

City Council Chamber, City Hall, Tuesday, December 2, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 2, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry, Carroll Robinson; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Ms. Richard Cantu, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:47 p.m., Mayor Brown stated that they would begin the Regular Meeting and called on Council Member Ellis who led all in prayer and the Pledge of Allegiance. Council Members Galloway, Alvarado and Quan absent.

At 1:47 p.m. the City Secretary called the roll. Council Members Galloway, Alvarado and Quan absent.

Council Members Keller and Tatro moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway, Alvarado and Quan absent. MOTION ADOPTED.

Mayor Brown stated that Council would begin with their presentations and invited Mr. Charles O'Connell, president of Bank One and Mr. Anthony Hall, chairman of the board of the United Negro College Fund to the podium. Mayor Brown stated that Bank One was a great supporter of the United Negro College Fund and presented Mr. O'Connell a Proclamation for supporting one of the oldest and most successful minority higher assistance organizations in the country, congratulated and commended all at Bank One for their support and proclaimed December 2, 2003 as "Bank One Appreciation Day", in Houston, Texas. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown invited Mr. Guy Lambert, Mr. Larry Jones and all present with Power 97.5 to the podium. Mayor Brown stated that Power 97.5 FM was a luminous media company and presented them a Proclamation for serving the needs of residents with an entertaining and educational forum, for spearheading fund raisers for disadvantaged youth and proclaimed their anniversary date, Tuesday, December 23, 2003 as "Power 97.5 FM Day" in Houston Texas. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Alvarado, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Council Member Quan had a presentation; and Council Member Quan stated that he wanted to introduce a group of distinguished women with the Fire Department and invited La Chicas Calientes to the podium, stating that they were firefighters of the Houston Fire Department and were the first team of women qualified to compete at the national level of the Firefighters Combat Challenge which was firefighters version of Olympics and five women and four men from Houston placed third in overall competition; that Chicas Calientes was a most unique group in representing Houston as they were women, Hispanic, four were moms and one of those was a grandmother and to present the certificates was Council Member Alvarado. Council Member Alvarado stated that she too wanted to congratulate Chicas Calientes for their daily work of protecting citizens throughout the city and for breaking records and presented each a Certificate of Recognition. Council Members Tatro, Galloway, Wiseman, Keller, Berry and Robinson absent.

At 2:06 p.m. Mayor Brown called the meeting to order. Council Members Wiseman, Berry and Robinson absent.

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Roland Curry out of order, seconded by Council Member Sekula-Gibbs. All voting aye.

Nays none. Council Members Wiseman, Berry and Robinson absent. MOTION 2003-1434 ADOPTED.

Mr. Craig Tiras, 4410 Deer Lodge, Houston, Texas 77018 (713-688-4161) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Keller, Vasquez, Berry and Robinson absent.

Mr. Larry Lane, P. O. Box 1593, Kingwood, Texas 77002 appeared and stated that he was opposed to Agenda Item 52, stating that the Attorney General's opinion was 40,000 voter petitions were legal and proper and the ordinance was subject to referendum; that the rain tax was the greatest tax hike in recent Houston history and water and sewer rates were already more than double operating expenses; that Council's responsibility was clear, they should set the referendum or kill the rain tax. Council Members Goldberg, Ellis, Keller, Vasquez, Parker and Robinson absent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Ms. Libby Weathers after Ms. Terri Moore, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Ellis, Keller, Vasquez, Parker and Robinson absent. MOTION 2003-1435 ADOPTED.

Mr. Roland Curry, 5519 Caplin, Houston, Texas 77026 (713-545-3324) appeared and stated that he was African American and owned a 10,000 sq. ft. restaurant; that the NFL was coming and Houston wanted the Olympics, but if they could not treat Black people here correctly how were they ready to treat people from all over the world. Council Members Tatro, Vasquez and Parker absent.

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) had reserved time to speak but was not present when his name was called. Council Members Tatro, Vasquez and Parker absent.

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

Ms. Rose Maria Monk, 2505 Fannin, Houston, Texas 77002 (713-533-6485) had reserved time to speak but was not present when her name was called. Council Members Tatro, Vasquez and Parker absent.

Ms. Terri Moore, 705 Main #805, Houston, Texas 77002 (832-567-2490) appeared and stated that on Friday and Saturday nights a live band played at 650 Main with the amps pointed directly to their residential building; that she believed the band great for the downtown area but thought placing it away from residential buildings would be a better solution. Council Members Tatro and Parker absent.

Upon questions by Council Member Quan, Ms. Moore stated that the music began around 7:00 p.m. until about 10:00 p.m. or 11:00 p.m. and she would suggest moving it about two blocks where the club environment was more conducive to that; and also heavy metal bands brought the younger crowds and she would think they would play music which would bring more of the 30 year old to 60 year old crowds. Council Member Quan stated that he believed she had a valid point and would see about working with her and her Council Member. Council Members Tatro absent.

Council Member Alvarado stated that many wanted the Downtown area to be successful and she hoped they could find common ground; that the entertainment district covered a lot of ground and it would be alternating throughout Main Street. Council Members Tatro absent.

Council Member Keller moved that the rules be suspended for the purpose of adding Mr. Charles Schoen to the Speakers List, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro absent. MOTION 2003-1435 ADOPTED.

Ms. Libby Weathers, 3434 McKinney, Houston, Texas 77002 (713-392-1565) appeared and stated that she was director of the Downtown Entertainment District and as the Main Event, a program of the Houston Downtown Alliance, was very committed to working with residents and respecting decimal levels and the 10:00 p.m. cutoff time; that they did have different types of music and encouraged Ms. Moore and Council to become involved with the Midtown Downtown Residents Association which was a voice who spoke for many of the downtown residential properties. Council Member Tatro absent.

Upon questions by Council Member Vasquez, Ms. Weathers stated that regarding the Super Bowl they were not specifically involved with the weekend surrounding it, it was the Super Bowl Committee; that the weekend preceding which was the start of the NFL Experience they would be enhancing their program slightly, but wanted everyone to get a taste of what was really being programmed. Council Member Tatro absent.

Mr. Hector Garcia, 1715 Morris, Houston, Texas 77009 (no phone) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) had reserved time to speak but was not present when his name was called. Council Member Tatro absent.

Mr. Mark Gobble, 20705 Northcreek Lane, Houston, Texas 77073 (281-821-6470) appeared with a camcorder he passed to Council Members to see and hear planes flying over his home and stated that he lived in the Woodcreek Subdivision next to Intercontinental Airport and was present to ask Council Members to motivate the Houston Airport system to take action concerning a tremendous amount of noise created by their new runway; that the planes passed over his home approximately 540 feet above and he knew that because he was a pilot and when flying that same approach he checked his radar; that when the large aircraft passed you could feel and see the turbulence and upon speaking with Mr. Vacar he was told it would get worse when that runway was used as a primary; that there was a national noise program sponsored by the US Government to acquire land, soundproof houses and require certain flight pass by aircraft to continually reduce the noise level of the airport, unfortunately nothing was being done by the airport and it was really frustrating to be woken in the middle of the night by it when there were other runways they could use at that time.

Council Member Galloway stated that the city was buying some of the property within the City of Houston but Mr. Gobble lived in the county and she did not know about a program for his area; and Mayor Brown stated that Mr. Rick Barrett with Aviation was present and he could meet with him and see what could be done.

Upon questions by Council Member Vasquez, Mr. Gobble stated that it was not everyday, but it was about 50% to 60% of the time; that the FAA was starting an investigation but they said it was the airport's responsibility to work with the communities to help eliminate the noise levels; that he was a pilot and understood the noise, but this was unbearable and he looked at it as irresponsible on the part of the airport.

Mayor Brown stated that they were putting in another runway, which may be helpful in the future, and he would ask Mr. Barrett to meet with him and explain what was being done.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and wished everyone a happy holiday season, thanked everyone who voted for him in the election and stated that he was leaving to vote early for Mr. Sanchez and Council Member Tatro; that concerning Mr. Ross Allyn, he had read his story in the Houston Chronicle

and thought it said a lot about his generation, the gay lifestyle and the goings on at City Hall, but regarding earlier today he thought it showed a deterioration on the politics in Houston and it was rude on some Council Members parts; that this was also the most expensive campaign ever and if Sanchez did not win it would show you money could buy City Hall. Council Member Sekula-Gibbs absent.

Upon questions by Mayor Brown, Mr. Galvan stated that he voted for Council Member Tatro because he was a fighter. Council Member Sekula-Gibbs 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 Member Sekula-Gibbs absent.

Mr. Charles Schoen, 16411 Luthe Lane, Houston, Texas (281-443-3454) appeared and stated that lawyers were not licensed by the state to practice law; that they practiced law under the certificate issued by the State Supreme Court through the State Bar Association after passing the bar examination. Council Members Galloway and Sekula-Gibbs absent.

Mr. Norman E. Adams, P. O. Box 77011, Houston, Texas 77248 (713-869-8346) appeared and stated that he had a special thank you to extend to the City Secretary for the efficient and timely verification of their signatures on the petition presented, but he was disappointed with what happened in the Special Meeting earlier in an effort to delay action in recognizing that petition; and at this point Council needed to overturn the ordinance or place it for a vote and if they did not do either they gave him no choice and a legal action would be filed on each Council Member and the Mayor individually. Council Members Galloway and Sekula-Gibbs absent.

Council Member Edwards stated that it was an insult to be handed something she had not seen and expect her to vote on it. Council Members Galloway, Alvarado and Sekula-Gibbs absent.

Council Member Goldberg stated that Mr. Adams had started an issue which had become the number one issue of each candidate on the ballot; that all Council Member Tatro had asked for was to let the people vote; and upon questions, Mr. Adams stated that he would like it to just go away and have the ordinance overturned, but the Charter did give a right to referendum. Council Members Galloway, Alvarado and Sekula-Gibbs absent.

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373) had reserved time to speak but was not present when his name was called. Council Members Galloway, Alvarado and Sekula-Gibbs absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was with the Houston Property Rights Association and they had 80 organizations opposing the drainage fee and urged Council Members to support that the rules be suspended for the purpose of repealing the ordinance; that a cost benefit analysis should be done and FEMA had commissioned a CD which had on it documents and manuals to show how that cost analysis could be done and presented a copy to Mr. Cantu to give to Council Member Quan. Council Members Galloway, Keller, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Vasquez, Mr. Klein stated that the County contracted to have it done on their projects and it was done all across the US. Council Members Galloway, Keller, Alvarado and Sekula-Gibbs absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and expressed his personal opinions until his time expired. Council Members Galloway, Keller, Alvarado and Sekula-Gibbs absent.

Ms. Rose Maria Monk was now present and her name was recalled. Ms. Rose Maria Monk, 2505 Fannin, Houston, Texas 77002 (713-533-6485) appeared and stated that she was present on behalf of the safety of women in Houston; that she survived a hijacking in Washington, D. C. 12 years ago and lost everything so came back to her native state Texas, but now had gone through several assaults, etc., and it was incognizable; that it was too hard for a woman to start over in Houston and it was not right. Council Members Galloway, Keller and Alvarado absent.

Mayor Brown stated that Chief Yorek with HPD was present and could speak with her and see how to help; and Ms. Monk stated that she did not see how he could help her. Council Members Galloway, Keller and Alvarado absent.

At 2:53 p.m. Mayor Brown stated that City Council would recess until 9:00 a.m., Wednesday, December 3, 2003 and would now go back into the Special Session called for today. Council Members Galloway, Keller and Alvarado absent.

City Council Chamber, City Hall, Wednesday, December 3, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, December 3, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:21 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 Mayor Brown reconvened the meeting of the City Council and recognized Council Member Quan.

Council Member Quan stated that they were pleased to have in the Council Chamber members of the United Team of Guangzhou, which happened to be his home province, that the basketball team was from the City of Guangzhou and they were visiting the United States and would be doing a goodwill tour and would have an exhibit game that afternoon, that there were 25 members of the team and were headed by Vice Chairman of the Chinese Basketball Association, which was the main governing body regarding professional basketball in China and they knew the great basketball players game out of China and asked that they stand and be recognized.

Mayor Brown stated that on behalf of all of the people who lived in the City he wanted to welcome them to the City and thanked them for letting Houston have Yao Ming.

### **MAYOR'S REPORT**

Council Member Keller stated that he wanted to move Item No. 52, 52a, 52b and 52c out of order after the Monthly Financial Report, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1436 ADOPTED.

Mayor Brown stated that they would now move to the Monthly Financial Report.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING**

THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds.

Ms. Judy Gray Johnson, Controller, stated that she was pleased to present the Monthly Financial Report for the period ending October 31, 2003, that for the second month in a row they had somewhat good news, which was a nice change from a few months ago, they had increased their sales tax projection by \$5.5 million since last month and that brought their total revenue projection for the General Fund at \$1.385 billion, that it was still \$15 million below budget, but was at least better than previous reports, that the primary reason on the sales was the continued good news coming out of the economy, they were seeing that expectations for the holiday season were optimistic and the last sales tax check that they received in November 2003 was up about 9% from the previous years check and as a result they had revised their projection, the original projection was assumed that sales tax would be flat for the Fiscal Year 2004, compared to 2003, that they were now assuming a 2% increase for the last half of the year, that there was really not much news in the other revenue sides at all, that they did have some changes on the expenditure side, the administration had made cuts and those were put in place by means of spending controls that had been entered in the financial records so that the departments were in fact prevented from overspending and as a result they had reduced their expenditure estimate by \$11 million, that all of those things together meant that their new expectation of the gap, between revenues and expenses for the year, was now at \$7.8 million, that they did encourage the City Council as well as the administration and of course the next one, to take actions to make sure their spending did not exceed their revenue for the year; that since it was her last financial report as City Controller, she wanted to say thank you very much to the Mayor and City Council for giving her the opportunity to serve for the past year, that it had been a very interesting year and would not have given it up for anything, that she really enjoyed most of the minutes by far, that the one thing that no one could ever take away from her was the experience and she had to say that it had been a wonderful experience in the past year, that she was very proud to say that their office had completed 26 audits this year and had done a number of things to improve their investment pool, they now had received a triple AF rating for that pool from Standard and Poor's, that they also reorganized the Office of the City Controller, cutting the budget by more than 6% going into the budget year, that sorry to the next Controller that they had indeed cut the budget this fiscal year by another \$103,000, that she was sorry but she had to do it, that she assured the next Controller that he or she would be inheriting a budget that was in good shape and they would have no difficulty completing the fiscal year within that level and getting done what needed to be done.

Mayor Brown stated that he wanted to thank Ms. Johnson for her service and all her hard work.

Council Member Quan stated that he felt like she certainly lived up to the trust that the Council had in her and served the City well and left the office in good shape for the next Controller, that he wanted to join in wishing her well and thanking her for her service to the City of Houston.

Council Member Robinson stated that he also wanted to say thank you, that class, dignity, integrity, independence and thoughtfulness was the way he thought that she and her staff carried themselves as she served as City Controller and thought it meant a lot to the ability of Council to do their job, that it proved to them that she was the right person for the job at the right time.

Council Member Sekula-Gibbs stated that she would like to echo a congratulations and good work done also an invitation to not leave too far from the City, that she was sure there were places somewhere in the City for a talented person like Ms. Johnson.

Dr. Scheps stated that he wanted to add to that to, that they had a good working relationship with the Controller's Office and it was due to Ms. Johnson's personality and thought that things worked best when they had worked closely together, that it was an open spirit, that they could disagree with an understanding of where their disagreements came from, that they had shared data and thought they had pioneered a pretty good spirit with Ms. Johnson's leadership between the two offices; that he would echo what Ms. Johnson stated about sales tax, that they had to go back 15

months to find a larger sales tax increase for year to year, that they had not increased their sales tax revenue estimates because they really felt they were right on track on the revenues of what they had projected in the budget, the bad news for revenues was in telephone franchise, they were sort of recognizing the deteriorating trend as people shifted from land lines to cell phone lines where they did not get any revenues so they had taken a little bit out there; that they had recognized the Mayor's budget cuts and this report did show a balanced budget with an ending balance, if all of the projections remained true and if everybody hit their budget target, they would end up with an ending balance which was actually \$6 million larger than what they all budgeted and part of that was due to the fact that the beginning balance, once the audit was complete, was larger, so they felt like they were turning over to the next administration a balanced budget in good shape and with any luck they had another sales tax check next week that presumably would confirm the trend that the turnaround had occurred, and that concluded his report.

Council Member Parker moved to accept the Monthly Financial and Operations Report, seconded by Council Member Robinson.

Council Member Sekula-Gibbs asked Dr. Scheps where did they stand on their relationship with the County regarding payment for the Clear Lake Library, and Dr. Scheps stated that he checked with Ms. Culbreth and they were going to honor the obligation that they had, and were always intending to do that, that the question was merely whether that library was actually going to open within the fiscal year, so there was high likelihood that they would not owe that money until FY05, but in any event they were going to pay what they owed when they owed it, and Mayor Brown stated that the latest information was that it would open in July and they had 30 days after it opened to pay it, so they were on target, that the County was driving the timeframe; Council Member Sekula-Gibbs stated that she wanted to thank F&A for reducing the salary recovery monies that they were issuing, that she had been long concerned that salary recovery was eating away at their debt service.

A vote was called on Council Member Parker's motion to accept the Monthly Financial and Operations Report. All voting aye. Nays none. MOTION 2003-1437 ADOPTED.

Mayor Brown stated that they had a delegation of the Dali Municipal Government Training Delegation present, a thirty one member delegation, that they had been in Houston since November 11, 2003 and were present to look at how City government worked and asked them to stand and be recognized.

Mayor Brown requested that the City Secretary call the items that were moved to be called out of order.

52. ORDINANCE authorizing and providing for certain amendments to the City of Houston, Texas, Water and Sewer System Bond Ordinance; making other provisions regarding such amendments and matters incident thereto; and declaring an emergency – **(This was Item 60 on Agenda of November 19, 2003, THIS WAS POSTED PURSUANT TO MOTION #2003-1424, 11/25/03)** – was presented.

Council Member Keller moved to refer Item No. 52 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2003-1438 ADOPTED.

- 52a. ORDINANCE providing for issuance of City of Houston, Texas, combined Utility System Revenue Obligations, providing for the payment thereof; making other provisions regarding such obligations and matters incident thereto, including covenants and agreements relating to the Operation and Management of the Water, Sewer and Drainage System, the Revenues derived from its operation and ownership, the establishment and maintenance of funds and accounts for the payment of such obligations, specifying the terms and conditions for the issuance of such obligations and other matters incident and related to their issuance and security; ratifying, confirming, authorizing and adopting Drainage Utility Service Charges; and declaring an emergency - **(This was Item 60a on**

**Agenda of November 19, 2003, THIS WAS POSTED PURSUANT TO MOTION #2003-1424, 11/25/03** – was presented.

Council Member Keller moved to refer Item No. 52a back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1439 ADOPTED.

52b. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, combined Utility System First Lien Revenue Refunding Bonds in several series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Water and Sewer System Commercial Paper Notes and certain Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain escrowed securities; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; authorizing qualified hedge agreements with respect to the bonds; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement, Supplemental Financial Advisor Agreement, Swap Advisor Agreement, and agreements with respect to payment of Bond Counsel and Financial Advisor Fees of the Texas Water Development Board; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - **(This was Item 60b on Agenda of November 19, 2003, THIS WAS POSTED PURSUANT TO MOTION #2003-1424, 11/25/03)** – was presented.

Council Member Keller moved to refer Item No. 52b back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1440 ADOPTED.

52c. ORDINANCE authorizing the issuance of “City of Houston, Texas, Revenue Anticipation Notes, Series 2003”; specifying the terms and features of said notes; pledging drainage revenues for the payment of the principal of and interest on said Notes; ratifying, confirming, authorizing, and adopting Drainage Utility Service Charges; resolving other matters in connection therewith; and declaring an emergency - **(This was Item 60c on Agenda of November 19, 2003, THIS WAS POSTED PURSUANT TO MOTION #2003-1424, 11/25/03)** – was presented.

Council Member Keller moved to refer Item No. 52c back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1441 ADOPTED.

Council Member Ellis stated that now that the items had been referred back to the administration he would hope that the financial working group and the administration would get together and start to look at a restructuring and refinancing program for the Water and Sewer Enterprise Fund that would not contain any provision for a storm drainage fee, there was still enormous amounts of savings that were being left on the table from the refinancing and restructuring of that enterprise fund and would encourage and request that the administration move forward with that.

Mayor Brown stated that they would move to the consent agenda.

Council Member Vasquez moved to suspend the rules to consider Item No. 37 out of order, seconded by Council Member Galloway. Council Member Tatro absent. All voting aye. Nays none. MOTION 2003-1442 ADOPTED.

37. ORDINANCE deappropriating \$6,224,080.24 out of Storm Sewer Consolidated



Construction Fund which was appropriated under Ordinance No. 2003-0140; appropriating \$11,383,080.24 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional engineering service contract between the City and **J. F. THOMPSON, INC** for services associated with the Storm Water Management Program, CIP M-0220-03-2 (SM5013); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund – was presented, and tagged by Council Member Robinson. Council Member Tatro absent. (Note: Council Member Robinson released his tag later in the meeting.)

### **CONSENT AGENDA NUMBERS 1 through 39**

#### **ACCEPT WORK** – NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,182,306.95 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.**, for Construction of 84-inch Water Line along Link Road from Airline Drive to Fulton Street - Contract 6C-1, GFS S-0900-64-3 (WA10637) - 02.91% under the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1443 ADOPTED.

#### **PROPERTY** - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY2-165, located at 602 Studewood Street, owned by Ralph Burroughs, for the **STUDEWOOD ROADWAY IMPROVEMENT PROJECT**, CIP N-1301-01-2 - \$76,886.00 **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1444 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** – NUMBER 7

7. **BOYER, INC** for Lake Houston Dam Spillway Cleaning for Department of Public Works & Engineering - \$97,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Tatro, Vasquez and Robinson absent. MOTION 2003-1445 ADOPTED.

#### **ORDINANCES** - NUMBERS 14 through 35

14. ORDINANCE consenting to the addition of 120.107 acres of land to **HARRIS COUNTY UTILITY DISTRICT NO. 16**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1163 ADOPTED.
15. ORDINANCE consenting to the addition of 1.00 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 58**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1164 ADOPTED.
16. ORDINANCE consenting to the addition of 4.307 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1165 ADOPTED.
17. ORDINANCE consenting to the addition of 3.00 acres of land to **LONGHORN TOWN**

**UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1166 ADOPTED.

18. ORDINANCE consenting to the addition of 90.5292 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1167 ADOPTED.
19. ORDINANCE consenting to the addition of 109.4588 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 47**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1168 ADOPTED.
20. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1169 ADOPTED.
21. ORDINANCE consenting to the addition of 138.5054 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1170 ADOPTED.
28. ORDINANCE amending Ordinance 2003-0588 to substitute a revised second amendment to contract (approved by Ordinance No. 98-1248) for the previously approved second amendment to original Ordinance 2003-0588 between the City of Houston and **SANDER ENGINEERING CORPORATION** for Design of Small Diameter Water Lines and Sanitary Sewer Extensions throughout the City, CIP S-0700-OC-2 (WA10561) – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1171 ADOPTED.
31. ORDINANCE appropriating \$451,366.00 out of Water & Sewer System Consolidated Construction Fund; approving Change Order Number Seven to the contract between the City of Houston and **MOBILE DATA SOLUTIONS, INC** for Automated Mapping, Routing and Scheduling Service Order System for Department of Public Works & Engineering; increasing the maximum contract amount – had been pulled from the Agenda by the Administration, and was not considered.
33. ORDINANCE appropriating \$239,800.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **NBG CONSTRUCTORS, INC** for City Hall Annex Garage Flood Damage Repair, GFS D-0113-03-3; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
35. ORDINANCE appropriating \$64,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional engineering services contract with **PATE ENGINEERS, INC** for Design of Jersey Village Pump Station Improvements, (passed by Ordinance No. 2001-0460), CIP S-1004-02-2 (10563-1) - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1172 ADOPTED.

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

**MISCELLANEOUS**

1. ORDINANCE appropriating \$177,706.41 out of Street & Bridge Consolidated Construction Fund as additional funding for contract with **JFT CONSTRUCTION, INC**, San Felipe Road Widening from Briargrove Drive to Fountainview Drive - Segment III (East), GFS N-0565-03-3 (N-0565-03), approved by Ordinance No. 01-0611 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1173 ADOPTED.
- 1a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$495,649.82 on contract with **JFT CONSTRUCTION, INC** for San Felipe Road Widening from Briargrove Drive to Fountainview Drive - Segment III (East), GFS N-0565-03-3 (N-0565-03), approved by Ordinance No. 01-0611 - **DISTRICT G - KELLER** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1446 ADOPTED.

### **ACCEPT WORK**

2. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,228,585.50 and acceptance of work on contract with **SPAWGLASS CONSTRUCTION CORPORATION** for WLD Johnson Branch Library Repair, GFS E-0113-02-3 04.83% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1447 ADOPTED.
4. ORDINANCE appropriating \$105,708.83 out of Parks Consolidated Construction Fund as an additional appropriation for Bid Package No. 19 - George T. Nelson Park (Formerly Yellowstone Park) and Stude Park, under construction contract with **PARALLAX BUILDERS, INC**, approved by Ordinance No. 00-1108, GFS F-0363-11-3 and F-0363-38-3 - **DISTRICTS D - EDWARDS and H - VASQUEZ** – was presented, and tagged by Council Members Edwards, Quan and Vasquez. Council Members Tatro and Robinson absent.
- 4a. RECOMMENDATION from Acting Director Building Services Department for approval of Change Order No. 6 in the amount of \$106,108.05, final contract amount of \$2,405,208.83 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Bid Package No. 19 - George T. Nelson Park (Formerly Yellowstone Park Pool) and Stude Park GFS F-0363-11-3 and F-0363-38-3 - 09.83% over the original contract amount - **DISTRICTS D - EDWARDS and H - VASQUEZ** – was presented, and tagged by Council Members Edwards, Quan and Vasquez. Council Members Tatro and Robinson absent.

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

6. **AMEND MOTION #00-1498, 12/13/00; 01-389, 4/11/01 and 01-690, 6/20/01, TO EXTEND** expiration date from December 13, 2003 to December 12, 2005, and **TO INCREASE** spending authority from \$19,350.00 to \$27,090.00 for Forensic Chemicals and Test Kits, Parts I, II and III for Houston Police Department, awarded to **ABACUS DIAGNOSTICS, INC, APPLIED BIOSYSTEMS, PROMEGA CORPORATION and ABBOTT LABORATORIES, INC, DIAGNOSTIC DIVISION** - \$31,700.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1448 ADOPTED.
8. **STEWART & STEVENSON SERVICES, INC** for EGR Emission Reduction Systems for Solid Waste Management Department, \$746,200.00 - Grant Fund – was presented,

moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1449 ADOPTED.

9. **AMEND MOTION #2000-1552, 12/20/00, TO EXTEND** term from December 23, 2003 to December 22, 2004, for Vehicle Locator System, including Software Maintenance Services for Various Departments – was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro and Robinson absent. MOTION 2003-1450 ADOPTED.

## **ORDINANCES**

10. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Convention and Entertainment Facilities – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1174 ADOPTED.

Council Member Goldberg stated that he wanted to thank the Council's support for Item No. 10, that it was something that he had proposed a couple of months ago, by ordinance their parking lots could only charge what they allowed them and it was a ridiculously low charge in light of the fact that they had Minute Maid Park and George R. Brown Convention Center, the new hotel and new Arena, so what the item did was bring their parking rates up to the standard out there and brought in more revenue for the City, that it was not something unfair, it was what people were paying anyway in private parking lots, that he wanted to especially thank Mr. Stephen Lewis from C&E for working on it. Council Members Tatro and Robinson absent.

11. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed realignment of a portion of the Sanitary Sewer lines through Glenbrook Park Golf Course by the Public Works Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1175 ADOPTED.
12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three 5-foot-wide utility easements and the attendant aerial easements all located within Reserves A, B and C, Partial Replat of Sharpstown Country Club Terrace Subdivision, Section Two, James Wells Survey, Harris County, Texas; vacating and abandoning two (2) utility easements and the attendant aerial easements (being Parcels SY3-020A and SY3-020B) to Calvary Korean Baptist Church, the abutting owner, in consideration of its payment of \$5,478.00 and other consideration to the City; and vacating and abandoning one (1) utility easement and the attendant aerial easement (being Parcel SY3-023) to S.A.M.D., Inc., the abutting owner, in consideration of its payment of \$12,656.00 and other consideration to the City **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1176 ADOPTED.
13. ORDINANCE consenting to the addition of 15.577 acres of land to **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1177 ADOPTED.
22. ORDINANCE approving and authorizing lease agreement between **PHUONG M. NGUYEN**, as landlord, and the City of Houston, Texas as tenant, for space at 8532 Hammerly, Houston, Texas, for use by the Health and Human Services Department for the Women, Infants and Children (WIC) Program - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE

2003-1178 ADOPTED.

23. ORDINANCE approving and authorizing first amendment to lease agreement between **ONE CRÈME DE LA CRÈME, LTD.**, as tenant, and the City of Houston, Texas, as owner, for Space in the Fannin Garage (1112 Clay at San Jacinto) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1179 ADOPTED.
24. ORDINANCE appropriating \$165,000.00 out of Public Health Consolidated Construction Fund for Replacement of Playground Equipment for certain Multi-Service Centers, CIP H-0064 for Health & Human Services Department – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1180 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$250,000.00 in General Funds and \$65,000.00 in Community Development Block Grant Funds for the Administration and Operation of the Mobile Outreach/Multi-Service Assistance Program for Homeless Persons – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1181 ADOPTED.
26. ORDINANCE amending Ordinance No. 2003-0707 to substitute a revised Advanced Funding Agreement for the previously approved Advanced Funding between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Gulfgate Freeway Enhancement Project (approved by Ordinance No. 2003-0707) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1182 ADOPTED.
27. ORDINANCE amending Ordinance No. 2003-0708 to substitute a revised Advanced Funding Agreement for the previously approved Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the OST and Griggs Landscape Project (approved by Ordinance No. 2003-0708) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Tatro and Robinson absent. ORDINANCE 2003-1183 ADOPTED.
29. ORDINANCE amending Ordinance Number 2001-320 to increase the maximum contract amount for professional support for Hewlett-Packard Computing Complex - \$65,000.00 - General Fund – was presented. Council Members Tatro and Robinson absent.

Council Member Quan stated that the item reached them at a late date and they were paying for work on a contract that he believed expired in September, that when they inquired about it they were advised that the item was sent to Legal in February and that was why it took so long before it came to Council, and asked Mr. Hall if he had any comment on it, and Mr. Hall stated that he was not aware and wanted to suggest that it had been an age old tradition that Legal as a repository of everything that people did not want to move or late with, that he would find out, that he did not know, and Council Member Quan stated that he thought it was unusually long, and Mayor Brown stated that Mr. Richard Lewis, Director, IT, was present if they wanted an answer. Council Member Tatro absent.

Council Member Quan moved to suspend the rules to hear from Mr. Richard Lewis, Director, IT, seconded by Council Member Parker. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-1451 ADOPTED.

Mr. Lewis stated that he had looked at the email that Council Member Quan had referred to and there was a difference between the annual maintenance license, which did run through

September and the term of the agreement, which ran through December 31, 2003, that the amount of increase that was being requested could be paid to cover the services that were rendered, that as a matter of clarification with regard to the timing, in December 2002 Council approved the Equipment Acquisition Fund for Fiscal 2003 that included a \$600,000 upgrade of the fleet system, that in May 2003 the F&A Department decided that the Equipment Acquisition Fund and the assets that it supported needed to go through a right sizing analysis, they did that with the fleet initially, that in August 2003 F&A and IT decided to defer the fleet system upgrade to 2004, the upgrade would have prevented the need to continue to fund the support of the existing system, to the fact that it was deferred twice in October, in an effort to shrink the amount of debt they were going to issue for IT replacements they decided to defer it into 2005 so they basically had a tradeoff of deferring a \$600,000 investment and incurred a \$65,000 operating expense as a result of that decision, and Council Member Quan stated that their office was advised that the reason the item did not reach them on a more timely basis was because it was hung up in the Legal Department, but Mr. Lewis was saying that it was not Legal's fault, that other factors were going on and they asked Legal to not take action, and Mr. Lewis stated that the term of the agreement did not expire until December 31, 2003 and as soon as his staff determined that an upgrade was not going to be made, as a result of the October decision to downsize the Equipment Acquisition Fund, they started the process and in his view it was handled timely, the email that he thought was sent to Council Member Quan, indicated that there was a license agreement that did run, but the term of the contract that allowed for the payments did not expire until December 31, 2003, that it was a little bit complicated and basically when they delayed an investment in a system it was going to cost them in terms of support for the old system during that period, had they made the investment they would not have needed to do that, and Council Member Quan stated that he would follow up with Mr. Lewis. Council Members Tatro and Berry absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Members Tatro and Berry absent. ORDINANCE 2003-1184 ADOPTED.

Council Member Vasquez moved to suspend the rules to consider Item No. 51 out of order, seconded by Council Member Keller. All voting aye. Nays none. Council Members Tatro, Berry and Robinson absent. MOTION 2003-1452 ADOPTED.

51. 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 62 on Agenda of November 25, 2003, POSTPONED BY MOTION #2003-1425)** – was presented. Council Members Tatro, Berry and Robinson absent.

Council Member Sekula-Gibbs stated that she had been concerned about the issue for some time and the issue today was that they had a variety of pieces coming to the table separately so it may not be as obvious as it could be that they were related and the issue on Item No. 51 was basically a change to the contract that they had awarded to Getronicswang already, they gave Getronicswang a contract for a complete rip an replace of their voice and data network and that was a little over \$20 million and then they approved the first stage of it, which was around \$500,000, asking them to do an assessment and they came back to them with an assessment but it was very much a broad stroke, it was just a Power Point Presentation and did not really give them any new spreadsheets or new hard data on costs and did not give them much information except that they now knew that they had about 3,000 phones in the Police Department and a few hundred in the Fire Department and numbers of phones, but it did not make sense as to why the numbers were so dramatically different in Police and Fire, no explanation about that, that it was not really explained how they would get a grip on it and reduce those and save and that was the whole point cost savings. Council Members Galloway and Robinson absent.

After further discussion Council Member Sekula-Gibbs moved to refer Item No. 51 back to

the administration, seconded by Council Member Tatro. Council Members Galloway and Robinson absent.

Mayor Brown stated that he wanted to call on Mr. Lewis to give an explanation as to why they needed to do what was being proposed. Council Members Galloway and Robinson absent.

Mr. Lewis stated that he wanted to respond to three points, that first, on October 30, 2003 he distributed an executive summary report to Council that was 29 pages long and did not know if Council Member Sekula-Gibbs had an opportunity to read it, that in the memorandum he stated that in addition to the 29 page executive summary they had detailed reports and site surveys for all 141 sites and would probably take a cart full if anybody would like to look at them, but he would be glad to do that, that secondly, with regard to the return on investment, the return on investment had always been part of the Design Phase of the VOIP deployment, that they would not know that until they did the design phase, that number three, the assessment report was a very high quality report and very detailed and basically said that their data network was not ready for any new technology, including the VOIP technology, that he might point out that the computer aided dispatch system at the HEC, when it went live, part of the problems with connectivity in the police cars was that they had not made an investment in their data network, that the assessment report indicated that they needed to make about a \$7 million investment, and \$3.3 million was in the item that was before them later on in the agenda and that was to take out the older Three Com equipment and replace it with Sisco Equipment, as a first step in that upgrade, but before they did the entire upgrade it was his view that they needed to have a master plan to insure that the upgrade was done in the cheapest way that they possibly could, called a smart upgrade, the item was 4% of the data network upgrade cost, it was prudent to do it in light of the condition of their network, whether or not they went any further with the VOIP project was an open question. Council Member Robinson absent.

After further discussion by Council Members a roll call vote was called on Council Member Sekula-Gibbs motion to refer Item No. 51 back to the administration and Mayor Brown urged Council to defeat the motion, that they did have a system and they had to maintain the system otherwise they would have monumental problems.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2003-1453 FAILED

A vote was called on Item No. 51. Council Members Tatro, Sekula-Gibbs and Berry voting no, balance voting aye. ORDINANCE 2003-1185 ADOPTED.

Council Member Robinson stated that at the appropriate time he wanted to lift his tag on Item No. 37, that he had his questions answered.

Council Member Wiseman stated that she wanted to recognize a group of students that were present from Quest High School in her district, that Mrs. Barbara Yeatman and Mr. James Nearad were their instructors, and asked that they stand and be recognized.

Mayor Brown stated that he wanted to welcome them to the City Council meeting and hoped that as they pursue their career options that they would consider public service as a career.

30. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments (as approved by Ordinance No. 2001-78) – was presented. All voting aye. Nays none. ORDINANCE 2003-1186 ADOPTED.
32. ORDINANCE amending Ordinance No. 2001-858 to increase the maximum contract amount to contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of Oxygen Plant at the City of Houston 69th Street Wastewater Treatment Plant for the Public Works & Engineering Department, (as approved by Ordinance No. 2001-858) \$1,261,828.91 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-1187 ADOPTED.
34. ORDINANCE appropriating \$300,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund 4A0 as an additional appropriation for professional consulting services, CIP D-0073-0A-2, under professional consulting services contract with **CAMP, DRESSER & MCKEE, INC** (approved by Ordinance No. 01-0436); providing funding for contingencies relating to construction of facilities financed by the PIB Petroleum Storage Tank Reimbursement Fund 4A0 – was presented. All voting aye. Nays none. ORDINANCE 2003-1188 ADOPTED.
36. ORDINANCE appropriating \$7,018,000.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2004 Information Technology Equipment – was presented, and tagged by Council Members Tatro and Sekula-Gibbs.
38. ORDINANCE approving and authorizing professional services contract between the City and **BUFFALO BAYOU PARTNERSHIP, INC** for Development of a Park System along Buffalo Bayou, CIP I-2001-02-2 (SB9173) - 2 Years with 2 option years - \$120,000.00 - General Fund **DISTRICTS B - GALLOWAY; D - EDWARDS; G - KELLER; H - VASQUEZ and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2003-1189 ADOPTED.
39. ORDINANCE appropriating \$7,431,200.00 out of Street & Bridge Consolidated Construction Fund and \$3,884,800.00 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **BOYER, INC** for Buffalo Bayou Hike and Bike Trail Bagby to Sabine, GFS N-0420T-38-3 (SB9123); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Series E Commercial Paper Metro Projects Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Keller. Council Member Quan absent.

**NON CONSENT AGENDA** - NUMBERS 40 and 41

**MISCELLANEOUS**

40. RECEIVE nominations for the City of Houston's representative on the Board of Directors of the **HARRIS COUNTY APPRAISAL DISTRICT** – was presented.

Council Member Sekula-Gibbs stated that she wanted to nominate for reappointment Ms. Helen Hough for the City of Houston's representative on the Board of Directors of the Harris County Appraisal District, that she had passed out her resume.

Council Member Tatro moved to close nominations for the City of Houston's representative on the Board of Directors of the Harris County Appraisal District, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1454 ADOPTED.



**PURCHASING AND TABULATION OF BIDS**

41. RECOMMENDATION from Department of Finance & Administration to make the following awards for Replacement Playground Equipment for Parks & Recreation Department - \$330,177.26 General Fund:
- MIRACLE RECREATION EQUIPMENT COMPANY** - \$33,296.00
  - HUNTER KNEPSHIELD OF TEXAS, INC** - \$33,631.20,
  - CUSTOM PLAYGROUND DESIGNS, INC** - \$45,015.00
  - SOUTHERN ATHLETIC SUPPLY, INC** - \$64,445.75
  - ALL PLAY, INC** - \$56,190.00
  - LITTLE TIKES COMMERCIAL PLAY SYSTEMS, INC** - \$94,683.31
- COUNCIL DRAW LOTS
- ITEM NO. 6a** due to receiving identical bids from **SOUTHERN ATHLETIC SUPPLY, INC** and **HUNTER KNEPSHIELD OF TEXAS, INC** in an amount not to exceed \$2,916.00 – was presented.

Council Member Keller drew Southern Athletic Supply as the successful bidders, and moved to adopt the recommendation, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1455 ADOPTED.

**MATTERS HELD** - NUMBERS 42 through 52C

42. MOTION by Council Member Keller/Seconded by Council Member Vasquez to adopt 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 – **(This was Item 11 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. MOTION 2003-1456 ADOPTED.
43. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **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 – **(This was Item 18 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. MOTION 2003-1457 ADOPTED.
44. MOTION by Council Member Quan/Seconded by Council Member Keller to adopt recommendation from Finance & Administration Department to **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 – **(This was Item 122 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman moved to postpone Item No. 44 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2003-145 ADOPTED.

45. ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Flood Prone Areas – **(This was Item 30 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, TATRO and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-1190 ADOPTED.
46. ORDINANCE amending and restating the Cable Television Franchise granted to

**GRANDE COMMUNICATIONS, INC**, pursuant to City of Houston Ordinance No. 2000-0679 - **FIRST READING – (This was Item 41 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. ORDINANCE 2003-1191 PASSED FIRST READING IN FULL.

47. 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 – (This was Item 48 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented.

Council Member Keller moved to postpone Item No. 47 for one week and if someone could come and see him regarding the selection criteria, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2003-1459 ADOPTED.

48. 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 – (This was Item 57 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2003-1192 ADOPTED.

49. 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 – (This was Item 58 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. ORDINANCE 2003-1193 ADOPTED.

50. 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 – **(This was Item 59 on Agenda of November 25, 2003, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2003-1194 ADOPTED.

Council Member Robinson stated that he would like to lift his tag on Item No. 37.

37. ORDINANCE deappropriating \$6,224,080.24 out of Storm Sewer Consolidated Construction Fund which was appropriated under Ordinance No. 2003-0140; appropriating \$11,383,080.24 out of Storm Sewer Consolidated Construction Fund and approving and authorizing professional engineering service contract between the City and **J. F. THOMPSON, INC** for services associated with the Storm Water Management Program, CIP M-0220-03-2 (SM5013); providing funding for contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund – was again before Council. All voting aye. Nays none. ORDINANCE 2003-1195 ADOPTED.

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

Council Member Tatro stated that the ordinance that they placed on the table yesterday initially was tagged and asked if it meant that it would be on next Wednesday's Council agenda, and Mayor Brown stated that the answer was yes. Council Member Parker absent.

Council Member Vasquez stated that he wanted to recognize some students from Wheatley High School in his district, that there were 26 ninth grade students who were accompanied by their teachers, Ms. Yolanda McCall and Mr. Jenkins and asked that they stand and be recognized, that they were a career class and were present to see government in action, and Mayor Brown stated that he wanted to welcome them City Hall and urged them to also consider public service as a career as they made their choices in the future. Council Member Parker absent.

Council Member Quan stated that he wanted to invite all those listening and all the Council Members to a townhall meeting that he and Council Member Ellis were hosting in Southwest Houston dealing with the increase in crime in that area, that many of them had seen in the news that there had been a number of homes that had been burned out by members of a certain religious group, that there had also been an increase of activity in that area, that it would be from 7:00 p.m. to 8:30 p.m. on Thursday evening at the Southern Chinese News Building on Bellaire near Wilcrest. Council Member Parker absent.

Council Member Quan stated that he wanted to invite all seniors to their Annual Senior Holiday Gala which would be at the George R. Brown on December 15, 2003, that Ms. Sandra Strong in his office was more than happy to give more information at 713-247-2013. Council Member Parker absent.

Council Member Quan stated that he wanted to ask the administration to provide Council a report on the operation of the HEC center, that they had all read in the news that at various times the system had gone out, that he knew it was a new center and they were working the bugs out but it was disturbing to see the operations impeded and a report on how the safety for their citizens was affected, and Mayor Brown stated that they would get that for him. Council Member Parker absent.

Council Member Sekula-Gibbs stated that there were some interesting things going on at NASA, that first of all there would be a Mars lander that should be landing in January, that Spirit would be landing on January 3, 2004 and Opportunity would be landing on January 24, 2004, that it was very important and exciting exploration for Johnson Space Center, that she wanted to compliment and commend them and wish them all the best of luck, that a friend of hers was involved with the European Space Agenda, Mr. Everett Gibson, and his mission was called the Beagle II and he was involved with the British lander and their Mars explorer was set to land on December 24, 2003; that Houston was directly connected with the success of Johnson Space Center so they wanted to encourage them and wish them the best; that if anyone was interested there was now a Columbia commemorative license plate that was available to commemorate the brave men and women who perished on the Columbia shuttle, that \$8 dollars would go for the actual processing of the new license plate and \$22 would go to promote aviation and space activities. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to invite everyone, that their office along with LULAC District 8 was hosing a townhall meeting on Thursday, December 4, 2003 at 7:00 p.m. at the Latino Learning Center to talk about some of the recent Hispanic children that had been killed, that she wanted to invite her colleagues to come out, that they would also have Police Chief Breshears there as well. Council Member Goldberg absent.

Council Member Alvarado stated that she wanted to congratulate the Mayor, that they would open the Hotel and wanted to congratulate the Mayor for getting it done, and Mayor Brown stated that he would urge everyone to come out at 11:30 a.m., that they would open up the Hotel and also the convention center, that it was a historic day in the City and wanted to urge everyone to come out and be a part of it. Council Member Goldberg absent.

Council Member Berry stated that he wanted to thank Ms. Marlene Gafrick in Planning and

Development, who had been helping them quite a bit on a neighborhood related issue and had been wonderful to work with. Council Member Goldberg absent.

Council Member Wiseman stated that she wanted to bring up something that was discussed at the Council table, the issue of the Clear Lake Library, that the joint City County library project was very important to her and equally if not more important to Commissioner Garcia, who had been working very hard to see that project go through, that she had the opportunity to speak with Commissioner Garcia who had indicated to her that no such agreement had been reached to delay payment to Harris County for the City's part of the commitment to the Clear Lake Library and stated that she would like to ask for clarification with regard to payment this fiscal year to Harris County on the Clear Lake Library and Mayor Brown stated that Council Member Sekula-Gibbs raised the same question and his response to her was that the project would be completed in July 2004 and they were obligated to pay one month after that, that they would pay in the next fiscal year, and Council Member Wiseman stated that she wanted to visit with the administration to discuss it, and Mayor Brown stated that they would have someone meet with her. Council Members Galloway and Berry absent.

Council Member Edwards stated that she would like to have someone from the Police Department visit with her on issues of training, that there seemed to be news about lack of training and specifically she would like to know what training was going on regarding the issues of cultural diversity and so forth and what was being used, that she would like to have them bring with them either the manual themselves or the protocols of what was being trained and how often was that training done. Council Members Galloway and Berry absent.

Council Member Edwards stated that she wanted to meet with Mr. Bales regarding the HEC center, that she got quite a number of calls for people who worked in the HEC center and were saying there were problems, that she would like to speak with Mr. Bales about how those problems were being addressed. Council Members Galloway and Berry absent.

Council Member Edwards stated that she wanted to talk about the tornado that went through the Third Ward area, that she understood that Mayor Brown and Governor Perry had declared the Houston Harris County area a disaster area, that she called Washington, D. C. and got no response so she would like to know where they stood with that so they could tell the constituents. Council Members Galloway and Berry absent.

Council Member Edwards stated that regarding the drainage fee, however they vote on the issue she would like to see the same passion and commitment to the historically denied communities in the area who did not have drainage, that she would like to see the same kind of passion that those communities be addressed at some point and time because they were taxpayers as well, that they may not have signed a petition but they paid taxes every day, that in District D they had a number of senior citizens who were renters and had rented places for numbers of years and who did not meet the criteria of being property owners so they did not have the opportunity to have new sidewalks and gutters and all that stuff put in because they could not get those petitions signed because their property owners did not have the affinity to work with them on that, that she was excited about the commitment that she was seeing at the Council table and would like to see that commitment sometime be leveled toward the people who really needed their help. Council Member Berry absent.

Council Member Edwards stated that she wanted to commend Council Member Alvarado for her townhall meeting, that she would not be there but would have a representative present. Council Member Berry absent.

There being no further business before Council, the City Council adjourned at 10:20 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Vasquez. Council Member Berry absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary