

City Council Chamber, City Hall, Tuesday, July 3, 2001

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, July 3, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Bert Keller, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Al Haines, Chief Financial Officer; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Assistant City Attorney; Ms. Debra Dillard, Citizens Assistance Office, Ms. Sonjia Ojeda, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Mark A. Ellis absent due to being ill. Council Member Gabriel Vasquez out of the city on personal business.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 p.m. Mayor Brown convened the meeting of the City Council and Council Member Sanchez invited Pastor Joel Olsteen, Lakewood Church, to lead everyone in the prayer and Council Member Sanchez led everyone in the pledge of allegiance. Council Member Boney absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent.

Council Members Sanchez and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent.

Council Member Robinson moved to suspend the rules to consider Item No. 44 out of order and to hear the speakers present on Item No. 42 before consideration of Item No. 42, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. MOTION 2001-736 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the support of the Arts Community - \$8,904,500.00 Enterprise Fund – **(This was Item 20 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER ROBINSON)** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. ORDINANCE 2001-0627 ADOPTED.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$23,250.00 Enterprise Water & Sewer Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business.

Council Member Boney absent. MOTION 2001-0737 ADOPTED.

PROPERTY - NUMBERS 5 through 7A

5. ORDINANCE appropriating \$347,024.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Edith Wroten, et al., to acquire Parcel Number EY1-050, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0628 ADOPTED.

- 5a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Edith Wroten, et al., Cause No. 747,512; for acquisition of Parcel EY1-050 for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**, GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0738 ADOPTED.

6. ORDINANCE appropriating \$1,958,575.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Karen Adams, Trustee, et al., to acquire Parcel Number EY1-051, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0629 ADOPTED.

- 6a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Karen Adams, Trustee, et al., Cause No. 747,513; for acquisition of Parcel EY1-051 for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**, GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0739 ADOPTED.

7. ORDINANCE appropriating \$145,195.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Don Edwin Cook, et al., to acquire Parcel Number EY1-061, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0630 ADOPTED.

- 7a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Don Edwin Cook, et al., Cause No. 749,861; for acquisition of Parcel EY1-061 for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport, GFS/CIP A-0024 - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0740 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 16

8. **CABLING SYSTEMS SUPPLY, INC** - \$71,840.00, **GRAYBAR ELECTRIC** - \$66,744.00 and **LITECOMM, ADI** - \$40,150.00 for Communication Cables and Supplies Contract Part II for the Finance and Administration Department - Central Service Revolving Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0741 ADOPTED.
9. **ISI COMMERCIAL REFRIGERATION, INC** for Ice Machines and Ice Cube Storage Bins for the Fire Department - \$37,615.98 - General and Fire Department Revolving Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0742 ADOPTED.
10. **JOHNSON CONTROLS, INC** for Replacement of the Air Conditioning Unit at the Kashmere Multi-Service Center for the Health & Human Services Department - \$60,575.00 and contingencies for a total amount not to exceed \$63,603.75 - Public Health Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0743 ADOPTED.
11. **ANIMAL TECHNOLOGIES, INC** for Whole Bovine Blood for Vampire Bats for the Parks and Recreation Department - \$39,217.50 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0744 ADOPTED.
12. **J. TYLER SERVICES, INC (BID #1)** - \$990,981.00 and **OFFICE DEPOT BUSINESS SERVICES DIVISION** - \$118,676.00 for Ergonomic Seating for Various Departments - General, Grant, Enterprise and Other Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0745 ADOPTED.
14. **ORR SAFETY CORP.** for Scott Air Paks Replacement Parts for Various Departments \$2,108,226.00 - General, Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0746 ADOPTED.

15. **STEWART & STEVENSON SERVICES, INC** for Detroit Diesel Replacement Parts for Various Departments - \$418,312.50 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0747 ADOPTED.
16. **ACADEMY ADVERTISING SPECIALTIES & AWARDS** for Special Purpose Clothing for Various Departments - \$1,240,334.89 - General, Enterprise, Building Inspection and Sign Administration Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0748 ADOPTED.

ORDINANCES - NUMBERS 20 through 40

20. ORDINANCE consenting to the addition of 1.397 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0631 ADOPTED.
21. ORDINANCE consenting to the addition of 95.192 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0632 ADOPTED.
27. ORDINANCE implementing recommendations of the GASB 34 Review Committee by consolidating various funds with the General Fund consistent with the FY2002 Budget; amending Ordinance No. 88-1777 relating to the Sign Abatement and Community Beautification Fund; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
28. ORDINANCE establishing the north side of the 1800 block of Kipling Street within the City of Houston as a Special Building Line Requirement Area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas, making findings and containing other provisions related thereto; providing for severability **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0633 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and the **U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION** for Grant to provide Planning and Construction to connect the Third Ward Community to the Main Street Corridor - **DISTRICTS D - BONEY and I – CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
33. ORDINANCE approving and authorizing sponsorship agreement between the City and **SOUTH POST OAK ASSOCIATION** for Garbage Collection Service for the respective subdivisions 12 Months - \$936.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez

out of the city on personal business. ORDINANCE 2001-0634 ADOPTED.

37. ORDINANCE appropriating \$225,825.00 out of Water and Sewer System Consolidated Construction Fund for an appropriation to reimburse the **METROPOLITAN TRANSIT AUTHORITY (“METRO”)** for Construction of the City’s Water and Sanitary Sewer Line on Fulton Street from Crosstimbers to Lyerly Street for cost participation in the Metro General Mobility Program, GFS S-0521-L23 and R-0018-A2-3; appropriating such funds as approved by Ordinance No. 2001-249 - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0635 ADOPTED.
39. ORDINANCE appropriating \$350,000.00 from General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston, Texas and the **BUFFALO BAYOU PARTNERSHIP** for development of a Master Plan for Buffalo Bayou, GFS D-0100-01-2, CIP D-100 (SB9063) - **DISTRICTS H - VASQUEZ; D - BONEY; B - GALLOWAY; and I – CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 39a. RECOMMENDATION from Director Department of Public Works & Engineering for supplemental allocation of funds for Buffalo Bayou Partnership for Development of a Park System along Buffalo Bayou, GFS I2001-01-2, CIP I2001 - \$60,000.00 - General Fund - **DISTRICTS B - GALLOWAY; D - BONEY; G - KELLER; H - VASQUEZ and I – CASTILLO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
40. ORDINANCE No. 2001-582, passed second reading June 27, 2001
ORDINANCE granting authority to **SPRINT COMMUNICATIONS COMPANY, L.P.**, a Delaware Limited Partnership, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, Telecommunications Facilities for providing authorized Telecommunications Services; providing for related terms and conditions; and making certain findings related thereto **THIRD AND FINAL READING**- was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0582 PASSED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS

MISCELLANEOUS

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Renovation of Jones Plaza, GFS B-0015-03-3 - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0749 ADOPTED.

ACCEPT WOORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$437,048.02 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Hall's Bayou Waterline Extension, GFS S-0531-11-3 (10296) - 04.87% over the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Keller. (Note: Council Member Keller removed his tag later in the meeting.)

PROPERTY

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert S. Wempe, Turner Collie & Braden, Inc., on behalf of Friendswood Development Company, Ltd., a Texas limited partnership {Lennar Homes of Texas Land and Construction, Ltd., [Lennar Texas Holding Company (Joseph L. Stunja, vice president), a Texas Corporation, general partner] a Texas limited partnership, general partner}, for abandonment and sale of two portions of the Valley Heather Court cul-de-sac in exchange for the conveyance to the City of right of way to extend Valley Heather Court and for a new cul-de-sac, all located in the Amasa Turner Survey, Abstract 757, Parcels SY1-038A, SY1-038B and AY1-042 - **STAFF APPRAISERS - DISTRICT E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0750 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **ENTEX FUELS, INC** for Compressed Natural Gas (CNG) from the State of Texas General Services Commission's Contract for Various Departments - \$25,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez, and tagged by Council Member Quan. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business.
17. **SUR-TECH, INC** for Surveillance Camera Systems and Associated Equipment for the Department of Public Works and Engineering - \$57,593.00 - Equipment Acquisition Consolidated Fund – was presented.

Council Member Parker stated that she did not want to slow the item down, that it was important and that she was glad that they were getting the new surveillance camera's and the question was where were they being placed and how did they prioritize the illegal dump sites when they decide to do that, and Mayor Brown stated that they would give her a report on that, but it would be determined by the police department and the Rat on a Rat Program.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0751 ADOPTED.

18. RECOMMENDATION from Director Finance & Administration for authority to issue Emergency Disaster Recovery Purchase Orders in an amount not to exceed \$4,977,456.00 to the following:

1. VTM Elevator	\$ 20,000.00
2. Absolute Building Services	\$ 252,000.00
3. Garner Environmental Services	\$1,000,000.00
4. Western Horticulture Svcs., Inc.	\$ 210,000.00
5. CHP & Associates Consult. Engrs., Inc.	\$ 250,000.00
6. Rodriguez, Villacorta & Weiss, Inc.	\$ 200,000.00
7. Montgomery Kone	\$ 69,640.00
8. Te-Ko Contractors, Inc.	\$ 956,000.00
9. Grinnell Fire Protection	\$ 30,000.00
10. Universal Restoration Services	\$ 110,000.00
11. McCroy Engineering, Inc.	\$ 89,000.00
12. Crystal Communication, LTD	\$ 30,000.00
13. Blackmon Mooring Steam of Houston	\$ 284,616.00
14. Eagle Construction & Environmental Svc., LP	\$ 600,000.00
15. Environmental Technologies, Inc.	\$ 240,000.00
16. AWC, Inc.	\$ 38,000.00
17. Johnson Controls, Inc.	\$ 200,000.00
18. Stewart & Stevenson	\$ 315,000.00
19. ASCO	\$ 35,000.00
20. Carrier Corporation	\$ 20,000.00
21. Project Development Group, Inc.	\$ 28,200.00

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez.

Council Member Quan stated that last week during the Mayor absence and while they were approving emergency funding they had talked about an ad hoc committee who would provide oversight on some of these matters and wanted to make sure that the Mayor was aware of that and that these items would be reviewed, and Mayor Brown stated that it was being set up.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0752 ADOPTED.

ORDINANCES - NUMBERS 19 through 40

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Fountainview Drive right-of-way containing approximately 9,843 square feet of fee owned land in Parcel S97-082 and 10,358 square feet of fee owned land in Parcel S97-083, being out of Glenhaven Estates, Section 2 Subdivision, Harris County, Texas; vacating, abandoning and authorizing a Special Warranty Deed conveying said tracts of land to Kim Angel Iglesia, Miriam Iglesia and Gregory Iglesia, and the Iglesia Family Trust, the abutting owners, in consideration of owners' payment of \$118,116.00 for Parcel S97-082 and \$124,296.00 for Parcel S97-083 and other consideration to the City - **DISTRICT C – GOLDBERG** – was presented and tagged by Council Member Goldberg.

Council Member Quan stated that he wanted to point out that this was the land that was previously used by the day labor site in southwest Houston, that there had been comments that they were spending a lot of money to help this project, but he would like to point out that they

were selling this land for \$242,000 while in fact they were only using \$50,000 in community development funds to support the site, that he saw it had been tagged, but he did support the sale of the property.

22. ORDINANCE relating to the City's Bid to Host the 2012 Olympic Games; approving and authorizing a Host Agreement between the City of Houston and the **HOUSTON/HARRIS COUNTY SPORTS COMMITTEE FOUNDATION D/B/A HOUSTON 2012**; containing other provisions relating to the foregoing subject – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0636 ADOPTED.
23. ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Wholesale Rates for Wastewater Services; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0637 ADOPTED.
24. ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Water Emergencies; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Castillo, Tatro, Keller and Todd.
25. ORDINANCE amending **CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Travel by Salaried and Non-Salaried City Employees and Elected Officials; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Galloway.

Council Member Bell stated that he had a written amendment that he wanted to offer and was passing out to the Council Members at this time as follows:

Change section four to read as follows:

“Section 4. This ordinance shall take effect on the ~~ninety~~ (90) thirtieth (30) day next following the date of its passage and approval.” The proposed amendment was tagged by Council Member Galloway.

Council Member Bell stated that it was so they could go ahead and get this ordinance in effect, that there was no reason to wait for 90 days, that it was something that was passed out of the Ethics Committee more than a year ago and the Ethics Committee felt strongly that this was a necessary provision so that the public would have an access to not only who was going on some of the trade missions or other trips but also who was paying for them, that overall he thought this would be a very effective and good ordinance and one that was quite timely.

Mayor Brown stated that both the ordinance and the amendment were tagged by Council Member Galloway.

26. ORDINANCE amending **CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new article prohibiting discrimination by the City in employment, contracting opportunities, facilities use, and services delivery; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Tatro stated that he had passed out a written amendment on Item No. 26 as follows:

The first paragraph of the Ordinance shall be amended to read:

“Whereas, the City of Houston seeks to provide an environment that is free of any type of discrimination by the City; and”

Section 2-451 shall be amended to read:

Sec. 2-451. Definitions

“As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

City employment and employment opportunities shall include City job application procedures, recruitment, referrals for employment, selection and hiring, placements, compensation, promotions, demotions, transfers, layoffs, recalls, training, educational opportunities and all forms of discipline, including indefinite suspensions/terminations.

Discriminate, discriminates, discrimination shall mean to distinguish differentiate, separate or segregate to either the advantage or disadvantage of any person, except as required by federal or state law or court order.”

Mayor Brown stated that Council Member Todd had tagged both Item No. 26 and the amendment, that Council Member Tatro tagged the main item as well.

29. ORDINANCE changing the name of **COLLINGHAM STREET** to **KIPP WAY - DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0638 ADOPTED.
31. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **TAQUERIA ARANDAS, INC - DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0639 ADOPTED.
32. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **CONVERGYS CUSTOMER MANAGEMENT GROUP, INC DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0640 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and **DMG-MAXIMUS, INC** for Cost Allocation Evaluation and Fee Study for Various Departments - \$115,115.00 - General Fund – was presented, and tagged by Council Members Quan and Tatro.

Council Member Quan stated that this was something that he had certainly encouraged, to look at the fees that the City was charging, and saw that they were trying to enter into a long term contract with DMG-Maximus on this, that his office had asked for the scoring matrix to determine how they selected the firm and had not gotten that at this time so he would like to tag the item, and Mayor Brown stated that they did pass it out to him, and Council Member Quan stated that it was the score but not the matrix as to how much was given to that, that it gave some detail, but not the detail that they were looking for, since it would be a five year contract for the long term, and Mayor Brown stated that it was a one year contract with four one year options, that the effort was trying to get something going immediately, and Council Member Quan stated that he was

for that but would like to see the matrix.

Council Member Tatro stated that he planned to add his tag to the item, that they just came through the budget process and in that process they increased ambulance fees and believed the platting fees that were done in conjunction with the budget and to his knowledge those were done by either F&A or the Controller, that he thought they should rely more on F&A and the Controller to come up with their fee studies, that he was not sure why they were going to an outside source to come up with simple fee studies for either cost recovery for setting those charges, that he thought they needed to utilize the City staff a little more and utilize the in-house knowledge for something as simple as a fee study. Council Member Todd absent.

Council Member Boney stated that this was actually done in response to Council during the budget process to find out where indeed in might be appropriate to raise the fees and therefore offset any cost and perhaps generate more revenue.

Council Member Keller stated that he hoped during the week somebody would get with him and show where when they spend \$115,115.00 that would end them making X more than if they just try to do it themselves to look at increasing the fees.

35. ORDINANCE approving and authorizing contract between the City of Houston and **AZURIX NORTH AMERICA OPERATIONS AND MAINTENANCE, INC** for Operation and Maintenance of the Southeast Water Treatment Plant; providing a maximum contract amount – was presented.

Council Member Tatro stated that this was for the operation of the southeast water plant, that they needed to start the operating process and this was a 3 year contract for a value of \$40 million and was done on a low bid process since they needed to start in the first week of August and appreciated the administration bring this contract forward, that obviously with the expansion of the southeast water plant it was going to be time to coincide with the increase in production from there, that it was much needed project and much needed operating contract.

A vote was called on Item No. 35. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0641 ADOPTED.

36. ORDINANCE approving and authorizing third amendment of advance funding agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the West Houston On-street Bikeway Network Project, GFS N-0420-09-03 (N-0420-15-3) **DISTRICTS A - TATRO and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0642 ADOPTED.

38. ORDINANCE appropriating \$782,340.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction management services contract with **BRIAN SMITH CONSTRUCTION INSPECTION, INC** (approved by Ordinance No. 99-323), CIP R-0018-E8-3 – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0643 ADOPTED.

At 9:30 a.m. Mayor Brown stated that they would now move into the Public Session.

Mr. Jim Wilson, 2000 Post Oak Blvd., Ste. 1950, Houston, Texas 77056 (713-840-1170) appeared and stated that he was the Vice President of Property Management for the Houston

Region of Crescent Real Estate Equities, that over the past week both Jane Page, Senior Vice President and he had the opportunity to meet individually with many of the Council Members regarding their proposal, that today he would like to spend a few minutes to summarize some of the most significant points of the offer that Crescent presented in May of this year, that while their proposal and that of Lakewood were both analyzed by Coastal Securities for the Convention and Entertainment Facilities Department of the City of Houston they felt there were some issues that needed clarification or correction, that for example they did not feel that the Coastal Securities analysis correctly reflected the relevant financial impact to the City as they had not addressed several critical items, that the exhibit he displayed included an analysis of the Crescent bid on the left and the competitive on the right hand side, that they had not attempted to further analyze the Lakewood bid however it was simply presented as was presented in the Coastal Securities package, they had however made revision to the Coastal analysis of the Crescent proposal to reflect the items they think the City should consider, that while the chart displayed did not deal with all of the items they felt were flawed in the analysis, he had attempted to highlight some of the largest, that the top half of the Crescent summary was a summary of Coastal analysis of the bid as it was presented, that the lower half on the left hand side included items they felt were not properly evaluated, that the first item was an adjustment of \$1,375,000 which was the present value of the parking that Crescent offered to the Convention and Visitors Bureau, utilizing facilities that Crescent owned in the area of the George R. Brown Convention Center, that the second item included the value for the property taxes of the Compaq site if it was developed for an office building, this calculation assumed that a 1 million square foot building would be developed in 10 years and would result in tax payments of \$3 million per year for the following 20 years, that this had been present valued at 5% as was done in the Coastal proposal resulting in taxes of \$25,370,000, that the third line item included a similar calculation for a building that was currently being designed for the land that was adjacent to the Compaq Center on Reserve G that they currently owned, that this calculation assumed that this property would be built and open in two years and would yield annual tax payments of approximately \$6 million in result from a high valuation associated with the sophisticated nature of this design to build City property, that the other item that was extremely relevant in this analysis was the deed restrictions that were currently in place on the Compaq Center, that those were put in place in 1973 when the late Kenneth Snitzer deeded and gifted the property for the development of the Compaq Center, that as they could see it very specifically dealt with items that the property could be used for now and later, that they felt it was an extremely relative item that needed to be taken into consideration, not only from the standpoint of the fact that in a City where there were no zoning laws deed restrictions were the only thing that a private developer had to stand on, that secondly they thought that any developer in the future that made a similar decision to what Mr. Snitzer did would be seriously impacted by the thought that he may have to contest 30 years later the use of the property as he envisioned and gave as a gift to the City, that was an extremely compelling fact that he thought everyone should consider because those gifts were important to the City, that in conclusion Crescent asks that they give consideration to the evaluation of the item on the agenda today and give consideration to moving this into a subcommittee where it could be studied further, that they felt that the Crescent proposal had significant financial advantages, additionally the Crescent proposal would give the City of Houston not only a quality of life downtown that would be improved, but also an enhanced market ability of the Convention facility for prospective convention planners, that they ask that they agree to allow this to go to a subcommittee for further evaluation, that the Compaq Center lease would not terminate until 2003 and there was plenty of time for them to give this proper evaluation, for everyone to have an opportunity to present their facts and for the City to make the right decision, that they felt their proposal was a win win proposition both for Crescent and the City. Council Members Tatro and Castillo absent.

Council Member Galloway moved to suspend the rules to add Mr. Robert Clayton to the speakers list, seconded by Council Member Robinson. All voting aye. Nays none. Council

Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0753 ADOPTED.

Council Member Robinson stated that he received a letter from a lawyer from Jackson and Walker representing Crescent and asked if anyone from the City had spoken to the lawyer about the interpretation of the deed restrictions on the property, and Mr. Wilson stated that not to his knowledge, and Council Member Robinson asked if it was the intention of Crescent if necessary to resort to litigation to at least get a clarification on whether or not the deed restrictions were applicable in this instance, and Mr. Wilson stated that as he proposed in his presentation Crescent certainly would like to the City Council and everyone to evaluate the merits of what they talked about, that they thought it was extremely critical that they realize what Mr. Snitzer envisioned when he developed Greenway Plaza and donated this land to the City for the Compaq Center, which was a compatible use for an extremely important piece of real estate, which in fact pays the City \$10 million per year in taxes, that his answer to the question was that they hoped to not have to do anything like that, that they would hope that the City Council would arrive at the correct decision, but they would not in anyway at this point forego any of the rights that they might have as a company to enforce those deed restrictions, and Council Member Robinson asked why did they propose a land swap when the RFP expressly stated that this was a lease they were looking for, and Mr. Wilson stated that clearly they did not have an interest in leasing the property, however in discussions between their company and Mr. Tollett, the head of the Convention and Visitors Bureau, he strongly encouraged them to look at a land swap, and that was done because of two reasons, first of all the George Brown Foundation had expressed an interest through Mr. Tollett and Crescent of acquiring the center part of the super block, secondly, Mr. Tollett had expressed an interest in the southern most piece of the super block as an extremely critical real estate to the City in light of that being the front door to the convention center, that although their bid did not technically comply they were encouraged by the City to make that proposal in exactly the format that it was presented. Council Members Todd and Castillo absent.

Council Member Goldberg stated that on the agenda today they passed unanimously Item No. 22 which was formalizing a host agreement between the City of Houston and Houston 2012 for the Olympic bid, that obviously it was important to them and asked where in their proposal was there any sort of accommodation that the Compaq Center would be allowed to be used for the Olympics since he had seen the bid package and Compaq Center was a part of the bid package, and Mr. Wilson stated that their proposal stated that if they were able to find someone suitable to come in and lease the property that they would be willing to hold the property in its current state and donate the use of that facility to the City during the Olympics, and Council Member Goldberg stated that he did not know if it was a deed restriction or policy but it had been brought up that some sort of parking was not available until after 6:00 p.m. and asked if Mr. Wilson knew about that agreement, and Mr. Wilson stated that there was currently an agreement in place with the Arena Operating Corporation that stipulated the times that events could take place in the Compaq Center and that was after 6:00 p.m. and on Saturdays and Sundays and certain restricted hours, that agreement applied to the Arena exhibit that now existed and was developed as a concern for traffic and for the different aspects involved with moving people in and out of that complex in its configuration as a municipal sports arena, and Council Member Goldberg asked Mr. Wilson if this would have a negative effect on Crescent's property holdings and on Greenway Plaza, and Mr. Wilson stated that they were in negotiations at this point on a building that would sit on Reserve G which was the block to the left as they faced the convention center that they owned and that would be a very highly developed sophisticated building that was master planned as part of the development and that would possibly be in jeopardy if those traffic patterns were changed and if the use was changed. Council Member Todd absent.

Council Member Boney moved to suspend the rules to hear from Mr. Stephen Lewis, Legal

Department, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Todd and Keller absent. MOTION 2001-0754 ADOPTED.

Upon questions by Council Member Boney, Mr. Lewis stated that certainly Lakewood's proposal was general in terms but upon reading the proposal they thought that it could fit within the deed restrictions because the definition within the deed restrictions of a municipal sports arena include sporting events, productions, conventions, receptions, trade shows, exhibition performances, similar and related uses, that the proposal they received called for using the Compaq Center for an international convention center and thought that arguably that fit neatly within the proposed purpose, that the proposal also indicated that the facility would remain available for sporting events, specifically the Olympics, which would fit the municipal sports arena definition, that the proposal that was sent out specifically indicated that the property did have restrictions on it, both the non compete type provisions with the Houston Rockets as well as the existing deed restrictions imposed at the time the City received the property and they included the text of those in the RFP, so it was clear from the very beginning that those deed restrictions were going to be imposed on this project, that Lakewood did not indicate that they were going to build a church there which would be in violation of the deed restrictions, that they were going to use the existing facility and build some collateral facilities such as a parking garage and a small office complex, both of which would be allowed. Council Members Galloway and Todd absent.

Council Member Boney asked Mr. Wilson if Crescent had attempted to reduce their property tax burden and make a protest before the Harris County Appraisal Board, and Mr. Wilson stated that they visit with the Harris County Appraisal District each and every year and discuss what they think is a fair and equitable value for the properties, and Council Member Boney asked if they tried to reduce the property tax value at Crescent Center anytime this year or last year, and Mr. Wilson stated yes, and Council Member Boney asked if in their proposal to the City did they also request that the City would forgive the 60% annual payment by Crescent to the City for the next 17 years, present value at 5% which was a total of about \$676,000, and Mr. Wilson stated that they did, that it was part of the recommended proposal from Mr. Tollett, which was to speak of things that might be of value to Crescent that could even be an exchange, and Council Member Boney asked if their proposal also include a requirement that the City square up the streets around the downtown tract that Crescent owned that would cost the City about \$800,000, and Mr. Wilson stated that they suggested that as one part of their proposal, but was not a requirement of their proposal, and Council Member Boney asked if their proposal also include a suggestion or requirement that the City pay for the demolition of Compaq Center which would cost \$1,075,000, and Mr. Wilson stated that he believed that was a correct estimate, and Council Member Boney asked if finally did he not understand Mr. Wilson say that Compaq Center, if Crescent were to be awarded this proposal, might be available for Olympic use if they found a suitable tenant, which at this time they did not have, and Mr. Wilson stated that was correct, that they had not attempted to find a suitable tenant because they were not in a position to make an offer to anyone at this point until they were legally able to do that. Council Member Galloway absent.

Upon questions by Council Member Quan, Mr. Wilson stated that they had never considered leasing the property from the City, unless it were structured as a lease purchase which would possibly result in ultimate ownership to them, that if the City accepted their interim use proposal they had talked about a number of alternatives that they would like to go out and look at, but to say specifically they had a planned use at this point would not be correct; that as to the super block land they offered to trade to the City, the proposal that was presented, in answer to the needs that were expressed, would require it to be kept as green parkland because that was what they understood the desired use was, that if they owned they would eventually develop

it, that the use of land for a developer was to hold it until the proper time and then develop it, that they would certainly develop it at some point if they did not do the land exchange; that he had seen some falling land values, but would tell them in the prosperity that the City had seen in the last four or five years he had seen nothing but property values going up, particularly in the CBD area, that they had some areas that were not quite as prosperous at this point, but over the last five years he would say yes that property values had increased, that the Compaq Center land was right now a very good market for them, that they felt it was a very successful neighborhood for them and a very successful part of the community, that he thought it would go up in value if that master planned development continued to be carefully managed and moved in the direction that it was currently headed.

Council Member Boney asked if in their proposal did they not value the property at Compaq Center at about \$30 per square foot, and Mr. Wilson stated that it was \$35 and thought that was a number they had read that was suggested as a value by Mr. Tollett in a publication, that was where that number was derived from, that it was his understanding, and Council Member Boney stated that it might seem to him that it might be worth just a little more than that since property in Midtown was now going at \$30 and \$37 per square foot, and Mr. Wilson stated that he might be correct and that was why they would like to sit down and fully discuss what would make sense on this proposal.

Council Member Sanchez asked Mr. Wilson how long he had been with Crescent, and Mr. Wilson stated he had been with Crescent approximately 3 ½ years, and Council Member Sanchez asked if Mr. Wilson was aware that Crescent had bought an interest in the downtown convention center hotel, and in fact did they not buy the interest of Wayne Duddleston to build a convention center hotel in downtown Houston, and Mr. Wilson stated they had a partnership with Wayne Duddleston, and Council Member Sanchez asked if Crescent had build a convention center hotel, and Mr. Wilson stated they had not, and Council Member Sanchez asked if there had been substantial litigation associated with that deal, and Mr. Wilson stated there had not, that there was commercial arbitration currently in place, that he did not know if there had been a cause of action filed in Civil Court, and Council Member Sanchez asked if it was not true that the proposal was announced through a local publication and there were two responders, Lakewood Church and Crescent, and Mr. Wilson stated that would be correct, and Council Member Sanchez stated that they were evaluated by a City Department according to procedure and there was a financial determination made as to the benefits of both proposals and it was decided that the Lakewood Church proposal would be more beneficial to the City and more consistent with the use of that facility, that he thought it was patently unfair now for Crescent to come in and say they would like an opportunity to guide the City in the direction it ought to go, that he thought the City had established what direction it wanted to go in and the responders were evaluated based on what the City wanted to do in the future with the property, that as to the deed restrictions he suspected that Crescent had reviewed those as well as Lakewood had reviewed them and that Lakewood would not have submitted a proposal if in fact they believed they could not live with the deed restrictions. Council Members Tatro, Goldberg, Boney, Todd and Quan absent.

Council Member Keller asked if any Member of the Council be made a party to a lawsuit if a court upholds the deed restrictions or covenants to this, and Mr. Lewis stated that certainly they could be made a party to any lawsuit, however they believed that the remedy for violating the deed restriction would be to enjoin that particular use of the property, sort of an equitable remedy not one in damages, that typically the City required in their leases, and was sure they would require in any lease they do with Lakewood Church, an indemnity provision protecting the City from lawsuits of that nature, and Council Member Keller asked if Mr. Lewis was 100% certain that the proposal that they were going forward with did not break the covenants in the document, and Mr. Lewis stated that as a lawyer he would never tell him he was 100% certain of anything, however the City did have some experience in enforcing deed restriction violations and the

remedies that courts hand out for violating deed restrictions were typically an injunction to prevent the party that was violating those restrictions from continuing to violate them, that in this particular case they reviewed some additional case law and believed that was the type of action that would lay if in fact Crescent challenged a non conforming use of the property by Lakewood Church. Council Members Galloway, Goldberg, Boney and Todd absent.

Upon questions by Council Member Keller, Mr. Wilson stated that they did not have any intention ever of submitting a lease in response to the proposal, and in fairness to Mr. Tollett he specifically did not have discussions with him, that was handled by Ms. Jane Page who was the Senior Vice President in Houston who unfortunately could not attend today, but she had clearly conveyed to him the conversations that occurred, and in answer to his question they did not contemplate a lease, and Council Member Keller asked if it was their intent to pursue this in court, and Mr. Wilson stated that as he had stated earlier they hoped to prevail upon the Council to understand what the deed restrictions say and to enter into a discussion and analysis through committee as to what the deed restrictions mean and that it was not a necessary step they would have to take, that they would not in anyway waive any of the rights they had and would certainly hope that it could be resolved in another manner. Council Members Galloway, Goldberg and Todd absent.

Council Member Parker stated that this sounded eerily reminiscent of some of the discussions they had about the convention center hotel and a lot of what he seemed to be putting before them was what might be, what they would hope would be, and if they just trusted them a little longer they could put the deal together, that she thought he had heard that there was a healthy skepticism about that, and stated that the reason she tagged the item last week was because she thought it was rushed to Council without appropriate discussion, that it had policy implications, short and long term financial implications and it also had implications on their future Olympic bid, and stated to Mr. Tollett that they should have had all of the information up front before it ever hit the agenda and they had to drag it out of them, that with that said she did appreciate that she had an opportunity to visit with Crescent and with Mr. Wilson, and asked if their bid from Lakewood had an expiration, and Mr. Tollett stated that it was an offer until they reject it or they withdraw, that they could drop it in 180 days, and Council Member Parker asked if any delay by Council on this agenda item have impact on the negotiations, if they sent this item to a committee so they could walk through line by line in the different proposals, and Mr. Tollett stated that he did not know if there was a lot to delve into because Lakewood gave them a proposal which laid out exactly what they wanted and it was always his goal to accept the proposals as they received them and try to negotiate a lease from that without going and re-trading everything, and Council Member Parker stated that allegations were made at the last Council meeting that Crescent was not properly informed of what the process was going to be and a decision was going to be made on the bid, and Mr. Tollett stated that the Mayor appointed a committee, Richard Everett, who ran Greenway Plaza for 25 years for Kenneth Snitzer, Patty Joiner with Knudsen and Associates, A.C. Phillips with A.O. Phillips and Associates, Allen Helfman with River Oaks Chrysler, Michael Chow with Quadrant Consultants and Shaun Zedeke who owns a Holiday Inn, that most of those people lived in the neighborhood or owned a business in the neighborhood and they thought it was very important that the neighborhood think about what the future of that might be along with City Council, that they sent out proposals that they advertised nationally and had a pre-proposal meeting in which the City's representatives were there along with anyone interested in proposing, that they talked about everything they wanted, that they needed to follow the proposal the way it was submitted as a lease, that Crescent sent one lawyer, that no one to represent the development was there, just the lawyer to listen and asked no questions, that what the City wanted was to follow the lease, that it was always their understanding that they needed the Compaq Center for, not only the Olympics, but for any national sporting event, which was what they said they would like it for, that they also made it very clear that they did not control parking and did not control the HVAC system so that

was something they would have to handle themselves, that Lakewood did its due diligence and Crescent sent the one lawyer to the initial meeting, that there was no follow-up by Crescent, that he personally talked to Jane Page and told her that committee that was appointed was going to recommend to City Council to begin negotiations with Lakewood Church, that if they were not able to make an agreement that was satisfactory to Council then they would not have a deal. Council Members Goldberg, Boney, Todd and Castillo absent.

Mayor Brown asked if there was a process that was established, and Mr. Tollett stated absolutely, there was an RFP, and Mayor Brown stated that there was a committee independent of City employees that evaluated the proposals and Lakewood came in with what was believed by the committee to be the best proposal for the City and that was what brought it to the point where they were before Council, and Mr. Tollett stated that was correct. Council Members Goldberg, Boney, Todd and Castillo absent.

Council Member Tatro stated that the committee reviewed the RFP, and he knew several members of the committee, and believed under the scope of the RFP the committee came out with the maximum financial submittal based on the RFP, that they did not have any input on the RFP itself, that was made up he assumed by Mr. Tollett, that he believed the committee did a very good job and had spoken with members of the committee in their discussion of the RFP and the perimeters they were given, that he kept going back to what was the purpose of what they were trying to do and he would try in this agreement to maximize the revenue to the General Fund and that might be a lease or a sale, that he was not sure that the RFP yielded the maximum revenue to the City. Council Members Goldberg, Boney, Castillo and Parker absent.

Council Member Robinson stated that he was not opposed to the Lakewood proposal on the table but had some serious issues that they had to think about, that if they were expanding the convention center, building a hotel, opening up Avenue de Americas all the way through to Enron Field and building a new basketball arena and they want the vista in view what was the value in terms of balancing public policies for the City to acquire the entire super block, and if they move forward on the Lakewood proposal do they ultimately put this Council or some future Council in the position of having to make the choice of allowing Crescent to develop on that property and ultimately obscure the view of all the things they had done downtown or they go out and condemn the property and take control of the super block that way, that he would prefer to see if they could work a deal to get the super block as opposed to waiting later on down the line, that he would at least want to have some more discussion among Council Members before they move straight forward on the item and hoped that the administration would give serious consideration no matter who the proposal was to the letter he sent out because it would be his intention to amend the item at the Council table to direct the revenues to the General Fund. Council Members Boney and Parker absent.

Council Member Bell stated that he would agree with Council Member Parker that there were huge policy implications involved in this vote and would disagree with the earlier statement that the City had set its direction on this particular matter, that certainly Lakewood Church had made a compelling case for a new use for the facility and had no doubt that a quality job would be done and it would be a great facility, but what he heard from his colleagues and thought his own personal position was that they just wanted to be sure that it made the most economic sense as they moved forward, that he thought that a lot of the questions might be best answered at the committee level and hashed out and not over a long period of time, that there should be a date certain for when it would come back to Council, but thought it would make a lot of sense, and he asked what the Legal Department's stand was on this, were they going to say that this facility and the proposal of Lakewood was not a church, and Mr. Lewis stated that they could only go by the proposal they got and the proposal was for an international conference center, and the way they read international conference center it would seem to comport with the description of

the municipal sports arena contained in the restrictions, that based on what Lakewood had told them about their use and put in their proposal they believed that they were compatible, and Council Member Bell stated that he hoped a representative of Lakewood would have an opportunity to speak because he had an opportunity to meet with them yesterday and if he was unclear then he would certainly appreciate some clarifications because he was told that services, and he took that to mean church services, the same type of services that were televised internationally now, would take place every Wednesday, Saturday and Sunday, and using his definition of a church that was found in the dictionary, a building for public, especially Christian, worship that would follow under the definition of church, and in this particular case most people would agree that it was a church and so if that was their basis for trying to get around the deed restrictions did the Legal Department not see any problems forthcoming, and Mr. Lewis stated that if there were any problems they would be up to Crescent because they were the parties in the position to challenge it, however he would point out that a televised church service would probably be classified as a production and the fact that there was religious content did not take away from the fact that it could fit within the categories within the deed restrictions and additionally the City's position on this, should they be allowed to go forward and negotiate a lease, was to put the responsibility for compliance with the deed restrictions on Lakewood Church and not on the City, that they had made it clear to Lakewood that their use had to comply with the restrictions and they were the ones who were going to get comfortable on whether or not they could comply. Council Member Robinson absent.

Council Member Todd moved to suspend the rules to consider Item No. 42 after the fourth public speaker, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Robinson absent. MOTION 2001-0755 ADOPTED.

Upon questions by Council Member Bell, Mr. Tollett stated that there could be no competing use against the new arena for 10 years, and Mr. Lewis stated that some of the non-compete provisions may run the entire 30 years of the perspective term, but the basic not to complete in the sporting event area, concerts and that sort of thing ran the entire 30 years.

Mr. Tollett stated that if they could imagine a building that would come back to his department that had no parking and no mechanical systems, to him it would be worthless, and never in his wildest dreams did he think someone would build their own parking and put their own HVAC systems and then gift it back to the City plus pay them money, and he would hope that they would take the money and buy the grass in front if Crescent would once and for all sell it to the City, that the Brown Foundation along with his department had been trying to buy the green grass in front for nearly 17 years.

Council Member Keller asked who would pay for the operating expenses or the maintenance of the grounds and facilities and mechanical systems, etc. as a landlord, and Mr. Tollett stated that the leaseholder would pay, that the City would get the revenue up front, the right to use the building 10 days per year plus their building and pay no expenses.

Council Member Castillo stated that he had questions he would rather direct to the next speaker and asked to move the agenda, and Mayor Brown stated they would proceed with the speakers that were on the list.

Mr. Kirk Nondorf, 1100 Louisiana, Ste. 4200, Houston, Texas 77002 (713-752-4200) was called and he advised that he would not speak at this time.

Council Member Castillo moved to suspend the rules to hear from Pastor Olsteen at this time, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Ellis

absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0755-A ADOPTED.

Upon questions by Council, Pastor Olsteen stated that they did not have any plans for a school, that they would have a lot of children's classrooms for Sunday services during the week and daycare and things like that, but they did not have any plans for a school, that they would not necessarily move their church services to the new facility, that they might do them at both facilities, but as was pointed out they proposed that this would be called the Lakewood International Center, where they would hold their services as well as their concerts, marriage seminars, youth events and sporting events and that was why they felt so confident that they fit in exactly with what the deed restrictions say was supposed to be there, and as had been pointed out earlier there had been many evangelical services held there as well so they felt confident in that, that the concerts would be Christian concerts that do not compete with the other arena and they were very aware that they could not do things that would go to the other arena, that a Christian concert would not compete because a lot of times it was too big, that they were not all ticketed events either, sometimes they were all free, that if it was competition then they would not do it, that as far as large gatherings that would impact parking at that level during the day they would like to see some in the future but none were planned at the present time, that when his dad was alive used to do two per year, one at Thanksgiving and Easter and they had not done those in the last four or five years, but they would like to do something but it would not be twenty times per year, that he did not feel that their parking was going to be probably near as bad as what it was being used for now; that they had the desire to help the community in any way they could, that they talked about doing job training, helping people do their resumes, having some computers where they could work on, a wellness center where they could get people spiritually and physically well and just all kinds of outreaches like that, that they did envision there to be several hundred people plus the staff during the day, that what they would do at one location they would do at the other, that as far as they knew they would continue to use their present facility most likely for services, but they would continue to use that facility, that they would still be a good neighbor by donating to the City, like they had done in the past, to eradicate illegal dumping; that as far as the businesses in the area that had a liquor license they were committed to working with them, that they would waive any objection to a liquor license within three hundred feet, that the facility would be available for the Olympics should the City be fortunate, that he would hope, that as an Olympic venue, they would not be allowed to serve alcohol in the conference center, that they had not thought that far down the road and did not know if there would be other issues like that, but the main thing was that they had committed to follow the RFP exactly like it said and have that venue available for the Olympics, that they would have rather bought it rather than lease it, but they did their best to follow the rules; that from what he understood that if they put in so much renovations in there was an option for a 30 year extension, but State law gave them that and that was all the stuff that had to be hashed out through the negotiations, that once again this was just the right to negotiate and was sure there were going to be some changes, but the basic deal points was that they were presenting a good deal for the City, they were preserving the Compaq Center, would pay the lease payment up front and build a parking garage. Council Members Todd, Boney and Castillo absent.

Ms. Gracie Saenz, 440 Louisiana, Ste. 200, Houston, Texas 77002 (713-425-5330) appeared and stated that she had been hired by Crescent to assist them in this process, that her real need at this time was for them to slow the process down, that some of them had contended that while there were issues that normally did not need to go to a committee for review this was not one of them, that this issue involved too much, that too much was at stake, that it involved tax revenue base that they would be losing for thirty years, that it involved the future development of properties in that area as well, that involved also a process that was not done properly for the Council to access whether this was going to be the best for the City or not, that at the same time it involved deed restrictions that should be honored, that it was not highly speculative those deed

restrictions were there, that she thought all of them had a responsibility not just to think from their heart because all of them in Houston knew good and well that Lakewood Church had done so much, but it was time for them to start thinking with their mind as well, what was the best thing for the City as a whole, that at a time when the City was faced with needs for revenues to pay higher wages to their police officers, more ambulances and the fire department and the costs were going up they should think about what they were doing, that they should allow it to go back to a Fiscal Affairs Committee for a full review of the process for full review of the issues at stake. Council Members Todd, Boney, Keller, Castillo, Parker and Robinson absent.

Mr. Robert Clayton appeared and stated that he was present as the General Manager of the high rise condominiums, that as they knew they were practically across the street from the Compaq Center, that about three years ago or prior to the first referendum vote for a new arena they contacted Mayor Brown and told him their concerns about what was going to happen to the Compaq Center and at that time Mayor Brown graciously gave them a letter, which he copied to Mr. Tollett, that they would have input into what was going to happen, that he was disappointed to see that the particular committee that Mr. Tollett talked about they were not a part of, that they had no problems with Lakewood and as a matter of fact whenever they first heard they were going to have it they were glad, because it was going to stay the same level that it presently was, but the problem came whenever they found out about the parking, that they were going to put a tremendous parking garage on Timmons St., that it was going to cause great problems in traffic for them and he wished that they had been afforded to be on the committee so they could have expressed some of those things, that he knew they were a little bit late in coming but they were not aware of everything going on and for this reason he wished today that they would postpone this so they could have their input into this subject, that he was not present representing Crescent, that they did have a relationship they provide them their chill water, they buy it from them, they had common problems together and they had been a good neighbor, that he was basically present because they were concerned about the garage and about the traffic problems. Council Member Boney absent.

Upon questions by Council Member Goldberg, Mr. Clayton stated that he was a former fire chief, that he currently managed Greenway Towers, that his concern was the parking itself, that as he understood the proposal the parking garage was going to be built on Timmons St. which was the street that fronted them and they just thought they were going to have a lot of traffic there and some problems there, that they had problems as it was, but it was going to be more so with that garage in front. Council Member Boney absent.

Mayor Brown requested that Mr. Tollett meet with Mr. Clayton and understand his concerns, and as they got into negotiations see if they could be sensitive to their concerns. Council Member Boney absent.

The City Secretary stated that in accordance with a previous motion the next item to be considered was Item No. 42.

42. MOTION by Council Member Robinson/Seconded by Council Member Vasquez to adopt recommendation from Director Convention & Entertainment Facilities Department for approval to begin negotiations with **LAKWOOD CHURCH** to redevelop Compaq Center - **DISTRICT C – GOLDBERG – (This was Item 5 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS ELLIS, BELL, KELLER, TATRO, PARKER and ROBINSON)**

After further discussion by Council, Council Member Bell moved to refer Item No. 42 to the Fiscal Affairs Committee to be returned with a recommendation to the full Council within 4 weeks, seconded by Council Member Tatro. Council Member Sanchez absent.

Council Member Robinson stated that he was going to vote for the delay because he was going to ask the administration for the commitment that they have the negotiated contract before Council at the committee level so they could review what was in the contract and make any specific changes or commentary on that before it comes to the full Council, and Mayor Brown stated they would be glad to do that, that it was a normal course of procedure anyway.

After further discussion a roll call vote was called on Council Member Bell's motion to refer Item No. 42 to the Fiscal Affairs Committee.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez out of the city on personal business.
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis absent due to being ill	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2001-0756 FAILED

A roll call vote was called on Item No. 42.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez out of the city on personal business.
Council Member Tatro voting aye	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Boney voting aye	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting aye
Council Member Ellis absent due to being ill	Council Member Robinson voting aye
Council Member Keller voting aye	MOTION 2001-0757 ADOPTED

Council Member Galloway moved to suspend the rules to hear from Congresswoman Sheila Jackson Lee out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0758 ADOPTED.

Congresswoman Sheila Jackson Lee, 1919 Smith St. #180, Houston, Texas 77002 (713-655-0050) appeared and stated that she had a letter for the Mayor and Council Members, that she first wanted to thank them for an important decision on development and knew that the process would proceed with respect to Lakewood Church, that noticeably they had been one of Houston's wonderful citizens during Tropical Storm Allison along with many others, that her first note was to refer them that last week in the Congress they passed HREGS with 415 votes to congratulate the City of Houston and the volunteers, naming a number of the Red Cross Centers and the FEMA Centers with bipartisan support to congratulate them on that effort, that she was present to particularly speak, and her letter speaks to the issue, of the crisis in housing they were finding, that even though they had been working with the Red Cross and FEMA what they were finding was that many people were not able to get back into their homes and many were not able to secure apartments and therefore were in a sense homeless, that having worked with the FEMA representatives in the aftermath of Hurricane Floyd in Princeville, North Carolina, where she went with the FEMA representatives, where the city was totally destroyed they put in temporary trailers, that they had an item on the agenda, Item No. 56, which would allow

temporary trailers to come in to be placed on homeowner properties and something that she requested of FEMA two or three weeks ago, that she was gratified that the City was moving but hoped that in the Planning Department, as she congratulated them, that they also look for those temporary shelters or temporary trailers in temporary housing areas, where people who were not home owners but who were apartment dwellers and others who had no place to go, that she believed that it would be extremely important and would hope that the City would look forward to that, that her letter made that request and she hoped that as they continued to work on Tropical Storm Allison they recognize that it was going to be a long road to recovery, that the pain had not yet been fully felt and she did thank all of them, that she and Council Member Galloway were out walking through areas, visited Red Cross Centers and helped senior citizens in their homes, and she thanked them very much, that as they well knew the Congressional Black Caucus was in Houston this past weekend and thanked the City for its assistance and the police department for its outstanding help, that they also went to a Red Cross Center at the Pleasant Grove Missionary Baptist Church and they were told that this was the largest disaster recovery team that they had in place in 11 years, so for any of them that did not think this was a devastating storm she wanted to say to them that it was more than devastating and hoped that they would continue to work with Members of Congress on this as they work to restore the FEMA funds that were taken out of the last budget and work as well as they work to continue to secure funds, that in closing she wanted to acknowledge that there were others who were still hurting, the downtown business community, Texas Southern University, The University of Houston and the Arts Community, who had not gotten a lot of publicity on this, that they were in the 18th Congressional District and knew that the City was working with them and her commitment was to do also; and she stated to Mayor Brown that she was concerned with the non-rehabilitation of the Kelley Courts and would like the Housing Authority to apprise her of that; and that secondarily, on behalf of her constituents in the northwest part of Houston she was opposing the Rosslyn Bridge that was technically proposed by the City and would like to have the City representatives who were dealing with that issue to discuss that with her. Council Members Boney, Todd, Castillo, Sanchez and Bell absent.

Council Member Galloway stated that Congresswoman Lee had really been a great asset to the northeast community and especially District B by seeing that FEMA was set up in prestigious locations to make it easily assessable to the constituents in District B. Council Member Sanchez and Bell.

Council Member Robinson stated that they appreciated all her efforts, that he had seen in the newspaper that she and the other members of the delegation from Harris County had proposed some additional relief on homeowners insurance cost and thought that was very important, and Congresswoman Lee stated that she thanked him for making that point, that she wanted to include that and asked the Mayor and City Council to be particularly diligent with private insurers, that they were going to begin to hear from homeowners and others, businesses included, of the dilatory tactics of insurance companies, that her office would be available to hear from constituents on that issue. Council Members Sanchez and Bell absent.

Mayor Brown stated that he also wanted to express his appreciation, that she was in Houston working on the ground working during the storm, that everywhere he went he saw her and even in places that he did not get a chance to go, that she provided great leadership and also wanted to thank her for what she did in Washington, DC to get Houston all of the federal support; that he also wanted to thank her for fighting for them on transportation issues. Council Members Sanchez and Bell absent.

Council Member Boney stated that he also wanted to commend her, that he knew she had brought Members of the Congressional Black Caucus to Houston that past weekend on an energy summit to look at the impact of the rising energy cost here and around the Nation, and

understood that the conference was successful and very much needed; that the Sunday memorial program that they had at Mickey Leeland Memorial Park off of Cavalcade was an extraordinary event and would urge other citizens who had not had an opportunity to go to that facility, that acknowledges the lifelong humanitarian contributions of Congressman Leeland, to really avail themselves because it was a really beautiful facility, and Congresswoman Lee thanked him for participating, that it was a moving tribute and ceremony but also a testament to the kind of leaders that come out of Fifth Ward and that particular area, that the Congressional Black Caucus was very moved by that ceremony. Council Members Sanchez and Bell absent.

Mr. Osoris, 6407 Peerless, Houston, Texas 77021 (713-842-2645) had reserved time to speak, but was not present when his name was called. Council Members Sanchez and Bell absent.

Ms. Joann Perez, 5116 Alba, No. 63, Houston, Texas 77018 (713-682-0187) had reserved time to speak, but was not present when her name was called. Council Members Sanchez and Bell absent.

Ms. Ruth Webb, 14250 Kimberly, Houston, Texas 77079 (281-870-1996) had reserved time to speak, but was not present when her name was called. Council Members Sanchez and Bell absent.

Ms. Cynthia Horton, 6575 Ashcroft No. 1107, Houston, Texas 77081 (713-778-1522) had reserved time to speak, but was not present when her name was called. Council Members Sanchez and Bell absent.

Ms. Edna Douadi, 10902 Worak Rd., Houston, Texas 77009 (281-933-0909) appeared and stated that she was with Globe Electric, a woman owned minority company, that they had been in Houston for 26 years, that she was present on behalf of her company regarding reconsideration of a motion passed on June 26 2001 on a City of Houston traffic lamps contract, that she had a copy of a letter for each Council Member, that her company worked on a bid for \$797,000 and the awarded vendor was \$837,000, which was \$40,000 higher than her company on the very same product or item, that for the past ten years they had been bidding the same traffic lamp contract and were told by the Purchasing Department that the contract was not being considered due to the fact that they did not put a manufacturer name on the pricing sheet, which they had put the information of the manufacturer everywhere else, that they knew for a fact that many contracts had been awarded although part numbers and manufacturers were not stated on the pricing sheet, that the reason that it was not that significant in this case was because it was a net price contract, that it was not a discounted contract, in other words no discounts on the price list, that she urged the Council to reconsider the award because she did not see why the City or the taxpayers should pay \$40,000 more on the very same item just due to a small technicality, that furthermore the contract was very unique because it required more than the price, it required them to submit laboratory testing reports which consisted of 40 to 45 pages, that it also required them to submit a sample of the manufacturer so the name was written everywhere, so that was a very minor technicality that they were disqualified on, that they were not given a chance or the opportunity to be notified, that even the City buyers did not call them back to give them an opportunity to come to Council to talk to the Council Members before June 27, 2001. Council Members Galloway, Boney, Keller, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Castillo, Mayor Brown stated that there was a legal issue and asked Mr. Bibler to answer the questions, and Mr. Bibler stated that he would have to defer to Mr. Wells as to why they specified they needed this information and stated he was sure there was good reason for it, that in the bid documents it was underlined in all caps that they had

to provide the information, that there was a giant blank and not only did she leave the blank empty but ignored the instructions that were emphasized. Council Members Galloway, Boney, Keller, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Castillo, Mr. Wells stated that as Mr. Bibler had indicated to them it was just the failure of the supplier to provide the information requested in the bid documents. Council Members Galloway, Boney, Keller, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Wells stated that with an RFP they would have some discretions to be negotiated, but according to the bid law they had no discretion in sealed bids, that a sealed bid was a sealed bid. Council Members Galloway, Boney, Keller, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan asked Mr. Bibler if once the item came to Council and was voted on did they have any authority to reconsider the item at all, and Mr. Bibler stated that this was just an ordinary purchase order for the acquisition of items as needed and Council could rescind the action, that they did not have to buy any light bulbs from the people that were awarded last week, unless they had already issued purchase orders against that contract, that normally these contracts had cancellation clauses and they could exercise that if they wanted to. Council Members Galloway, Boney, Keller, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan asked Mr. Wells where they stood on the purchasing process, and Mr. Wells stated that they had not issued a purchase order against this particular provision, and Mr. Bibler stated that they could just cancel the contract emanating from the action they took last week and rebid if they thought that was the fair and best thing to do, that they could not just allow this bidder to correct her bid, they would have to start all over again, that as to the length of the process, Mr. Wells stated that it determined on how fast the suppliers would replay to them, that according to the State law they had to advertise for 14 consecutive days, then go through a purchasing process, that they were looking at a minimum of six to eight weeks. Council Members Galloway, Boney, Keller, Parker, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Ms. Douadi stated that just for the record, this bid was done in March 2000 and a Council Member tagged the item and it took one year later to rebid the bid, that she was the previous vendor who had the award on the contract, that last March it was advertised, that she respected that time was an issue, but it took the City Purchasing Department more than a year, 15 months to be exact, to rebid the bid. Council Members Galloway, Boney, Keller, Sanchez and Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) appeared and voiced his personal opinions and experiences until his time expired. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Duncan Ragsdale, 3201 Allen Parkway, Houston, Texas 77019 (281-759-8343) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Vivian Harris, 13906 Regg Dr., Houston, Texas 77045 (713-433-4597) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that July 3, 2201, www.galvan.org, full moon in Capicorn leader of the earth signs, that happy July 4th to all of the guys and gals of America, that this year his name James Partsch-Galvan and his platform galvanism would be on the ballot citywide, that it was a new revolution underway and Americans everywhere were galvanizing everyday to join it, that Houston was the birth place of the new revolution of the 21st Century, that buildings would have to be renamed, firefighters salaries would have to be raised, a citizens review board would have to be installed, elected officials and their employees must be held accountable for their destructive decisions that resulted in so much damage to the citizens of Houston from Tropical Storm Allison, an example putting the Municipal Channel in the basement of the Lanier Building, Lanier the biggest crook that the City of Houston had ever had, that building needed to be renamed. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Donald Buzbee, 14503 Eagle Pass, Houston, Texas 77015 (713-455-7577) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Aubrey Vaughn, 5025 Telephone Rd., Houston, Texas 77087 (713-644-4882) appeared and voiced his personal and religious opinions until his time expired. Council Members Galloway, Boney, Keller, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker moved to suspend the rules to consider Item Numbers 43, 51, 52, 53, 54 and 55 out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Galloway, Boney, Keller and Sanchez absent.

43. ORDINANCE amending Ordinance No. 93-1209, as previously amended by Ordinance No. 93-1315 and Ordinance No. 96-415, with respect to the issuance of City of Houston, Texas Water and Sewer System Commercial Paper Notes, Series A; amending Ordinance No. 95-232, as previously amended by Ordinance No. 96-415, with respect to the issuance of City of Houston, Texas Water and Sewer System Commercial Paper Notes, Series B; authorizing an amended and restated Issuing and Paying Agency Agreement, a Revised Dealer Agreement, and a second amended and restated Revolving Credit Agreement with respect to the Series A Commercial Paper Notes and an amended and restated Issuing and Paying Agency Agreement, a Revised Dealer Agreement, and a Revolving Credit Agreement with respect to the Series B Commercial Paper Notes; approving the use of a Revised Offering Memorandum in connection with the sale of the Series A Commercial Paper Notes; authorizing an Alternate Credit Facility with respect to the City of Houston, Texas, Commercial Paper Notes, Series B; making other provisions regarding such Series A Commercial Paper Notes and Series B Commercial Paper Notes and matters incident thereto; and declaring an emergency – **(This was Item 17 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Galloway, Goldberg, Boney and Sanchez absent. ORDINANCE 2001-0644 ADOPTED.

51. ORDINANCE appropriating \$104,000,000.00 out of Water and Sewer System Consolidated Construction Fund and approving and authorizing amendment to Interim Funding Agreement between the City of Houston and the **HOUSTON AREA WATER CORPORATION DISTRICT E - TODD** – **(This was Item 58 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS TATRO and BELL)** – was presented.

Council Member Tatro stated that he had an opportunity to meet with the financial advisor on the HAWC and his concern on the financing mechanism was the fact that the City was looking to capitalize the interest the first three years and his concern was that since the City was effectively going to be the only water customer that they were looking to capitalize the interest when it really was not needed, that he would hope that the administration would work with the HAWC and the HAWC would come up with a plan whereby they would not have to finance the debt for the first three years, therefore reducing the cost to ratepayers in the future. Council Members Boney, Todd and Sanchez absent.

Council Member Tatro moved to postpone Item No. 51 for one week to work with the administration and the HAWC members to try to facilitate that agreement, seconded by Council Member Bell. Council Members Boney, Todd and Sanchez absent.

Council Member Castillo stated that he understood Council Member Tatro's concern, that the interest was capitalized to spread the cost over to some of the people who were going to use the utility in the future, and asked if there was anymore to this, and Mr. Haines stated that simply stated that was what it was and that was what the argument was for it, that it made not only sound sense in the terms of who benefits from it, that also that interest was recoverable once the loan was paid through so it did not come out of the current rate base customers they had in the City.

After further discussion by Council, a roll call vote was called on Council Member Tatro's motion to postpone Item No. 51.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez out of the city on personal business.
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis absent due to being ill	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2001-0760 FAILED

A vote was called on Item No. 51. Council Members Tatro and Bell voting no, balance voting aye. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0645 ADOPTED.

52. ORDINANCE consenting to award by the Houston Area Water Corporation of the Design-Build-Operate contract for the Northeast Water Purification Plant to **MONTGOMERY WATSON CONSTRUCTORS, INC - DISTRICT E - TODD - (This was Item 59 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was present.

Council Member Tatro stated that this particular item was the actual contract itself with the Montgomery Watson that was selected by the HAWC as the winner of the contract process, that he passed out to the Council Members some notes that he had taken just trying to hit the high points from what he believed had been from the start a flawed process.

After further discussion, a vote was called on Item No. 52. Council Members Tatro and Bell voting no, balance voting aye. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0646 ADOPTED.

53. ORDINANCE approving and authorizing lease agreement between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the site of the Northeast Water Purification Plant **DISTRICT E - TODD - (This was Item 60 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was presented. Council Members Tatro and Bell voting no, balance voting aye. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0647 ADOPTED.

54. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the sale of Untreated Water from Lake Houston **DISTRICT E - TODD - (This was Item 61 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** Council Members Tatro and Bell voting no, balance voting aye. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0648 ADOPTED.

55. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON AREA WATER CORPORATION** for the purchase of Treated Water from the Northeast Water Purification Plant - **DISTRICT E – TODD - (This was Item 62 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS BELL and TATRO)** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0649 ADOPTED.

Council Member Sanchez moved to suspend the rules to consider Item No. 46 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0761 ADOPTED.

46. ORDINANCE appropriating \$500,000.00 from Street & Bridge Consolidated Construction Fund and approving and authorizing contract between the City of Houston, Texas and the **TEXAS MEDICAL CENTER CORPORATION** for a Transportation Master Plan Study, GFS N-0729-01-2; containing provisions relating to the subject - **DISTRICTS C - GOLDBERG and D – BONEY – (This was Item 32 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBERS PARKER, ROBINSON, KELLER, and GOLDBERG)**

Council Member Parker stated that she did not have a problem with the project plan, going out and doing the traffic survey, that there was some backup material that Mr. Haines sent around that addressed Cambridge Street and knew that was one of the questions that Council Member Boney had asked last week whether there would be a meeting with the neighborhood and some of the neighborhood issues would be worked out before they proceeded on that and now she was little confused after having gotten the memo from Mr. Haines.

Council Member Boney stated that he did not have Mr. Haines memo, but he did have a conversation with Mr. Doug Wierseg, Public Works, yesterday and as he understood it this authorization of \$500,000 was for the completion of a transportation master plan and study and included in that or some other matter they had a Birtner Avenue Bridge alignment that they were approving and funding and then the CIP project for Cambridge was in the CIP but unfunded at this point and time pending the results of the transportation plan, that the meeting with the community would be concluded prior to the decision to be made about funding and prior to the results of the plan being presented, and Mr. Haines stated that was correct and the only reason that Cambridge was entered as an unfunded candidate and being carried over was simply to provide that placeholder opportunity, that the view of the transportation issues surrounding the Medical Center incorporates in at a significant portion of looking at community impact and the absolute commitment as part of that review and study would incorporate the entire area and the potential impact of mobility in the area as well as under Texas Medical Center, that the timeline for the transportation study was for the first phase about six to eight months that would enable some discussion and updating to take place, and Council Member Boney stated that he would hope that in the contract with the company that would be doing the transportation study that his office and Council Member Parker would be involved in at least the part of the community discussion with the Cambridge part and to let that happen before December 31, 2001 and then he thought everything else was okay. Council Member Sanchez absent.

Council Member Robinson stated that when he met with the civic club in that area and when he went with Doug Able, Medical Center, and Doug Wiersig and Robin Green yesterday they made a commitment that within the next 30 to 60 days they would convene a meeting with all the civic clubs in the entire geographic area that was going to be impacted by the study and they would solicit from them if they wanted to select from among themselves one representative to serve on the technical advisory group and would also notify all Members of Council when that meeting would be so they would have the opportunity to be there, and whether or not the civic clubs decided to seek placement of a representative in the coordinating committee that they would meet with them on a regular monthly basis so they would not be excluded or left out of this process; that he also asked that the scope of this thing take into consideration what he understood would be coming out of Council Member Parker's committee the proposed pilot program on parking permits and what would happen to transportation patterns and the like in that service area; and he also understood that there was going to be a separate contract coming to Council to look at the flooding issue.

Council Member Todd moved to stay in session past the noon hour to finish the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0762 ADOPTED.

Council Member Boney stated that he wanted either the District Council Representative or the people who were doing the study to drive the process of involving and considering the neighborhood, he did not want the Medical Center to drive the process, that this was an issue that was larger than just the internal interests and affairs of the Medical Center.

Council Member Keller asked who exactly was the Texas Medical Center Corporation they were contracting with and were they also joining in and putting in some money to the entity doing the study, and Mr. Haines stated that they were participating and managing it but it was primarily the City funds going into it, and Mr. Hall stated that the Texas Medical Center Corporation was an incorporated entity who's primary responsibility was to coordinate and provide for the physical development of the Medical Center itself, that it was an entity that included all of the providers in the Medical Center, that their primary role was to provide for all of the institutions what they did

not provide for themselves individually, that it was specially designed to represent the facilities in the Medical Center in the collective and included board members that represented interests of those institutions and the community.

Council Member Parker stated that Mr. Haines memo stated the County might consider doing the Cambridge Bridge extension and she wanted to make sure that was not going to happen before they did their traffic study and the other question was that in the memo it stated that there was a separate storm water management study going on and asked when was that going to start, and Mr. Haines stated that they expected some integration of that and would need to get an answer specifically to her question on the timeline, but it was a consideration at this point. Council Member Todd absent.

After further discussion, Council Member Boney stated that it sounded like they needed to huddle up between the administration and Council Members who had expressed an interest, and Mayor Brown asked Mr. Haines to convene the meeting. Council Member Todd absent.

A vote was called on Item No. 46. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Todd absent. ORDINANCE 2001-0650 ADOPTED.

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. MOTION to set a date not less than seven (7) days from July 3, 2001 to receive nominations for Position Three on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a term to expire two years from date of appointment – was presented. Council Member Castillo moved to set July 10, 2001 to receive nominations, seconded by Council Member Boney. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0763 ADOPTED.

MATTERS HELD - NUMBERS 42 through 55

45. ORDINANCE consenting to the assumption of the Tax Abatement Agreement between the City of Houston, **ABB, INC, SIMMONS, VEDDER II LIMITED PARTNERSHIP** and **SV WESTCHASE AB LIMITED PARTNERSHIP**, by **3150 BRIARPARK L.P. - DISTRICT G – KELLER** – (**This was Item 25 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER KELLER**) – was presented.

Council Member Keller stated that he would like to move to delay the item a week, that the original owner and developer of the building had a tax abatement, that they had sold it and were trying to assign that tax abatement to the new owner, that he was not saying that he was against that, but would like to punch the numbers and see if it was warranted and also to meet with the tenant and new owner and also Planning and Development.

Council Member Keller moved to postpone Item No. 45 one week, seconded by Council Member Robinson. . All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0764 ADOPTED.

47. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **BOLTEX MANUFACTURING COMPANY**,

L.P. – Revenue – (This was Item 34 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER TATRO) – was presented.

Council Member Tatro stated that he wanted to thank Karen Philippi for coming and visiting with him on the particular three items, and stated that it was his understanding that these were the first three groundwater reduction plan contracts that the City of Houston had entered into, and Mr. Haines stated that these were not the first but Area II Groundwater Reduction Plan, and Council Member Tatro stated that he would like to get a list of the other areas, that he believed that this also needed to be codified in the Code of Ordinances.

After further discussion by Council Member Tatro he requested a meeting with Mr. Haines to discuss how this affected Area III GRP and the contracts that were pending there, and Mayor Brown requested that Mr. Haines meet with Council Member Tatro.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0651 ADOPTED.

48. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 148 – (This was Item 35 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0652 ADOPTED.
49. ORDINANCE approving and authorizing Groundwater Reduction Plan Participation Agreement between the City of Houston and the **SANDALWOOD CIVIC CLUB, INC – (This was Item 36 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER TATRO)** - – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. ORDINANCE 2001-0653 ADOPTED.
50. ORDINANCE appropriating \$850,500.00 out of Street and Bridge Consolidated Construction Fund, awarding contract to **DOLSON SIERRA CONSTRUCTION GROUP, INC** on low bid of \$711,615.15 and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** in the amount of \$25,000.00 for Safe Sidewalk Program, at various locations, GFS N-0610A-93-3 (SB9029-1); providing funding for construction management and contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund – **(This was Item 41 on Agenda of June 27, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg stated that Dolson Sierra recently did a sidewalk project in District C similar to what they would be doing here and for months he had been trying to get them to do the corrections, that they had made a few but had not responded for the most part, that yesterday he went out and inspected it once again and the sidewalk project was in terrible shape and thought it even arose to the level of a disbarment, that he was going to ask for a motion to delay for four weeks so he could talk to them or have them make the corrections, that he did not feel it was appropriate to go forward with this company when they were performing at such poor level.

Council Member Goldberg moved to postpone Item No. 50 for four weeks, seconded by

Council Member Keller. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. MOTION 2001-0765 ADOPTED.

56. ORDINANCE temporarily suspending certain requirements of the Code of Ordinances, Houston, Texas, to facilitate the placement of Travel Trailers provided by the **FEDERAL EMERGENCY MANAGEMENT AGENCY** for victims of the flooding caused by Tropical Storm Allison; containing findings and other provision relating to the foregoing subject – was presented.

Council Member Castillo asked how and what mechanism were they going to be using to make sure that these trailers were then removed when the emergency was over, and Mr. Hall stated that Mr. Bibler worked with Public Works and FEMA in trying to craft this and would like him to respond.

Mr. Bibler stated that the first thing that would happen was if they went beyond the time authorized and any extension that might be granted was that they would receive a criminal citation from Municipal Courts, that everyone of these authorizations would be granted in writing and they would know exactly where the trailers were.

Council Member Castillo asked how many trailers did they figure there would be, and Mr. Emory stated that right now they were talking to FEMA and were looking at 1,000, but it could go as high as 2,500.

Upon questions by Council Member Parker, Mr. Bibler stated that they were travel trailers, that they did not meet the specifications for a manufactured home and therefore was a travel trailer.

Upon questions by Council Member Quan, Mr. Bibler stated that they were suspending the rule that basically said that this type of coach could only be in a mobile home park and they were going to allow the people to set them on their own property and therefore they would be hooked up to the previously existing utilities.

Upon questions by Council Member Quan, Mr. Emory stated that the access was directly through FEMA, that they had to make an application through them, that there was no fee to be paid for the use of the trailer.

Upon questions by Council Member Sanchez, Mr. Bibler stated that a manufactured home was built to very specific specifications in the nature of a building code that was promulgated by HUD, that these did not meet that specification therefore could not be called that, that they could both travel, but one had a HUD seal and the other did not.

After further discussion Council Member Sanchez stated that he would urge the administration to consider suspending permit fees for those affected by the storm and Mayor Brown stated that they had been working on the issue, and in fact he had already raised some money from the private sector to accomplish the objective and as soon as he could would have a program in place where the funds could be paid by the private sector, that in fact he was going to take \$5,000 out of office account to assist in that and challenged Council Member Sanchez and all of the elected officials to do the same thing, to put their money where their mouth was. Council Member Goldberg absent.

After further discussion by Council a vote was called on Item No. 56. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Boney, Castillo and Robinson absent. ORDINANCE

2001-0654 ADOPTED.

Council Member Keller stated that he would remove his tag on Item No. 3. Council Members Castillo and Robinson absent.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$437,048.02 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of Hall's Bayou Waterline Extension, GFS S-0531-11-3 (10296) - 04.87% over the original contract amount - Enterprise Fund - **DISTRICT B – GALLOWAY** – was again presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Boney and Robinson absent. MOTION 2001-0766 ADOPTED.

Items received during the meeting were considered as follows:

27. ORDINANCE implementing recommendations of the GASB 34 Review Committee by consolidating various funds with the General Fund consistent with the FY2002 Budget; amending Ordinance No. 88-1777 relating to the Sign Abatement and Community Beautification Fund; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. ORDINANCE 2001-0655 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and the **U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION** for Grant to provide Planning and Construction to connect the Third Ward Community to the Main Street Corridor - **DISTRICTS D - BONEY and I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. ORDINANCE 2001-0656 ADOPTED.
39. ORDINANCE appropriating \$350,000.00 from General Improvement Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston, Texas and the **BUFFALO BAYOU PARTNERSHIP** for development of a Master Plan for Buffalo Bayou, GFS D-0100-01-2, CIP D-100 (SB9063) - **DISTRICTS H - VASQUEZ; D - BONEY; B - GALLOWAY; and I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. ORDINANCE 2001-0657 ADOPTED.
- 39a. RECOMMENDATION from Director Department of Public Works & Engineering for supplemental allocation of funds for Buffalo Bayou Partnership for Development of a Park System along Buffalo Bayou, GFS I-2001-01-2, CIP I-2001 - \$60,000.00 - General Fund - **DISTRICTS B - GALLOWAY; D - BONEY; G - KELLER; H - VASQUEZ and I – CASTILLO** – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Member Boney absent. MOTION 2001-0767 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Todd stated that he had been trying to work with a constituent of his who lived on Palmtown Street and was having a problem with her City water, that it was a common problem in some of the older neighborhoods where there was cast iron pipes and the water was coming out yellowish in color, that in this particular neighborhood, it was already on the list to be looked at, the problem was that the water was so discolored that it was literally impossible for this family to even do laundry without the clothes coming out looking like they had not been washed, that he knew that Mr. Gary Ordat, Public Works, had been looking at it and trying to work with the family in this particular house, but nevertheless it looked like the problem had accelerated and wanted the Mayor's intersession to see if he could get them some quick relief, that he would be happy to hand over her letter to Mr. Ordat, and Mayor Brown stated that Mr. Ordat was present and would work on it right away. Council Members Boney and Castillo absent.

Council Member Todd stated that because of the flood the parking lot had caused a lot of problems for the City employees and a considerable amount of employees were having to park over on Lot H and it was his understanding that the lot itself was basically at capacity and a number of the employees were having to cram into the spaces and there had been a number of incidents he was aware of where some of the employees had been towed from the lot because they had not parked exactly in the right way, that because it was an emergency situation and because they were dealing with City employees who had not parked in that lot before in the past and were just learning the rules he thought that they needed to be flexible with the City employees and making certain that they had a place to park and making certain that when they park there their cars would be there when they got off of work, that he knew there was no easy solution, that Lot H in particular was the one he was hearing about and did not know if Municipal Courts needed to get involved but nevertheless they needed to take a look at it and work with the employees so they had a place to go, and Mayor Brown stated that they would do that. Council Members Boney and Castillo absent.

Council Member Galloway stated that in the Parks and Recreation Department they had a program called the First Tee Program for the youth and she wanted to know what they could do to bring awareness to this program because she had a lot of youth in her district who wanted to be Tiger Woods, and there was just no publicity for this program and the word was not there and she certainly wanted the community to be aware of this program, and Mayor Brown stated that he would get the Parks Department to work on that, that it was a good program and they had a golf course out there just for that. Council Members Boney and Castillo absent.

Council Member Robinson acknowledged a new intern in his office, Mr. Jason Raven, and stated that he would be going to Howard University in the fall and was getting an inside peak to the workings of City government. Council Members Boney, Todd and Castillo.

Council Member Robinson stated that Saturday the Houston Chronicle wrote an editorial in opposition to an idea that he was promoting and the editorial came out against a charter amendment to consider allowing Council to move the City Council Meetings away from City Hall, that on June 19, 2001 he sent Mayor Brown a letter asking that the administration consider putting an amendment before Council for their approval to place on the November ballot that would allow the voters to decide whether or not Council at least once a month could move meetings out into the community and would hope he would consider doing that. Council Members Boney, Todd and Castillo.

Council Member Robinson stated that on June 20, 2001 he had sent Mayor Brown a memo, that he had not had a chance to see the additional piece of correspondence, that he ran into George Rodriguez, HUD Community Build, who stated he had sent out a communication to

the Council Members pointing out that HUD had waived some of their requirements and the City had greater flexibility in terms of use of federal dollars from the Housing and Urban Development Department for helping folks who suffered property damages as a result of the flood and if that was the case he would be interested in finding out what their Housing and Community Development Department was looking at in terms of use of that flexibility to help to repair and/or rebuilding of homes in light of the item they just past for putting at a minimum 1,000 to 2,500 travel trailers and if they had additional flexibility he hoped they would use it to the maximum extent. Council Members Galloway and Todd absent.

Council Member Quan stated that last week he mentioned to the Mayor that the Equal Employment Opportunities Commission, MALDEF, and the Mexican Consulate were working on a series of informational programs on employment rights and knew that the City Attorney had been looking at it and encouraged a decision on that soon, that they were facing a deadline as to advertisements on that and thought that the City of Houston would be an excellent participant in that process to advise people, especially Spanish speaking individuals, of their rights. Council Members Galloway and Todd absent.

Council Member Quan stated that he wanted to wish everyone a Happy Fourth of July. Council Members Galloway and Todd absent.

Council Member Tatro stated that to follow up on the issue of having permit fees waived, they had been having repeated phone calls from constituents who stated they could not believe that the City at this time was not pursuing the waiving of these fees harder, that they had a lady, Ms. Sandy Garlee, who walked them through the process, which they were told by Mr. Litke would be a ten minute process, that when she went down to get a permit she was told to go to the Dacoma location near Highway 290 and 610, that it took her an hour and a half to get the permit filled out on June 29, 2001, that she estimated the repairs and the fees were set on estimations, the more expensive the repairs the more expensive the permit, that she was sent home with her permit and was told that the City inspector would be there on Monday between the hours of 7:30 a.m. and 3:30 p.m., that her husband informed her that the inspector arrived at 10:30 a.m. and stayed for about 10 minutes and during the time only looked around the living room and hall way to the bedrooms and nothing else, that he chatted with her husband that the inspection was required by FEMA, that he asked her husband how much water they got in their house and then left and that was all she got for her \$35.00, that she was told that it would be cabinets, sheet rock, flooring or installation that would be charged for the inspection, that was not structural and did not include workmanship, that another gentleman called and needed a plumbing permit to handle some issues that had happened before the flood and they were not going to give him a plumbing permit, because he was in the flood zone, until he got the structural damage repaired, that these were some of the on the ground circumstances that Mr. Norm Adams and Council Member Sanchez had brought that people were trying to cleanup and set their life straight, that the delays were what was costing people anguish and holding back the process, that he was very disappointed not to see some substantial legal work or ideas about how to accommodate, what would probably be at the end of the year, a small fraction of the total permitting dollars that the City would receive if they were to waive these. Council Member Galloway absent.

Council Member Keller stated that he wanted to compliment the Director of Solid Waste, Mr. Buchanan in his challenge to the private sector, not only to do what they do but to do it better. Council Member Galloway and Robinson absent.

Council Member Keller stated that they had a rain out at Enron Field and there was not question in his mind that they would demolish the County when and if they ever accept the chance to replay them. Council Member Galloway and Robinson absent.

Council Member Keller stated that he wanted the citizens and constituents know that the Street Cut Ordinance was alive and well and with a little help was very effective, that he had been very upset with several streets and in his spare time drives around and checks to see if they need police and had the permits, that they were very unhappy with the work that was done on South Shepherd, in between Westheimer and Allen Parkway, that he called Mr. Tom Rolen, who got T. K. Terafter in Plan Review and Rahid Ara in Street Cut working on it and they then mutually approached the utility company about the unbelievable work and they quickly fired the sub contractor that they had and hired another one at their cost and have basically for the most part completed the redo of South Shepherd. Council Member Galloway and Robinson absent.

Mayor Brown stated that he wanted to give an update on the storm recovery, that as of yesterday they had counted about 34,523 affected homes, not including apartments, and was pleased to report that their debris removal efforts were proceeding as scheduled with all areas affected now having one debris removal pass, that through July 1, 2001 there was a total of 371,000 cubic yards of debris removed, and because they now had smaller volumes they were picking up about 20,000 cubic yards per day, and the second pass was under way in those areas experiencing the heaviest damage and they had three or more passes already, that since beginning the household hazardous waste collection on June 23, 2001 about 40% of the flooded areas had been collected, that additionally Saturday morning, June 30, 2001, mosquito spraying was completed in all sectors of the City and the pest control contractors were now concentrating on the hot spots of mosquito activity, that because of the anticipated outdoor activity for the Fourth of July they would spray all of the Houston Parks, today, July 3, 2001, that as they moved forward the city departments would continue to commit their resources and services to the ongoing flood relief efforts to include the Red Cross, churches, schools, family assistance centers and also area hospitals, that through these efforts and as they continue to take questions about the ongoing recovery issues they recognized the greater emphases on getting the public the much needed information that was critical to the rapid recovery and as a result of that and to help them address the issues of concern to the community the City, working in partnership with FEMA, the Red Cross, Greater Houston Builders Association and Harris County would be conducting a home recovery fair called Project Impact, that Project Impact was scheduled for Saturday, July 7, 2001, from 1:00 p.m. to 5:00 p.m. at the George R. Brown Convention Center, that this was a forum where they would have over 100 experts on hand to answer all questions on the subject of home recovery, that this was designed to be a one stop shopping effort, that it was free to the public and designed to help citizens by providing information on how to rebuild and repair their homes, that just as an example of the areas to be addressed would be permitting and inspecting, flood planes, insurance, taxes, loans, mortgages, rebuilding and repairing, consumer fraud, retrofitting, preparing for future natural disasters and psychological trauma of disasters, and he wanted them to add on to that the mold problem that they were seeing to have someone to answer those questions as well, that he wanted to encourage anyone who had suffered any damage to their homes or businesses to attend this forum. Council Members Galloway, Todd and Robinson absent.

Mayor Brown stated that the recent flooding experience by residents of the City of Houston had resulted in a hardship to the City employees as well, that they were not immuned to the problems and losses incurred during the flood were requiring that some of the employees take unanticipated time from work and for those who had or would exhaust all of their vacation time or any other type of time it would mean that they would be without a paycheck while they work towards recovery from the efforts of the flooding and in order to reduce the financial hardship at this time he had asked the Human Resources Department to implement a temporary program, The Natural Disaster Vacation Donation Program, which would allow employees to voluntarily donate vacation time to their fellow workers, that he would encourage those employees with available time to contribute to this cause thereby helping their coworkers get back on their feet

and also encouraged local business people to establish similar programs to help their employees in this time of need. Council Members Galloway, Todd and Robinson absent.

Council Member Boney stated that he wanted to commend Mayor Brown for his leadership and creativity, that they had a similar problem in some of his staff who were not able to get to work but fortunately had some comp time. Council Members Galloway, Todd and Robinson absent.

Council Member Boney stated that he wanted to commend Council Member Keller, that many times citizens stop and ask them about this and that problem, and he did not take it as a complaint but that they brought it to the attention of somebody who could help them, that he found out it was not a City crew but somebody who they had contracted with and the directors attention was brought to it and the matter was resolved, that they had a problem with mosquito's and because of the quick action of the administration that problem was almost eliminated. Council Members Galloway, Todd and Robinson absent.

Council Member Boney stated that the Medical Center had judiciously and diligently contracted his office saying that they wanted to work with him and were cognizant of the concerns of the neighborhood, but they had to address the issues that were important to one of the largest employers in the City. Council Members Galloway, Todd and Robinson absent.

Council Member Boney stated that he wanted Mr. Emory, Permitting Department, to get with Council Member Tatro and find out who that constituent was and see if they could get somebody out there and if they had an inspector who was not quite handling the job fully to correct that and if that citizen was not being handled to give them someone who cares, but the best thing was to bring that to his attention so he could assign somebody directly to do that; that they had received a letter that said they wanted to send a note to say how positive his experience was recently in dealing with the City of Houston Building Inspection Plan Review Group only days after the recent flooding, that Mr. Gary Bridges, Acting Director, Mr. Allen Largent, Assistant Director and Mr. Morris Damn, Division Manager were quite helpful in assisting their company in obtaining a critical building permit for Exxon Mobile. Council Members Galloway, Todd and Robinson absent.

Council Member Sanchez stated that he wanted the Legal Department's help, that he went out to a residents house in the west side of town that used to be an unincorporated area and was now annexed by the City of Houston and the storm sewer had apparently collapsed after some improvements were made by the County and the Public Works and Engineering Department had not received an answer from the Legal Department, that he would get with Mr. Hall and Mr. Rolan. Council Members Galloway, Todd and Robinson absent.

Council Member Sanchez stated that he wanted to thank his staff, that this year they had come in under budget by \$15,000 and this year they had transferred the money to the fire department and it was his understanding that the fire department would be using it to buy defibrillators. Council Members Galloway, Todd and Robinson absent.

Council Member Castillo stated that he wanted to bring an item up that came to mind because of a story in today's newspaper about investigations into price gouging, particularly price gouging by some wrecker driver's, that apparently the County Attorney's office and the State Attorney General's office was looking into complaints against people who were price gouging, that it violated the State law, that he wanted to ask that the administration direct the Finance and Administration Department to work with the County Attorney and State Attorney office to determine which wrecker company and wrecker driver were gouging because he thought they deserved to have their permits removed, and Mayor Brown stated they would do

that and use whatever City agency was most appropriate at getting answers. Council Members Galloway, Todd and Robinson absent.

Council Member Castillo stated that he wanted to congratulate Mr. Buchanan for his very perfect statements yesterday on Channel 13, that he was going to kick booty. Council Members Galloway, Todd, Keller and Robinson absent.

Council Member Bell stated that he wanted to wish everyone a very safe and happy Fourth of July. Council Members Galloway, Todd, Keller and Robinson absent.

Mayor Brown stated that they would have a very big celebration tomorrow and wanted to invite everyone to come downtown, that they would have music and entertainment as well as fireworks, and wished happy Independence Day to everyone. Council Members Galloway, Todd, Keller and Robinson absent.

There being no further business before Council, the City Council adjourned at 1:02 p.m. upon MOTION by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent due to being ill. Council Member Vasquez out of the city on personal business. Council Members Galloway, Todd, Keller and Robinson absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary