

City Council Chamber, City Hall, Monday, October 1, 2001

A Special Meeting of the Houston City Council was held at 10:00 a.m., Monday, October 1, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, John E. Castillo, Annise Parker, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Members Carol M. Galloway and Gordon Quan absent. Council Member Rob Todd out of the city. Council Member Gabriel Vasquez out of the city on city business.

At 10:00 a.m. Mayor Brown called to order the meeting of the City Council and requested the City Secretary to call the roll. Council Members Galloway and Quan absent. Council Member Todd out of the city. Council Member Vasquez out of the city on city business. Council Member Robinson absent.

Mayor Brown requested the City Secretary to call the list of speakers.

Congresswoman Sheila Jackson Lee, 1919 Smith, Houston, Texas 77002 (713-655-0055) had reserved time to speak, but was not present when her name was called. Council Member Robinson absent.

Mayor Brown requested the City Secretary to call the item. Council Member Robinson absent.

ORDINANCE amending Ordinance No. 2001-866, as amended, by Ordinance No. 2001-890, ordering a Special Election to be held jointly on November 6, 2001, for the limited purpose of also submitting to the qualified voters of the City of Houston, Texas, an additional proposition for the amendment of the City Charter relating to approval of Present and Future Rail Projects – was presented.

Council Member Boney asked if there was anyone present from Metro or F&A who could advise them of the impact this might have if it passes, and asked Mr. Hall if they were required by law to place it on the ballot and Mr. Hall stated yes, and Council Member Boney stated that he guessed they were required by law to support the item but would like for someone from Metro or F&A to provide them with what the financial impact would be if they stopped the rail project that was ongoing at this point along Main Street, that already they had lost \$3 million based upon the delay of the lawsuit and also believed that the construction of the Main Street line was integral to their 2004 Super Bowl and the Olympic bid. Council Member Robinson absent.

Council Member Castillo stated that he wanted to inquire about the number of signatures that were reviewed by the City Secretary and the extent of her review and if she reviewed them all, and Mayor Brown stated that there was a memorandum that the City Secretary distributed to all Members of Council which would answer his question. Council Member Robinson absent.

Council Member Parker asked Mr. Hall about the actual language that was going to be on the ballot, and Mr. Hall stated that it was in the ordinance, and Mayor Brown asked the City Secretary to read it. Council Member Robinson absent.

The City Secretary stated that the ballot language would be "Charter Amendment Proposition Number 3 Relating to the Approval of Present and Future Rail Projects. Shall the Charter of the City of Houston be amended to require (1) that a special election be held within eight months to approve or disapprove the Main Street Light Rail Line previously approved by City Council and now under construction, (2) that the City sue Metro within 60 days to determine

whether the City Council may repeal its prior approval of the Main Street Light Rail Line, and if so, require the project to be removed from the streets if disapproved at the election conducted as provided in Item 1 above, and (3) that an election be conducted before the City approves any future rail line project". Council Member Robinson absent.

Council Member Parker stated that as an additional question, that they were going to have bonds from the State and different proposition, County bonds, filed initiatives and bonds and asked them to tell her how those were going to be laid out, what order and how they were going to be designated in terms of numbers, because she could see confusion if they were talking about proposition 1 and proposition 2 and there was a County proposition 2, and Mr. Hall stated that he was going to ask Mr. Cheatham to tell them about the general ballot for the specific ones related to the City election, that the Charter Amendments were going to be numbered 1, 2 and 3 based on what had been submitted, that for the bond propositions, they would be lettered so that for the City propositions there would be a distinction between numbers and letters.

Mr. Cheatham stated that all of the County propositions, which would include the 19 Constitutional Amendments and their three bond propositions would be grouped together and there would be headings above them and would be on different pages in the ballot, that the City's propositions and candidate races would likewise be grouped together on separately distinguishable colored pages, that he thought it led with the candidate races and when it got to the bond propositions it says the City of Houston with a heading on it at the top of each page, that all of the County items were grouped on a set of similarly colored pages and then when they get to the City races the color of the pages on the ballot changes and that was one thing that was suppose to signal to the voter that something had changed, that all of those things taken together should allow the voter to follow which things they were voting for. Council Member Robinson absent.

Council Member Tatro stated that part of his concern was that they were just now getting the wording at the table, that obviously the petition had to be certified and the votes had to be checked, but he would assume that the wording for this had been in the works for a little while and was very disappointed that the Council Members were just getting the ballot language, since that was what they were there to approve, that he had asked the proponents of the referendum if they were given the language earlier and they indicated that they were not also, that he wanted to make a motion to bring up one of the proponents of the referendum, because one of his concerns was that number two (2) says that the City sue Metro within 60 days to determine whether the City Council may repeal its prior approval of the Main Street Light Rail Line and he would like to know if the petition in its wording had the word sue in it, and Mr. Hall stated that it did say that, and Mayor Brown stated that he had the petition for some time, and Council Member Tatro stated that he believed they played some political games while putting the opposing referendum on the ballot and his concern was about the wording, that he was going to give his copy to the people who worked so hard to put the petition on the ballot and get some feedback from them.

Council Member Boney stated to Mr. Hall that he was looking at the wording of the petition and the language and number one required that a special election be held within eight months to approve or disapprove the Main Street Light Rail under construction, that it was pretty straightforward, that number two says that the City shall sue Metro within 60 days to determine whether the City Council will repeal and asked if those were somewhat in conflict with each other, that what if they held an election within eight months and the citizens voted to proceed with the Main Street Line were they then also required to sue, and Mr. Hall stated yes, that this proposition was put together in a way that was inherently conflicting and confusing, that there was an effort by the second issue to require the City to go find out whether or not the first one was legal, that there was a constitutional prohibition against the impairment of contracts, that

apparently somebody told the petitioners that and so they were forcing the City to go to court to see if they could do number one, that it was at least a convoluted proposition.

A roll call vote was called.

Mayor Brown stated that he did not support the proposition and would work to defeat it but because of their legal responsibility to place it on the ballot since they had received the necessary signatures he would vote yes.

ROLL CALL VOTE:

Mayor Brown voting aye

Council Member Vasquez out of the city
on city business.

Council Member Tatro voting aye

Council Member Castillo voting aye

Council Member Galloway absent

Council Member Parker voting aye

Council Member Goldberg voting aye

Council Member Quan absent.

Council Member Boney voting aye

Council Member Sanchez voting aye

Council Member Todd out of the city

Council Member Bell voting aye

Council Member Ellis voting aye

Council Member Robinson voting aye

Council Member Keller voting aye

ORDINANCE 2001-0893 ADOPTED

There being no further business before Council, the City Council adjourned at 10:22 a.m. upon MOTION by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway and Quan absent. Council Member Todd out of the city. Council Member Vasquez out of the city on city business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary