

City Council Chamber, City Hall, Thursday, January 3, 2002.

City Council reconvened in the City Council Chamber at 9:00 a.m. Thursday, January 3, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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

At 9:07 Mayor Brown reconvened the meeting of the City Council.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 1 through 21

#### MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment of the following to the **GREATER NORTHSIDE MANAGEMENT DISTRICT BOARD OF DIRECTORS**:
  - Position Twelve - **MR. GILBERT MORENO**, for a term to expire June 1, 2003
  - Position Thirteen - **MS. ALIDA F. RODRIGUEZ**, for a term to expire June 1, 2003
  - Position Fourteen - **MR. JOSE LOPEZ**, for a term to expire June 1, 2005
  - Position Fifteen - **MR. ED REYES**, for a term to expire June 1, 2005- was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0006 ADOPTED.

#### PROPERTY - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-99, located 345 feet north of Mansfield Street, owned by Dorothy M. Harper Hubbard and husband, Willie L. Hubbard, for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT from Pinemont to West Little York**, CIP N-0546 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0007 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY1-5, located at 8619 Cook Road, owned by Alief Baptist Church, Inc., a Texas non-profit corporation, Reverend Donald C. Burgs, Jr., Director, for the **BROOKFIELD LIFT STATION PROJECT**, CIP R-0267-B2-1 - \$65,805.00 - Enterprise Fund - **DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0008 ADOPTED.

#### PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 8

6. **AMEND MOTION #99-0113, 1/27/99 and #2000-0778, 6/21/00, TO EXTEND** expiration date through January 26, 2003, for Fire Station Materials Part I, awarded to **BIG Z LUMBER COMPANY, CERAMIC TILE INTERNATIONAL, SCOTT'S CARPET &**

**FLOOR COVERING** and **SOLAR-X-OF TEXAS**, Part II, awarded to **BIG Z LUMBER COMPANY, CITY SUPPLY COMPANY, GRAYBAR ELECTRIC COMPANY, RIGGSBEE HARDWARE COMPANY** and **WOODWORKERS TOOL & SUPPLY COMPANY** for Building Services Department - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0009 ADOPTED.

7. **ROLL-OFFS USA** for Solid Waste Containers for the Parks and Recreation Department \$80,375.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0010 ADOPTED.
8. **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$33,682.00 and **LAWRENCE MARSHALL CHEVROLET II, L.P.** - \$91,602.00 for Trucks, Utility Service and Dump Bed for the Department of Public Works and Engineering - Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0011 ADOPTED.

**ORDINANCES** - NUMBERS 9 through 21

9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Meyer Park Drive Street right of way, between Beechnut Street and Indigo Street, between IH 610 Frontage Road and Frankway Drive, containing an aggregate of 121,942 square feet of land, more or less; vacating and abandoning said street rights of way to Luel Partnership, Ltd., the abutting owner, in consideration of owner's dedication of three easements for sanitary sewer purposes containing an aggregate of 24,985 square feet of land, more or less, and owner's payment of \$1,443,594.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0001 ADOPTED.
12. ORDINANCE appropriating \$21,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing interlocal agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of a Hike and Bike Trail along Halls Bayou from Little York at Pinewood Park to Mesa Drive at Lake Forest Park, CIP N-0420-31-2 (N-0420-31); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0002 ADOPTED.
13. ORDINANCE awarding contract to **MAHADEO PLUMBING & UTILITY CO., INC** for Water and Sewer Utilities Connections Service for the Housing & Community Development Department; providing a maximum contract amount - 1 Year with a one year option - \$314,000.00 - Grant Fund - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0003 ADOPTED.
16. ORDINANCE appropriating \$6,191,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **GARVER CONSTRUCTION, LTD.** and approving and authorizing professional services contract for engineering testing services

with **FUGRO SOUTH, INC** for 84-inch waterline along Fulton Street and Link Road from English Street to Airline Drive, GFS S-0900-64-3 (WA10637); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0004 ADOPTED.

18. ORDINANCE appropriating \$341,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for the Design of Kirkwood Road from Bissonnet Street to Alief Clodine Road, CIP N-0575-02-2 (SB9066); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0005 ADOPTED.
19. ORDINANCE appropriating \$481,800.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **HNTB CORPORATION** for the Design of Chimney Rock Reconstruction from Benning to Yarwell, CIP N-0737-01-2 (SB9044); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0006 ADOPTED.
20. ORDINANCE No. 2001-1153, passed first reading December 19, 2001  
ORDINANCE granting a franchise to **CITYNET TELECOMMUNICATIONS, INC** and **CITYNET U.S. OPERATING, INC**, a Delaware Corporations to construct, install, maintain, remove, replace, occupy, and use a Dark Fiber Optic Network System within the City of Houston, Texas and consenting to the collateral assignment of said franchise; containing other provisions relating to the foregoing subject; and providing for severability - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2001-1153 ADOPTED SECOND READING IN FULL.

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

**MISCELLANEOUS**

2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and sixty (60) different Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 6, 7 as well as the Sheriff of Harris County - **DISTRICTS A - TATRO; C - GOLDBERG; E - WISEMAN; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. Council Members Galloway and Vasquez absent.

Council Member Tatro stated that this item was for law enforcement agreements between Harris County and civic organizations, that he had several civic organizations in his area which basically raised money to have a constable patrol their area pretty much full time, one in Shepherd Park Plaza and they had other areas of the City, that before December 2001 those

County Constables or Sheriff's had not been able to directly communicate with Houston HPD, that it was a secuitos route that they would be able to talk to the City HPD dispatch and in meeting with Chief Dennis Richards and working with the County Judge's office and Communications Administrator, Terry Wood, from September through December, they met with them along with Steve Jennings, Larry York, Harris County, and Larry Lipton, Houston Northwest Chamber of Commerce, that they were able to bring about communications between Harris County Sheriff's, Constables and the City HPD dispatch for the first time in 10 years, that he wanted to specifically thank those people that he had mentioned, and Constable Ron Hickman, who was basically the anchor on the County Constable's side, helping to achieve that, that as the Constable's or Sheriff's drive through the City neighborhoods now immediately had HPD dispatch capabilities on their radios, that it was the first time it had happened. Council Members Galloway and Vasquez absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-0012 ADOPTED.

At 9:11 a.m. Mayor Brown stated that they had not done the prayer and pledge of allegiance and called on Council Member Edwards who offered the prayer and led Council in the pledge of allegiance.

Mayor Brown stated that although they did have a quorum when they started he asked the City Secretary to call the roll. Council Members Galloway and Vasquez absent.

Council Members Tatro and Vasquez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Galloway and Vasquez absent.

3. ORDINANCE appropriating \$31,574.29 out of Parks Consolidated Construction Fund as an additional appropriation for construction of Parks to Standard Program - Bid Package No. 40 Clinton Park, F-0363-40-3 under construction contract with **PARALLAX BUILDERS, INC** (approved by Ordinance No. 01-0113) - **DISTRICT I - ALVARADO** - was presented and tagged by Council Member Keller. Council Members Galloway and Vasquez absent.

Council Member Keller requested that Ollie get with him sometime next week, and Mayor Brown stated they would make sure it happened. Council Members Galloway and Vasquez absent.

- 3a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 4 in the amount of \$34,040.55 on contract with **PARALLAX BUILDERS, INC** for Parks to Standard Program - Phase II, Bid Package No. 40 - Clinton Park, GFS F-0363-40-3 - **DISTRICT I- ALVARADO** - was presented and tagged by Council Member Keller. Council Members Galloway and Vasquez absent.

## **ORDINANCES**

10. ORDINANCE issuing a permit to **TEXAS CABLE PARTNERS L.P.** for building, constructing, maintaining, using, occupying, operating and repairing a storm water drain line under and within Fawndale Lane at or near 8590 West Tidwell Road, such area being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT A - TATRO** - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0007 ADOPTED.

11. ORDINANCE amending Ordinance No. 98-352, as amended by Ordinance No. 99-318, to establish a maximum contract amount for contract between the City of Houston and **WEST PUBLISHING CORPORATION** for On-Line Legal Research Services - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0008 ADOPTED.
  
14. ORDINANCE appropriating \$1,689,430.00 out of Water & Sewer System Consolidated Construction Fund for Reimbursement for the City of Houston's Cost Participation in the Transportation Improvement Agreement with the **METROPOLITAN TRANSIT AUTHORITY** for the Design and construction costs of the City's Water and Sanitary sewer lines in Downtown/Midtown Transit Streets Program-San Jacinto Street from Holman Street to Pierce Street, GFS S-0443-21-3 and R-0537-14-3 (WA10721) approved by Ordinance No. 93-274; providing funding for construction management and contingencies relating to the City's cost participation financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. Council Members Galloway and Vasquez absent.

Council Member Alvarado stated that she understood that the City was stepping in for some of it and Metro for the other and asked who was picking up for the street lights, sidewalks and streetscaping, and Mayor Brown stated that Metro would be paying that. Council Members Galloway and Vasquez absent.

Council Member Sekula-Rodriguez stated that her question would be regarding this and other repairs and replacements for streets and asked if the Council Member from that district would be able to request burying the electrical lines in that same process or would it have to be done much earlier, and Mayor Brown stated that the City did not bury the electrical lines, that it was not part of their responsibility, that Reliant Energy could do it but not the City, and Council Member Sekula-Rodriguez asked if they would be able to pay for it through some tax abatement, like a TIRZ, and Mayor Brown stated that if there was any other source of revenue other than tax dollars then the answer would be yes, that what they were talking about was not the City's infrastructure it was the utility companies infrastructure. Council Members Galloway, Keller and Vasquez absent.

Council Member Tatro asked if they had a bottom line analysis of how much infrastructure the City would be participating in replacing during that construction phase, what their costs would be for upgrading the systems for the project itself, and Mayor Brown stated that he could get him an answer to the question, but as Metro was spending about \$1 billion in the downtown area reconstructing the streets, the City was taking advantage of that opportunity to also upgrade their utility infrastructure, and Council Member Tatro stated that maybe TTI could have a little get together on it to discuss what the City's costs were going to be, and Mayor Brown stated they would get the information for him. Council Members Galloway, Keller and Vasquez absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Members Galloway and Keller absent. ORDINANCE 2002-0009 ADOPTED.

15. ORDINANCE appropriating \$266,366.66 out of General Improvement Consolidated Construction Fund and \$159,633.34 out of Park Consolidated Construction Fund, awarding construction contract to **STEVEN R. HILL CONSTRUCTION CO., INC** and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC** for construction of Parks to Standard Program-Phase II - Bid Package No. 34 - Hobart Taylor, Walter Jones and Lake Forest Parks, GFS F-0363-34-3, F-0363-35-3 and F-0363-36-3; providing funding for

construction management, professional architectural services and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund and Parks Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Galloway and Keller absent. ORDINANCE 2002-0010 ADOPTED.

17. ORDINANCE appropriating \$3,454,850.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** for Construction of Flood Repair and HVAC Retrofit at Municipal Courts Building, CIP D-0044A-01-3; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Galloway and Keller absent. ORDINANCE 2002-0011 ADOPTED.
21. ORDINANCE No. 2001-1187, passed first reading December 19, 2001 ORDINANCE granting to **PHONOSCOPE, LTD.**, a Texas Limited Partnership, the right, privilege, and franchise for a term of fifteen (15) months, to erect, maintain, and operate a Cable Television System, to serve multiple unit developments and commercial business only, in the City of Houston, Texas; containing other provisions relating to the foregoing subject; and providing for severability - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Keller absent. ORDINANCE 2001-1187 PASSED SECOND READING IN FULL.

#### **NON CONSENT AGENDA** - NUMBER 22

#### **MISCELLANEOUS**

22. RECEIVE nominations for appointment to Position Four (4) of the **HARRIS COUNTY APPRAISAL DISTRICT** - was presented.

Council Member Tatro stated that he had distributed a letter to Council Members renominating Ms. Helen Hough for a second term, that she had served on the HCAD for the last year and had done a very good job, that she was a real estate agent and had been very active and very beneficial to the process. Council Member Galloway absent.

Council Member Parker stated that Ms. Hough was originally her nominee and wanted to thank Council Member Tatro for getting on the bandwagon and to second his support for her.

Council Member Parker moved to close the nominations for Position Four (4) of the Harris County Appraisal District, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0013 ADOPTED.

#### **MATTERS HELD** - NUMBERS 23 through 28

23. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **MUSTANG TRACTOR & EQUIPMENT COMPANY** for One Asphalt Planer for Department of Public Works & Engineering - \$367,750.00 - Equipment Acquisition Consolidated Fund - (**This was Item 21 on Agenda of December 19, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0014 ADOPTED.

24. ORDINANCE issuing a permit to **MEMORIAL CITY PROPERTIES L.P.**, for building, constructing, maintaining, using, occupying, operating and repairing a Pedestrian walkway within and over the 900 block of Frostwood Drive, being out of the J. J. Settegast heirs partition in the George Bellows Survey, A-3; such area being within the public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G - KELLER - (This was Item 35 on Agenda of December 19, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Members Galloway and Keller absent. ORDINANCE 2002-0012 ADOPTED.
  
25. ORDINANCE approving and authorizing contract between the City and the **BONHAM GROUP, INC** for a Study to determine Municipal Sponsorship Opportunities - \$40,000.00 - Enterprise Fund - **(This was Item 41 on Agenda of December 19, 2001, TAGGED BY COUNCIL MEMBERS TATRO, KELLER and PARKER)** - was presented.

Council Member Tatro stated that this was for the sponsorships and knew that Council Member Quan was very interested in it and thought that it could have some good possibilities, but his concern was that he did not know why they needed to seek outside people to first identify opportunities for the City to participate or go out for and possibly solicit sponsorship agreements, that he had full faith in the staff capabilities of Mr. Tollett's people to be able to communicate with those and present some possibilities and he understood that each of those would come back before Council and to the citizens of Houston because it was effectively their property, for an idea of whether or not they wanted to participate, that he thought it could have an opportunity to provide additional income to the City and blend in with the facilities, that he thought it was one very simple project that had been done over and over which he thought could be done in house, that he did not know if it was all of the phases of the City, or was it just going to be Public Works trucks or if it was just going to be C&E buildings. Council Member Galloway absent.

Mayor Brown asked Mr. Tollett to respond, and Mr. Tollett stated that it was to cover any asset that the City might have across the entire City and not just the C&E Department, that he could only use the examples that he thought the Council would clearly understand and that was as big as Bob McNair's, Drayton McLane's and Les Alexander's operations were, they did not do it in house with their employees, that they hired a firm to go and look at opportunities in those sports venues to help them put a value and help negotiate. Council Member Galloway absent.

Council Member Keller stated that he personally thought that something like this should be thrown into Neighborhood Protection with Council Member Parker's committee overseeing it and finding out what the citizens wanted through homeowners, etc., and seeing how they felt and then coming back, that secondly it was a can of worms that they were opening that he did not want to fish with, that the buildings were already named and were named in honor of their City fathers, the men that build the City, that the greatness had been tainted by putting another name before it or on top of it, to him it was an affront to the honor that they had given the City, and Mr. Tollett stated that they were definitely not recommending renaming City Hall and anything that they would come to with a list of ideas would go before Council, they would decide it, that to have every department in the City sign up an employee to work with the neighborhoods and come with opportunities to go back to Council would cost them more than \$40,000, that was his prediction, that they had spent a year analyzing opportunities in their own department.

Council Member Ellis stated that from what Mr. Tollett stated he basically in his department did not have the expertise to go out and do it and it would be more expensive to do it internally than to out source and for that reason he would support the item.

Council Member Sekula-Rodriguez stated that she wanted to echo the sentiments of Council Members Tatro and Keller regarding the item and also to express her eagerness to help reduce the tax burden for everybody, but she would also encourage everyone to remember that they had to maintain the dignity of the City, that they had to understand that this was an ongoing situation, it was not a one time one shot, so she would like to think of making an arrangement with the group, if they ever did, that they would consult with them in terms of saying that they bring in good ideas and if they used the ideas then they would pay them for the ideas they used some portion of the money they generate, that she would like for Mr. Tollett to think about that and construct a contract that would be more favorable to the City and to also just keep up the good work.

Mayor Brown stated that they were to go into the Public Session at 9:30 a.m. and had two options, one to continue the list of speakers on Item No. 25, they had four more Council Members on the item, and asked if there was a motion to do that.

Council Member Quan moved to continue discussion of Item No. 25 prior to hearing from the public speakers, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0015 ADOPTED.

Council Member Quan stated that it was an idea that began with an article he had read about how Chicago had profited greatly by using the naming right ideas and so he certainly wanted to explore the idea and was glad that C&E had taken the ball and taken action, that again it was a preliminary study and they were not going to be naming different buildings at this time or doing anything until they at least looked at the idea, that he appreciated the integrity of their City, that they were not going to be selling their City short or doing anything that would disgrace the City or any product that they would endorse would be an embarrassment to them or to the citizens of Houston, but if other cities had profited from it he thought it was certainly worthwhile to look at it.

Council Member Robinson stated that he would like to know what it would cost them in house to do the survey or look at the opportunities or at least talk to other cities since they had already done that, that he was not sure it would be that expensive, and asked if it was the beginning of a long contract opportunity, did those folks just identify opportunities, that before they started down that road he would like some more discussion about what the \$40,000 was opening the door to and not just in terms of the opportunities.

After further discussion, Council Member Robinson moved to postpone Item No. 25 for two weeks, seconded by Council Member Keller. All voting aye. Nays none. MOTION 2002-0016 ADOPTED.

Council Member Goldberg asked if the political issues arise in the cities that did not vote it in after the study was done, and Mr. Tollett stated that he did not know what someone referred to as political issues, that he was not familiar with that because the ones he was talking to worked for their C&E facilities departments, they did not do the scope they were asking them to do, that their cost actually was \$34,000 plus there was up to \$6,000 reimbursement for travel or something of that nature that they would authorize, and Council Member Goldberg stated that it might be worthwhile to go ahead and do the study if for nothing else it would raise the political issues to the community and lets the community know exactly what the Council had in mind and then the debate could begin.

Council Member Berry stated that he had a couple of questions, particularly in regard to how Bonham was chosen, the only reason being his own thought and not to second guess Mr.



Tollett, why not a Steven Kleinberg, that the reason he made that point was in doing their own research on Bonham the comment was raised by several different people that they dealt with in this industry, that Bonham was not necessarily always objective for the reason that, there was the argument to be made or there was some concern, they got referral fees if they brokered a deal between the City and an outside contractor to hook them up, that Kleinberg, being his first thought, was very objective and had almost 20 years experience surveying public opinion, if they got to the point where they would do a survey, that the other thought he had was that he would like to see input from organizations like Scenic Houston that he knew, as a non profit, had an interest in this subject.

Council Member Vasquez asked Mr. Tollett for a briefing on the research methodology, very specifically, the research methodology that was going to be used for the study, at his earliest convenience.

Mayor Brown stated that he wanted to make an observation, that Council Member Quan had been proposing consistently that they look at other options for generating revenue, thus the birth of this idea, which was his idea, and he hoped that over the next two weeks all of the questions had been asked and answered by Mr. Tollett or anyone else, that he thought it was a good idea to explore options and any final decision obviously would be made by the Council, but it was an option they had to kind of think out of the box and see if there were other means of generating revenue, that he did not believe that they had resources in house, that Dr. Kleinberg was his roommate at Rice University and he did survey, but this was not what he was an expert at, that they would try to answer all of their questions over the next two weeks and bring it back and go from there.

At 9:41 p.m. the Council proceeded with the Public Session and Mayor Brown requested the City Secretary to call the list of speakers.

Ms. Nighat Saeed, 11814 Golden Pine, Houston, Texas 77070 (281-374-7356) appeared and stated that she was a law graduate and had graduated from Thurmond Marshall School of Law Texas Southern University, that she was looking for a job and for the past two years she had been applying at various places but had not received any interview calls, including the City of Houston, that last month she had applied at various places in the City of Houston and asked that they please consider her education, background and resume, that she had her resume and job listings with her, that her family and community totally supported Mayor Brown, that she wanted a chance to prove herself. Council Members Keller, Vasquez and Robinson absent.

Mayor Brown stated that if she was interested in City employment to go over to 611 Walker, and Ms. Saeed stated that she had already done that and filled out several applications for different positions, that it was three weeks ago, and Mayor Brown stated that there had not been enough time, and Ms. Saeed stated that last year she had also applied with the City of Houston but had not received any interview calls from that, that she had tried everywhere, and Mayor Brown stated that he would have someone from Human Resources contact her to see what steps needed to be taken to have her compete with others who had applied for the same positions. Council Members Keller, Vasquez and Robinson absent.

Council Member Quan asked if Ms. Saeed if she was looking for a job in law in general and the City was one option, but was she looking at other options as well, and Ms. Saeed stated that she had not passed the bar yet, so in the meantime she had to pay her student loans and bills and that was why she was looking for a job, and Council Member Quan stated that he was willing to take her resume to see if he knew of any lawyers or law firms that might be interested in a legal assistant. Council Members Goldberg, Keller, Vasquez, Parker and Robinson absent.

Upon questions by Council Member Edwards, Ms. Saeed stated that she was interested in any legal or non legal position with the City of Houston or anywhere else. Council Members Goldberg, Keller, Vasquez, Parker and Robinson absent.

Mr. Ty Kelly, 1624 Norfolk, Houston, Texas 77006 (713-654-7640) appeared and stated that he would like to have the City consider suspending parking ticket enforcement in the area of Alabama, Main Street and Elgin, that he went to a shoe store to have his shoes repaired, a five minute errand, and got a \$30 ticket on December 19, 2001, all in an area, if they went down there, which was a ghost town, that the shoe repair store was the only business left in the whole area and he went in there for five minutes, came back out and was walking around the corner and saw the Municipal Courts car driving away and he had a lime green ticket, that to him it was a big hassle to go down there anyway, people were deterred, that he did not mind the streets being ripped up, but it was hard to get down there and thought it was just the City piling on to the average person to drop a traffic ticket on them when there was nothing going on down there, that was his pop off and irritation and would hope that the City would give some thought to looking at that area and suspending enforcement of parking tickets, that it was a waste of time and an irritant and just made him mad. Council Members Goldberg, Edwards, Vasquez and Robinson absent.

Mayor Brown stated that he would ask the City's Traffic Department to take a look at what he was suggesting and see if there was something that should be done from their perspective, that if he was contesting the citation he could go to the hearing examiner, and Mr. Kelly stated that the gentleman from the Municipal Court did call him and inform him of that yesterday, that he did not know there was such a thing as a defense to a parking ticket, and Mayor Brown stated that they had a hearing examiner at 601 Sawyer. Council Members Goldberg, Edwards, Vasquez and Robinson absent.

Upon questions by Council Members, Mr. Kelly stated that he was parked on Winbarn Street, one block north of Alabama between Main Street and Travis, that it was right off of Main Street, that he did not have a coin for the meter so he pulled up to the truck zone and that was the actual offense, that he was just gone for a few minutes and it was clear that there was no activity going on, that it was at 9:00 a.m., that it was a commercial building and there was only one business left, that they could put a sock over the meters or put up a sign that said it was 15 minute parking for people using the businesses, that there were many things that could be done, but he would like to have someone from the senior level go out and look, that he supported the street changes and supported Metro, but it was an irritant.

Council Member Berry stated that with regard to the greater issue of the businesses along Main Street, he knew there was some discussion late the past year about looking into those businesses and sustaining the businesses along Main Street to the extent that City Council was involved in that he wanted to be involved in that because he lived at Elgin and Bagby and he could tell them that businesses were closing on a daily basis, and Mayor Brown stated that Metro was coordinating all of that, they were meeting with the merchants on a regular basis and doing whatever they could to be helpful. Council Member Wiseman absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Member Wiseman absent.

Ms. Dana Green, 1008 Augusta, Houston, Texas 77057 (713-952-5086) appeared and stated that she was a 61 year old grandmother with 6 grandkids and was present to discuss the inconsistency of the speed limits in the City of Houston, that the street she lived on was a virtual race track and she used to stop policemen regularly and said if they wanted to make some money they should sit at the north end of Augusta at Woodway and they could cleanup, that they

could park in front of her house, that the speed limit was 35 miles per hour and there was no speed limit sign from the Y, after they passed the Y, all the way to Woodway on the right side of the street, that people stop at Sugar Hill and fly to Woodway, and at night they hear them racing out there and nothing was done about it, that on Memorial, which was the street she normally takes when she came into town, the speed limit at Woodway was 35 miles per hour, down at the park it was 45 and 40 miles an hour and further up it was 50 miles per hour, which made sense since there was nothing out there, but the other day she was coming off of I45 and got on Allen Parkway looking for South Shepherd and she may have been on Allen Parkway at that end three times in the five and a half years she lived in Houston, that she did not notice the 35 mile per hour speed limit and came off of the interstate and the next thing she saw was a cop about half a mile up the street flagging her down to stop, that she asked for what, she had no clue she was speeding, that he said she was speeding and she said he was kidding and asked where the speed limit sign was and he said she passed two, that the minute they came off the interstate there was one on each side, that he asked her if she knew how fast she was going and she said no and he said she was going 45 miles per hour and she said she was not so sure about that, that he gave her a ticket, which he already had written up before he came around to ask her, that he asked if she had insurance and she told him she did, that after she left there she noticed there was a little pull off where they could pull off where they could give out tickets, that he handed her the ticket and she was really ticked, that she had never gotten a speeding ticket in her life, that granted she probably deserved some, but had never gotten one until she got that one at 61 years of age, that she got home and pulled out the ticket and it said I45 and Waugh upon Allen Parkway, that she and her husband went back and clocked from the place she got the ticket to Waugh was one mile and he could have put Montrose, that was the next street, but he put Waugh, that she did not know why the City had selected to run a speed trap on Allen Parkway, that it was a shame and disgrace with people having to put up with all the construction downtown, that she called the Mayor's office and said she wanted to talk to the Mayor and they told her to go to City Council and that was why she was present, that yesterday someone from the Mayor's office called her and she spoke with Gary Norman who told her that within two months the City Council was going to be presented a study to change the speed limit on Allen Parkway to 40 miles per hour and she asked why not 45 miles per, that there was nothing on Allen Parkway, and he said it was because of the curves, that she talked to two people who worked downtown and drove Allen Parkway everyday and one she called last night and asked her to call her every time she saw a cop pulling people over on Allen Parkway and she said she would have to call her every day, they had five or six cars stopped out there, and she said it did not make any sense to her, that why did they not have the 35 mile per hour speed limits at Memorial Park where pedestrians were crossing through the park, that it was 40 to 45 miles per hour there, that why did they not put 30 mile per hour speed limits on her street and if they wanted to pass out a bunch of tickets they should come on over, she would help them by writing down tag numbers for them. Council Members Tatro, Wiseman and Robinson absent.

Mayor Brown stated that as she had indicated their traffic people would be presenting to the City Council a proposal to change the speed limit on Allen Parkway from 35 to 40 and 40 would be the maximum amount they would change it to because of the curves, that they would also look at putting some speed signs on the north bound side of Augusta and any other place in that area where they were needed based upon her bringing it to their attention, that they would be responsive to her concern, that in reference to her ticket if she disagreed with the merits of receiving the citation she still had an option, that every year the City Council approved the speed limits throughout the City, there was a survey that was conducted, that obviously there were times where they might not be right and they would make those corrections when they had information such as she had brought to their attention. Council Member Robinson

Council Member Parker stated that she appreciated that Mayor Brown stated he would look into the speeding situation on her block, that she was the Council Member who requested the

traffic survey on Allen Parkway after she received a ticket in that very same spot, and understood that there were at least two of her colleagues who got out of tickets in that same spot, but she paid her ticket, and Ms. Greene stated she told her husband yesterday that she would go to jail before she paid that ticket, and Council Member Parker stated that there were speed limit signs there, but she asked for the traffic survey, that the pull off there was for people using the park and was not created for officers to pull people over, but she had followed up on the traffic survey and because of the curves on Allen Parkway 40 miles per hour was the maximum they could put in there. Council Member Robinson absent.

Council Member Keller stated that at one time he lived on Augusta and officed on Bering, that he was there three or four times a day, that he wanted to let her know that the situation had improved, that the Mayor did give them a beacon light in front of the YMCA, which was not there for years, that they also got from the administration the three way stop sign, that they were in the process to get a traffic light at Crestwood and Memorial, that they were making process on it, that Mr. Frank Antene, from his office, with a constituent request form for her to fill out and they would work with the Mayor's office per her request as far as getting the speed limit signs put up on the north side of Augusta. Council Member Robinson absent.

Ms. Janet Honn, 8500 Gulf Freeway, Houston, Texas 77017 (713-643-3222) appeared and stated that she had originally signed up to speak for three minutes, but since then she had been able to get with her new Council Member Edwards and she felt quite sure they would be able to resolve the issue, that she left a copy of her narrative and documentation for the Mayor and the only thing she wanted to say was the recent rash of school bus accidents that the City had been experiencing were truly not accidents, that there was a lot that could be done to make them a lot safer and as a school bus operator she knew that. Council Member Robinson

Council Member Edwards stated that she wanted to thank Ms. Honn for being present and they would get to the matter as soon as possible. Council Member Robinson

Ms. Rhonda Johnson, 1219 Beechbend, Missouri City, Texas 77489 (281-437-1888) appeared and stated that she was wrongfully issued a traffic citation on August 28, 2001, that she was not moving in her car and the officer failed to ask her what happened as he had the other motorists who caused the accident, that the diagram that Office D. J. James drew was not thorough or correct, that she did go to Captain Garcia's office who agreed that she should have been asked what happened as the other motorists, but she was not asked, and it would have prevented the \$191 ticket she was issued, that she went to court on it and requested a trial by jury and the officer did not show and she was told by Judge Timberlake that he did not have to be, but that was the purpose of her being there to have the officer sworn under oath so that the story could be heard and the truth would have been told, but he was not there and the other witnesses were there and they upheld the decision as far as the ticket was concerned and the other motorists that were in the car neither one of them had insurance yet the officer ignored that statement when she told them that they did not have insurance and the kids failed to control their speed, that she was already in the process of signing the ticket when she asked him why he did not ask her what happened like he had done to the other motorists in the other car and he just ignored her and did not respond at all, that in the court the prosecutor, Mr. Horace Teague, was very rude and as she was giving him photos of the incident, because the car that hit her had at least 100 feet to control his speed, he just rudely shouted at her to read what her statement on paper said as opposed to acknowledging her photos and the statement that the kids had made that they were laughing and it was raining, that it was still upheld in the court, that now she had to pay the ticket of almost \$200 in February, but it was under investigation and it needed to be heard before February because he said it would take about two or three months. Council Members Goldberg and Robinson

Mayor Brown asked what was under investigation, and Ms. Johnson stated that she was told it was the process that they went through, that she filed a complaint against the police officer about her getting the citation when she was not asked what happened, that she went to court and was found guilty based on the officer's drawing of the accident, which was incorrect, that she had gone to trial and the court found her guilty, and Mayor Brown asked if she had any recourse beyond the traffic court. Council Member Robinson

Mr. Bibler stated that unless she appeals it to the County Court it was basically over court wise and he would advice her to start making plans to take care of the ticket otherwise a warrant would be issued. Council Member Robinson

Mayor Brown stated that she had two options, she either paid the ticket or she would find herself subject to being arrested by a warrant that would be issued, that she could also appeal it to the County Court, which was a higher level above the City Court, that if she filed a complaint against the police office, Chief Thaylor was present and he would ask that he meet with her and give her an update or at least find information for her on that process as to what was happening relative to her complaint. Council Member Robinson

Upon questions by Council Member Edwards, Ms. Johnson stated when the officer came to her was to sign the ticket, that she asked him why he did not ask her what happened like he had the other motorists, that if he would have asked she and her daughter would have been able to justify that they were stopped and not moving, that she did not have an attorney. Council Member Robinson

Ms. Angela Williams, 5718 Lotus St., Houston, Texas 77085 (713-726-8897) appeared and stated that she was a school teacher in the Alief Independent School District and was a first time home owner, that on June 5, 2001 she closed on her first home with Texas Colonial and when they brought her out to the property she noticed the condition of the streets, that everything else was fine, the lots, the size of the home, that the street conditions were bad and it looked like there was no drainage, sewerage, curbs or anything, that she asked the seller what was the problem with the streets and he said it was a City street and the City had come out and surveyed the area and they said once they finished the construction they would be in to take care of the streets so that they would have normal City streets, that was June and the last house was completed in July, that she had pictures to show them, that they had a dirt road basically and there was no drainage or nothing, that when they drove down the streets their suspension was gone on their trucks, that one of her neighbors driveways was falling in because they had no sidewalks, that because of the drainage situation when it rained it took about two weeks for the water to go away and mosquito's and spiders were just living out there amongst them, that they could not send their children outside to play, they could not drive down the road in a considerable manner and they had no speed limits so anyone who wanted to come through there and drive at any pace could do so, that she had been told that it may be a CIP project but that was a 5 to 7 year program and she may not have a home in 5 to 7 years, the structure may go and everything else may fall apart within a year because there was nothing there, that they had signed a petition and all of the homeowners were in agreement and they would like to have something done about the streets before 5 to 7 years so they could enjoy their homes as everyone else enjoys brand new homes, built from the ground up and there was no street to drive on. Council Member Robinson absent.

Mayor Brown asked if she was stated that the developer told her it was the City's responsibility, and Ms. Williams stated she had a letter from the developers, that she sent a certified letter to the developers, a stern letter to them, because they basically lied to them, they told them that it was a City street, that they were developers and dd not do anything about streets, they said they had spoken to the City and the City was aware and they would be out to

take care of the situation, to this point it had not occurred and they had basically taken themselves out of the equation, and Mayor Brown stated that he wanted a copy of the letter and wanted the Public Works Department to follow up on it because it was the developer's responsibility to do the streets when they were doing the development of the subdivision, that they would work on it and in the meantime he would have Mr. Gary Norman from Public Works to meet with her and they would follow up to see what they could do to be helpful, that she was not given the right information if they said it was the City's responsibility. Council Members Alvarado and Robinson absent.

Council Member Goldberg stated that back in September when she originally called she was in District C but because of redistricting she was now in District D, that they did go back and forth with Public Works and they had gotten a letter from them saying that they had been out there, that an asphalt overlay would not do any good because there was no base to put it on, that it would fall apart in no time at all, that he had seen the condition of the streets and knew that her car was getting torn up, that the last correspondence they had gotten from Public Works told them about the petition process, that they had to get 75% of the abutting property owners to sign the petition, and Ms. Williams stated that they had done that, and Council Member Goldberg stated that the next step was for the Council Member of District D to put it into their CIP plan, and Ms. Williams stated that in the interim they wanted to know if there was anything they could do as homeowners to Texas Colonial about the situation, that they did not get anything in writing about the streets but all of her neighbors had written letters, that they told just about everyone of them the same things and she thought it was very negligent, that it was a large purchase for her and she planned on being there 10 to 15 years and she did not think that they should have lied to her, that she had spent \$100,000 and she wanted to enjoy her home, and Mayor Brown stated that she may have a legal recourse but she would have to get her lawyer to pursue that, that they could not advise her on that, but they could tell her that it was not the City's responsibility, it was the developer's responsibility. Council Members Alvarado and Robinson absent.

Upon questions by Council Member Ellis, Ms. Williams stated that it was Royce Homes, Texas Colonial and Free Homes, that they were all affiliates, that the seller who initially brought her to the property was a representative of Texas Colonial and Royce Homes, that the builders were representatives of Texas Colonial and Royce Homes, that the president of Texas Colonial and Royce Homes wrote her a letter stated that it was the City's problem, that the subdivision was about one year old, that she closed on her home in June, that she purchased from Texas Colonial, that they told her they were able to purchase lots at an affordable rate to sell affordable homes to them, Royce Homes and Texas Colonial built the homes. Council Member Robinson absent.

Council Member Ellis asked if this was one of the TIRZ's they did for subdivisions in District D, and Mayor Brown stated that it did not appear to be. Council Member Alvarado absent.

Council Member Edwards stated that she would like to get with her right now and talk further about the situation. Council Member Alvarado absent.

Upon questions by Council Member Keller, Ms. Williams stated that she was not sure who they purchased the lots from, that no one had represented to her that they were the developer of the subdivision, they just told her that it was a City street, and Council Member Keller stated that on the plat that they submitted to the City it should have the street right of way which commits them to build a street which would then be deeded over to the City of Houston and the Planning Commission should have records when they approved their plat to do the construction and gave them their permit, that he thought they should pull every permit application that the developer had with the City and in the past to stop them from doing it in the future and also to see if they had it going on in other areas, and Mayor Brown stated that they would find out who the developer was.

Council Members Goldberg, Edwards and Robinson absent.

Upon questions by Council Member Tatro, Ms. Williams stated that just Lotus Street was involved, that there was one way in and one way out, that there were about 30 to 40 homes all by the same person, that there were empty lots which she guessed they were not able to purchase which still had trees and shrubbery, that there was no drainage or culverts, that the water just came out from every area and settle wherever it could. Council Member Goldberg absent.

Mayor Brown stated that Mr. Norman would meet with her and they would conduct an investigation to find out what happened and be as much of assistance as they could in correcting the problem. Council Member Goldberg absent.

Ms. Carrie Short, 5734 Lotus, Houston, Texas 77085 (713-718-8716) appeared and stated that she was also a resident on Lotus street and had a separate issue with them, that she was glad to hear that the Mayor was going to look into the situation because it was intentional malice at some point, because they knew they were moving in and had families and all they wanted was a house, that she personally went to them in August of 2000 and a lot of the concerns that she had addressed with them had been overlooked, that right now she was concerned about a trailer that they had left, that Lotus Street dead ended into Abide street and on the corner of Lotus and Abide was their trailer, that after they got the majority of the lots sold they moved from the nice trailer they had front and center and moved into the trailer she was talking about, that they did not know if it was a good trailer or not, that when they bought their home, which they had the corner lot on Lotus and Abide, they were told by Texas Colonial that the trailer would be moved by the time that they closed because she specifically inquired what they were going to do with it, that they moved in April 2001 and the trailer was still there, that it had not been moved, that in May debris had grown around the trailer and they had started putting their surplus supplies around the trailer, that there was lumber stacked up behind the trailer and then they started bringing the big barrels with their label on them, that those were piled up and were accumulating water from the rainfall, that they had extra stairs and crates and a lot of debris, that they should have another storage place for this, that in May she called the Mayor's Assistance Office and they referred her to Bob Goodwin, who was the inspector for their area and he in turn stated that they did in fact have a permit issued through the City to have the trailer parked on the street and when she questioned him about the conditions he told her that he had an inspector out there daily that was on site and monitoring what was going on with the builders and everything, that she did not understand that if someone was out there daily how did it get to that level, how did the weeds build up, and she asked who was monitoring. Council Members Tatro and Berry absent.

Mayor Brown stated that Mr. Greg Simpson with Neighborhood Protection would meet with her right now and he would request that he take care of the problem. Council Members Tatro and Berry absent.

Council Member Parker stated that in addition to keeping those folks from building houses within the City they also needed to make sure that Neighborhood Protection was all over them. Council Members Tatro and Berry absent.

Mr. Terry Sampract, 15215 Blue Ash, No. 715 Houston, Texas 77090 (281-873-9022) appeared and read from a letter which stated that he first spoke on the matter on January 9, 2001 and had yet to receive any type of correspondence, whether written or verbally, that if he did not feel in his heart that he was wrongfully terminated he would never have taken the initiative to come to Council the first time, that he had recently heard that Metro CEO, Ms. Shirley DeLibrio was being awarded an 8% wage increase and knowing what had been revealed about her falsifying her application and failing to report an accident he was truly amazed, that his point was

that there should be no reward for misconduct, that was it fair that others had lost their jobs for less than she did, that they did not need a college degree to see the big picture, that when they lost side of their principles the whole outlook of life changed, that did it pay to lie, that in his first letter of January 9, 2001 he stated that he was one of the best bus drivers that Metro had, even if he had to say so himself, that in his twelve years he earned every award possible that could be earned in twelve years, that the twelve year safety patch was given to him and it was like a military stripe, that he was an ex marine, and they had to earn it each year by going without having a preventable accident and he did that for twelve years, that he also earned a gold watch for ten consecutive years without having a preventable accident, that he also earned a platinum belt buckle for ten consecutive years without having an accident, that he once brought his uniform and awards to Council but since then someone broke into his apartment and stole that property of his. Council Members Keller, Vasquez and Parker absent.

Mayor Brown stated that as he understood it Mr. Sampract worked for Metro and was terminated, and Mr. Sampract stated that he was terminated on June 6, 2000 for a sick day that he had taken in 1996, that he did not appeal his termination because they had union representation, which he found out was no good, and Mayor Brown stated that he had gone through the process of Metro and Metro was a separate entity than City Council and had their own procedures and processes for doing things, that Mr. Russ Frank from Metro was present and he would meet with him to answer any questions or be of any assistance to the issue that he had brought to their attention. Council Members Parker and Vasquez absent.

Mr. Travis Alvarez, 5658 Apgar, Houston, Texas 77032 (281-442-0931) appeared and stated that he lived in a small neighborhood at the intersection of Greens Road and Lee Road very near Intercontinental Airport, that the neighborhood consisted of only a few streets and a couple of blocks and not many houses, that currently his neighborhood was overrun with stray dogs and dogs that were not kept properly by some of his neighbors, that he had called the Bureau of Animal Regulation and Care and no satisfactory action had been taken with regards to the animals, that he had conversations with supervisors, specifically Mr. Simmons at extension 331 and still no action had been taken, that after a conversation with Council Member Galloway he was assured that action would be taken to rid the streets of strays and unattended pets, that conversation with the Council Member was over a month ago and two subsequent phone calls to her chief of staff had not been returned, that he had been bitten himself and on more than one occasion had been barked and growled at while in his own yard, that he had three small children and quite frankly was tired of worrying about their safety around dogs that should have been picked up months ago, that he was present to hear from the Mayor and the Council what they intended to do about the stray animals and unattended pets in his neighborhood. Council Members Keller, Vasquez and Parker absent.

Mayor Brown stated that was part of the Health Department and Ms. Gloria Moreno was present in Council Chambers and she would meet with him and go back and do what was necessary to address his concern. Council Members Keller, Vasquez and Parker absent.

Mr. Alvarez stated that the second issue that he was present about were the deed restrictions that were currently enforced in his neighborhood, that they stated, among other things, that no property that fronted a residential street could be used for business purposes, that there was currently a moving company that was in violation of the deed restrictions residing at 5662 Greens Road, that they had what appeared to be two lots, and one of which opened to Keith Street, which was a residential street in his neighborhood, that they operated multiple large trucks and trailers and were constantly blocking traffic in and out of the neighborhood where Keith met Greens Road, that the police had been out many times and to his understanding had even issued citations for impeding the flow of traffic, yet the business remained, that he was at a loss as to how the business could remain where it was while in blatant and obvious violation of



deed restrictions, so his next question was what were they going to do to enforce the deed restrictions that were in place and remove the business from its current location. Council Members Ellis, Vasquez and Robinson absent.

Mayor Brown asked Mr. Bibler what was the best course of action there, and Mr. Bibler stated that when Mr. Alvarez was through visiting with the folks about the dog catcher, he should go down to the tunnel level and across the street to the third floor in the Annex and ask to visit with Mr. Cameron-Stuart, that one of his assistants would help him file a deed restriction complaint. Council Members Keller, Vasquez and Parker absent.

Council Member Galloway stated that the dog was on Schill Street, that was the specific address that was given, but he just stated a different area and she knew that one of the dogs was picked up by animal control and possibly several dogs, and Mr. Alvarez stated that there was a dog picked up from his yard that was chained to a plant in his yard, that it had gotten out and its chained got wrapped around a tree in his yard and could not get away so they came and picked him up, that the dog was back at his home that evening and roaming the streets again two days later, and Council Member Galloway stated that Animal Control did send someone out and she had kept in communication with them, that they were unable the second time to locate the dog, and she asked Ms. Moreno, Health Department, to look closely at the matter to find out exactly what happened on the second occasion because she knew that the Animal Control had been at work on the situation. Council Members Keller, Vasquez and Parker absent.

Upon questions by Council Member Sekula-Rodriguez, Mr. Alvarez stated that he had called the Bureau of Animal Regulation and Care and indicated that he had been bitten, that he called and filed a complaint and they gave him a case number and said that it would be handled and to his knowledge nothing had been done and that very same dog was still out on the street, that he was informed by a Houston Police Officer that a dog must bite someone twice or two different people before it would be put down, that it was hard to believe, and Council Member Sekula-Rodriguez asked if that was true about the animal having to bite twice. Council Members Goldberg, Keller, Vasquez and Parker absent.

Mayor Brown asked Mr. Bibler if that was right, and Mr. Bibler stated that he would have to check and get back to them on that, that there was a State law that he believed they could go to JP Court on that, that they used to have a City ordinance but the State trumped them with a State law, and Mayor Brown stated that they would find an answer to that and they would let everyone know. Council Members Goldberg, Keller, Vasquez and Parker absent.

Mrs. Arlenia Holcombe, 5431 Yorkdale, Houston, Texas 77096 (713-290-8364) appeared and stated that on Wednesday, December 5, 2001, the City of Houston Water Works Department turned her water off without notification and as a result her home at 5431 Yorkdale was flooded, that the situation that occurred was that her niece, who was home at the time, was perming her hair and had chemicals in her hair and at that time the City Water Works Department turned the water off and without thinking she left to go to her mom's house because she needed to wash the chemicals out of her hair and from there she went on to work, that by that time the water came back on and when her husband got home around 6:30 p.m. her house was flooded, that she called the Red Cross because she did not know who to call on the matter and they said they could not handle the situation because it was not in their guidelines, that it was the City's fault because they did not give her notification that the water would be turned off in that area at that time, so they directed her to City Council in her area and she called Council Member Galloway's office and once she called Council Member Galloway's office they referred her to Karen Phillipi and she explained the situation to Ms. Phillipi who said that she had heard of situations of that nature and that the City had been sued in some situations, that from there she directed her to James Melich and she called Mr. Melich and explained the situation to him and he

said that yes they did at that time cut the water off and he wrote her a letter, and he told her to write to Anna Russell and she wrote her letter to Ms. Russell and from there they sent her to City Council, that her house was demolished and she had pictures indicating that her house was in 2 to 3 inches of water, that she had pictures to show the flooding which she had passed out to Council, that their Christmas was ruined and she had to send her children elsewhere to stay because the house was not feasible to live in, that their insurance wanted to cancel them out because they said it was the City's fault, since they should have had notification, so all she was asking was to be compensated for their damages and losses. Council Members Goldberg, Wiseman, Ellis and Vasquez absent.

Mayor Brown asked Mr. Bibler to respond to that, and Mr. Bibler stated that she could file a claim with the City and from what she had stated he did not know if it would fit within the requirements of the Tort Claims Loss for the City to make a payment on it, but she was certainly welcome to file it, that she should file an affidavit with the City Secretary's office, that she could take her information over to Ms. Russell who would process it and send it up to the Legal Department, that if she had homeowners insurance coverage she should file a claim, and Ms. Holcombe stated that they were renters and they canceled them out, and Mr. Bibler stated that he would suggest she visit with her family attorney about it. Council Members Edwards, Wiseman and Ellis absent.

Mayor Brown asked why the City cut her water off, and Ms. Holcombe stated it was because they were working in the area and had nothing to do with payment of the bill. Council Members Edwards, Wiseman, Ellis and Keller absent.

Mr. John Holcombe, 5431 Yorkdale, Houston, Texas 77096 (713-290-8364) had reserved time to speak, but was not present when his name was called. Council Members Edwards, Wiseman, Ellis and Keller absent.

Ms. Jean Wilkins Dember (MHS), 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that she was present to let them know that they petitioned for a play street for Rosewood in the 2600 block, that several previous letters went unanswered, that after they wrote to Mayor Brown they did get a response and on April 16, 2001, Ms. Culpepper came out, however they were still denied the play street, that they had also previously asked about recycling pickups in their neighborhood and they were denied that, that these were quality of life issues dealing with children's safety and health and they felt that those issues were important and wanted to bring the facts to his attention. Council Members Edwards, Ellis and Keller absent.

Mayor Brown asked Ms. Dember when she referred to play streets was she referring to speed humps, and Ms. Dember stated yes, and Mayor Brown asked if she was advised that a survey was taken and the speed of the cars did not meet the minimum requirements, and Ms. Dember stated that if someone got hit with it they would still be injured because they were not wearing armor, so it was not necessarily the speed of the car, that a pet had already been killed, that they felt it was a concern that should not be disregarded, that in that particular area the children could not get to the playground or to the library, that if there was something there that would also help to uplift and inform the children and keep them with play activities she thought it would be very important, and Mayor Brown stated that someone from Citizens Assistance would meet with her and see of what help they could be. Council Members Ellis and Keller absent.

Council Member Edwards stated that she wanted to thank Ms. Dember for her work over the years, that she would like to see about setting up a time where they could sit down and talk further about issues. Council Members Ellis and Keller absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Member Ellis absent.

Mr. Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Council Member Ellis absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Council Member Ellis absent.

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

At 10:55 a.m. the Public Session was concluded, and Council continued with the agenda. Council Member Ellis absent.

26. ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund for contract between the City and **JOHN HALL PUBLIC AFFAIRS, INC** relating to the Northeast Water Purification Plant - (**This was Item 56-1 on Agenda of December 19, 2001, TAGGED BY COUNCIL MEMBERS TATRO and KELLER**) - was presented. Council Member Ellis absent.

Council Member Tatro moved to refer Item No. 26 back to the administration, seconded by Council Member Keller. All voting aye. Nays none. Council Member Ellis absent. MOTION 2002-0017 ADOPTED.

27. ORDINANCE appropriating \$441,700.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **PERSPECTIVA CIVIC DESIGN, L.L.C.** for the Design of Houston's Heritage Corridor, Bayou Trails West from San Jacinto Street to Stude Park, CIP N-0420-16-2 (N-0420-16); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - VASQUEZ - (This was Item 73 on Agenda of December 19, 2001, POSTPONED BY MOTION #2001-1378)** - was presented. Council Member Ellis absent.

Council Member Keller moved to postpone Item No. 27 for two weeks, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent. MOTION 2002-0018 ADOPTED.

28. ORDINANCE appropriating \$850,000.00 out of Street & Bridge Consolidated Construction Fund and \$305,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing professional engineering services contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Design of Kirby Drive Improvements from IH610 to Brays Bayou, CIP N-0775-01-2 (SB9081); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - BONEY - (This was Item 74 on Agenda of December 19, 2001, POSTPONED BY MOTION #2001-1379)** - was presented. Council Member Ellis absent.

Council Member Alvarado stated that she understood the item was an interlocal agreement between the City, County and Harris County Houston Sports Authority, that she would like to tag

the item because the County or the Sports Authority had not taken it up, that also the question she had was in terms of cost overruns, who was responsible for that, that she wanted to tag it to have at least some of those questions answered and also to see what the County intended to do, were they taking it up next week, that it was her understanding that the Sports Authority was not meeting for the next couple of weeks and so the City would be the first ones out there to approve the interlocal agreement and they were certainly playing a smaller part in terms of the cost, that the County's cost was \$3 million, the Sports Authority was \$1.5 million and the City's was \$1.1 million, that the interlocal agreement was drawn up by the County so she would certainly like to see it approved by the County before they moved forward. Council Member Ellis absent.

Council Member Edwards stated that she would like to have some more time to look at the item and some other concerns that she had, and Mayor Brown stated that they would have someone meet with her and answer her questions. Council Member Ellis absent.

Council Member Robinson stated that this was the item that Council Member Goldberg pulled his portion of the funds out and Council Member Boney asked that they continue forward on the project, that he was glad that Council Member Alvarado tagged the item because there was some serious concerns about whether or not this was the best place to invest City dollars in terms of infrastructure improvement in District D, that he would like to have an opportunity to meet with Council Member Edwards as she moved forward on it. Council Member Ellis absent.

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

Council Member Parker stated that she wanted to welcome all of the new Council Members and hoped that they enjoyed their first Council session. Council Member Ellis absent.

Council Member Alvarado stated that this morning she had heard that Houston for the second time in a row was named the fatest City in America and hoped that they were working to change that to make their City healthier, that Philadelphia, who was first two years ago, had now moved down to third place and Texas had other cities like Dallas, San Antonio and Fort Worth who were also up in the top 10, that she knew that they liked to say that things were bigger and better in Texas but this one was certainly nothing to brag about, that she would like to be included in whatever activities they were doing as a City to try to move out of that number one slot for the second year in a row. Council Member Ellis absent.

Mayor Brown stated that they had looked at that designation and had certainly disagreed with the methodology they used, that one good example was that they counted the number of workout gyms and the City's gyms were bigger, that in places like New York they had less space and smaller gyms so they had more, so those things were the criteria they used, but they agreed with the fact that they wanted to make sure they had a healthier City, and Council Member Alvarado stated that there was a program called Shape Up Texas and they were on television this morning talking about working with other cities throughout the State, and Mayor Brown stated that they did have a program that was headed up by the Parks Department and they would get her involved in it. Council Member Ellis absent.

Council Member Goldberg stated that he would also like to welcome the new Council Members, that they had just received an invitation to the CMC (Combined Municipal Campaign) Luncheon and he urged them to attend, that it was a very worthwhile organization where a small percentage of their salary was taken out for a charity of their designation and he also encouraged their staff members to give to the Combined Municipal Campaign, that he looked forward to working with everybody in a spirit of cooperation and thought they had a great start now and looked for to the next two years. Council Member Ellis absent.

Council Member Wiseman stated that she wanted to thank them all for a dull first Council meeting, that it was very nice to have a calm session, that she wanted to thank the Mayor's department people, especially Building Services who had helped tremendously during the transition period, that as they knew getting settled and getting ready to go to work was a big undertaking and so many people played a part in trying to make that as smooth as possible for them, that Sara Troboli, and with Building Services, Steve Girardi, Walter Kimbel, Norman Robinson and Sam Abraham were wonderful in helping them set up their new offices so they could get started with day one.

Council Member Wiseman stated that Council Member Tatro mentioned earlier the arrangement that had been made with Harris County with respect to dispatch communications, that she thought that was very important, that one thing that Council Member Tatro did not say was that he was very instrumental in that process and she appreciated that so very much, that her district was a suburban district and they were out in the outskirts and it was so important for their public safety that they have that opportunity to communicate with the County with respect to their patrols, that she was hoping that in the future, long term, they would have a situation where their officers would be able to communicate car to car, especially given September 11 she thought it was critical for the City as a whole. Council Member Ellis absent.

Council Member Galloway stated that she also wanted to welcome the new Council Members at their first session, that she was hoping that the ladies on Council would get together and think about some of the issues affecting women in the City of Houston, that they knew that they had breast cancer issues as well as AIDS, and hoped that maybe they could all get together and come up with some kind of recommendations. Council Member Ellis absent.

Council Member Galloway stated that she was excited to have so many ladies on Council, that the guys would not be able to push them around since Council Member Wiseman furnished them with some swatters. Council Member Ellis absent.

Council Member Robinson stated that during the course of discussions a number of people referenced referring things to committee and assumed that in the next couple of weeks they would hear about their committee assignments so they could continue to move forward, that he saw the editorial in the Houston Chronicle about the things that they had to look forward to working on and he was ready and prepared to go to work, that he hoped that as the Mayor finalized deliberations on the committee's that he would give all due consideration to his request for a Public Safety Committee, that he thought the point on the dispatch communications, 911 Location Technology and just the overall effort in the community was something to look at.

Council Member Robinson stated that he also knew that the administration was in the process of considering hosting what he called a town hall meeting for citizens emergency preparedness advice so they could let the community know where they would be and what they should be doing in case of any emergency in the community, that he looked forward to working with him on that and to their committee assignments, and also wanted to welcome the new Members of Council. Council Member Ellis absent.

Council Member Edwards stated that she wanted to take the opportunity to thank all of the Council Members for being so responsive to the needs perceived and unperceived of the new Members, especially herself, which she really appreciated, that she had heard that her reputation said that she was very intense, which she was, but she was very passionate and hoped to be a good Member and team player on the Council, that she thought that the City deserved a team effort and she was willing to be that kind of player. Council Member Ellis absent.

Council Member Edwards stated that she was going to work hard to make District D a very viable district for the City to be proud of and she would be looking to all of them for their help, advice and support. Council Member Ellis absent.

Council Member Vasquez stated that he would like to get three briefings from Public Works, first on the backlog of street overlays, second on the backlog of reditching and third on the backlog of the sidewalk program as well, and Mayor Brown stated they would make sure that happened. Council Member Ellis absent.

Council Member Keller stated that he would like to commend the administration and several employees with Public Works who had worked diligently over the last two months to do some projects in the City and in his district, that Robin Green worked tirelessly to get the Fieldwood Project going and had attended the majority of the homeowners association meetings with him, and also many special meetings, that he really handled them with kid gloves, that Mr. Mike Cordova came through for Westside High School and the principal of Westside High School was very grateful for his help in getting much needed sidewalks around the school, that Doug Wiersig and Mark Kosmoski on Shepherd, about a month ago, right at the turn where Tila's was there was a monstrous pothole that a utility company had done and did not adequately repair it, that they put steel plates over it and the steel plates got knocked off and cars were actually going into it, that they came within hours and had it repaired a couple of hours later in as close to normal conditions. Council Member Ellis absent.

Council Member Quan stated that he wanted to welcome the new Members of Council as well, that he appreciated the enthusiasm they brought to the table. Council Member Ellis absent.

Council Member Quan stated that the office of the Pro Tem was being remodeled at this time and Alice Lee was heading up that office and knew that some of them were without telephones and had difficulty getting things done, that they were trying and to please give them a little patience to get there. Council Member Ellis absent.

Council Member Quan stated that Council Member Goldberg mentioned the CMC campaign and he hated to report that they were one of the poorest performers of all the different departments and thought they only had 14% participation last year and hoped they could improve that, that he encouraged all of the new Council Members and the returning Council Members to set an example for other City employees by joining the 1% club. Council Member Ellis absent.

Council Member Quan stated that he wanted to mention to Council Members that Public Session was supposed to begin at 2:00 p.m. with proclamations and presentations at 1:30 p.m. and he hoped that as they began the new year that they could be on time, that if members of the public were going to take time to be on time that they show them the same respect and be ready to open Council sessions on a timely basis. Council Member Ellis absent.

Council Member Quan stated that he saw the article in the Houston Chronicle regarding the timing of the traffic lights and he really commended and urged the administration to move forward on getting the traffic lights moving on a timely manner. Council Member Ellis absent.

Council Member Sekula-Rodriguez stated that yesterday about 12:30 p.m. a lady in the audience had a sinkable attack, which meant she fainted, and of course it could have been something more serious but as it turned out it was only a faint, but the point was that it took the responders the emergency medical crew 11 minutes to arrive, that she thought it was surprising long and disappointing, but once they arrived they handled themselves with expertise and great skill, that the issue was a very real one for all of them because if anyone in Council had a heart attack and their heart stopped they would want oxygen around within eight minutes, that it was

very important for them to approach it as a clarion call that they needed to improve their first response time in the City, that she asked Chief Little what happened and he stated that the team that arrived actually came from Midtown, which was four stations away from the location they were, that another team was dispatched and actually came to the building but did not find them, that the bottom line was that the other ambulances were occupied, that what she would like to suggest was that the citizens of Houston that when a call was made an ambulance would be sent to their home, place of business or automobile accident, regardless of whether it was a true emergency or not, that if it was not a true emergency they were tying up an ambulance and they had to be very cautious about that, that she would like to make a personal plea to all of the citizens of the City that they utilize the ambulance service in the way it was intended to be utilized, that she received figures from Captain Little that said of all of the 911 calls they had in the City 83% were medical and as they aged that number would probably increase, that she asked how many of those were genuine emergencies and 80% were more transportation rather than genuine emergencies, so they really had to take the issue seriously. Council Member Ellis absent.

Mayor Brown stated that it was probably 83% of the calls to the fire department, not 911, that 911 included police as well. Council Member Ellis absent.

There being no further business before Council, the City Council adjourned at 11:18 a.m. upon MOTION by Council Member Goldberg, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Ellis absent.

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary