrow that this happened; that it was always terrible when a child lost his life and even worse when it was done by protectors, but an investigation was being conducted to determine what happened and to keep such from happening in the future; that he agreed there had to be a good relationship between police and those they served and Chief Stewart who was present could meet with her at this time; and in addition to the police investigation the District Attorney was also doing an investigation so three separate entities were looking at this and they would find out what happened and why. Council Members Tatro and Keller absent.

Ms. Gloria Rubac, 1430 Stodewood, Houston, Texas 77008 (713-503-2633) appeared, presented information and spoke on Houston police and Nanon Williams, stating that Nanon was sent to death row even though he was innocent and she was speaking for him and her children and grandchildren; that Houston police were out of control and the children who saw their friend killed were horrified and she would suggest buying a book Still Surviving an account of Nanon William's life; that he was arrested at 17 and put on death row because Robert Baldwin, the ballistics expert hired by the City of Houston lied and could not tell the difference between one gun and another. Council Member Keller absent.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (no phone) had reserved time to speak but was not present when her name was called. Council Member Keller absent.

Ms. Pamela Guillote, 3906 Snag Lane, Sugarland, Texas 77388 (281-353-1239) appeared, presented information and stated that she was representing Mr. Robert Pina who owned five Wings'N More restaurants, he was a tenant at the Marq-E Entertainment Center located at 7620 Katy Freeway and when he applied for a mixed beverage license this year he was sent notification he was not eligible for the sale because of being within 300 feet of a private school; that he applied for a variance and Dr. Scheps was in favor of granting it and forwarded a request to Legal to do the necessary work but when she called Mr. Bibler said the higher ups at the Mayor's Office decided to not do the work and to take the matter before Council, but the problem was her client had spent a considerable amount of money to build out

the restaurant and was open for business and other business there had the alcoholic beverage permits; that the school wrote they did not object to it and they were asking for Council's assistance to place it on the Agenda for vote. Council Members Ellis and Keller absent.

Council Member Tatro stated the facility referred to was in his district and the restaurants around him had all received liquor licenses; that the main facility was built as an entertainment facility and at least six liquor licenses were granted and this was clearly an occasion where a variance should be granted, it was the proper thing to do and he hoped Legal and the Administration would move forward. Council Members Ellis and Quan absent.

Upon questions by Council Member Parker, Mr. Hall stated that for probably 30 years it was the policy to not recommend variances on anything; that there had been circumstances produced with at least one in this Administration where there was a mistake; that the issue was the state law which regulated the distance between schools, etc., for such facilities originally had the measurement from front door to front door and the state law had now changed and it was measured from property line to property line; that the other facilities in the complex were licensed under the old provision and in this instance they were recommending to not allow variances; that it was suggested and the Mayor supported Council's consideration of an amendment to take them back to the old policy measuring from front door to front door; that the Supreme Court had said it was illegal to base a decision on whether the neighbor said it was okay, that made no difference in the legal analysis; that the Mayor had asked for a policy having to do with restaurant facilities and measurements from front door to front door and would get it to her committee. Council Members Wiseman and Quan absent.

Council Member Vasquez thanked Mr. Hall for clarifying the issue and stated that he thought this particular situation necessitated a systemic change opposed to a variance and he would like to see it done as quickly as possible, was glad Council Member Parker was taking it in committee and hoped it could be addressed in a timely manner. Council Members Wiseman, Keller and Quan absent.

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. Council Members Wiseman, Keller and Quan absent.

Ms. Anita Babineaux, 8660 Flower Path, Houston, Texas 77048 (713-546-4095) appeared, presented information and spoke on the release of Nanon Williams, stating that she had a resolution demanding investigation into the ballistic division of the HPD crime lab; that they were seeking release for Nanon Williams who was sentenced to death as in 1998 the court allowed independent firearm's testing which conclusively showed the state's main witness fired the bullet taken from the victim's head; that in 2001 the judge recommended to the (CCA) Texas Court of Criminal Appeals that a new trial be held and the federal writ would later entail the factual findings that DA Vic Wisner knew the testimony of the main witness mentioned above was in fact perjured at the original trial; and they were asking Council to immediately investigate. Council Member Keller absent.

Mayor Brown stated that he would meet with the Police Chief and find out what they were doing and what needed to be done. Council Member Keller absent.

Ms. Lee Bolton, 14344 Yukon, Hawthorne, California (310-658-0370) appeared and spoke on the release of Nanon Williams, stating that she was his mother and seven people were involved in the crime with her son being the only one on death row; that ballistics was wrong, they said the gun was not tested and anytime a Black man is involved in such a crime the gun would always be tested to see what else it was involved in and she was asking that ballistics be investigated; and asked that her niece be allowed to speak. Ms. Bolton's niece stated that her cousin was on death row when someone else did the crime. Council Member Keller absent.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 appeared and spoke on the release of Nanon Williams, stating that she was painfully aware now that Latino children were suffering the same as the African community and their fear was growing by leaps and bounds; that Nanon Williams was paying for a crime he never committed, he was seventeen when he went in and was now twenty nine and they were asking Council to help support the investigation and his freedom and support of a moratorium against the death penalty. Council Members Galloway and Keller absent.

Council Member Edwards stated that she was reading Ms. Babineaux's handout and it said Robert Baldin who was with the Crime Lab recanted his statement and refilled an affidavit saying he had given incorrect testimony in the original trial; and upon questions, Ms. Shakur stated that nothing happened after that. Council Member Edwards stated that she would like to find out when a ballistics expert gave testimony, which someone was found guilty of murder on and then it was recanted what did that mean legally; and Mayor Brown stated that he would find out for her. Council Members Galloway, Wiseman and Keller absent.

Ms. Marilyn Head, 7820 VarNess, Houston, Texas 77037 (281-405-8998) appeared and spoke on use of force by police, stating that it was not enough for the Mayor to say he, Council, the DA and Police Department would look into the matter of the killings, crime lab, etc., the community had come to believe they were in equal standing and had the constitutional right to look into the investigations and she was asking that a Civilian Task Force be appointed to look into and investigate the killings, policies and general orders of HPD and the Internal Affairs Department policies and procedures along with the same for the DA's office and they be allowed to make recommendation; that they were not against police but wanted the best in the country and wanted independent civilian oversight. Council Members Galloway, Keller and Vasquez absent.

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. Council Members Galloway, Keller and Vasquez absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77070 had reserved time to speak but was not present when his name was called. Council Members Galloway, Keller and Vasquez absent.

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

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77002 (no phone) appeared and stated that he wanted to address Council about him performing an hour of music at the George R. Brown Convention Center. Council Members Galloway, Keller, Vasquez and Alvarado absent.

Mayor Brown stated that Mr. Cantu would meet with him and let him know what needed to be done to get clearance. Mr. Freeman stated that he had a 45 record to present to him, which was recorded in 1975 at the Palladium Recording Company; and Mayor Brown thanked him for the presentation. Mr. Freeman stated that he also had a record to present to Council Member Berry; and Mr. Cantu accepted both on their behalf. Council Members Galloway, Wiseman, Vasquez and Alvarado absent.

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373

(713-203-7738) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Vasquez and Alvarado absent.

At 10:14 Mayor Brown stated they would return to the agenda. Council Members Galloway, Wiseman, Vasquez and Alvarado absent.

### CONSENT AGENDA NUMBERS 1 through 61

#### MISCELLANEOUS - NUMBERS 1 through 6

1. CONFIRMATION of the reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**, the one year terms to expire February 1, 2004  
Position G - **MR. HARRY J. PHILLIPS**  
Position H - **MS. TERISA TAYLOR**  
- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, Vasquez and Alvarado absent. MOTION 2003-1405 ADOPTED.
2. RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in the **HOUSTON-GALVESTON AREA COUNCIL** - \$78,145.24 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, Vasquez and Alvarado absent. MOTION 2003-1406 ADOPTED.
3. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$68,613.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, Vasquez and Alvarado absent. MOTION 2003-1407 ADOPTED.
4. RECOMMENDATION from Director Finance & Administration Department for Leave of Absence Without Pay for **GLORIA ECHEVARRIA** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, Vasquez and Alvarado absent. MOTION 2003-1408 ADOPTED.

#### DAMAGES - NUMBERS 7 through 10

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **LORETTA MCCUIN** v. City of Houston; in the 61st District Court of Harris County, Texas; Cause No. 2002-42190 \$20,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman, and Vasquez absent. MOTION 2003-1409 ADOPTED.
8. RECOMMENDATION from City Attorney for settlement of lawsuit styled **NATTHU S. PARATE** vs. Donald D. Elder, et al., in the County Civil Court at Law Number Three (3), Harris County, Texas; Cause No. 785,123 - \$25,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman and Vasquez absent. MOTION 2003-1410 ADOPTED.
9. RECOMMENDATION from City Attorney for settlement of lawsuit styled **RENELLA ROY**



v. Robert K. Speckman and City of Houston; in the County Court at Law No. Four (4) of Harris County, Texas; Cause No. 712,146 - \$22,500.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman and Vasquez absent. MOTION 2003-1411 ADOPTED.

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **LOUIS TRINIDAD** vs. David Ray Bradley and City of Houston; in the County Court at Law No. Two (2) of Harris County, Texas; Cause No. 773,515 - \$30,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Council Members Galloway, Wiseman and Vasquez absent. MOTION 2003-1412 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 through 24

15. **MID-MINNESOTA WIRE AND MFG., INC** for Wall-Mounted and Mobile Turnout Gear Storage Systems and Accessories for Building Services Department - \$322,430.00 - Fire Department Revolving Fund - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1413 ADOPTED.
16. **SUPERIOR BUILDING SERVICES, INC** to Wash and Seal the Exterior Panels of George R. Brown Convention Center for Convention & Entertainment Facilities Department - \$90,000.00 Enterprise Fund - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1414 ADOPTED.
17. ORDINANCE appropriating \$127,050.00 out of GRB Consolidated Construction Fund to Paint the Exterior of the George R. Brown Convention Center for the Convention & Entertainment Facilities Department - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1131 ADOPTED.
- 17a. **SUPERIOR BUILDING SERVICES, INC** to Paint the Exterior of the George R. Brown Convention Center for Convention & Entertainment Facilities Department - \$121,000.00 and contingencies for a total amount not to exceed \$127,050.00 - Enterprise Fund - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1415 ADOPTED.
23. **WILLIS DEMOLISHING** for Site Clean-up Services for Planning & Development Department \$30,500.00 and contingencies for a total amount not to exceed \$32,025.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1416 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 25 through 61

33. ORDINANCE consenting to the addition of 213.521 acres of land to **MOUNT HOUSTON ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1132 ADOPTED.
35. ORDINANCE approving and authorizing Lease Agreement between **HOUSTON INDUSTRIAL PARTNERS, LTD.**, as landlord, and the City of Houston, Texas as tenant, for space at 8272 El Rio, Houston, Texas, for use by the Health and Human Services Department **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none.

Council Member Robinson absent on personal business. ORDINANCE 2003-1133 ADOPTED.

36. ORDINANCE approving and authorizing a lease agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION** for certain premises at William P. Hobby Airport **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1134 ADOPTED.
38. ORDINANCE approving and authorizing amendment to Transportation Improvement Agreement between the City and the **METROPOLITAN TRANSIT AUTHORITY (METRO)** approved by Council on March 17, 1993 (Ordinance No. 93-274) to include the Reconstruction, Reconditioning and/or Resurfacing of Franklin Street from Louisiana Street to Hamilton Street and Congress Street from Jackson Street to Hamilton Street - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1135 ADOPTED.
42. ORDINANCE approving and authorizing The First Amendment to the Operating Contract between the City of Houston and **THE COASTAL WATER AUTHORITY** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1136 ADOPTED.
43. ORDINANCE approving and authorizing The First Amendment to the Contract relating to the Operation and Maintenance of the Lake Houston Pump Station, West Canal and related facilities between the City of Houston and **THE COASTAL WATER AUTHORITY** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1137 ADOPTED.
44. ORDINANCE approving and authorizing treated water supply contract between City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33** on behalf of the Central Harris County Water Users Consortium - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1138 ADOPTED.
45. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **HEIGHTS/MADISON PARK, L..P.** for the construction of an 8-inch water line along Harvard Street and Wagner Street, CIP S-0802-12-03 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1139 ADOPTED.
49. ORDINANCE appropriating \$86,000.00 out of Airport System Consolidated 2000B NON-AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Three, McAuley Survey, A-577, Houston Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport (CIP A-0476-04-1); approving purchase and sale agreements with the owners of the land (Diana Aiken, Elizabeth Valdez Alvarez, and Jose Luis Garza) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1140 ADOPTED.
51. ORDINANCE appropriating \$211,600.00 out of Airport System 98C NON-AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-03-1; approving purchase and sale agreements with the owners of the land (Timothy John Buchanan and Juanita F. Buchanan; Drake Communities, Ltd.; Oscar R. Flores) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none.

Council Member Robinson absent on personal business. ORDINANCE 2003-1141 ADOPTED.

52. ORDINANCE appropriating \$385,500.00 out of Airport System Consolidated 2001 AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One, Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport (CIP A-0476-10-1); approving purchase and sale agreements with the owners of the land (Jesus Balderas and Sonya Balderas; Carol Konesheck Holman and Joseph Holman, Jr.; Arleitha F. Johnson; Jacqueline B. Kilgore; and Mariam Tasini and Alisa Sorkin) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1142 ADOPTED.
53. ORDINANCE appropriating \$482,000.00 out of Airport System Consolidated 2001 AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Three, and Waverly Farms Addition, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport (CIP A-0476-12-1); approving purchase and sale agreements with the owners of the land (William C. Albright and Sherry L. Albright; Alice Marie Farrell; GKB Realty Investments, Ltd.; Mary Verdie Robbins; Jennifer Brooks Slivensky and Luis M. Vasquez and Carmen Vasquez) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1143 ADOPTED.

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

**MISCELLANEOUS**

5. RECOMMENDATION from Director Department of Planning & Development for the designation of five residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Midtown and Medical Center - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1417 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.381 per square foot for properties connecting to the 8-inch water line constructed by **GCA DEVELOPERS, INC** located in the 6600 block of Taggart Avenue - **DISTRICT G - KELLER** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1418 ADOPTED.

**ACCEPT WORK**

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,129,655.17 and acceptance of work on contract with **VADCO ELECTRIC, INC** for Traffic Signal Construction - South Zone; GFS N-0650-02-3 (N-0650-02) 01.80% under the original contract amount - was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Quan.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$935,696.60 and acceptance of work on contract with

**BLASTCO, INC** for Rehabilitation of Four Ground Water Storage Tanks at Four Pumping Stations, GFS S-0600-26-3 (10596-26) - 06.40% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG and F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1419 ADOPTED.

### **PROPERTY**

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY3-006, located at 1804 Bay Area Boulevard, owned by Baybrook Investment and Development, Inc., Stephen Pohl, Vice President, for the **BAY AREA LIFT STATION REPLACEMENT PROJECT**, CIP R-0267-07-1 - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1420 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels DY3-008 and DY3-008A, located at 1919 Runnels Street, owned by The Housing Authority of the City of Houston, Texas, Ernie Etuk, Executive Director, for the **RUNNELS STREET LIFT STATION PROJECT**, GFS R-0267-21-3 - \$73,956.00 - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1421 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

18. **TIKON CONSTRUCTION & FLOORING COMPANY** for Communication Buildings for the Building Services Department - \$51,979.96 and contingencies for a total amount not to exceed \$54,578.96 - Fire Department Revolving Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Tatro.
19. **HOUSTON-GALVESTON AREA COUNCIL** for Ambulances, Cabs & Chassis and Emergency Response Utility Vehicles for the Fire Department - \$2,649,248.68 - Equipment Acquisition Consolidated and Fire Consolidated Construction Funds – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Parker. (Note: Council Member Parker released her tag later in the meeting.)
20. ORDINANCE appropriating \$110,768.60 out of Fire Consolidated Construction Fund for the Purchase of Equipment for New Fire Station No. 83 for the Fire Department (CIP C-0055) – was presented, and tagged by Council Member Parker. (Note: Council Member Parker released her tag later in the meeting.)

Council Member Parker stated that she intended to tag Item No. 20 also and if someone could just talk to her how it fit in with their proposal that they brought to Fiscal Affairs to outsource all of their equipment, she would like an explanation and Mayor Brown stated that they would have someone meet with her.

- 20a. **HOUSTON-GALVESTON AREA COUNCIL** for Firefighting Emergency Vehicles through the Interlocal Agreement for Cooperative Purchasing for Fire Department - \$5,753,500.00 - Fire Consolidated Construction and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Keller, seconded by Council Member Vasquez, and tagged by Council Member Parker. (Note: Council Member Parker released her tag later in the meeting.)

21. ORDINANCE approving and authorizing contract between the City and **E-ONE, INC** for Lease/Purchase of Five Aerial Ladder Fire Trucks for the Houston Fire Department - \$200,000.00 General Fund – was presented, and tagged by Council Members Parker and Tatro. (Note: Council Members Parker and Tatro released their tags later in the meeting.)
22. **AMEND MOTION #2003-567, 6/4/03, TO INCREASE** quantity to purchase additional Grounds Keeping Equipment for Parks & Recreation Department, awarded to **BROOKSIDE EQUIPMENT SALES, INC** for a total increase of \$62,175.00 - Equipment Acquisition Consolidated and Park Special Revenue Funds – was presented, moved by Council Member Quan, seconded by Council Member Keller, and tagged by Council Member Wiseman.

Council Member Wiseman stated that during the budget process Council passed an amendment to create a competitive bid process for Parks and Recreation's maintenance and installation of esplanades and all other areas of maintenance, that she would like an update on where they were with that, that there was also an amendment that was passed that related to Right of Way maintenance services, that if someone could provide an update she would appreciate it, and she would be tagging the item, and Mayor Brown stated that they would give her an update.

24. **AMEND MOTION #2003-1503, 12/13/00, TO EXTEND** expiration date from December 13, 2003 to December 12, 2004, for Turbine and Magnetic Type Water Meters for Department of Public Works & Engineering, awarded to **NEPTUNE TECHNOLOGY GROUP, INC (Formerly SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC)** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1422 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

25. RESOLUTION designating certain properties in the City of Houston as Historic Landmarks (Mallalieu United Methodist Church and Parsonage, Magnolia Brewery Building and Gregory School) - **DISTRICTS H - VASQUEZ and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. RESOLUTION 2003-0035 ADOPTED.
26. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of variable rate demand multifamily housing revenue bonds (Little Nell Apartments) Series 2003 and approving the Official Statement with respect to such bonds - **DISTRICT F - ELLIS** – was presented.

Council Member Goldberg stated that he was not going to vote against the item or the next two, but would like to ask the Mayor a question, that when he first got on Council the Mayor had initiated a program called Hometown Houston, where they were trying to build more single family homes and the next three items all together added up to 738 additional apartment units and asked how did it fit in with the Mayor's program of reversing their trend of having more apartments than single family homes, and Mayor Brown stated that the CDC's that were developing the single family homes were also developing multi family homes so the goal of becoming a home ownership city within 10 years was still a goal that they were aggressively working towards, but they also had the ability, and there was a need also, for multi family.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Robinson absent on personal business. RESOLUTION 2003-0036 ADOPTED.

27. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation

of Multifamily Housing Mortgage Revenue Bonds (Parkside Point Apartments) Series 2003 **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. RESOLUTION 2003-0037 ADOPTED.

28. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of multifamily housing revenue bonds (Sterlingshire Apartments) Series 2003 A-1 and Series 2003 A-2 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. RESOLUTION 2003-0038 ADOPTED.
30. ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Flood Prone Areas – was presented, and tagged by Council Members Wiseman, Edwards and Tatro.

Council Member Vasquez stated that he had some questions for Ms. Culbreth on Item No. 30 regarding some changes in the code and asked how would the potential for the drainage fee impact some of the flood prone areas and potential financing, or how would it be impacted by the particular changes, and Ms. Culbreth stated that she was not aware of any impact on the drainage, and Council Member Vasquez stated that he assumed she had been doing some additional work on the refinancing of the infrastructure, and Ms. Culbreth stated yes, that on that particular issue she was concerned that at the present time and the delay last week of not considering the water sewer restructuring, delaying it until December 10, 2003, that if it was approved that late, that they could not physically close the deal, that they had gone back and looked at the numbers again and in order to continue with the Drainage Revenue Anticipation Note, the refunding bonds, in order to secure the savings through that they had to close that deal by the December 30, 2003 deadline because the savings were resulting from the subscription to the State and Local Government Securities that were funding the escrows, those subscriptions were only good until December 30, 2003 and that was the majority of the savings and those savings were estimated right now at about \$90 million, also to avoid not being in the market during the week of Christmas, there was some concern there, so if the items were not considered until then and passed it was too late to close the deal by December 30, 2003, that as to the savings long term for the City the net present value savings as the deal was with the subscription to the State and Local Government Securities underline the escrow was estimated at about \$90 million, that savings was predominately as a result to the subscriptions to the SLGS (as they called them), and that was only good through December 30, 2003 with the interest rate that they had locked in on those and the vast majority of that \$90 million was a direct result of that subscription, it was not the result of the market rate on the bonds, that she would explain the subscription on the escrows, on a refunding like that a significant portion of the deal dealt with subscribing to State and Local Government securities to place in and fund an escrow to be maintained through the life of those bonds that they were refunding, monies were set aside and put in escrow when they paid that, they had locked in the rate of earnings on that escrow and that was driving the savings in the rate only locked in, that if they do not close the deal, if they wait until December 10, 2003 to start the process of finalizing the restructuring they could not close all of the transactions necessary by December 30, 2003 and they would lose those savings at that point, that they were concerned with the ability to do the transaction, in order to start and complete that process there were a number of steps, they had to file with the Attorney General, receive their opinion on the approval to go forward with selling the notes and the refunding bonds as well as price in the market, and then there was also a 15 day requirement between the sale, those were procedural steps that were necessary, there was physically not enough time to get that done, that was why they had looked at and were trying to explain, if the items were not approved until December 10, 2003, they could not close the transaction, there was not enough physical time to allow the process to complete, receive all of the necessary signoffs, price the bonds in a market that was going to be favorable to the City, they did not want to be in the market during the week of Christmas and they needed to keep those securities that they had subscribed because that was what was driving the savings, it was not the market bond rates, it was the securities rates, if the deal was not closed by December

30, 2003 they could not be guaranteed those savings and they were guaranteed those savings today, that the Council action had to occur at the earliest December 3, 2003, so they could allow the process to run. Council Member Parker absent.

Council Member Vasquez stated that he appreciated the Mayor's indulgence but given the potential loss of savings and the \$90 million and the potential that they needed the timeframe to actually get it done he moved that they reconsider the vote by which Item 60, 60a, 60b and 60c were postponed from November 19<sup>th</sup> to the December 10<sup>th</sup> agenda and to post those items for reconsideration on the December 3<sup>rd</sup> agenda, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that she wanted to add her tag to Item No. 30.

Upon questions by Council Member Ellis, Mr. Hall stated that the motion that Council Member Vasquez had made had been consistently ruled to be a motion to reconsider a procedural motion, what happened last week, as they recalled, was a motion to postpone consideration of the matter not to dispose of it, but to postpone when Council would consider it, they had consistently ruled that those were procedural motions and not subject to the Council rules for reconsideration because the Council rules say they had to dispose of the question one way or the other, that in this instance all that Council Member Vasquez was doing was asking that the motion be reconsidered so that it could be posted again for reconsideration, that was what he understood the motion was, and Council Member Vasquez stated that was correct and for posting on the December 3, 2003 agenda, and Mr. Hall stated that if it was procedural then it was not subject to the Council rule, they had consistently ruled that, it was no different than bringing it up if they postponed it to the end of the agenda, that had been consistent the whole time, that if they were talking about a procedural issue the Council rule says that they could not consider a question that had been decided, in other words if they had voted it up or down or something like that, but to put it off for a week was a procedural motion, it did not speak to the question itself and what Council Member Vasquez was doing now was asking that the procedural motion be considered, that there was a specific exception in the Open Meetings Act that said that if in fact they were voting on just the scheduling of a question that was not subject to posting and that was what he was doing, he was saying he wanted it scheduled for reconsideration, he was not doing the reconsideration at the moment, that no, it did not require a two thirds majority, the only thing that required a two thirds majority was the Council rule, any procedural motion, not just this one, any of them that the Council made and they made them all the time, they had ruled that consistently, the Council did it all the time, they were saying they were not subject to the two thirds reconsideration requirement, that the issue was reconsidering a procedural vote, it got delayed for two weeks, Council Member Vasquez was on the prevailing side and was now asking that the item be reconsidered, be posted for reconsideration and a vote on the question, that the posting would be voted, so they could vote on the question if it was reconsidered.

Council Member Ellis stated that he would tag the motion and Mayor Brown stated that it was not taggable.

Upon questions by Council Member Tatro, Mr. Hall stated that he could explain it for them but could not understand it for them, that what the motion addressed was not the issue but when they would talk about it, that was the plain sensible way he could explain it to them, that Council Member Vasquez was saying that they would discuss it after it was posted, that was the whole point, he was not discussing the issue, that he was not bringing it up for a vote, he was in fact saying that he wanted it posted to bring it up. Council Member Parker absent.

After further discussion by Council Members, Council Member Edwards moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1423 ADOPTED.

A roll call vote was called on Council Member Vasquez's motion to reconsider the vote by

which Items 60, 60a, 60b and 60c were postponed from November 19<sup>th</sup> to the December 10<sup>th</sup> agenda and to post those items for reconsideration on the December 3<sup>rd</sup> agenda.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson absent on personal business.
Council Member Keller voting no	MOTION 2003-1424 ADOPTED

Mayor Brown stated that the motion passed 9 to 6 and the item would be posted on December 3, 2003.

31. ORDINANCE amending Section 31-11 of the Code of Ordinances, Houston, Texas, relating to adding Oil Drilling Blocks to the description of the **WEBSTER AND OLCOTT FIELDS** for purposes of the City's Oil and Gas Wells Regulations; containing other provisions relating to the foregoing subject - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)

Mr. Hall stated that the issue involved a rather precise question of a geologist survey and the geologist had been provided to Council and were present and the Council Members could visit with them about questions they had because there were technical questions, and Mayor Brown stated that Council Member Wiseman could visit with them.

32. ORDINANCE amending City of Houston Ordinance No. 2002-1181 relating to Rescheduling and Postponement of City Council Meetings – was presented.

Council Member Sekula-Gibbs stated that she would like to ask the indulgence of her colleagues and vote to not rearrange the schedule at this late time, it was important for her and did not know if other Council Members had made any changes in their schedule based on the Christmas Holidays but she had tried to take the recommendation and tried to rearrange her family schedule so that she could acquiesce to that but unfortunately there was no availability.

Council Member Quan stated that with all due respect to Council Member Sekula-Gibbs, he knew that half of the Council would be changing during the election, either changing offices or staff and by moving it up they were looking to try to make it a more pleasant transition time, that it was difficult to be off the week before and then come back for the one meeting and then have the swearing in ceremony two days later, so the idea was to try to have all business concluded by December 23, 2003, so they would not have to come back on December 30, 2003, so that by January 2, 2004, when they would have the inaugural that everybody would be in place and the City's business could continue on a normal pattern.

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

ROLL CALL VOTE:

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





46. ORDINANCE appropriating \$161,900.00 out of Police Consolidated Construction Fund for Installation of New Phones, Network System, Security System, and Fencing at the George R. Brown Convention Center Police Station, CIP G-0096-01-3 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1149 ADOPTED.
47. ORDINANCE approving and authorizing professional services contract between the City of Houston and **APPLIED INNOVATIVE MANAGEMENT, INC** in connection with job order contracting for the Houston Airport System - \$95,000.00 - 3 years with 2 one year options Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1150 ADOPTED.
48. ORDINANCE appropriating \$8,140,000.00 out of Airports Improvement Fund, awarding Job Order Construction Contract to **KELLOGG BROWN & ROOT SERVICES, INC** for Project No. 516, CIP A0348.5 and A-04220; providing funding for the Civic Art Program - 5 years **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented.

Mayor Pro Tem Quan stated that he wanted to make mention to the administration that he wanted to work closely with them on the minority portion of the contract, that 30% had been set aside but no persons had been named on the item, and Council Member Sekula-Gibbs stated that she was going to tag the item.

50. ORDINANCE appropriating \$141,950.00 out of Airport System Consolidated 2001 AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Section One, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport (CIP A-0476-11-1); approving purchase and sale agreements with the owners of the land (Atlantic National Corporation; Felipe Mendoza and Crystal J. Mendoza; and Estate of Jack S. Lee c/o Georgia O. Lee) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1151 ADOPTED.
54. ORDINANCE approving and authorizing amendment to an Advance Funding Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** and an amendment to sponsorship agreement between the City and the Main Street Coalition (Ordinance No. 01-020) to expand the limits of the project on South Main Street from Kirby Drive to Brays Bayou and on Old Spanish Trail from South Main Street to North Stadium Drive, GFS N-0611-13-3 (N-0611-13) **DISTRICTS C - GOLDBERG and D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1152 ADOPTED.
55. ORDINANCE appropriating \$950,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing agreements between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT**, the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**, and the City of Houston and **BUFFALO BAYOU PARTNERSHIP**, relating to construction of the Buffalo Bayou Hike & Bike Trail Bagby to Sabine GFS N-0420T-38-2 (SB9123) - **DISTRICT I - ALVARADO** – was presented.

Council Member Tatro stated that Item No. 55 was a beautification of Buffalo Bayou from Sabine to Bagby and was being funded by the City for \$9.3 million, that was their portion this year, it was not on a previous CIP, that it appeared on last years Capital Budget and had not

been previously funded, and now the City was going to fund it to the tune of \$9.3 million and it was a total of \$14.4 million project, that a couple of the jurisdictions were participating, that it was the project in total, that it was at the same time they were looking to tax people more for flood control, that they were trying to be all things to all people. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that it was a project that had been previously approved by Council and was glad that Council Member Tatro had suddenly discovered it.

A vote was called on Item No. 55. Council Member Tatro voting no, balance voting aye. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1153 ADOPTED.

56. ORDINANCE appropriating \$1,163,000.00 out of Police Consolidated Construction Fund, awarding construction contract to **TEXAS LIQUA TECH SERVICES, INC** for Construction of Police Administration Building Repairs, GFS G-0072-08-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1154 ADOPTED.
57. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Northborough Village, Section Two; approving and authorizing assignment of the construction contract to **UNIVERSITY DEVELOPMENT, INC**, CIP S-0800-91-3 and R-0800-91-3 (DPC-025) - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.
58. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Northborough Village, Section Three; approving and authorizing assignment of the construction contract to **UNIVERSITY DEVELOPMENT, INC**, CIP S-0800-92-3 and R-0800-92-3 (DPC-026) - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Ellis. Mayor Brown absent. Mayor Pro Tem Quan presiding.
59. ORDINANCE deappropriating \$10,363.40 out of Fire Consolidated Construction Fund which was appropriated under Ordinance No. 2000-0955, and appropriating \$726,703.40 out of Fire Consolidated Construction Fund as additional funding for Contract No. 54941 with **GREYHAWK NORTH AMERICA** for Construction and Project Management Services, GFS C-0148-01-5 and E-0143-01-5 – was presented, and tagged by Council Member Keller. Mayor Brown absent. Mayor Pro Tem Quan presiding.
60. ORDINANCE appropriating \$1,277,802.00 out of Parks Consolidated Construction Fund, \$185,714.00 out of General Improvements Consolidated Construction Fund and \$997,329.00 out of Police Consolidated Construction Fund as an additional appropriation for a Program Management Services Contract with **SUNLAND ENGINEERING COMPANY** (approved by Ordinance No. 2002-631) – was presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1155 ADOPTED.
61. ORDINANCE appropriating \$121,000.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation for Professional Engineering Services under contract with **J. F. THOMPSON, INC**, (approved by Ordinance No. 99-0002) GFS M-1001-01-2 (M-1001-01); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT G - KELLER** – was

presented. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1156 ADOPTED.

**MATTERS HELD** - NUMBERS 62 through 67A

62. 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 – **(This was Item 43 on Agenda of November 19, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, KELLER and SEKULA-GIBBS)** – was presented.

Council Member Sekula-Gibbs moved to postpone Item No. 62 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1425 ADOPTED.

64. 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 53 on Agenda of November 19, 2003, POSTPONED BY MOTION #2003-1384)**

Council Member Ellis moved to divide the question, the first question would be an ordinance approving the City of Houston Master Swap Policy and the second question would be the remainder of the item, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1426 ADOPTED.

Mayor Pro Tem Quan stated that the item would be separated, with the first being the Master Swap Policy. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that he got on the internet and went onto the website for the National Federation of Municipal Analysts and took a look at the white paper on disclosure for SWAPS, that he had passed around an amendment to the SWAP Policy and basically what it did was to provide for full disclosure and transparency in their SWAP Policy, that he had talked to Dr. Scheps who said he did not have a problem with it and the amendment would not hold up the second item. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis distributed the following written motion to amend that portion of Item No. 64 relating to an ordinance approving the City of Houston Master Swap Policy:

The policy shall request all information that is necessary for full disclosure in both the primary and secondary markets, specifically as it relates to the mix of fixed and variable rate debt. In turn, this will assist in understanding the nature and potential volatility of the issuer's financial profile to changing interest rate environments. Comprehensive disclosure of swap transactions, whether entered into to modify the risk of future interest rate changes with respect to any series of bonds or for balance sheet management reasons, helps the analyst more fully develop an overall picture of the issuer's financial operations, asset-liability management philosophy and financial prospects.

Additionally, although analyst for institutional investors and other fiduciaries rely upon tax counsel's opinion and assessment that a particular issue of bonds is tax-exempt, greater transparency with regard to the facts that underlie the tax characterization is desired in order to understand if the swap is included in arbitrage calculations.

Issues of key interest to this policy are:

- Mix of fixed and variable rate debt
- Liquidity
- Required cash flows related to the swaps and the impact those payments have on the financial results.
- Disclosure of how any up-front payment received by an issuer through a swap or in exchange for a swaption has been used to meet the issuer's budgetary or cash flow needs.
- The mechanism for any termination payment that may be ultimately due from the issuer
- If a swap transaction is being integrated for tax yield calculation purposes

Mayor Pro Tem Quan requested Dr. Scheps to comment, and Dr. Scheps stated that he agreed, all disclosure was good, they were tricky items and the more they disclosed to them the better off they were. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller stated that last week Council Member Ellis mentioned the consultants involved and asked if it addressed that, people competing for the business, and Council Member Ellis stated that no it did not, and Council Member Keller asked if he was correct in hearing Council Member Ellis say that last week, that he was requesting to know all of the consultants involved in the transaction and did he get that information, and Council Member Ellis stated that yes he believed he said that and no he did not get that information. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that there was somebody in the audience from the investment banking firm and he believed he would provide them with that information. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Keller moved to suspend the rules to hear from Mr. Lennie Jones, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Wiseman absent. Mayor Pro Tem Quan presiding. MOTION 2003-1427 ADOPTED.

Council Member Keller stated that Council Member Ellis mentioned last week that he was interested in getting some information as far as some of the consultants involved and the financial teams of the people participating, and asked if that was something Mr. Jones could get to them, and Mr. Jones stated yes, that they did not use any consultants, so there would be no names on the list, they had never used a consultant to get any business with the City of Houston, and were in fact required to sign a disclosure form as part of the transaction that states that, that the City had come up with, there were no consultants, that they and their lawyers were involved, they were required to have their own counsel, they had their New York counsel that they used in all of their interest rate swap transactions, that whenever they did interest rate swaps they also had a local counsel to make sure they abide by local State laws and had Vinson and Elkins as their local counsel, and Mr. Clifford Chance in New York as their New York counsel, those were the only people on their team besides them the investment bankers, and Council Member Keller stated that he appreciated Mr. Jones being present and wanted to thank him for his great answer. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan asked Mr. Jones if it was a secret, that if Council wanted to know who was on the team should not that information be readily available to them anyway, and Mr. Jones state that it was available and as he said there was a document that the City required a SWAP provider to sign disclosing who its consultants were. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on the written motion to amend the ordinance approving a Swap Policy (a portion of Item No. 64). All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2003-1428 ADOPTED.

A vote was called on the ordinance approving a SWAP Policy as amended. All voting aye. Nays none. Council Member Robinson absent on personal business. Mayor Brown and Council Member Edwards absent. Mayor Pro Tem Quan presiding. ORDINANCE 2003-1157 ADOPTED.

A vote was called on the ordinance to approve the SWAP Agreement (a portion of Item No. 64). Mayor Brown and Edwards absent. Mayor Pro Tem Quan presiding.

Council Member Ellis stated that yesterday evening when he was reading through the white papers and so forth he started to get a better understanding of what their SWAP advisor had brought forward and believed that Mr. Peter Shapiro had done a good job in bringing forth the SWAP Policy, he thought it was someone generic and common sense prevails inside the SWAP Policy, it did not really put a lot of restrictions in place, but his gut feeling told him that he was not going to vote on the item, that he had looked at it and understood it and believed that interest rates would go up but could really not speculate in the future and did not believe the return that they receive outweighs the risk they were taking on, therefore he would vote against the SWAP Agreement. Mayor Brown and Council Members Vasquez and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs asked if she was correct in remembering that they were not going to involve more than 10% of their assets in a variable situation or in a swap situation as this, and Dr. Scheps stated that it was 20%, that was the Dept Policy, that it was actually 25% un-hedged, but they were talking about variable rate debt policy, that 20% to 25% variable rate un-hedged was their variable rate debt limit, it was not the SWAP, the SWAP was not a pure variable rate, it was not that sort of thing, it was a debt that they would make money by creating a swap between the taxable and tax exempt market, that the maximum of variable debt that they would incur was 25% and it was written in their Debt Policy, that in the SWAP, which related to taxable versus tax exempt paper, there was not a specific maximum, there was analysis called for by their policy and disclosure, but there was no specific maximum in an amount of swaps, that common sense determines it, that it was a collective common sense, they had a SWAP advisor and thought that was primarily who they asked, and they had a finance working group that discusses it, that they agreed that they would disclose the results of swaps to Council every six months or twice a year, that the decisions were made whenever presentations were brought to them where they say yes or no, there were other swaps that were pending, some for the Airport, some for Convention, and they had not made a decision on that yet, it was an individual decision based on their knowledge of the situation at the time and the benefits to the City.

After further discussion a roll call vote was called on the ordinance related to the SWAP Agreement. Council Member Keller absent.

ROLL CALL VOTE:

Mayor Brown voting aye  
Council Member Tatro voting no  
Council Member Galloway voting aye  
Council Member Goldberg voting no  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Ellis voting no

Council Member Vasquez voting aye  
Council Member Alvarado voting aye  
Council Member Parker voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting aye  
Council Member Berry voting no  
Council Member Robinson absent on  
personal business.

Council Member Keller absent

ORDINANCE 2003-1158 ADOPTED

Council Member Berry stated that when Item 37 came up he intended to vote no and asked the Mayor's indulgence to record his "no" vote on the item, and Mayor Brown stated that hearing no opposition they would allow him to record a "no" vote.

65. 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 55 on Agenda of November 19, 2003, POSTPONED BY MOTION #2003-1395)** – was presented. All voting no. Nays none. Council Member Robinson absent on personal business. Council Member Keller absent. ORDINANCE 2003-1159 ADOPTED.
66. RECEIVE nominations for Position A on the **HOUSTON CLEAN CITY COMMISSION**, the one year term to expire February 1, 2004 – **(This was a portion of Item 58 on Agenda of November 19, 2003, POSTPONED BY MOTION #2003-1396)** – was presented.

Council Member Tatro moved to postpone nominations for Position A on the Houston Clean City Commission for two weeks, seconded by Council Member Vasquez. All voting no. Nays none. Council Member Robinson absent on personal business. Council Members Keller and Quan absent. MOTION 2003-1429 ADOPTED.

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

Council Member Edwards stated that there was an adage that said that if one did not know its history that they were doomed to repeat it and with the people that came forward today talking about perceived misconduct with the police, especially the recent killings of two young Houston teenagers, she thought she would be remiss in not bringing the history of how far the City had come from where they were when she first started in the City in 1979, that working with Office David Walker of the Police Department they started working with the relationships between the different ethnic groups in the Police Department and then moved from there to the number of killings that were happening in the Police Department from Randy Weaver to Jose Campos Torres to Ida Delaney to Byran Gillum and the Houston Post did several exposes on the number of Houston Police Officers that were on the force with felonies and all of that was available to them to review, and with that Council Member Parker, herself, Members of HPD, Members of Bellaire HPD, Members of Pasadena HPD, members of 30 or more organizations met for over a year on a weekly basis at the Houston Area Woman's Center to come up with a civilian response and recommendations to how they could deal with the episodes that were happening in the police department because they felt that it was not just to the police officers who were trying to do a good job and who were doing a good job to just sit back quietly and let apparent renegade officers frame and define the scope of the Police Department, that her experience had been that probably 98% of the police officers that worked for HPD were there to do a good job and be of service to the community, that she did not think that the majority of police officers wanted to be looked at as the enemy because they were not the enemy, that she was suggesting that they take some aggressive proactive steps on the Council to address the issue, that she would implore them as her colleagues to take a leadership role in whatever way that they could in their district or in their sphere of influence and work with the Council to see how they could stop the thing from escalating to any more episodes, that she thought they could help to bring some resolution to the pain of those families who had lost their children if they did proactive work on the issue and take some steps that would address the issue in a professional and programmatic way. Council Member Sekula-Gibbs absent.

Council Member Wiseman stated that she wanted to release her tag on Item No. 31, and Council Member Parker stated that she would also like to release her tags on Item Numbers 19, 20, 20a and 21.

31. ORDINANCE amending Section 31-11 of the Code of Ordinances, Houston, Texas, relating to adding Oil Drilling Blocks to the description of the **WEBSTER AND OLCOTT FIELDS** for purposes of the City's Oil and Gas Wells Regulations; containing other provisions relating to the foregoing subject - **DISTRICT E – WISEMAN** – was again before Council. All voting no. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1160 ADOPTED.
19. **HOUSTON-GALVESTON AREA COUNCIL** for Ambulances, Cabs & Chassis and Emergency Response Utility Vehicles for the Fire Department - \$2,649,248.68 - Equipment Acquisition Consolidated and Fire Consolidated Construction Funds – was again before Council. All voting no. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1430 ADOPTED.
20. ORDINANCE appropriating \$110,768.60 out of Fire Consolidated Construction Fund for the Purchase of Equipment for New Fire Station No. 83 for the Fire Department (CIP C-0055) – was again before Council. All voting no. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1161 ADOPTED.
- 20a. **HOUSTON-GALVESTON AREA COUNCIL** for Firefighting Emergency Vehicles through the Interlocal Agreement for Cooperative Purchasing for Fire Department - \$5,753,500.00 - Fire Consolidated Construction and Equipment Acquisition Consolidated Funds – was – was again before Council. All voting no. Nays none. Council Member Robinson absent on personal business. MOTION 2003-1431 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City and **E-ONE, INC** for Lease/Purchase of Five Aerial Ladder Fire Trucks for the Houston Fire Department - \$200,000.00 General Fund – was again before Council.

Mayor Brown stated that Item No. 21 was still tagged by Council Member Tatro.

Council Member Tatro stated that last week they had the discussion about the petition that had been turned in by the No Rain Tax Pack to rescind the drainage fee proposal and they read from the Charter and the Charter was quite clear, that the Charter said once it was validated or certified by the City Secretary that the item was suspended and the Council must immediately act to either rescind the item in its entirety or put it on the next municipal ballot or call for a special election, that the Charter was quite clear and the City Attorney came up with some trumped up State law, and he believed, misinterpreted the State law and misapplied the State law to suggest that a home rule City, the City of Houston and a petition process to overturn a specific Council item was null, that he thought it was absurd and hoped that the State Attorney General would see the absurdity of that, but today they went a little one-upmanship with the City Attorney now interpreting Roberts Rules of Order with the procedure to bring something back up that was voted on last week, that it seemed that if they had 8 votes that it was to heck with the rules and to heck with the Charter and to heck with Roberts Rules of Order, that he passed out to Council Members, Roberts Rules of Order, that first the item was not on the agenda so how could they have a procedure on an item that was not on the agenda, that they pulled out from thin air an item that was not posted, not actionable, and no where in site and they made a motion to reconsider it, totally inappropriate, that they had a procedural motion on an item that did not exist on the agenda, that was one heck of a leap of logic but specifically to Roberts Rules of Order, much like the Charter that they should be operating under, that he passed out to Council Members Roberts Rules of Order, that it was an item to postpone to a certain date, that it was a motion to postpone to a certain date, which was made last week for three weeks, and read from Roberts Rules of Order, which they operate under, that it said, “the effect of this motion is to postpone the entire subject to the time specified until which time it cannot be taken up except by a two thirds vote”, that it was pretty simple, meaning that it required a two thirds vote of Council to take that item up, that Mr. Hall was completely wrong and did not know if he



made that statement, but it required a two thirds vote, that it did not get a two thirds vote, that he would hope that they abide by some rules, that he though the vote, whether it was even in principle or in fact proper under Roberts Rules of Order, given that it even was proper clearly did not meet the threshold of Roberts Rules of Order. Council Member Galloway absent.

Council Member Vasquez stated that the Charter was clear and pretty straight forward but the Charter did not have the final word on the particular issue, the petition process was valid and the petition signatures were deemed valid by Ms. Russell, but the issue of whether or not this particular topic was subject to referendum was determined by the State and existing case law and according to the State and to existing case law the item was not subject to the referendum process, even though a large number of citizens engaged in a valid process and even though the signatures were deemed valid the item and the subject itself was not a valid item under the referendum process, and in addition to that he appreciated the comments regarding Roberts Rules of Order in terms of the motion to postpone, however he did not make a motion to postpone he made a motion to reconsider and that would be the proper consideration at this point and time, that they had been working on it for the last year and a half in terms of the drainage fee and the City basically stood to lose \$90 million in terms of present value if they walked away from it, that he thought they should vote on it straight up or down and that was all that the motion did, it brings it back and allows the Council to vote on it up or down and if they wanted to save the City \$90 million let them restructure the bond deals, and if they did not then vote it down. Council Member Galloway absent.

Council Member Vasquez stated that he wanted to congratulate someone from the Northside, Mr. Rocky Juarez, a graduate of Jefferson Davis High School, that this past Saturday he won the World Boxing Council Continental Americas Featherweight Crown, that was a huge accomplishment and something that they were very proud of in the Northside and very proud of as a community as well for someone to shine not only for the City of Houston but for the Americas and for all the world to know that they had a champion right in their backyard, that they were working hard with him and his family to see if they could bring them to Council to properly recognize his accomplishments in the City and they hoped to do that next Tuesday or the following Tuesday. Council Member Galloway absent.

Council Member Vasquez stated that he wanted to wish everybody and his colleagues a Happy Thanksgiving. Council Member Galloway absent.

Council Member Keller stated that he sent a memo to Chief Ottemier and to Fred Holmes, that it was back in June and requested an investigation of the Fire Pension Board Policy, Receiving Gifts and Use of Travel, that the reason he brought it up again was that it could have set a precedent of how they were going to treat it with other gross opulence exhibited by other pension boards, that he sent a memo asking for that on November 18, 2003 and copied the Mayor, Mr. Vara and Ms. Culbreth and had not heard a word nor had his staff received anything in writing or a phone call as far as what were the results of his investigation, that it was made aware to some of their attention that the members of the Municipal Pension Board recently doing a lot of the same thing, traveling all over the world and \$500 to \$600 a night hotels and one of them going to a clam bake in Nantucket, that they were definitely not going to find the answers to their budgetary woes at a clam bake, that he invited Mr. Holmes on November 17, 2003 and he would like for him to at least call him and tell his side of it or come and express his concerns at Council, that he had invited him to Council last week and this week and did not hear from him, that they did need an explanation, that it may be appropriate in some legal technicality somewhere, but they did need to set a precedent as to how they were going to deal with it, that if someone could follow up on it as soon as they could he would greatly appreciate it and was sure that a lot of the taxpayers would, and Mayor Brown stated that he would make sure that Chief Ottemier responded to his request for information. Council Member Galloway absent.

Council Member Quan stated that last week at the Housing Initiatives Meeting the issue of the policy regarding distribution of publicly subsidized housing throughout the City came up,

they had a very aggressive agenda and were not able to discuss it in great detail, that it was proposed by Council Member Edwards and Council Member Galloway that they try to set a special meeting to discuss the topic, that his staff would be trying to meet with Council Members to see when was the most convenient time, that they thought it was a very important topic, that there had been concern of concentration in various districts and areas of the City and they wanted to make sure that they had a policy that was fair and open and that they address “not in my back yard”, but at the same time that they not stigmatize any one community, that he would like to just ask Council Members to be open to give them ideas of when would be the best time to get the greatest community input on that very important topic. Council Member Galloway absent.

Council Member Quan stated that previously discussed was the matter of the transition of Council as a result of the elections, that his staff had prepared a memo and would like to work with each Council Member that was affected to make sure that the new Council Members had adequate financing in their budget, and as they hire new staff members that they move them on board as quickly as possible and have those offices up and running, if there were any questions about the transition process please feel free to contact him or Alice Lee in the Pro Tem Office. Council Member Galloway absent.

Council Member Quan stated that he wanted to make note of the efforts of many people during the holiday season to address the needs of the homeless, especially the Reverend who was working in Northwest Houston with a number of day laborers on Tanner and Gessner, that he knew the Police Department would be working with him on Thanksgiving as he was providing a Thanksgiving feast at that location. Council Member Galloway absent.

Council Member Quan stated that he wanted to wish everyone a Happy Thanksgiving. Council Member Galloway absent.

Mayor Brown stated that Council Member Tatro released his tag on Item No. 21. Council Member Galloway absent.

21. ORDINANCE approving and authorizing contract between the City and **E-ONE, INC** for Lease/Purchase of Five Aerial Ladder Fire Trucks for the Houston Fire Department - \$200,000.00 General Fund – was again before Council. All voting no. Nays none. Council Member Robinson absent on personal business. ORDINANCE 2003-1162 ADOPTED.

Council Member Sekula-Gibbs stated that during the Thanksgiving Holiday she would like everyone to remember their troops, the troops especially who were in harms way in Iraq and distant parts of the world, who were guarding their freedoms and protecting the Nation, that in this time when families were gathering and coming together to celebrate the troops remained committed not only to defend the Country but they were also willing to lay down their lives, that she just wanted to thank those troops and let the families know that they were behind them and firmly supported them in their efforts, that she wanted to ask them to keep those families and troops in their prayers as they gathered for the holiday celebration, that she wanted to wish the Mayor and her colleagues a safe and Happy Thanksgiving. Council Members Galloway and Quan absent.

Council Member Parker stated that many on Council had been sharing with her the changes in her family and wanted to announce that she was now formally and officially a “mom” and finalized the adoption of Daniella Katherine Parker and Marquitta Alexandra Parker on Friday, National Adoption Day, and now had an 8 year old and a 13 year old and now needed all of their prayers. Council Members Galloway, Keller and Quan absent.

Mayor Brown stated that he wanted to wish Council Member Parker congratulations. Council Members Galloway, Keller and Quan absent.

Council Member Alvarado stated she thought some of them knew that she had expressed her frustrations with the new security measures that were in place, but last Friday she was almost not permitted to come into the building because she had left her ID in the car and the guard on the P level, who knew who she was and knew her name, would not allow her to come through, that she understood why they were doing it but thought it had been carried over too far and hoped that whoever was in charge of it that at least there be some type of leniency, that she had to go all the way back to her car and get her ID, that she would hope that there was some type of temporary remedy until next January, that she did not know who the next administration was going to be and what they would implement and hoped that was taken into consideration. Council Members Galloway, Keller and Quan absent.

Council Member Alvarado stated that on Sunday she lost another dear friend, Mr. Bernie Guerra, that they had worked for over 10 years in the Manchester Neighborhood, that he was president of their civic club after she left the civic association, that he was involved with the Super Neighborhood Council, that he was a very hard working individual and she wanted to send her sympathies to his wife Mary and to the whole Manchester Community. Council Members Galloway and Keller absent.

Council Member Berry stated that there was recently another report in the Chronicle regarding the emergency home repair issue and knew that had been a nagging issue and knew that Council Member Quan was going to be taking that up in the Housing Initiatives Committee on December 18, 2003, that he just hoped they could get it resolved because the people who were falling victim to that problem deserved much better. Council Members Galloway and Keller absent.

Council Member Berry stated that he wanted to take the opportunity to commend Council Member Quan after two years of being Mayor Pro Tem, that they had done a great job helping them to transition through. Council Members Galloway and Keller absent.

Council Member Goldberg stated that he wanted to clarify a point that Council Member Tatro was trying to make, the motion that was before them was not to postpone it, it was to rescind a postponement, so looking at Mr. Hall's Roberts Rules of Order under motions to rescind he found that indeed it did say that it did require a two thirds vote to rescind an item. Council Members Galloway and Keller absent.

Council Member Wiseman stated that Council Member Vasquez said that what he made was a motion to reconsider and it clearly stated under Roberts Rules of Order that a motion to reconsider they could only make such a motion during the day on which a motion had been acted upon and that was last week, so clearly it was out of order. Council Members Galloway and Keller absent.

Council Member Wiseman stated that she attended the Texas Municipal League Conference last week, that it was represented by cities throughout the State, it was nice to get to meet many of the other leaders from the other cities throughout the State and she was pleased to be there as an elected representative of the City of Houston, that Mr. Bobby Attaberry, Public Works was also at the conference and she was pleased to see that he had been elected to the Board of TML for a two year term representing the American Public Works Association, the Texas Chapter, that she thought it was great that they had a representative there from the City of Houston. Council Members Galloway and Keller absent.

Council Member Ellis stated that with regard to the information that had been brought up, they knew that there was not a two thirds vote and asked what were the necessary steps that they must take, that he assumed that if Mr. Hall found that the legal advice that he provided for the Council was inaccurate that the item would not be posted on the December 3, 2003 agenda, and Mr. Hall stated not at all, that Council Member Tatro, as they could recall, said he was not

certain whether or not he ever said that it required a two thirds vote. Council Members Galloway and Keller absent.

Council Member Ellis asked Mayor Brown if it did require a two thirds vote, which it did not receive, would it remain on the December 10, 2003 agenda or would it be placed on the December 3, 2003 agenda, and Mayor Brown said December 3, 2003 agenda, that his recollection of Roberts Rules of Order was also correct, that it had to be challenged at the time and it was not challenged, his ruling was not challenged, that there was not motion to overturn his ruling. Council Members Galloway and Keller absent.

There being no further business before Council, the City Council adjourned at 11:59 a.m. upon MOTION by Council Member Quan, seconded by Council Member Parker. Council Member Robinson absent on personal business. Council Members Galloway and Keller absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary